

M I N U T E S

Regular Meeting of the Mayor and Council  
Monday, October 19, 2015  
8:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 8:15 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

Mayor Moscaritolo called for a moment of silent prayer or reflection and asked Councilwoman Murphy to lead the salute to the flag.

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

Mayor Moscaritolo read the Mission Statement into the record as follows:

The New Jersey Open Public Meetings Law was enacted to ensure the right of the public to have advance notice of and attend any meetings of public bodies at which any business affecting their interest is discussed or acted upon.

In accordance with this act the Mayor and Council of the Borough of River Edge have caused notice of this meeting to be published by having the date, time and place thereof posted in the Borough Hall and notices have been sent to the Record and the Ridgewood News. The mission of this governing body is to provide essential services through the establishment and implementation of public policy that will safeguard our infrastructure provide honest, courteous and professional services; and establish a sense of trust and accomplishment with our residents. Through research and prudent planning we seek to minimize risks while improving our services. We are sensitive to the needs of our taxpayers while realizing that this governing body cannot be all things to all people within the revenue constraints imposed by state mandates, economic conditions and prevailing attitudes about taxation.

ROLL CALL - Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda, Councilman Papaleo and Mayor Moscaritolo were present.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the minutes of the Mayor and Council work session and regular meeting of October 5, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Acquafredda and Councilman Papaleo voted yes; Councilman Mignone abstained.

PROCLAMATIONS & AWARDS - NONE

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open public comments on any issue on the agenda.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Robert Costa, 840 Summit Avenue-asked if the forfeiture of the escrow for 382 Lee Avenue will be discussed in closed session?

Alan Negreann-replied no, there is a resolution on to retain the bond.

Robert Costa-explained that there was a lot of work that took place there as far as regrading in the front and feels that it is quite plausible that the contractor did damage to that particular tree.

Mayor Moscaritolo-asked if the property owner is here?

Councilman Mignone-stated that the problem is that the homeowner posted the bond.

Mayor Moscaritolo-explained that in the work session, the Shade Tree Commission showed photographs of the tree before construction began and the condition after construction was complete. They gave an idea of the extent of the construction and their opinion was the project was a complete rebuild and not an addition. Mayor Moscaritolo asked Mr. Issa if there is anything he would like to say?

Gabi Issa-382 Lee Avenue-stated that his neighbor told him that the tree was sick and made several attempts to call the Shade Tree Commission but never received a response.

Mayor Moscaritolo-stated that it is his understanding that what the homeowner is saying is that prior to starting construction he made attempts to contact the Shade Tree Commission about the condition of the tree.

Liz Stewart-Chairperson, Shade Tree Commission-explained that once they received the e-mail from Nicole, they went out to the site and followed up with a certified letter explaining their observation. Liz stated that Mr. Issa is actually listed as the contractor on the permit and at that time the front yard was completely dug up.

Robert Costa, Borough Engineer-asked Mr. Issa if he was the contractor because his name was listed on the construction permit.

Gabi Issa-replied that he was not the contractor and that it must be a mistake.

Councilwoman Murphy-asked who his contractor was?

Gabi Issa-replied, Hadodo Construction was the contractor.

Robert Costa-asked Mr. Issa why he would post the bond and not the contractor?

Gabi Issa-said that the contractor asked him to post it.

Mayor Moscaritolo-asked if anyone else had any questions?

Gabi Issa-stated that he will ask his neighbor who has been a resident for 25 years to write a letter about the tree.

Councilman Mignone-asked if what Mr. Issa is trying to say is that the tree was declining prior to construction and that the Shade Tree Commission did not evaluate it at that time?

Liz Stewart-stated that they did evaluate it before construction.

Councilman Mignone-stated that at that time, they made the determination that the tree was okay at the start of construction.

Liz Stewart-replied, yes. She also stated that they have photographs and documentation to back up their determination.

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to close public comments on any issue on the agenda.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

#### **OPEN HEARING - SPECIAL ASSESSMENTS - RIVER DELL MIDDLE SCHOOL SAFETY IMPROVEMENTS**

Motion by Councilman Mignone, seconded by Councilwoman Busted to open hearing for special assessments - River Dell Middle School Safety Improvements.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Carl Albach, 188 Woodland Avenue-stated that he is happy with the new sidewalk but doesn't understand why he would be billed more than his neighbor when the neighbor had a sidewalk and retaining wall put in. He said that it doesn't make any sense.

Councilman Mignone-asked if Mr. Costa could review it.

Alan Negreann-explained that the engineering estimate that is used as a basis for the assessment is done very early on when they put the ordinance together to do the financing for it. He continued to say that the engineer was asked at that time for his estimate which was \$500.00. Subsequent to that, it may have been discovered that a retaining wall was needed and didn't have the time to revise the engineering estimate because of the notice requirements that are legally required. He continued to say that we're sticking with the original estimate which is based on the lineal footage and in addition, the neighbor has a corner piece of property. It has been a Borough policy for 40 or more years, to reduce the assessment by 50%

for a corner property. Mr. Negreann said that he understands what Mr. Albach is saying in terms of one property needing more engineering than the other, but that's the explanation of why it is what it is. Carl Albach-stated that he was charged a \$25.00 administration fee twice because he has two properties, but it not sure what the charge is.

Alan Negreann-asked the Council if they would like to make a motion to reduce it to one administrative fee, they could do that.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to reduce the \$25.00 fee.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Councilman Mignone-asked if this homeowner required a retaining wall? Alan Negreann-replied, no.

Councilman Mignone-asked if the original estimate said that he did? Alan Negreann-answered no, just the corner property.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

#### **CLOSE HEARING - SPECIAL ASSESSMENTS - RIVER DELL MIDDLE SCHOOL SAFETY IMPROVEMENTS**

Motion by Councilwoman Murphy, seconded by Councilman Mignone to close hearing for special assessments - River Dell Middle School Safety Improvements.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

#### **OPEN HEARING - SPECIAL ASSESSMENTS - FIFTH AVENUE RECONSTRUCTION PROJECT, SECTION II (Approximately 120 Feet North of Olympia Drive to Approximately 20 Feet North of Wayne Avenue)**

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open hearing on special assessments - Fifth Avenue Reconstruction Project, Section II.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

#### **CLOSE HEARING - SPECIAL ASSESSMENTS - FIFTH AVENUE RECONSTRUCTION PROJECT, SECTION II OPEN HEARING - SPECIAL ASSESSMENTS - FIFTH AVENUE RECONSTRUCTION PROJECT, SECTION II (Approximately 120 Feet North of Olympia Drive to Approximately 20 Feet North of Wayne Avenue)**

There being no comments by the public, motion by Councilwoman Murphy, seconded Councilman Mignone to close hearing on special assessments - Fifth Avenue Reconstruction Project, Section II.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

#### **APPOINTMENTS & PERSONNEL CHANGES -**

Motion by Councilman Papaleo, seconded by Councilman Mignone to approve the hire of Adrienne Capasso, as part-time Clerk in the Building Department, 10 hours per week, at an hourly Step I B scale rate of \$18.80, effective October 20, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the appointment of Kenneth Schwabik, 140 Wayne Avenue, to the River Edge Volunteer Fire Department, Company #1, effective October 20, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

CORRESPONDENCE -

Letter - Board of Chosen Freeholders - 10/6/15  
Re: Introduction of Ordinance #15-24,  
#15-26, #15-27, #15-28, #15-29 &  
#15-31

Letter - Board of Chosen Freeholders - 10/6/15  
Re: Final Adoption of Ordinance #15-22  
& 15-23

Letter - Board of Chosen Freeholders - 10/16/15  
Re: Final Adoption of Ordinances:  
15-24, 15-26, 15-27, 15-28, 15-29 &  
15-31

Letter - Board of Chosen Freeholders - 10/16/15  
Re: Introduction of Ordinance 15-33

MONTHLY REPORTS -

Fire Prevention - July thru September, 2015  
Board of Health - September 2015  
Library Board - October 2015  
Beautification Committee - October 2015 (No Quorum)  
Tax Collector - September 2015

LIAISON REPORTS -

Councilwoman Murphy - Liaison to Shade Tree Commission, Library, Environmental Protection Commission, Green Team, Technology Committee, New Milford and Oradell Shared Services Committee - had no report.

Councilwoman Busteed - Liaison to Senior Citizens, Co-liaison, Historic Commission, Traffic & Safety Committee, July 4<sup>th</sup> Committee and Board of Health - reported that the Board of Health was at River Edge Day promoting the Stigma Free Community Effort and asked if anyone is interested in getting involved to contact our Public Health Nurse, Arlene Faustini. She commented that every month they receive correspondence from the public with concerns about traffic and safety issues and on behalf of the Traffic & Safety Committee, she thanked them and encouraged them to continue to send their comments to them because they do meet regularly to address them.

Councilman Mignone - Liaison to DPW, Zoning Sub-Committee, Redevelopment, New Milford and Oradell Shared Services Committee, Technology Committee - reported that the DPW is preparing for leaf season and will start picking up after the first frost. He also reported that they are continuing with park clean-ups and checking manholes so that they plows don't get caught on them. John Lynch informed him that heading into the winter season, they have about 400 tons of salt on hand and if there are storms, will probably get them through the calendar year. Councilman Mignone informed everyone that they received an e-mail today stating that John Lynch will be receiving one of the highest awards from the New Jersey Public Works Association at the League of Municipalities conference in November. Councilman Mignone stated that this is the second time that John has received this award and feels that this is an impressive reflection on him and his department.

Councilman Acquafredda - Liaison to Construction Code Official, Property Maintenance, Planning Sub Committee, Technology Committee, River Edge and River Dell School Boards - reported that they had a substantial Planning Board meeting this past Thursday where they heard an application presented by the River Edge Diner for a complete exterior renovation for outdoor seating on a porch/terrace. He said that the application was approved with amendments and suggestions by the Board to improve the overall result of the extensive renovation. He stated that there were two other applications that were tabled for future meetings. One was for the Now Atkins development on Kinderkamack Road where the Board agreed to have a special meeting to hear the application. He explained that the other application was for the second 7 Eleven located in the C2 district which was sent back and rescheduled because it lacked some of the required submissions.

Councilman Papaleo - Liaison to Police Department, Fire/Fire Prevention, River Edge Alliance Against Alcohol & Drugs, Local School Board Sub-Committee - reported that he continues to meet with the Police Department and PBA and they continue to work on negotiating a new contract. Councilman Papaleo reported that they continue to move forward with the Lieutenants promotion and the hiring of new patrol officers. He also reported that the Fire Department's new engine should be arriving soon.

Mayor Moscaritolo - River Edge Ambulance Service, Local School Board Sub-Committee - stated that he did not receive a report from the Ambulance Service and that the local school board sub-committee did not meet this month. The Mayor did attend the Planning Board meeting where they worked on finishing the application for the River Edge Diner. Their plans include an interior renovation to extend their liquor service, putting in new bakery display cases and an outdoor patio. This is possible because several years ago this Council passed an ordinance allowing outdoor dining, which was introduced by Councilwoman Murphy. The Mayor stated that this will make two locations in town that will have outdoor dining and feels that this is a good thing to do towards the future of our town. The Mayor stated that he made the application on John Lynch's behalf for the award that he will be receiving at the League and congratulated him on this much deserved award. The Mayor stated that this weekend he met with approximately 20 Scouts and their leaders at the tree farm where they weeded and put in new pots. He is very proud of the progress in the new park. The Scouts have indicated to the Mayor that they would like to do additional service projects to keep things going and to make the area beneficial to the town. The Mayor also reported that he attended the Annual River Clean-up on Saturday and thanked John Lynch for cleaning up the boat ramp and the surrounding area. He informed everyone that the boat motor and other accessories had been repaired and were ready for use and operation. The Mayor also thanked the 50 volunteers for helping out and the Pizza Kitchen for providing the food.

ORDINANCES - 1<sup>ST</sup> READING - NONE

ORDINANCE - 2<sup>ND</sup> READING - NONE

RESOLUTIONS - By Consent

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to approve resolution #15-377 through #15-383 and #15-385 through #15-390.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteded, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

#15-377 Resolution to Go Into Closed Session and Exclude Public

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, permits the exclusion of the public from a meeting in certain enumerated circumstances; and

WHEREAS, this public body is of the opinion that such circumstances will or presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

1. That the public shall be excluded from the November 16, 2015 work session meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session</u>		<u>Statutory</u>
<u>Docket #</u>	<u>Item Title or Description</u>	<u>Reference</u>

To be determined by reference to the Borough Clerk's Agenda for the above meeting.

2. It is anticipated at this time that the above stated subject matter will be made public within a reasonable time, the substance of which will be released after the Mayor and Council or the specific authorized public body has reviewed and specifically accepted the data.

3. This resolution shall take effect immediately.

October 19, 2015

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#15-378 Confirmation of Local Assessments for Curbs, Sidewalk and Driveway Aprons for the River Dell Middle School Safety Improvement Project

WHEREAS, reconstruction of curb, sidewalk and driveway aprons on Woodland Avenue was made in 2015; and

WHEREAS, the construction of new curbs, sidewalk and driveway aprons are local improvements, the value of which is assessable to owners of the adjacent property; and

WHEREAS, Ordinance #1822 authorized the construction of curbs, sidewalk and driveway aprons as a local assessment to adjoining properties and such work has been completed; and

WHEREAS, the Borough of River Edge has received a grant from the Department of Transportation for the construction of the curbs, sidewalk and driveway aprons; and

WHEREAS, the Mayor and Council have indicated at a work session that the residents shall only be assessed for the engineering and administrative portion of the cost of the curbs, sidewalk and driveway aprons on Woodland Avenue; and

WHEREAS, James Anzevino, Tax Assessor has been appointed as the Local Board of Assessor on this project and has certified a list of properties to be assessed on Woodland Avenue for the engineering and administrative portion of the cost of curbs, sidewalk and driveway aprons; and

WHEREAS, the Borough Clerk has certified to the Tax Assessor that all of the residents on the list have received notice of a public hearing and report on the Woodland Avenue assessments.

WHEREAS, a hearing on these assessments was held by the Mayor and Council on October 19, 2015.

NOW, THEREFORE, BE IT RESOLVED that the following list of local assessments prepared by James Anzevino, totaling \$550.00 is hereby confirmed and approved and shall be forwarded to the Tax Collector for billing and collection in accordance with Ordinance #1822 and the laws of the State of New Jersey.

<u>Block/Lot</u>	<u>Name &amp; Address</u>	<u>Amount</u>
114/17	Walter Albach, 188 Woodland Avenue	\$191.38
114/18	Walter Albach, 188 Woodland Avenue	\$222.35
114/19	John & Kelly Dent, 192 Woodland Avenue	\$136.27

October 19, 2015

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#15-379 Confirmation of Local Assessments for Curbs, Sidewalk and Driveway Aprons for the Fifth Avenue Reconstruction Project, Section 2 from Approximately 120 Feet North of Olympia Drive to Approximately 20 Feet North of Wayne Avenue

WHEREAS, reconstruction of curb, sidewalk and driveway aprons on Fifth Avenue from approximately 120 feet north of Olympia Drive to approximately 20 feet north of Wayne Avenue was made in 2015; and

WHEREAS, the construction of new curbs, sidewalk and driveway aprons are local improvements, the value of which is assessable to owners of the adjacent property; and

WHEREAS, Ordinance #1828 authorized the construction of curbs, sidewalk and driveway aprons as a local assessment to adjoining properties and such work has been completed; and

WHEREAS, the Borough of River Edge has received a grant from the Department of Transportation for the construction of the curbs, sidewalk and driveway aprons; and

WHEREAS, the Mayor and Council have indicated at a work session that the residents shall only be assessed for the engineering and administrative portion of the cost of the curbs, sidewalk and driveway aprons on Fifth Avenue; and

WHEREAS, James Anzevino, Tax Assessor has been appointed as the Local Board of Assessor on this project and has certified a list of properties to be assessed on Fifth Avenue for the engineering and administrative portion of the cost of curbs, sidewalk and driveway aprons; and

WHEREAS, the Borough Clerk on has certified to the Tax Assessor that all of the residents on the list have received notice of a public hearing and report on the Fifth Avenue assessments.

WHEREAS, a hearing on these assessments was held by the Mayor and Council on October 19, 2015.

NOW, THEREFORE, BE IT RESOLVED that the following list of local assessments prepared by James Anzevino, totaling \$3,125.00 is hereby confirmed and approved and shall be forwarded to the Tax Collector for billing and collection in accordance with Ordinance #1828 and the laws of the State of New Jersey.

<u>Block/Lot</u>	<u>Name &amp; Address</u>	<u>Amount</u>
905/7	Maxim Leifer, 363 Fifth Avenue	\$315.85
905/8	Robert & Nicole Gilmartin, 359 Fifth Avenue	\$313.08
905/9	Jung Soo Lee, 355 Fifth Avenue	\$313.08
905/10	Ying Dun & Liu Feng, 351 Fifth Avenue	\$313.08
905/11	Kan He, 347 Fifth Avenue	\$313.08
905/12	Badejoko Ogunsanya, 343 Fifth Avenue	\$313.08
906/32	Jonathan & Jennifer Huang, 280 Wayne Avenue	\$149.12
910/1	Albert & Joan Rittgers, 285 Wayne Avenue	\$155.39
910/40	Emmanuel Sabong, 342 Fifth Avenue	\$313.08
910/41	Kipp & Emily Watson, 346 Fifth Avenue	\$313.08
910/42	Ping Xiao & Xiujie Yang, 350 Fifth Avenue	\$313.08

October 19, 2015

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Councilwoman Murphy-stated that she had reviewed the Oradell Planning Board minutes of January 8, 2008 and it seemed that there was another issue with Hadodo Construction where the name on the permit was incorrect.

#15-380 Forfeit of Construction Bond for Shade Trees at 382 Lee Avenue, River Edge, NJ 07661

WHEREAS, Gabi Issa, 382 Lee Avenue deposited a cash construction bond for shade trees adjacent to the property located at 382 Lee Avenue in the amount of \$2,695.90 on November 25, 2013; and

WHEREAS, the Shade Tree Commission has performed an inspection and has determined that the Borough needs to remove and replace one of the trees due to severe stress and decline as a result of the construction activity; and

WHEREAS, the Shade Tree Commission recommends that the original bond amount of \$2,695.90 be used to remove and replace the tree; and

WHEREAS, the Borough will remove the tree, grind the stump and plant a replacement tree.

WHEREAS, the Mayor and Council have discussed this matter at work sessions on September 21, 2015 and October 19, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to transfer \$2,695.90 from the Trust Other-Performance Bonds-Shade Tree Account to the Trust Other-Donations Shade Tree Commission Account.

BE IT FURTHER RESOLVED that the Shade Tree Commission recommends that the bond in the amount of \$2,695.90 be forfeited and the Chief Financial Officer shall adjust his records accordingly.

October 19, 2015

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#15-381 Refund of Construction Bond for Shade Trees to Quality Construction Services, LLC

WHEREAS, Quality Construction LLC, deposited a cash construction bond for shade trees adjacent to the property located at 303 Olympia Drive in the amount of \$6,410.72 on December 11, 2012; and

WHEREAS, the Shade Tree Commission has performed an inspection and has determined that the Borough needs to remove and replace one of the trees due to severe stress and decline as a result of the construction activity; and

WHEREAS, the Shade Tree Commission recommends that \$4,194.43 of the original bond amount be used to remove and replace the tree; and

WHEREAS, the Shade Tree Commission has determined that the other tree at the same location was not affected by the construction activity and recommends that the balance of \$2,216.29 be released; and

WHEREAS, the Mayor and Council have discussed this matter at work sessions on September 21, 2015 and October 19, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund of \$2,216.29 from the Trust Other Account to:

Quality Construction Services LLC  
P.O. Box 3353  
Fort Lee, NJ 07024

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to transfer \$4,194.43 from the Trust Other-Performance Bonds-Shade Tree Account to the Trust Other-Donations Shade Tree Commission Account.

October 19, 2015

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#15-382 Approval to Waive a Portion of the Police Outside Duty Rate for Let It Grow, Inc.

WHEREAS, Let It Grow, Inc. hosted a benefit located at Ackerson Street on September 12, 2015; and

WHEREAS, Let It Grow requested two (2) uniformed officers for the duration of the benefit

WHEREAS, Let It Grow has made an appeal to the Mayor and Council to waive the administrative fee portion of the \$135.00 per hour rate and be billed for the officer's overtime rate; and

WHEREAS, the Mayor and Council have discussed this matter at their work session of October 19, 2015 and have indicated that the outside duty rate of \$135.00 be waived and that the actual overtime rate of the police officer assigned to that duty be charged.

NOW, THEREFORE, BE IT RESOLVED that the Police Department and the Chief Financial Officer are instructed to adjust their billing accordingly and to notify Let It Grow of the fee to be paid for the services provided.

October 19, 2015

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#15-383 Change Order #1 Approval and Amendatory Contract for the 2014 County Aid ADA Curb Ramp Program to Concrete Construction Corp., P.O. Box 4063, South Hackensack, New Jersey 07606

WHEREAS, N.J.A.C. 5:34-4.2 lists the requirements for all Change Orders; and

WHEREAS, the Borough of River Edge awarded a contract to Concrete Construction Corp. on February 17, 2015 via resolution #15-102; and

WHEREAS Change Order #1 reflects an increase in various quantities in the amount of \$81,723.24 and a decrease in various quantities in the amount of \$(61,578.05) for a total increased amount not to exceed \$20,145.19; and

WHEREAS, the Borough Engineer has recommended the above change.

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1806-550 of the Capital Fund in the amount not to exceed \$20,145.19.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract for Change Order #1 with Concrete Construction, Corp. for an increase of \$20,145.19.

BE IT FURTHER RESOLVED that the exact form of this amendatory contract shall be at the discretion of the Borough Attorney and the Mayor and the Borough Clerk is hereby authorized to execute said contract, and Change Order #1.

October 19, 2015

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Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve resolution #15-384 as amended.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteded, Councilman Acquafredda and Councilman Papaleo voted yes; Councilman Mignone voted no.

#15-384 Change Order #3 Approval and Amendatory Contract for the Cherry Blossom Park Improvement Project, Phase 1 to Downes Tree Service

WHEREAS, N.J.A.C. 5:34-4.2 lists the requirements for all Change Orders; and

WHEREAS, the Borough of River Edge awarded a contract to Downes Tree Service on August 3, 2015 via resolution #15-309 and amended on September 8, 2015 via resolution #15-335; and

WHEREAS Change Order #3 reflects the loading, removal and disposal of excavated concrete debris on site in amount not to exceed \$2,600,00; and

WHEREAS, the Project Engineer has recommended the above change.

WHEREAS, the Chief Financial Officer has certified that funds are available from the Open Space Account #15-308 DOE in an amount not to exceed \$2,600.00.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with Downes Tree Service, 65 Royal Avenue, Hawthorne, New Jersey 07506 for Change Order #3 in the increased amount of \$2,600.00.

BE IT FURTHER RESOLVED that the exact form of this amendatory contract shall be at the discretion of the Borough Attorney and the Mayor and the Borough Clerk is hereby authorized to execute said contract, and Change Order #3.

October 19, 2015

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#15-385 Amend Agreement with Robert Costa, Borough Engineer, for Professional Services Related to Howland Avenue Improvements, Phase V, Section 7

WHEREAS, there exists a need for expert professional engineering

services related to Howland Avenue Improvements, Phase V, Section 7;  
and

WHEREAS, the Borough of River Edge has previously awarded a contract to Robert Costa, Borough Engineer via resolution #14-301 dated August 4, 2014 in the amount of \$5,000.00 and amended via resolution #14-329 dated September 3, 2014 in the amount of \$6,500.00; and

WHEREAS, additional funding is required for professional services related to Howland Avenue Improvements, Phase V, Section 7; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund in the amount not to exceed \$3,000.00; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service may exceed \$17,500; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

WHEREAS, the rate of pay shall not exceed \$65.00 per hour as Borough Engineer and per hour rates as follows:

Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$3,000.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

October 19, 2015

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#15-386 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to Design and Inspection Work for Fifth Avenue Improvements, Section 4

WHEREAS, there exists a need for expert professional engineering services related to Design & Inspection Work for Fifth Avenue Improvements, Section 4; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service may exceed \$17,500; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund not to exceed \$3,000.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract

itself must be available for public inspection.

WHEREAS, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

WHEREAS, the rate of pay shall not exceed \$65.00 per hour as Borough Engineer and per hour rates as follows:

Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$3,000.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

October 19, 2015

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#15-387 Resolution to Adopt an Updated Stormwater Pollution Plan for the Borough of River Edge

WHEREAS, a Stormwater Pollution Plan was prepared for the Borough of River Edge in September of 2004 providing an explanation of policies and procedures which would assist the Borough in its compliance with its Stormwater Pollution Permit issued by the State of New Jersey; and

WHEREAS, the original Stormwater Pollution Plan was prepared by the Borough Administrator and the Superintendent of Public Works; and

WHEREAS, an update to the Stormwater Management Plan was adopted by the Governing Body on November 16, 2009 via resolution #09-429, resolution #11-191, dated May 16, 2011, May 6, 2013 via resolution #13-201 and February 18, 2014 via resolution #14-99; and

WHEREAS, an update has been prepared by the Borough Administrator and reviewed by the Superintendent of Public Works who is the Stormwater Pollution Coordinator for the Borough; and

WHEREAS, this matter has been reviewed by the Mayor and Council at a work session on October 19, 2015; and

WHEREAS, the State of New Jersey, Department of Environmental Protection requires that the Borough periodically update its Stormwater Pollution Plan to reflect changes and accomplishments.

NOW, THEREFORE, BE IT RESOLVED that said updated Stormwater Pollution Plan is hereby approved and authorized for use by the Borough of River Edge and that any changes thereto shall not be made without approval by the Mayor and Council.

October 19, 2015

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#15-388 Refund of Construction Bond for Shade Trees to Robert and Jenny Babb, 292 Voorhis Avenue, River Edge, NJ 07661

WHEREAS, Robert and Jenny Babb, deposited a cash construction bond for shade trees adjacent to the property located at 292 Voorhis Avenue in the amount of \$2,257.11 on November 7, 2013; and

WHEREAS, the Shade Tree Commission has performed an inspection and has determined that the tree at this location was not affected by construction activity; and

WHEREAS, the Mayor and Council have discussed this matter at their work session of October 19, 2015; and

WHEREAS, the Shade Tree Commission recommends that the bond in the amount of \$2,257.11 be released.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund of \$2,257.11 from the Trust Other Account to:

Robert & Jenny Babb  
292 Voorhis Avenue  
River Edge, NJ 07661

October 19, 2015

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#15-389 Authorize Tax Collector to Adjust the 4<sup>th</sup> Quarter 2015 Taxes for a Veteran Deduction Allowed

WHEREAS, the following homeowner filed a Veteran Application for a deduction in the amount of \$250.00 and was approved by the Tax Assessor for the year 2015; and

WHEREAS, the deduction was not listed in the 2015 Tax Duplicate.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to adjust the 4<sup>th</sup> Quarter taxes for the following amount.

Block/Lot	Name & Address	Deduction	Adjusted Amount
1107/4	Steven Klumpp 345 Taft Road	Veteran	250.00

October 19, 2015

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#15-390 Preliminary Taxes Due to 2015 County Board Judgments

WHEREAS, County Board Judgments were received for the year 2015 by the tax office reducing the Assessed Value on the following properties; and

WHEREAS, a request was made by the following taxpayers for an adjustment to their 2016 preliminary amount; and

WHEREAS, preliminary taxes may be adjusted as per Statute 54:4-66.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector apply the tax credits to the 1<sup>st</sup> and 2<sup>nd</sup> Quarter 2016 taxes and adjust her records accordingly.

BL/Lot	Name/Address	1 <sup>st</sup> Qtr. Credit	2 <sup>nd</sup> Qtr. Credit	Tax Adjustment
108/1	GUO 209 Hillside Ave.	402.94	402.93	805.87
213/10	UEJIMA 844 Park Ave.	3,334.42	3,334.42	6,668.84
501/39.02	CILIA	483.36	483.36	966.72

685 Fifth Ave.

Total Tax Adjustment: \$8,441.43

October 19, 2015

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Councilman Mignone read resolution #15-391 into the record.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #15-391.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

#15-391 Payment of Bills

WHEREAS, vouchers for the payment of goods and services rendered to the Borough of River Edge have been received; and

WHEREAS, each bill has been checked by the receiving department, approved by the Chief Financial Officer and Borough Clerk and reviewed by the three members of the Finance Committee.

NOW, THEREFORE, BE IT RESOLVED that bills as listed now be confirmed for payment from the appropriate funds as follows:

CURRENT ACCOUNT	\$229,225.86
CAPITAL ACCOUNT	\$187,043.41
TRUST OTHER ACCOUNT	\$ 18,506.25
OPEN SPACE ACCOUNT	\$ 28,986.43

BE IT FURTHER RESOLVED, that claims read and approved by the Governing Body at a Council meeting will be dated the day after the reading of those claims and will appear on the following bill list at the next public meeting of the Mayor and Council at which time claims would be paid.

October 19, 2015

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Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #15-392.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

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#15-392 Enter Into Agreement with Richard A. Mehrman, Planning Board Consulting Engineer, 426 The Fenway, River Edge, New Jersey 07661 for Professional Services Related to Conducting Final Inspections at the 7 Eleven, 584 Kinderkamack Road

WHEREAS, there exists a need to retain expert engineering services related to conducting final inspections for the 7 Eleven located at 584 Kinderkamack Road; and

WHEREAS, Richard Mehrman, Planning Board Consulting Engineer, meets the criteria for a professional service contract under N.J.S.A. 40A:11-1; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service may exceed \$17,500; and

WHEREAS, Richard A. Mehrman has completed and submitted a Business Entity Disclosure Certification which certifies that Richard

A. Mehrman has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Richard A. Mehrman from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available from the Trust Other Developer Account in the amount not to exceed \$2,500.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Mayor and Council have examined resumes, biographies, work experience; and

WHEREAS, the Mayor and Council have reviewed price and other factors when considering supporting reasons for awarding this contract; and

WHEREAS, the rate of pay shall not exceed \$135.00 per hour:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Richard A. Mehrman, 425 The Fenway, River Edge, New Jersey 07661 in an amount not to exceed \$2,500.00.
2. The business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of this resolution be forwarded to the RIDGEWOOD NEWS for publication.

October 19, 2015

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OPEN HEARING OF THE PUBLIC -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open hearing of the public.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteded, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Cindy Bequeaith-745 7<sup>th</sup> Avenue-stated that last year she had attended a Council meeting and reported that the site where the old cleaners used to be across from the new CVS was boarded half way up on the side leaving a large area on the top wide open. At that time, she complained that it was unsightly and asked that someone look into having it fixed. She doesn't understand why the Borough would have no recourse in demanding that the owner fix it.

Councilman Mignone-stated that he thought it was referred to Mr. DeRosa.

Mayor Moscaritolo-explained that currently there is an application on file for that property and if approved, they will put substantial money into putting the building back together.

Cindy Bequeaith-stated that it's been like that for over a year and feels that no one can say how long it will take to hear an application. In the meantime, she would greatly appreciate seeing it fixed.

Mayor Moscaritolo-stopped there when he saw that there was work going on and asked what they were doing. He was told by the owner of the property that they were doing environmental work. The Mayor asked our Borough Attorney to speak to their environmental engineer and find out what was going on and why they are digging up the floor. The Mayor recalls that the environmental engineer was supposed to come to Borough Hall the following Monday and file papers but doesn't think that they ever did. The Mayor said that now that they want to put in this store, they need to find out why they didn't get a soil movement

permit and also find out what kind of remediation they did. He stated the importance of property owners complying with environmental and building laws.

Cindy Bequeaith-asked if the diner will be allowed to serve alcohol on the outdoor patio until 2 a.m.?

Mayor Moscaritolo-replied, no.

Councilwoman Murphy-said that she was at the diner this evening and was told by the owner that they intend to stop serving alcohol at 10 or 11 p.m.

Councilwoman Busted-stated that the ordinance is clear.

Councilman Acquafredda-agreed and said that they would have to comply with the outdoor seating ordinance which limits the hours of operation.

Mayor Moscaritolo-explained that there are several restrictions.

First, he has to apply to the State ABC to get an extension of his license so he can serve alcohol on the patio and second, we made sure that the patio would be enclosed so you can't take alcohol off the patio onto the sidewalk or grass. The Mayor explained that the only way to and from the patio is to go through the diner. He continued to say that if he does get the liquor license extended, even though now he can serve to 2 or 3 a.m., his hours would be further restricted by the outdoor dining ordinance which states it would have to end at 10 p.m. The Mayor explained that the ordinance for outdoor dining is seasonal not year round.

Councilman Mignone-explained that the other issue is that this Council can change hours of operation any time they want to so it may not apply. Councilman Mignone stated that we don't have an outdoor dining ordinance, they have a sidewalk café ordinance. He stated that right now, the diner situation doesn't comply with the current ordinance and would like to ask the Borough Attorney to review the existing ordinance to see if changes are needed. He explained that the current ordinance requires you to limit your seating based on the amount of frontage. It's a 50 foot extension which means that they would be allowed to have 1 table for every 5 feet which would be 10 tables and they're plan as approved, has 38 seats. The sidewalk dining ordinance limits you to 15% of the total indoor seating and 38 seats would mean that they would have 250 seats inside which he doesn't think is the case. He's not saying that he doesn't want the diner to comply but the numbers need to be tweaked to make sure that everything is consistent. Councilwoman Mignone stated that with all due respect to Councilwoman Murphy, the outdoor dining ordinance issue came up at the Planning Board meeting during the Master Plan review in 2009. The impetus at that time was the developer at New Bridge Landing who asked the Planning Board to consider changing the ordinance and that's when it came before the Council. He said that the diner's plan is a physical extension, basically an enclosed deck, and commended Councilman Acquafredda for making some good suggestions regarding screening and buffering.

Councilman Acquafredda-does not want anyone to misunderstand the word enclosed because it does not have a roof, it has retractable awnings and no walls.

Councilman Mignone-doesn't think alcohol is the issue but feels we need to modify the ordinance to be consistent so that they don't get sent back to the Zoning Board for a use variance.

Cindy Bequeaith-asked if the Carousel Store is allowed to be open 24 hours?

Councilwoman Murphy-replied, no they close at 11 p.m. She stated that the owner appeared at a previous Council meeting and spoke about being open 24 hours.

Cindy Bequeaith-asked if the Diner is a C1 or C2?

Councilman Acquafredda-answered C1.

Cindy Bequeaith-asked what zone the 7 Eleven is in?

Councilman Mignone-replied, C1. He stated that the only 24 hour operation in a C2 zone is McDonalds.

Cindy Bequeaith-stated that McDonald's is right across the street from a residential area.

Councilman Mignone-said that the other business that is grandfathered in the C1 zone is the BP gas station which is next to the same residential street.

Paolo Cilia-Fifth Avenue-complained that the PDF documents on the website are not searchable and suggested that they purchase a conversion program to make it easier. Mr. Cilia stated that with regard to technology, he suggested that they use the knowledge of citizen volunteers to improve the website. With regard to Cherry Blossom Park, Mr. Cilia recommended that instead of hiring an outside contractor we should utilize the towns resources.

Councilwoman Murphy-recalled that last year Mr. Cilia recommended that people should volunteer to shovel the bus stops. She doesn't feel

that you can ask volunteers to do everything.

Paolo Cilia-feels that they can improve on how we deal with contractors because projects seem to cost significantly more than what was budgeted because of unexpected issues that pop up.

Councilwoman Murphy-said that anytime you do work, there are always unknowns that you can't predict once work has begun.

Paolo Cilia-feels that someone didn't do their homework properly if unexpected things pop up. He asked if any improvements will be made to the website because he knows that money was put aside in the budget last year.

Councilwoman Murphy-replied no, the money was used for other technology.

Carl Fazio-229 Madison Avenue-commented that after listening to some of the comments made in the work session regarding 7 Eleven, this is now going to cost the owner more and more money. He asked that when someone applies to do building in River Edge, are they given guidance and are they made aware of the inspections that need to be done?

Mayor Moscaritolo-explained that it's in the approval by the Planning Board that they have to have site inspections by the engineer and is also in the Developer's Agreement as well. The Mayor stated that these are professional contractors that build all over town and they should know that before you close up trenches and back fill retaining walls, that you need to call for inspections.

Carl Fazio-asked who police's these people?

Mayor Moscaritolo-explained that they're supposed to call, we're not on-site 24 hours a day.

Carl Fazio-feels that someone here has to be looking out for what's going on in this town.

Mayor Moscaritolo-gave an example that when you have your rough electrical wiring in and you want to close up the wall, you call the Building Department, an appointment is set up, the inspector goes out and if you pass, he gives you a sticker and you can close up the walls. The same procedure applies for plumbing, building and engineering.

Councilman Mignone-stated that it would be unusual that you would call for your electrical and plumbing inspections but not call the engineers office after major site work was done. He said that just doesn't make any sense. He feels that we need to find out what they did because it's unlikely for a contractor who does site development work not to call for inspections.

Councilman Papaleo-stated that they also should know that they shouldn't back fill until they get an inspection. He stated that even if they called and no one answered, that still doesn't explain why they did the back fill.

Carl Fazio-asked the Borough Attorney if Mr. Puccio or 7 Eleven has filed any law suits yet?

Tom Sarlo, Esq.-replied not yet.

Carl Fazio-asked if he was expecting law suits to pursue.

Tom Sarlo, Esq.-stated that he is anticipating a law suit.

Carl Fazio-ask Mr. Sarlo what his advice to the Mayor and Council was on the 7 Eleven issue?

Tom Sarlo, Esq.-replied that he can't answer that because they are his clients.

Mayor Moscaritolo-stated that he can't answer that because the comments were made in an executive session.

Councilman Mignone-stated that he could ask when they had closed session minutes on that topic and suggested he look on the agendas to see when it was listed.

Carl Fazio-stated that when residents come to meetings, they should be given respect and not be disrespected and talked down to especially a person of age. He felt that an 87 year old resident who attended the last meeting was disrespected and feels that she is owed an apology.

Mayor Moscaritolo-asked if it was Peggy?

Carl Fazio-replied no, I'm talking about Luisa Iantuono, 20 Van Buren and he expects that person to apologize. He asked Councilwoman Murphy if she had any comment?

Councilwoman Murphy-replied, no.

Carl Fazio-stated that Ms. Iantuono was asked if she wore hearing aids and also asked if she had them in. Mr. Fazio felt that question was disrespectful.

Councilwoman Murphy-said that that's his opinion and told everyone that she had a conversation with Ms. Iantuono after the meeting.

Bill Haggis - 208 Princeton Drive-stated that with regard to Cherry Blossom Park, we were supposed to get a grant for half of the purchase price of the land. He asked if we ever received the grant money or did the town pick up the entire cost of the land.

Alan Negreann-stated that we received grants from County Open Space and Green Acres.

Bill Haggis-asked if we actually received the money because it is his recollection that in 2011, we still hadn't received any money.

Alan Negreann-stated that he can't confirm that for a fact.

Mayor Moscaritolo-stated that he recalls half of the money was a grant from County Open Space and half from the State Green Acres and the money from the County came sooner. He also recalls that before receiving the Green Acres money, we had to do a lot of remediation by removing top soil, putting in new soil and getting it tested. Once that was done, we received the Green Acres funds.

Bill Haggis-asked if the town paid for half?

Mayor Moscaritolo-stated that he is not sure if the town paid for half or got the grants for the entire park, but he knows that there were two applications for grants.

Councilman Mignone-explained that the town bonded approximately \$650,000 originally to cover the purchase cost and remediation. He continued to say that we received \$217,500 from the County of Bergen and the Green Acres money was a match for the \$217,500 which he believes we did receive. The question became how much of the other costs did they cover? He has asked this question many times because he thinks that Green Acres did not pay for remediation, 3 or 4 extra surveys we had to do and they didn't pay for a lot of the engineering and legal costs. It is true that both grants covered the cost of the property, but anything else over that is taxpayer money.

Bill Haggis-says that he sees the construction being done there and asked why the work wasn't done before school started. When he picks his son up from Cherry Hill School he feels that it is a dangerous situation. He said that the truck drivers are very aggressive with motorists and pedestrians. Mr. Haggis said that after looking at the Democratic Facebook site, specifically at the Mayor's bio, he states that by being more business friendly we have increased our commercial ratables by almost 20 million dollars resulting in revenue increases. Mr. Haggis asked where he got these figures from, if they are available and what specific revenue increase is he referring to?

Mayor Moscaritolo-stated the stores at New Bridge Center was a 20 million dollar project by the Ciancia's. The Mayor explained that that's what they put in their application for economic development and that's how much they invested in that property.

Bill Haggis-understands that they invested that amount but asked how much are we getting back?

Mayor Moscaritolo-replied that it's a \$360,000 tax bill.

Councilman Mignone-explained that the assessment of that property is 14+ million dollars and of the \$360,000 tax bill, \$117,000 comes to the town. Councilman Mignone continued to say that the assessment on the old Huffman Koos building was 10+ million prior to demolition so the increase of 4 million is an improvement. He was told by Mr. Anzevino that there were 5 or 6 million dollars in other commercial ratables over the last 3 or 4 years in assessed value which does bring it up but noted that it's not revenue. He explained that it's revenue for the current year because it's not based into the overall valuation for the town. Once you roll into the next budget year, it gets added to the total valuation of the town and when the County sets the tax rate basically it spreads that cost back to all of the other taxpayers. He explained that it can't be considered found money because the town can't make money, we're only allowed to levy whatever taxes are left. A situation of an exception would be if there was an added assessment, we wouldn't have to share it with the schools or county.

James Irwin-40 Jefferson Street, Hackensack - explained that he has been going around to towns and governing bodies requesting that they raise the age to buy tobacco and nicotine products to 21 years of age. He gave background information and statistics as to why he is making the request.

Tom Sarlo, Esq.-stated that he is familiar with issue but he has some questions with regard to whether it's legally enforceable because the State age is 18. He would like to present this memorandum to the Mayor and Council for their review before moving forward. Mr. Sarlo advised that one option would be to adopt a resolution urging legislators to increase the age as state law. He asked the Mayor and Council to review his memo first so they understand the enforceability of it.

Mayor Moscaritolo-explained to Mr. Irwin that they will wait for the legal opinion from the Borough Attorney. The Mayor asked Mr. Irwin if other municipalities in New Jersey have similar laws restricting the age of purchasing tobacco under 21?

James Irwin-stated that currently, Englewood, Teaneck, Bogota, Garfield, Rutherford, East Rutherford have a law in effect, Westwood and Hillsdale have unanimously passed ordinances on first reading and Bergenfield has a modified law. He offered to forward information

that he has from the State to Mr. Sarlo.

Paolo Cilia-asked if the Mayor and Council received legal advice before making their decision the 24 hour ordinance?

Tom Sarlo, Esq.-stated that he is not going to allow them to answer any questions with regard to anything that may impact a potential lawsuit because it's not appropriate.

Mayor Moscaritolo-stated that anytime we adopt a general police power ordinance, it is always run through the Borough Attorney. He also stated that 562 other municipalities throughout the State of New Jersey have similar ordinances.

CLOSE HEARING OF THE PUBLIC -

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to close hearing of the public.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

COUNCIL COMMENTS - None

ADJOURNMENT - 9:28 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to adjourn the meeting at 9:28 p.m.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated: