

M I N U T E S
Regular Meeting of the Mayor and Council
Monday, March 16, 2015
8:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 8:02 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 Councilman Papaleo 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, Councilman Cappola was absent.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the minutes of the work session meeting of February 17, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the minutes of the Mayor and Council work session and regular meeting of March 2, 2015.

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

PROCLAMATIONS & AWARDS -

Mayor Moscaritolo read the Proclamation Honoring Cub Scout Packs 95 and 229 for Taking 1st and 2nd Place in the 2015 Three Rivers Klondike Derby as follows:

PROCLAMATION

WHEREAS, Cub Scout Packs 95 and 229 competed in the Three Rivers Klondike Derby which was held on February 28, 2015 at Campgaw Mountain; and

WHEREAS, 47 sleds competed; the Cub Scout division had a total of 25 sleds in their division; and

WHEREAS, the boys competed in 6 skill stations; Fire Building, First Aid, Team Building, Lashing, Orienteering and Shelter Building; and

WHEREAS, the boys pushed and pulled a Kfondike dog sled packed with all of their supplies up and down the trails of Campgaw Mountain; and

WHEREAS, the boys who made up Pack 95's Junior Webelo "Huskies" team were: Erik Gawrylo, Finn Kristan, James Mignone, John Forte, Kyle Wigdor, Matt Volmar, Nicholas Sybel, Scott Sybel, Rylan Weise and Will Ginchi; and

WHEREAS, the Huskies were awarded 102 points out of a possible 120, giving them the 1st place championship; and

WHEREAS, after their last station, the boys ran a sled race that gave them another first place win; and

WHEREAS, the boys who made up Pack 95 & 229's Senior Webelo team, the "Kfondike Krushers" were: Ben Manasse-Pols, Kiran Seligman, Paul Motoike, Sean Kim, Sean Rafferty and Vinny Perlowin; and

WHEREAS, the Kfondike Krushers were awarded 96 points out of a possible 120, giving them a 2nd place victory.

NOW, THEREFORE, BE IT RESOLVED, that I, Sandy Moscaritolo, Mayor of the Borough of River Edge and on behalf of the Council do proclaim that the Cub Scout Huskies and the Kfondike Krushers, trainer Kevin Kress, their adult leaders Joanne Sybel, Julie Volmar, Susan Ginchi, Pat Rafferty and Melissa Borza are hereby honored for taking 1st and 2nd Place in the 2015 Three Rivers Kfondike Derby.

Mayor Sandy Moscaritolo

Dated: March 16, 2015

Mayor Moscaritolo presented the proclamation to members of Pack 95 and 229 as well as the troop leaders.

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

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

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

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

There being no comments by the public, motion by Councilman Mignone, seconded by Councilman Papaleo to close public comments on any issue on the agenda.

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

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the promotion of Richard Stephen, General Repairer I to Road Foreperson, Step II, in the Department of Public Works, from an annual salary of \$75,318.00 to \$76,524.00, effective April 1, 2015.

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

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve the promotion of Jason Milito, Equipment Operator II to Road Foreperson, Step I in the Department of Public Works, from an annual salary of \$63,492.00 to \$73,481.00, effective April 1, 2015.

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

Motion by Councilwoman Busted, seconded by Councilman Papaleo to approve the promotion of Patrol Officer Joseph Starost to the rank of Sergeant in the Police Department, at an annual salary of \$115,160.00, effective March 16, 2015.

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

Mayor Moscaritolo-administered the Oath of Office to Sergeant Starost. Chief Cariddi-presented Sergeant Starost with his Sergeant's badge.

Motion by Councilman Papaleo, seconded by Councilwoman Busted to approve the promotion of Patrol Officer Craig Casey to the rank of Sergeant in the Police Department, at an annual salary of \$115,160.00, effective March 16, 2015.

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

Mayor Moscaritolo-administered the oath of office to Sergeant Casey. Chief Cariddi-presented Sergeant Casey with his Sergeant's badge.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary increase of Robert Dondiego, Crossing Guard from an hourly Step II rate of \$18.05 to Step III - \$19.01, effective March 17, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary increase of John Velten, Crossing Guard from an hourly Step II rate of \$18.05 to Step III - \$19.01, effective March 17, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary increase of Patrick McShane, Crossing Guard from an hourly Step II rate of \$18.05 to Step III - \$19.01, effective March 16, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary increase of Michael Goldberg, Crossing Guard from an hourly Step I rate of \$17.10 to Step II - \$18.05, effective March 16, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the re-appointment of Thomas Smith as Emergency Management Coordinator for a three-year term from April 1, 2015 through April 1, 2018.

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

Mayor Moscaritolo-administered the oath of office to Tom Smith.

CORRESPONDENCE -

Letter - Board of Chosen Freeholders-2/27/15
Re: Introduction of Ord. #15-04
Letter - Board of Chosen Freeholders-2/27/15
Re: Introduction of Ord. #15-05
Reduction of Speed Limit on
Kinderkamack Road to 30 mph
Letter - Board of Chosen Freeholders-2/27/15
Re: Introduction of Ord. #15-06
Letter - Board of Chosen Freeholders-3/3/15
Re: Adopted Ordinance #15-01
Letter - State of NJDEP - 3/6/15
Re: Underground Storage Tank -
172 Voorhis Avenue
Letter - Brockerhoff Environmental - 3/6/15
Re: Underground Storage & Oil Tank
River Dell Middle School
Letter - State of New Jersey DOT - 3/11/15
Re: Notification of \$315,000 Grant
for Safe Routes to School
Notice - County of Bergen - 3/12/15
Re: Hearing on 4/13/15 Re: Bl 527,
Lot 5.02, Bl 532.02, Lot 1 & Bl 531.01, Lot 1,
66-70 Zabriskie Street, Hackensack

MONTHLY REPORTS -

Planning Board	-	July - December 2014
Planning Board	-	January 2015
Zoning Board of Adjustment	-	June - December 2014
Zoning Board of Adjustment	-	February 2015
Tax Collector	-	2014 Annual Statement of Receipts
Tax Collector	-	January 2015
Library Board	-	February Cash Flow
Property Maintenance	-	January - March, 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 - reported that the date for the River Clean-up has been changed to Saturday, October 3rd and our Environmental Commission is hoping to partner with the New Milford Environmental Commission. She also reported that Daragh O'Connor, the Library Director had emailed Peter Pulice regarding the Library roof project to find out when it will commence and hasn't heard back from him. Councilwoman Murphy asked Alan Negreann if he would reach out to Mr. Pulice to try to obtain this information. Councilwoman Murphy said that she contacted the Borough of New Milford regarding their web designer and asked if they would provide the information of who they use.

Councilman Cappola- Liaison to Recreation Commission, Senior Citizens co-liaison, Beautification Committee - was absent.

Councilwoman Busted - Liaison to Senior Citizens, Co-liaison, Historic Commission, Traffic & Safety Committee, Board of Health - reported that the Traffic & Safety Committee met recently and stated that she will be bringing up several topics later under new business on their behalf. One

topic that they would like to bring to the community is a pedestrian safety workshop and she looks forward to hearing their thoughts on that. The Board of Health is meeting at the end of the month and the Historic Commission continues to work with the Planner and Borough Attorney to get the Master Plan element completed and adopted. Councilwoman Busteed announced that this past week, the Board of Chosen Freeholders approved an ordinance reducing the speed limit on Kinderkamack Road from 35 to 30 mph. She stated that this was a result of many years of work and stewardship by the Mayor and was happy to work with him and see it be successful.

Councilman Mignone - Liaison to DPW, Zoning Sub-Committee, Redevelopment, New Milford and Oradell Shared Services Committee, Technology Committee - congratulated and thanked the DPW for their continued efforts during recent storms and feels that it's been one of the worst winters in the past several years. He wants the DPW to know that they have the Council's support and that the residents do appreciate their efforts.

Councilman Acquafredda - Liaison to Construction Code Official, Property Maintenance, Planning Sub Committee, Technology Committee, River Edge and River Dell Schools - reported that there will be a Planning Board meeting this Thursday to hear applications. He asked Councilwoman Murphy to schedule a meeting with himself and Councilman Mignone to discuss the use of media by employees. He also reported that they all had received an invitation from the River Edge Board of Education for a meeting this Wednesday at Cherry Hill School where they will be discussing changes to classroom locations in the upcoming year. Councilman Acquafredda does not know if the Mayor or any of the Council members will be attending this meeting but for those who are attending, while we always retain the right to express our own opinion, he wants to make sure that it's clearly stated that we're expressing our own opinion and not the opinion of the Mayor and Council. With regard to River Dell, he had a conversation with Superintendent Fletcher who assured him that the interlocal agreement for the broadcasting of Mayor and Council meetings is just about done. Once complete, he will run it by the Board of Education and then to us. Councilwoman Murphy-asked if a copy will be sent to the Technology Committee?

Councilman Acquafredda-stated that Mr. Fletcher will be sending it to him and since he is a member of the committee he will share it with the other members.

Councilman Papaleo - Liaison to Police Department, Fire/Fire Prevention, River Edge Alliance Against Alcohol & Drugs - reported that the River Edge Fire Department has responded to 68 calls to date and explained the types of calls that they responded to. He stated that on Sunday, while he was on his way to the fire house they had a call at the Grace Lutheran Church. He complimented the hand in glove relationship between the Fire Department and Police Department and feels that it's gratifying to see that they complement each other and work very hard on working together. He informed everyone that he speaks with the Police Chief on a regular basis who keeps him informed of anything that might be occurring in town. Councilman Papaleo informed everyone of the arrest last week which included cooperation from surrounding law enforcement agencies. The Chief specifically mentioned Patrol Officer Shouldis who coordinated and worked with the other departments that were involved in the arrest. Councilman Papaleo also reported that the River Edge Alliance has been busy funding worthwhile programs in town. He stated that they sponsored a six week yoga session for the community and thanked the Library for being very helpful in advertising and helping with resident sign-ups. He thanked Jennifer Keleman from the Library for helping with the fair at high school called "Have a Heart". The program offered information about heart disease prevention, heart health and the dangers of drug use and how it affects the heart. Library Director, Daragh O'Connor was involved in a wonderful fundraiser with the support of the Police Department at Habit Burger. He also announced that the major fundraiser for the Alliance is the River Edge Walk which provides partial funding throughout the year. Councilman Papaleo hopes that residents will participate in the walk or the run on Saturday, April 18th.

Mayor Moscaritolo - River Edge Ambulance Service - reported that he assisted the Historic New Bridge Landing Park Commission towards the eventual dismantling of the PSE&G substation. He attended a meeting at the County Engineer's office because there was an issue regarding the movement of the old equipment off of the substation as well as transportation of the larger equipment. The Mayor also reported that the Freeholders finally granted the Borough's request to lower the speed limit on Kinderkamack Road from 35 to 30 mph. Although they had originally

requested the speed limit be lowered to 25, he is happy that they agreed to a reduction. The Mayor feels that the reduction in the speed limit came at a good time because we just found out that we've been awarded a \$315,000 DOT grant for the Safe Streets to Schools Program which will add improvements to areas around Cherry Hill and Roosevelt Schools. The Mayor reported that there was a preliminary meeting this morning which was attended by Alan, the Mayor, Bob Costa, a representative from the DOT and Capital Alternatives to discuss complying with the requirements for federal regulations and record keeping for the grant. We also received an \$800,000 grant for street scape improvements on Kinderkamack Road and River Edge Road by the train station. The grant will be used toward Phase 3 of the project to join all the sections of Kinderkamack Road with new streetscapes and lighting. One of the requirements is to have a committee to decide the scope of work. Because it involves pedestrian improvements and streetscapes, he suggests that we appoint the Traffic & Safety Committee to act in this capacity and determine how this money should be spent. Pat Salvati, the Business Administrator from the River Edge Board of Education was invited to the meeting to get her input regarding the street improvements. Through the process of working with the Traffic & Safety Committee and the Board of Education they will come up with bid specifications to go out to bid. The Mayor also explained that Mr. Costa has almost completed the design for discretionary aid for sidewalks on Midland Avenue by the Middle School and hopes to go out to bid soon so they can start the project when the weather gets warmer. The Mayor feels that if we show the DOT that we're making progress with this \$150,000 grant, it will increase our score if we apply for additional discretionary aid. He would like to invite Capital Alternatives to a meeting to give the Mayor and Council their ideas for grant opportunities. One opportunity that they mentioned is at the foot of Tenney Avenue where it winds around over the railroad tracks. The poor condition of the guardrail has been brought to their attention by DPW and the Mayor thought it might be a good grant opportunity instead of taking it out of the budget.

ORDINANCES - 1ST READING - NONE

ORDINANCE - 2ND READING -

Stephanie Evans, Borough Clerk read the title or Ordinance #1817 as follows:

Ordinance #1817 - AN ORDINANCE AMENDING CHAPTER 416, ZONING, ARTICLE VIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

Ordinance #1817 was introduced by Councilwoman Murphy, seconded by Councilman Papaleo at the January 5, 2015 Reorganization Meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1817

AN ORDINANCE AMENDING CHAPTER 416, ZONING, ARTICLE VIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, that § 416-36.1, Multifamily and Senior Citizen Housing Conditional Use District, is hereby amended to read as follows:

- A. Procedure. Pursuant to N.J.S.A. 40:55D-1 et seq., the Planning Board may grant conditional uses as herein permitted. Application for a conditional use site plan shall be made in accordance with procedures set forth in the Municipal Land Use Law and Chapter 350 of The Revised General Ordinances of the Borough of River Edge, and the Planning Board shall act on the application in accordance with said procedures. In reviewing an application for any conditional use as herein provided, the Planning Board may impose such conditions and safeguards as it deems appropriate with respect to, among other matters, the minimizing of traffic congestion by appropriate arrangements of entrances and exits to assure public safety. The requirements for conditional uses shall take precedence over any regulations for the zone in which said use is located and all other regulations are area and bulk standards, not conditional use standards.

B. Multifamily residential dwellings shall be a permitted conditional use in Block 1005, Lots 6.01 through 12, and Block 1302, Lots 1, 2 and 3, provided that the proposed use complies with the conditions set forth in section C contained herein and upon issuance of an authorization therefor from the appropriate approving authority.

C. Multifamily residential dwellings shall be permitted as a conditional use in accordance with the following conditions:

- (1) Any multifamily dwelling proposed under this section shall include ten (10%) percent senior citizen occupancy which means that occupancy of ten (10%) percent of the units must be by families or individuals, one or more of whom is a minimum of 55 years of age. In addition to occupancy by at least one senior citizen, no individual younger than 19 years of age shall be permitted to permanently reside in any such unit.
- (2) A multifamily dwelling must have a minimum lot area of 80,000 square feet.
- (3) The maximum permitted density for a multifamily residential dwelling shall be one dwelling unit for each 1,175 square feet of property.

D. In addition to the conditional use requirements of this district, all proposals shall comply with the following area and bulk regulations and design standards:

(1) Bulk Regulations

- (a) Minimum lot frontage along a county or municipal road: 250 feet.
- (b) Minimum front yard/county roads:
 - [1] for buildings: 40 feet.
 - [2] for canopies and/or porte-cocheres: 20 feet.
- (c) Minimum setbacks from side lot lines shall be 20 feet and 60 feet maximum for both side yards.
- (d) Maximum building coverage: 33% of total site area.
- (e) Maximum total impervious coverage: 80% of total site area.

(2) Building Requirements.

- (a) Maximum building length along a county road: not to exceed 80% of frontage width.
- (b) Extensions into the required setbacks from buildings to streets and external lines shall be permitted only as follows:
 - [1] By eaves with an overhang of not more than two feet.
 - [2] By rainwater leaders, windowsills, chimneys and other such fixtures.

[3] By bay windows not more than 12 feet wide and for a depth not to exceed two feet.

(c) Maximum building height:

[1] Fronting on a county road: four stories and no more than 45 feet above grade at the front foundation line. In addition, a decorative parapet or other architectural elements can be used, provided they do not exceed an additional five feet above the roofline and do not occupy more than 20% of the total width of the façade.

[2] Inside development: no more than an average of 65 feet above grade along the rear foundation line as measured at the rear facade of the building. In addition, a decorative parapet or other architectural elements can be used provided they do not exceed an additional five feet above the roofline.

(d) Building Facades. The front and side facades of the building shall be designed to meet the following requirements:

[1] Each facade should be designed to have a delineated floor line between street level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel or a cornice line.

[2] Each facade facing must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, different exterior materials or wall colors, or recessed portions of the main surface of the wall itself.

[3] The vertical articulations shall be a maximum of 30 feet apart and a minimum of one-foot in depth.

[4] The top of the structure, within the first 50 feet of the site shall be capped by a cornice or sloping roof element.

(3) Common open space implementation requirements.

- (a) A minimum of 20% of the development shall be active or passive common open space.
- (b) Buffer areas, wetlands and easements shall be eligible for inclusion in the open space calculation required by this section.
- (c) Active open space may be improved with facilities, buildings and structures for indoor and outdoor recreational activities consistent with the residential character of the development and the lifestyle needs of the residents therein.
- (d) All active open space shall be connected to residential areas with walkways or other reasonable means of access.
- (e) Passive open space shall be that portion of the property which is unimproved and is for the use or enjoyment of the occupants of the residence.

- (4) Off-street parking.
 - (a) Off-street parking spaces shall be provided for each dwelling unit in accordance with New Jersey Residential Site Improvement Standards, and may include garages, parking decks under residential buildings and surface parking lots. The Planning Board shall approve the location of proposed off-street parking spaces in accordance with Chapter 350 of the Borough Code.
 - (b) Parking shall not be permitted in the front yard.
- (5) Circulation. All public streets, internal roadways and private driveways shall be in accordance with the rules of the New Jersey Residential Site Improvement Standards.
- (6) Buffering.
 - (a) The approving authority shall have the power to require buffer zones of at least 6 feet of landscaping. Buffer zone requirements contained in § 416-59B of the Borough Code, except as they govern width, are hereby made applicable. The approving authority shall also be guided by § 350-32 of the Borough Code with regard to landscaping design criteria.
 - (b) Retaining walls shall be permitted in the buffer area provided they are tiered in height every six feet and landscaping is provided between the tiers.
 - (c) Excluded and excepted from the buffer requirements are municipal easements.
- (7) Development subject to applicable Borough ordinances. Any development in the zone district shall be subject to all applicable ordinances of the Borough of River Edge. Where there is any conflict between the provisions of this section and the provisions of the Site Plan Ordinance and/or the Land Subdivision Ordinance, the provisions of this section shall prevail.
- (8) Signs. One sign shall be permitted at the site entrance identifying the development. The sign may have a maximum of two faces, neither face shall exceed 25 square feet.
- (9) Low- and moderate-income housing requirement. A development complying with this ordinance shall be required to assist the municipality in addressing affordable housing obligations in accordance with the following standards.

- (a) Any development pursuant to this ordinance shall provide a presumptive ten percent (10%) set aside of affordable units on site or equal to the number of such units as may be determinable under COAH regulations for inclusionary development at the time of approval by the approving authority. These units shall be used to satisfy the set-aside requirements of C(1) of this ordinance.

SECTION II:

All ordinances inconsistent with the provision of this ordinance are hereby repealed as to such inconsistencies only.

SECTION III:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portions shall not affect the remaining provisions of this ordinance, which shall be severable therefrom.

SECTION IV:

This ordinance shall take effect immediately upon final passage and publication as required by law.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING - Ordinance #1817

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open public hearing on Ordinance #1817.

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

Tom Sarlo, Esq.-explained that there have been some minor revisions since the introduction of this ordinance. He further explained that the minor revisions came from the Planning Board and Mr. Barrett and does not require that we re-introduce the ordinance. He stated that the Mayor and Council can adopt the ordinance with the revisions on the second reading and stated that he has highlighted those revisions.

Tom Barrett, Esq.-thanked them for considering this ordinance because they've been working for over a year and half with the Borough professionals, the Planner and previous Planning Board Attorney in order to make the revisions that appear before them this evening. He explained the reasons for the revisions; one being that economic conditions have not improved and the proposal that was previously approved by the Planning Board turned out to be not feasible to build. He continued to say that the site is a very difficult site due to the steep slope and the cost of preparing the site for any type of development is astronomical. His client went back and met with six professionals to come up with a better plan, a plan that would accommodate the request from the Borough to provide for 10% of the units to be affordable for low/moderate income families and senior citizens. He continued to say that in order to do that, they had to request an increase in the permitted density. The current plan which would be subject to a Planning Board application calls for one building where the previous plan included three buildings. It affords the opportunity to move the bulk of the building away from the Elizabeth Street residents and eliminate any improvements to the easement that currently exists with two of the property owners on Elizabeth Street. The property will be developed in such a way to provide access to the DPW which was always a consideration of the Borough Engineer and the Planning Board so that in case of an emergency they can access the sewer line. The improvements will also provide easy access to the entire building by the Fire Department. The proposed new design will be a "T" shaped building and he explained the benefits of this new design versus the old one. He explained that the increase in density will not result in an increase in school age children because there is going to be a reduction in the two bedroom units down to 36, an addition of 26 one bedroom units and 6 studios. The numbers, not considering the senior citizen section, will remain the same at the high estimate of 11 for the number of school age children from the development. Mr. Barrett explained that the new plan eliminates some of the concerns from residents with regard to the storage of refuse which now will be in doors and they feel that this particular location will attract young people who will be commuting. Over the course of the year, there were changes that were requested by Borough professionals such as consistent sidewalk streetscape and appropriate amount of parking spaces that they tried to accomplish as well.

Mr. Crooks-stated that because of the style of the building and the increased density, they've entered into a tentative agreement with a top developer within the state who will take this on upon adoption of this ordinance. He continued to say that they would do everything from developing, handling of site plans, construction and property management thereafter. They've built over 10,000 units in New Jersey and they own them all. He said that the goal is to be able to put the roof on by the next snow storm which would enable them to do the interior work during winter months. He would like to get on the site plan review committee's calendar right away.

Councilwoman Murphy-asked if they've been in contact with the Fire Department to make sure their trucks will be able to maneuver within the complex.

Tom Barrett, Esq.-stated that typically that occurs during the site plan review. He explained that one of the requirements of the Planning Board is that everything be submitted to the Fire Department, Police Department or other committees involved giving them the opportunity to comment.

Councilwoman Murphy-asked if the language regarding the 10% affordable or senior citizen is interchangeable?

Mr. Crooks-replied, it would be affordable senior.

Mr. Barrett-explained that there is a mandated 10% for seniors as stated in the last section of the ordinance.

Councilwoman Murphy-asked if it's 10% senior and 10% affordable?

Mr. Crooks-stated that it's the same thing, the affordables will be 55 and over.

Councilwoman Murphy-understood that in the original presentation, Mr. Barrett said that there would be no children and now they're saying no more than 11. She asked for clarification.

Mr. Barrett-explained that there will be no children in the senior section but the number is the same as would have been projected for the original 46 two bedroom units.

Councilwoman Murphy-asked how they will determine who will live in what size apartments?

Mr. Crooks-as far as the allocation of the units, 10% must be affordable and age restricted.

Councilwoman Murphy-asked if that could be any combination of the different unit to make up the 10%. Councilwoman Murphy commented on the recent fire in Edgewater and asked if they have plans to build with fire retardant material?

Mr. Crooks-stated that the standards had been increased since that building was put up so he feels that the Fire Department will find that this builder will meet the standards.

Councilman Mignone-stated that since this building will be a higher end building, he asked how that will affect the price points for rents compared to what they told them previously?

Mr. Crooks-stated that the Avalon development in Hackensack was a very good comparable in trying to decide what was the right project for this area. They tried to develop a similar type of building, amenities, bedroom types and finishes.

Councilman Mignone-asked if the increase in the level of quality of the building will price out seniors more so than the original plan?

Mr. Crooks-stated that Avalon sold out very quickly.

Councilman Mignone-asked if he knows how many seniors are in that building?

Tom Barrett, Esq.-stated that it will be regulated by whatever the affordable limits are in terms of the rent. He asked if he's referring to market rent or those particular units?

Councilman Mignone-replied, both. He continued to say that the senior units don't have to be affordable because seniors that may want to move in may not necessarily qualify for affordable housing.

Mr. Crooks-stated that the first thing to do is have it rent stabilized. He continued to say that the goal would be to have most of the units rented out before the project is complete. He feels that if that occurs, the market will dictate the rent. You don't want to price everyone out and end up with a 50% rented property.

Councilman Mignone-has a concern with stipulating the 1.5 parking spaces per unit. He understands that this is governed by the residential site improvement standards and thinks that our ordinance should be written to reflect what the state code is. Our code is not more restrictive and thinks that we have to go with the basics for what the RSIS requires for parking based on their 2 bedroom, 1 bedroom or studio. He doesn't think that we should be writing in our ordinance, a standard that is much lower than what we would normally require on a residential development particularly because this ordinance may be applicable to other parcels in town.

Mr. Crooks-stated that it is a fair point. He explained that they were trying to adhere to the Planning Board's request to remove the parking from the front of the building.

Councilman Mignone-feels that the decision should be made by the Planning Board and not by an ordinance of the Mayor and Council.

Mayor Moscaritolo-asked if the 1.5 off street parking requirement was eliminated from the ordinance and was left to the site plan review process of the Planning Board, would it significantly change the ordinance?

Tom Sarlo, Esq.-replied no, he considers it a de minimus change. He stated that they can vote on the ordinance tonight incorporating that change.

Mayor Moscaritolo-feels that it might be better to remove it from the ordinance and leave it to the Planning Board.

Councilman Acquafredda-asked Mr. Barrett what or who is the source of stating that this project will not contribute more than 11 students to the

River Edge and River Dell school systems?

Tom Barrett, Esq.-stated that the total projected number of students is 11 and the source is the testimony that was given several years ago from a professor from Rutgers. His formula was used by the firm of Kauker & Kauker, who applied this formula to these units. We don't have the figures with the 10% set aside, we only have the figures if there was nothing set aside for seniors.

Mr. Crooks & Tom Barrett, Esq.-explained how they came up with that figure.

Councilman Acquafredda-stated that his concern is that none of the people who came up with this formula live in River Edge and don't understand what a great school system we have. He feels that many people move to River Edge because of the school system. Councilman Acquafredda explained that as an architect, he always designs for the worst condition and in this instance, the worst condition could be that this development could bring as many as 46 students into our school systems. He has difficulty relying on a formula based on non-descript criteria that has very little to do with River Edge.

Tom Barrett, Esq.-responded that when the initial discussion concerning the ordinance took place in 2011 or 2012, there was data submitted to the Mayor and Council taking into account all of the condominium units in town which was 90 units. The 90 units generated 30 students. He explained that all of the condominiums, which are actually townhouses, are 3 bedroom units and feels that because they are proposing 2 bedroom, 1 bedroom and studio units, they wouldn't even be near that .3 that currently exists among the townhouses in town. He explained that the number is a constant because the same number was obtained in 2000 or 2002 when he made the same request to the local and regional boards for the number of students who lived at certain addresses.

Councilman Acquafredda-again stated that he would rather look at the worst case scenario.

Tom Barrett, Esq.-stated that this is real data not speculation.

Councilman Acquafredda-stated that they will be continuing this conversation when they get to the Planning Board.

Councilman Papaleo-asked if they plan on installing sprinkler systems in void spaces to maintain the highest level of safety.

Mr. Crooks-replied absolutely yes, because they want this development to be around forever.

Councilwoman Busteel-stated that when Mr. Barrett mentioned the putting a request in for addresses ad demographic information, she doesn't recall hearing about the apartments. She asked if they were included or did they just ask for the condominium and/or townhouse addresses?

Mr. Barrett, Esq.-replied, just the townhouses.

Councilwoman Busteel-asked why?

Tom Barrett, Esq.-stated that at the time, they were going to be "for sale units" not rentals and the townhouses were the closest comparable to the proposed development.

Councilwoman Busteel-agrees with Councilman Acquafredda's comments that River Edge is unique in that people come here to go to our schools. She doesn't think it's that important how many bedrooms they have for how many children that necessarily occupy those units. She feels that leaving out that data is a mistake.

Tom Barrett, Esq.-explained that part of the criteria also is that the more expensive the unit, the fewer children there are. Again, the data shows 11 students and that is based upon the high end. He again stated that they have confidence in the numbers that they came up with. He doesn't think it's reasonable to assume that there is going to be four times as many as they're projecting.

Councilman Mignone-stated that this lot is zoned residential to begin with and has been previously approved for a ten lot sub-division. There was still potential for at least 20 or 30 children coming out of that plus we would have had another street that the Borough would have to dedicate and take care of. He said that he doesn't disagree with what's been said but in this particular case, the lot was approved for subdivision so they need to take that into consideration when looking at this particular lot.

Gregg Cariddi-193 Wayne Avenue-commented that as a life-long resident of River Edge he would suggest that their experts stand at the corner of Bogert and Howland Avenue at 3:00 and watch the number of school age children who walk southbound into the apartments. He continued to say that as a first responder, he knows first hand the amount of children that are packed into the apartments, whether it be in a one or two bedroom unit. He also feels that the number of parking spaces will not be sufficient because most families around town have two cars and if there isn't enough parking, they will look to park on other streets in town.

Paolo Cilia-685 5th Avenue-commented on the data that was taken regarding school age children in the townhouses and feels that because the townhouses pay property taxes, they are basically paying for themselves where the

renters are not. Mr. Cilia doesn't feel that another apartment complex will benefit the town and also feels that these statistics don't necessarily apply to River Edge.

Deborah Goetz-100 Elizabeth-asked if there has been any contact with New Jersey Transit to see what can be done to accommodate additional commuters? Tom Barrett, Esq.-replied, no not at this point. He said that they can certainly bring it to their attention.

Deborah Goetz-stated that as a commuter, she feels that it is an important factor because it will impact surrounding residents.

Councilwoman Murphy-asked Ms. Goetz if she has noticed an increase in bus ridership since the Avalon development was built?

Deborah Goetz-replied, yes. She also asked what assurances they will have with regard to flooding, drainage, etc.

Tom Barrett, Esq.-explained that all of those issues will be examined at the Planning Board level. He is sure that Mr. Costa, the Borough Engineer will insure that all of the water is contained on site or disposed of properly to make sure there is no flooding that would affect any of the neighbors.

Deborah Goetz-stated that in the ordinance it mentions out-door amenities and asked if that meant a pool or tennis courts?

Tom Barrett, Esq.- replied there is no pool or tennis courts and he feels that it applies to the open space.

Deborah Goetz-asked if there would be a parking garage?

Mr. Crooks-stated that there would be surface parking.

Deborah Goetz-asked if consideration would be given to prohibit someone from having their car idling next to a property on Elizabeth Street?

Mr. Crooks-replied that they intend to install fencing and landscaping around all sides of the property to obscure the view from surrounding residences.

Deborah Goetz-asked if the Planning Board meeting is scheduled?

Mayor Moscaritolo-explained that the action that the Council takes this evening will not approve the project, it will only, if the ordinance passes, allow the developer to submit the project to the Planning Board.

Councilman Mignone-explained that even if this ordinance does not pass, the prior ordinance will still be in existence.

Mayor Moscaritolo-explained that currently there is an ordinance for a project that was approved for 46 two bedrooms units that has no COAH requirement and no senior citizen component which could increase the school population substantially. This ordinance would reduce the number of 2 bedroom units, add a COAH and senior housing requirement.

Joseph Dunsay-151 Concord Drive-feels that this ordinance is not organic and would be more comfortable if they approved an ordinance that would benefit the entire town instead of one neighborhood. He suggests that the age restriction be removed and feels that they need more housing to address the needs for low income families.

Alphonse Bartelloni-719 Oak Avenue-stated that he received a letter from the River Edge Board of Education about a meeting to discuss the enrollment problem and the placement of kindergarten and fourth grade children. He continued to say that the added problem will be where they will house the additional children that are generated from this development. He feels that if it gets to the point that they need to build an additional school, it will increase the cost significantly. He urged the Mayor and Council to seriously take into consideration, not just the cost of educating children but where they will actually educate them before making a decision.

Mr. Crooks-thanked everyone for their comments and stated that their main concern was to have less of an impact on the schools and increase tax revenues for the town. They were trying to become a better partner to the town by creating this development.

Joseph Chang-290 Kinderkamack Road-stated that he lives on one of the lots and asked if he would be compensated if the project goes through?

Mayor Moscaritolo-clarified to Mr. Change that he owns property located within the overlay zone which would allow multi-family developments. The Mayor explained that what that means is that he and his adjoining neighbors could possibly redevelop their properties along the same lines as this property.

Joseph Chang-asked if his property would be affected at all?

Mayor Moscaritolo-replied, no.

Paolo Cilia-disagreed because he feels that the surrounding property values would go down. He also asked why they can't commit to 10% for seniors only? He feels that they should provide the exact number of units that will be put aside for seniors.

Mayor Moscaritolo-stated that the ordinance is clear that the 10% for senior citizens will be affordable housing. The Mayor stated that it means that if a senior citizens wants to down size from their present home in River Edge and remain in town, they can move into a development like this with senior affordable units.

Paolo Cilia-still feels there should be a specific number designated for senior citizens and should not be combined with low income families.

Mayor Moscaritolo-replied, that's what it says.

Councilman Mignone-explained that there are two components; 10% of the units have to be allocated for seniors and the other 10% is a COAH requirement.

CLOSE PUBLIC HEARING - Ordinance #1817

Motion by Councilwoman Murphy, seconded by Councilman Mignone to close public hearing on Ordinance #1817.

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

Motion by Councilman Mignone, seconded by Councilwoman Murphy to **amend** the ordinance to change Section D (4) for parking and take out the first sentence and insert something that states that the parking requirements shall be in accordance with the residential site improvement standards.

Tom Sarlo, Esq.- clarified that they will keep the original language that was in the ordinance when it was originally introduced. He said that he will change the ordinance that's in front of them which will revert back to what was originally introduced.

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

ADOPTION - Ordinance #1817

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to adopt Ordinance #1817.

Mayor Moscaritolo-feels that this is an improvement to what is currently on the books because it adds the required COAH elements and much needed affordable senior housing. Mayor Moscaritolo asked for a roll call.

Councilwoman Busted-stated that she wanted to acknowledge that the developer has made efforts to what they believe will reduce the impact, but she feels that the impact will be a far greater negative than a positive so she's voting no.

Councilman Mignone-stated that he feels that this ordinance is an improvement over the last version and is taking into consideration that this lot can be sub-divided and made into many single family dwellings. He feels that this mitigates the potential impacts from this proposal. He voted yes.

Councilman Acquafredda-stated that by voting yes on this ordinance, which he also feels is an improvement over the existing ordinance, we're not in any way, shape or form approving the project. For that reason alone, he will vote yes.

Councilman Papaleo-stated that for the same reasons that were given by Councilman Mignone and Councilman Acquafredda, he votes yes.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes; Councilwoman Busted voted no, Councilman Cappola was absent.

Stephanie Evans, Borough Clerk read the title of Ordinance #1824 as follows:

Ordinance #1824 - AN ORDINANCE OF THE BOROUGH OF RIVER EDGE AMENDING AND SUPPLEMENTING CHAPTER 1 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE FOR THE CREATION AND ESTABLISHMENT OF THE SENIOR CITIZENS OF RIVER EDGE ORGANIZATION

Motion by Councilman Mignone, seconded by Councilwoman Murphy at the March 2, 2015 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1824

AN ORDINANCE OF THE BOROUGH OF RIVER EDGE AMENDING AND SUPPLEMENTING

CHAPTER 1 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER
EDGE FOR THE CREATION AND ESTABLISHMENT OF THE SENIOR CITIZENS OF
RIVER EDGE ORGANIZATION

WHEREAS, the Borough of River Edge is a municipal entity organized pursuant to the laws of the State of New Jersey; and

WHEREAS, those residents of the Borough of River Edge who have reached the age which is commonly referred to as making that person a "Senior Citizen" are one of the greatest asset to the Borough and its history, culture, and prosperity; and

WHEREAS, the Mayor and Council of the Borough of River Edge are keenly aware that Senior Citizens have concerns which are occasionally separate and apart from the general population within the Borough of River Edge; and

WHEREAS, the Mayor and Council of the Borough of River Edge hereby declares a need for the creation and establishment of the Senior Citizens of River Edge ("SCORE") organization; and

WHEREAS, the Mayor and Council of the Borough of River Edge hereby declares that this Ordinance is necessary for the protection and promotion of the health, welfare and safety of the Borough of River Edge and its residents and guests:

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

1. Creation: There is hereby created and established within the Borough of River Edge an organization known as Senior Citizens of River Edge ("SCORE"), which is established for the fellowship, recreation, sponsoring and scheduling of educational and social programs for the Senior Citizen population within the Borough of River Edge.

2. Membership Requirements: In order to join SCORE, eligibility shall consist only of residents of Bergen County, New Jersey who are a minimum of sixty (60) years of age.

3. Election of Officers: Members of SCORE shall elect from its membership a President, Vice President, Secretary and Treasurer. A member must be a River Edge resident to hold an elected office. The members of SCORE shall hold an organization meeting within sixty (60) days following the adoption of this ordinance. At the organization meeting, the membership shall elect officers.

4. Bylaws: The membership shall adopt bylaws that establish a code of conduct, rules and regulations for its meetings, operations and election of officers. At the organization meeting, the membership shall adopt bylaws. The bylaws shall not be inconsistent with the terms and provisions of this chapter, which shall be subject to the approval of the Borough Council. Copies of any duly adopted and approved bylaws shall be filed with the Borough Clerk.

5. Council Liaison: The Council shall appoint annually two (2) members of the council to serve as a liaison to SCORE. The liaison shall report regularly to the Mayor and Council as a whole the activities and recommendations of SCORE. The council liaisons shall not be a voting member of SCORE unless they are a member of SCORE.

6. Annual appropriations: The Mayor and Council shall annually fix, determine and appropriate a sum sufficient for expenses of SCORE.

7. Repealer: Any portion(s) of the Borough Code inconsistent herewith is (are) repealed.

8. Codification: This Ordinance shall be part of the Borough of River Edge's Municipal Code as though codified and fully set forth therein. The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the River Edge Municipal Code.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk
Dated:

OPEN PUBLIC HEARING - Ordinance #1824

Motion by Councilwoman Murphy, seconded by Councilwoman Busted, to open hearing on Ordinance #1824.

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

June Morris-211 Voorhis Avenue-stated that after reading the ordinance, it states that officers shall serve a term of one year and after reading the bylaws, they state two years. She asked for clarification.

Tom Sarlo, Esq.-explained that they haven't adopted the bylaws yet. He further explained that they were proposed bylaws which were prepared well before the ordinance.

June Morris-stated that she is on the board of the Women's Club and their bylaws have a two year term for officers. She feels that one year is not enough time to get things accomplished.

Mayor Moscaritolo-stated that's why it says one year because during the first year, SCORE is going to adopt bylaws. The bylaws that they want to adopt may say two years, three years or whatever they want.

June Morris-feels that most bylaws state two years.

Mayor Moscaritolo-explained that they can put in anything that the membership chooses to adopt. To get the process moving, we're putting in that the officers will be appointed for one year.

Councilwoman Murphy-suggested that wording such as "with the option to continue" be added.

Councilman Mignone-suggested that they just take it out.

Mayor Moscaritolo-stated that the membership can do whatever they want.

CLOSE PUBLIC HEARING - Ordinance #1824

Motion by Councilwoman Murphy, seconded by Councilman Mignone to close public hearing on Ordinance #1824.

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

Motion by Councilwoman Busted, seconded by Councilwoman Murphy to **amend** the ordinance by removing the sentence "All shall be elected for a term of one year" in 3. Election of Officers.

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

ADOPTION - Ordinance #1824

Motion by Councilwoman Murphy, seconded by Councilwoman Busted to adopt Ordinance #1824 as amended.

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

Stephanie Evans, Borough Clerk read the title of Ordinance #1825 as follows:

Ordinance #1825 - BOND ORDINANCE TO AMEND SECTION 5 OF THE BOND ORDINANCE (ORD. NO. 1806) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,330,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED APRIL 21, 2014.

Ordinance #1825 was introduced by Councilwoman Murphy, seconded by Councilman Mignone at the March 2, 2015 meeting as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1825

BOND ORDINANCE TO AMEND SECTION 5 OF THE BOND ORDINANCE (ORD. NO. 1806) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,330,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED APRIL 21, 2014.

BE IT ORDAINED by the Borough Council of the Borough of River Edge, in the County of Bergen, State of New Jersey, as follows:

Section 1. Section 5 of Ordinance No. 1806 entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,330,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

adopted by the Borough Council of the Borough of River Edge, in the County of Bergen, New Jersey (the "Borough") on April 21, 2014 (the "Prior Ordinance") is hereby amended to increase the amount of the cost of the purposes authorized in the Prior Ordinance estimated to be used for non-construction expenses from \$51,100 to \$81,100 (an increase of \$30,000), and shall hereafter read as follows:

"Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$81,100 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law."

Section 2. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 3. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING - Ordinance #1825

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open public hearing on Ordinance #1825.

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

CLOSE PUBLIC HEARING ON THE ORDINANCE - Ordinance #1825

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilman Mignone to close public hearing on Ordinance #1825.

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

ADOPTION - Ordinance #1825

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adopt Ordinance #1825.

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

RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve resolution #15-123 and #15-124, #15-126 through #15-133.

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

#15-123 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 April 6, 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.

March 16, 2015

#15-124 Resolution Approving Right of Way Use and Authorization to Enter

into a Right of Way Use Agreement with Cross River Fiber

WHEREAS, Cross River Fiber of NJ, Inc. ("Cross River Fiber") has been approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE12040297 on June 18, 2012. Pursuant to such authority granted by the Board, Cross River Fiber may locate, place, attach, install, operate and maintain facilities within the municipal rights-of-way for purposes of providing telecommunications services; and

WHEREAS, Cross River Fiber seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the public rights-of-way within the Borough of River Edge, County of Bergen for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain consent of the Borough of River Edge for the joint use of any use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right-of-way, or gross receipts fee, tax, levy or assessment against telecommunications companies but a municipality may impose reasonable fees for actual services incurred by any municipal, regional or county governmental agency; and

WHEREAS, upon adoption of this Resolution, the Borough of River Edge and Cross River Fiber shall enter into a Rights of Way Use Agreement prepared and/or reviewed by the Borough Attorney, which shall be consistent with this Resolution; and

WHEREAS, pursuant to N.J.S.A. 54:3A-124, the Borough shall impose a reasonable fee for the services of its Borough Attorney of Five Hundred Dollars (\$500.00); and

WHEREAS, it is in the best interests of the Borough of River Edge to grant consent to Cross River Fiber; and

WHEREAS, the consent granted herein is for the non-exclusive use of the public rights of way within the Borough of River Edge for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications systems subject to the terms and conditions of a Use Agreement that shall be entered into between the Borough of River Edge and Cross River Fiber; and

NOW THEREFORE BE IT RESOLVED, in consideration of the mutual covenants and obligations hereinafter set forth, that the Borough of River Edge is hereby authorized to grant Cross River Fiber a non-exclusive use of the public rights of way for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk and other necessary Borough officials are hereby authorized to execute and deliver the Rights of Way Use Agreement and execute all other documents to effectuate this Resolution.

March 16, 2015

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to approve resolution #15-125.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteded, Councilman Acquafredda and Councilman Papaleo voted yes; Councilman Mignone abstained and Councilman Cappola was absent.

#15-125 Establish Eligibility List for Promotion in the Police Department for the Rank of Sergeant

WHEREAS, the Governing Body of the Borough of River Edge

established a Police Promotional and Recruitment Policy via Ordinance #1332 dated April 16, 2001; and

WHEREAS, a series of examinations and evaluations were conducted in accordance with the above said policy among candidates in the Borough of River Edge Police force seeking the position of Sergeant; and

WHEREAS, the Mayor and Council at work session meetings on October 6, 2014, October 20, 2014, January 20, 2015 and February 2, 2015 reviewed the testing and evaluation results.

NOW, THEREFORE, BE IT RESOLVED that the promotional list for the position of Sergeant in the Police Department of the Borough of River Edge is hereby established from among the enumerated candidates who participated in the promotional procedure, and that this promotional list shall be effective until March 16, 2016 Midnight.

BE IT FURTHER RESOLVED that the candidates shall be offered the position of Sergeant in the following order:

1. Patrol Officer Joseph Starost
2. Patrol Officer Craig Casey
3. Patrol Officer Marc Abate
4. Patrol Officer Michael McGinty
5. Patrol Officer Dennis Griffith
6. Patrol Officer Joseph Zemaites

March 16, 2015

#15-126 Amend Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the Installation of Barrier Free Curbs at Various Crosswalk Locations in the Borough on Kinderkamack Road

WHEREAS, there exists a need for expert professional engineering services related to the Installation of Barrier Free Curbs at Various Crosswalk Locations in the Borough on Kinderkamack Road; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Robert Costa, Borough Engineer via resolution #14-205 dated May 5, 2014 in the amount of \$15,000.00 and

WHEREAS, additional funding is required for professional services for design and inspection related to the Installation of Barrier Free Curbs at Various Crosswalk Locations in the Borough on Kinderkamack Road; and

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 \$30,000.00;

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service may exceed \$17,500.00; 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, 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 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 \$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 \$30,000.00; 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.

March 16, 2015

#15-127 Authorize Severance and Accumulated Absence Payments to Thomas Schick

WHEREAS, Thomas Schick, Equipment Operator I, has submitted a notification that he will separate as an employee of the Borough of River Edge on March 31, 2015; and

WHEREAS, Section V, Subject 1 of the Personnel Policy and Procedure Manual of the Borough of River Edge states that the Municipal Governing Body shall approve all payments for accumulated absences and other severance payment; and

WHEREAS, Article 10 of the contract with the members of Local 108, Public Employee Division, RWDSU, Blue Collar Unit provides for the payment of any unused vacation due him in that calendar year; and

WHEREAS, Ordinance #585 as amended provides for severance pay when an employee serves the Borough after twenty (20) years or more of continuous service; and

WHEREAS, a certification by the Chief Financial Officer in accordance with N.J.A.C. 5:30-15.4 has been received and is on file with the Borough Clerk, in the amount of \$21,855.93.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of River Edge that the Chief Financial Officer and the Finance Department are hereby authorized to make payment to Thomas Schick for any amounts due for accumulated vacation, Ordinance #585 or other time as certified by the Chief Financial Officer.

March 16, 2015

#15-128 Transfer of Funds in the Budget Appropriation Reserve

WHEREAS, various 2014 bills have been presented for payment this year, which bills were not covered by a purchase order number and/or recorded at the time of transfer between the 2015 Budget Appropriation Reserve in the last two months of 2014; and

WHEREAS, N.J.S. 40A4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months on the succeeding

year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that the transfer in the amount of \$5,000.00 be made between the 2015 Budget Appropriation Reserves as follows:

FROM: Public Works Repair S/W	01-2030-26-2901-011	\$5,000.00
TO: Bus S/W	01-2030-27-3311-011	\$5,000.00

March 16, 2015

#15-129 Extend Contract for Emergency Repairs and Maintenance of the Water Main and/or Storm Sewer Repairs to Montana Construction Corp., Inc.

WHEREAS, a bid was awarded to Montana Construction Corp., Inc. for Emergency Repairs and Maintenance of Water Main and/or Storm and Sanitary Sewer Repairs via resolution #13-159 on April 1, 2013; and

WHEREAS, the resolution stated that the contract shall be in effect from April 1, 2013 to March 31, 2015; and

WHEREAS, N.J.S.A. 40A:11-15 allows that a contract may be extended by mutual agreement of the parties to the contract when the contracting unit has commenced rebidding prior to the time the contract expires; and

WHEREAS, the Borough of River Edge is a member of the Riverside Cooperative (RC-35); and

WHEREAS, and the Riverside Cooperative is currently preparing bid documents to bid the contract for the next contract period. The Borough of Northvale (lead agency) is planning on opening bids at the end of March 2015 and will not be able to award prior to March 31, 2015 expiration date; and

WHEREAS, Montana Construction Corp., has agreed to extend the contract date to April 30, 2015; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge agree to extend the March 31, 2015 expiration to April 30, 2015.

March 16, 2015

#15-130 Authorize Tax Collector to Refund 2010 and 2011 Taxes Due to a New Jersey Tax Court Judgment

WHEREAS, a Tax Court Judgment was entered 1/16/15 and the same was received on 2/11/15 by the tax office reducing the Assessed Value on the property owned by Stechmann/Wisse/PNC Bank, known as Block: 206 Lot: 4 located at 915 Kinderkamack Road for the year 2010 and 2011; and

WHEREAS, the 2010 and 2011 taxes were paid in full.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor issue a check in the following amount and Tax Collector adjust her records accordingly.

BL/Lot	Old Value	New Value	Year	Refund
206/4	2,100,000	1,750,000	2010	\$ 8,977.50
206/4	2,100,000	1,750,000	2011	\$ 9,348.50
Total:				\$18,326.00

Make check payable to: Stechmann/Wisse/PNC & Garippa, Lotz & Giannuario

Mail check to: Garippa, Lotz & Giannuario
66 Park Street
Montclair, NJ 07042

March 16, 2015

15-131 Authorize Tax Collector to Refund 2013 Taxes Due to a New Jersey Tax Court Judgment

WHEREAS, a Tax Court Judgment was entered 1/16/15 and the same was received on 2/11/15 reducing the Assessed Value on the property owned by Yolanda Doerr known as Block 706, Lot 32 located at 484 Fifth Avenue for the year 2013; and

WHEREAS, the 2013 taxes are paid in full.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor issue a check in the following amount and Tax Collector to adjust her records accordingly.

<u>Bl/Lot</u>	<u>Tax Year</u>	<u>Old Value</u>	<u>New Value</u>	<u>Refund</u>
706/32	2013	373,000	340,000	\$1,033.56

Make check payable to: Yolanda Doerr
484 Fifth Avenue
River Edge, NJ 07661

March 16, 2015

#15-132 Authorize Tax Collector to Refund a 1st Quarter 2015 Tax Overpayment

WHEREAS, a 1st Quarter 2015 overpayment was received on 847 Bogert Road from Consolidated Title Group, LLC, the closing agent of the property owned by Alejandro & Kristin Gomez; and

WHEREAS, the tax office has received a written request to refund the overpaid amount to Consolidated Title Group, LLC.

NOW, THEREFORE, BE IT RESOLVED that the Account Supervisor is hereby authorized to issue a refund check in the following amount and the Tax Collector to adjust her records accordingly.

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
114/12	Alejandro & Kristin Gomez 847 Bogert Road River Edge, NJ 07661	\$2,536.50

Make check payable to:

Consolidated Title Group, LLC
18 Bullard Drive
Lavallette, NJ 08735

March 16, 2015

#15-133 Authorize Tax Collector to Cancel 2014 Tax Balances Under \$10.00

WHEREAS, N.J.S.A. 40A-17.1 provides that the Governing Body of the Municipality may, by resolution, authorize cancellation of

property taxes up to \$10.00; and

WHEREAS, the following properties are showing open balances in the 2014 tax year in the following amounts.

THEREFORE, BE IT RESOLVED, that the Tax Collector is authorized to cancel the following balances and adjust her records accordingly.

<u>Block/Lot</u>	<u>Cancel Overpaid</u>	<u>Cancel</u>	<u>Delinquent</u>
115/11			.01
208/7		.01	
806/13			.87
1103/54		<u>.01</u>	
	Total:		.90

March 16, 2015

Councilman Mignone read resolution #15-135 into the record.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #15-135.

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

#15-134 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	\$1,101,229.16
CAPITAL ACCOUNT	\$ 1,162.50
RECREATION ACCOUNT	\$ 1,584.67
ANIMAL WELFARE ACCOUNT	\$ 209.40
TRUST OTHER ACCOUNT	\$ 2,480.52
TRUST OTHER DEVELOPERS ACCOUNT	\$ 1,940.00

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 times claims would be paid.

March 16, 2015

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to approve resolution #15-135.

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

#15-135 Authorize the Cancellation of 1st Quarter 2015 Taxes on a Property

WHEREAS, the 1st Quarter 2015 taxes remain outstanding on the property known as Block 815, Lot 18 located at 478 Windsor Road; and

WHEREAS, the total 1st Quarter tax balance amounts to \$39.40.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of River Edge, that the Tax Collector is hereby authorized to cancel the amount of \$39.40 from the tax records for the tax year 2015.

<u>Block/Lot</u>	<u>Location</u>	<u>Amount to Cancel</u>
815/18	478 Windsor Road	\$39.40

March 16, 2015

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 Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes; Councilman Cappola was absent.

Tony Arturi-171 Manning Avenue-stated that with regard to the 24 hour ordinance, he feels that the ordinance that we have in place now should stay in place. He said that we don't have a thriving business community and feels that it's too late "to move the goal posts" for the 711 after they've gone through the Planning Board process. He also feels that we will be sending a bad message to other potential businesses that might want to come into town in the future.

Joseph Dunsay-agrees with Mr. Arturi's statements. Mr. Dunsay reported that at the last Environmental Commission meeting, although they didn't have a quorum they did decide to have a bike ride which will be held in Van Saun Park on March 29th at 2 p.m. starting at the zoo entrance. He informed everyone that he reached out to the Mayor and Council of Hackensack to propose his idea of putting in a bike path starting by Target in Hackensack and going through River Edge. Mr. Dunsay that he spoke with the Hackensack Riverkeeper about extending the Hackensack River walkway into Oradell. He asked the Mayor and Council what they thought of that idea?

Alan Negreann-explained that Charles Matson from the County, circa 1985 made the same proposal to the governing body at that time and explained that the idea has been around for many years.

Adam Herbst-13B Colonial Court-understands that the 711 has gone through a lot of work to get to where they are now and agrees with Mr. Arturi's comments that moving the goal post at this time would be unfair. Mr. Herbst stated that this is a balancing issue in that we want to bring in businesses but at the same time it affects the quality of life. He asked that in the future, if anything is considered regarding the 24 hour issue that they take that all of that into consideration.

Diana Janos-Community Manager for the Millbrook Village Townhouse Association-stated that she is following up on a letter that the Association received in August with regarding the paving project coming up this year and asked if the Borough Engineer could evaluate the entrance to the townhomes and place it on the list to be re-paved this year.

Alan Negreann-explained that it is on the list for this year's Riverside Cooperative Paving Program. He clarified that it's just the entrance that will be repaved.

Diana Janos-asked if Councilwoman Busted, as a member of the Traffic & Safety Committee, could address at the next meeting, the possibility of adding additional street lighting on the corner going into the development. She said that it's very dark and could be a possible hazard for pedestrians walking in the area.

Councilwoman Busted-responded that a member of the Traffic & Safety Committee is a resident in the development and the topic has been listed under new business.

Deborah Goetz-stated that the traffic on Main Street is very bad especially on the weekends making it difficult for Elizabeth Street residents to make the left hand turn. She understands that Main Street is a county road and asked what steps can be taken to improve the traffic situation.

Mayor Moscaritolo-explained that he and Councilwoman Busted are members of the Traffic & Safety Committee and said that they will ask one of the committee members to take a look at the intersection of Main and Elizabeth. After that, they can make an inquiry to the Borough Engineer to see what he recommends and then make a further inquiry to the County Engineer.

Councilman Mignone-stated that there is a sign there stating "don't block the intersection".

Deborah Goetz-agreed but stated that no one abides by it.

Councilman Mignone-feels that since the sign is there, they should reach out to the Police Chief because it's an enforcement issue. He doesn't think the County will put a traffic signal there.

Councilwoman Busted-also agreed and stated that Police Officer Ariano sits on the Traffic & Safety Committee and she will ask him to take a look at it.

Neal Carroll-321 Wales Avenue-wanted to confirm that it would be a left hand turn going east from Kinderkamack Road towards Hackensack Avenue?

Deborah Goetz-replied, correct.

Joseph Manzelli-789 6th Avenue-agreed with the previous statements that have been made regarding the 24 hour ordinance and suggested they add, if there isn't something in place already, something about the lighting. He would suggest putting in some type of regulation requiring that the lights be dimmed after a certain hour so the bright light isn't shining constantly.

Mayor Moscaritolo-stated that the proposal is to keep the ordinance and make a change so that there are some restrictions when there are businesses that want to open 24 hours within a number of feet of a residential area so that you don't have the sound and bright lights shining in your windows and extra traffic. He thought it was a reasonable restriction.

Joseph Manzelli-stated that if a business can't survive without being open 24 hours, they will shut down.

Mayor Moscaritolo-feels that if a business can't be successful operating from 5 a.m. to midnight, then there's something wrong with the business.

Tony Arturi-feels that the 711 will be the only game in town and suggested possibly approaching them as a good neighbor to do some light calming.

Mayor Moscaritolo-stated that there are ten new stores that will be opening at the south end of town and feels that it's time to make the change. The Mayor stated that Paramus doesn't have a 24 hour ordinance.

Councilman Acquafredda-stated as a point of clarification, he sat on the Planning Board when 711 came before them to get approval for a sidewalk mounted sign. Despite their best efforts, they were told it would be a deal breaker if they didn't get the approval to have the sign lit for 24 hours. The previous Planning Board gave the approval for the lighted sign so at this point he feels it's too late to change it.

CLOSE HEARING OF THE PUBLIC -

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

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

COUNCIL COMMENTS - NONE

Mayor Moscaritolo-thanked members of the public for coming to the meeting and voicing their opinions and concerns because he feels that it makes them better public servants.

ADJOURNMENT - 10:17 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adjourn the meeting at 10:17 p.m.

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

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated: