

M I N U T E S
Regular Meeting of the Mayor and Council
Monday, May 16, 2016
8:00 P.M.

CALL THE MEETING TO ORDER -

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

SILENT PRAYER - FLAG SALUTE

Mayor Mignone called for a moment for silent prayer and asked Councilwoman Busted to lead the salute to the flag.

SUNSHINE STATEMENT -

Mayor Mignone read the statement under the Sunshine Law as follows: "Adequate Notice of this meeting has been made by sending notice on December 18, 2015 to THE RECORD NEWSPAPER, by positioning on the bulletin board in the lobby of the Borough Hall and filing a Notice of the same with the Municipal Clerk".

ROLL CALL - Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busted, Councilwoman Davis, Councilman Papaleo and Mayor Mignone were present; Councilwoman Murphy was absent.

APPROVAL OF MINUTES -

Motion by Councilman Bartelloni, seconded by Councilwoman Davis to approve the minutes of the Mayor and Council work session and regular meeting of May 2, 2016.

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

PROCLAMATIONS & AWARDS - NONE

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

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

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

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

There being no comments by the public, motion by Councilman Bartelloni, seconded by Councilwoman Busted to close public comments on any issue on the agenda.

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

APPOINTMENTS & PERSONNEL CHANGES -

The Mayor appoints former Police Chief Ronald Starace as our Emergency Management Coordinator for a three-year term, effective May 16, 2016. Mayor Mignone spoke in depth about Chief Starace's background and feels that he has a great understanding and appreciation of all of our emergency services.

Alan Negreann, Administrator/CFO-read resolution #16-214 into the record as follows:

#16-214 Appointment of Emergency Management Coordinator

WHEREAS, the Mayor of every municipality in the State of New Jersey shall appoint a Municipal Emergency Management Coordinator as provided by N.J.S.A. 40:69A-95; and

WHEREAS, the Emergency Management Coordinator is responsible for the planning, activating, coordinating and the conduct of Emergency Management operations within the municipality; and

WHEREAS, the Emergency Management Coordinator shall serve for a term of three (3) years.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of River Edge in the County of Bergen, does hereby confirm the Mayor's appointment of Ronald Starace as Emergency Management Coordinator to serve a three (3) year term effective May 16, 2016 through May 16, 2019.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to forward a certified copy of this resolution to the following:

1. County of Bergen Office of Emergency Management
2. State of New Jersey Office of Emergency Management

May 16, 2016

Motion by Councilwoman Busted, seconded by Councilman Bartelloni to approve resolution #16-214.

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

Mayor Mignone administered the Oath of Office to Ronald Starace. Mayor Mignone-thanked Tom Smith who served from 2012 through 2015 as Emergency Management Coordinator and his Deputy, Stu Heinzinger who has served in an acting capacity since the beginning of this year. Stu has agreed to stay on as Deputy until such time that Chief Starace decides to appoint someone else or have multiple Deputy's. The Mayor feels that it would be a good idea to have representatives from each branch of our emergency services in the Emergency Management office. The other thing that they are working on is a Formal Emergency Management Council which has been on the books but has not been updated.

Motion by Councilman Papaleo, seconded by Councilman Bartelloni to approve the hire of Christopher Barkachi, 385 The Fenway, as a Library Page at an hourly rate of \$8.38, 10 hours per week, effective May 17, 2016.

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

Motion by Councilman Papaleo, seconded by Councilwoman Davis to approve the hire of Natalie Chape, 792 Park Avenue as the part-time seasonal Farmer's Market Manager, at an hourly rate of \$18.00 with a six-month probationary period, subject to the adoption of a salary ordinance and resolution.

Councilwoman Davis-had provided the Council with Natalie's resume and feels that she will be a great asset to the Farmer's Market.

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

Letter - PSE&G - 5/5/16
Re: Application to NJDEP-Legalization
of Tidelands for Existing Underground
Electric Transmission Lines Crossing
the Hackensack River
Report - Alan P. Negreann - 5/7/16
Re: Damage to Public Property-5/7/16
Letter - River Edge Exempt Firemen's Associates -
Re: Invite to Memorial Day Parade

MONTHLY REPORTS -

Library Board - May 2016

ORDINANCES - 1ST READING -

Stephanie Evans, Borough Clerk read the title of Ordinance #1862 as follows:

Ordinance #1862 - AN ORDINANCE CREATING A UNIFIED ELECTRONIC REPORTING SYSTEM FOR DEALERS IN PRECIOUS METALS AND OTHER SECONDHAND GOODS

Motion by Councilman Bartelloni, seconded by Councilman Papaleo to approve the first reading of Ordinance #1862 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1862

AN ORDINANCE CREATING A UNIFIED ELECTRONIC REPORTING SYSTEM FOR DEALERS IN PRECIOUS METALS AND OTHER SECONDHAND GOODS

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge:

§ 1 Purpose and Intent

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods without complying with the requirements of this chapter in the exact manner described herein.

§ 2 Definitions

"ACCEPTABLE IDENTIFICATION" means a current valid New Jersey Driver's License or Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

"DEALER" means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

"ITINERANT BUSINESS" means a dealer who conducts business intermittently within the municipality or at varying locations.

"MUNICIPAL CLERK" means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the "city," "town," "township," "village," or "borough."

"PAWNBROKER" means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

"PRECIOUS METALS" means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

"PUBLIC" means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

"REPORTABLE TRANSACTION" means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

"SECONDHAND GOODS" means used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

"SELLER" means a member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

"TRANSIENT BUYER" means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

§ 3 License Requirement for dealers

No person, partnership, limited liability company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in § 2 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for purposes of this chapter. No person, partnership, limited liability company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower-right-hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in § 9.

§ 4 Application process for dealers; approval or denial

- A) Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:
- 1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in § 2 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 - 2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 - 3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
 - 4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by § 6(D) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under § 6(A).
- B) The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- C) The Chief of Police shall, upon completion of the investigation, recommend "grant" or "denial" of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
- D) Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers

or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in § 5, the retention and inspection requirements of § 6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by § 8 of this chapter.

- E) Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- F) No license shall be assignable by the dealer.

§ 5 Identification of seller; recordkeeping requirements for dealers

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A) Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in §2
- B) Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: *"My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."*
- C) Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
 - a. the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
 - b. the name, address, date of birth, and telephone number of the seller or sellers;
 - c. a photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;
 - d. a photographed recording of the seller's presented acceptable identification, as set forth in § 2, in a format acceptable by the Chief of Police;
 - e. a photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;
 - f. the receipt number;
 - g. a detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes,

- shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;
- h. the price paid for the purchase or pawn of the item(s);
 - i. if precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;
 - j. the time and date of the transaction.
- D) The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.
- E) In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in § 6.
- F) It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or other secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in § 6. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

§6 Retention; revocation; other restrictions

- A) All secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in § 5 except for precious metals and jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A. 2C:21-36(d). All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.

- B) Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by § 5(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.
- C) In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in § 5(C).
- D) No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- E) Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to § 9 of this chapter.
- i. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
 - ii. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.
 - iii. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (H).
- F) Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under § 9.
- i. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation

under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.

ii. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police of the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.

G) Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.

H) A dealer shall have the right to change the location of the licensed business within the municipality, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

§ 7 Bond

Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A: 9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the [party municipality], be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

§ 8 Fees; period of license validity

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$300. The annual renewal fee for a license is \$300. These fees are separate from and in addition to any fees the dealer must pay in relation to the mandatory electronic database system

designated by the Chief of Police, as provided by § 5(D) of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

§ 9 Violations and penalties

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in § 6(F) and § 6(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in § 6(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

§ 10 Time limit for conformance; repealer; severability

- A) Any person, partnership, limited liability company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.
- B) All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C) Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.
- D) If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

This ordinance shall take effect immediately after the first publication after final passage as provided by law.

Mayor Edward J. Mignone

Attest:

Stephanie Evans, RMC
Borough Clerk

Dated:

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

Stephanie Evans, Borough Clerk read the title of Ordinance #1863 as follows:

Ordinance #1863 - AN ORDINANCE CREATING A UNIFIED ELECTRONIC REPORTING SYSTEM FOR DEALERS IN SCRAP METAL

Motion by Councilwoman Davis, seconded by Councilman Bartelloni

to approve the first reading of Ordinance #1863 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1863

AN ORDINANCE CREATING A UNIFIED ELECTRONIC REPORTING SYSTEM FOR DEALERS IN SCRAP METAL

§ 1 Purpose and Intent

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering scrap metal by requiring minimum identification, reporting, maintenance, and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of scrap metal without complying with the requirements of this chapter in the exact manner described herein.

§ 2 Definitions

"ACCEPTABLE IDENTIFICATION" means a current valid New Jersey Driver's License or Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

"DEALER" means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates a scrap metal business involving the buying and/or selling of scrap metal as defined herein, including itinerant businesses, and transient buyers as defined herein.

"ITINERANT BUSINESS" means any scrap metal dealer who conducts business intermittently within the municipality or at varying locations.

"MUNICIPAL CLERK" means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the "city," "town," "township," "village," or "borough."

"PUBLIC" means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

"REPORTABLE TRANSACTION" means every transaction conducted between a dealer and a member of the public in which scrap metal is purchased or pawned

"SCRAP METAL" means used, discarded, or previously owned items that consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys.

"SCRAP METAL BUSINESS" means a commercial establishment, which, as one of its principal business purposes, purchases scrap metal for purposes of resale or processing including transient buyers of scrap metal and itinerant businesses, as defined herein.

"SELLER" means a member of the public who sells scrap metal to a dealer.

"TRANSIENT BUYER" means an operator of a scrap metal business, as defined herein, who has not been in the scrap metal business continuously for at least six (6) months at any address in the municipality where the dealer is required to register or who intends to close out or discontinue the scrap metal business within six (6) months.

§ 3 License Requirement for dealers

No person, partnership, limited liability company, corporation, or other entity shall engage in a scrap metal business, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she

has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign regarding the purchase of scrap metal at any location within the municipality shall constitute engaging in business as a dealer of scrap metal within the jurisdiction of the municipality for purposes of this chapter. No person, partnership, limited liability company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such item(s) without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower-right-hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in § 9.

§ 4 Application process for dealers; approval or denial

- B) Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:
- 5) The experience of the applicant in the business of purchase and sale of scrap metal, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 - 6) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 - 7) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
 - 8) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of scrap metal, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by § 6(D) of this chapter will be stored as well as the location where scrap metal goods purchased will be retained during the mandatory inspection period required under § 6(A).
- B) The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.

- C) The Chief of Police shall, upon completion of the investigation, recommend "grant" or "denial" of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
- E) Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a scrap metal business. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in § 5, the retention and inspection requirements of § 6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by § 8 of this chapter.
- E) Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a scrap metal business.
- F) No license shall be assignable by the dealer.

§ 5 Identification of seller; recordkeeping requirements for dealers

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- C) Require of each member of the public selling scrap metal acceptable identification as defined above in § 2
- D) Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: *"My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."*
- C) Record and issue to each person selling scrap metal on a sequentially numbered receipt:
- i. the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
 - j. the name, address, date of birth, and telephone number of the seller or sellers;
 - k. a photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;

- l. a photographed recording of the seller's presented acceptable identification, as set forth in § 2, in a format acceptable to the Chief of Police;
 - m. a photographed recording of all items sold in a format acceptable to the Chief of Police;
 - n. the receipt number;
 - o. a full description of the item(s) purchased, including but not limited to the manufacturer, type, amount, form, model, any identifying marks, numbers, dates, sizes, shapes, initials, monograms, and serial numbers;
 - p. the price paid for the item(s);
 - q. the make, model and license plate of the motor vehicle delivering the scrap metal;
 - r. the time and date of the transaction,
- D) The information outlined in subsection (C) above must additionally be documented through the use of an electronic database software system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase. The information entered must contain all pertinent information outlined in subsection (C) above.
- G) In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in § 6.
- H) It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of scrap metal as well as the articles purchased and, where necessary, relinquish custody of those articles as provided in § 6. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where records and articles will be stored.
- I) For all reportable transactions between a dealer and a member of the public, the dealer may only accept delivery of scrap metal for purchase by motor vehicle and the license plate of the motor vehicle must be recorded as provided in subsection (C) above.
- J) No scrap metal business shall, except as provided in subsection (I) below, purchase:
- i. any metal marked with identification of a telephone, cable, electric, water, other public utility, or other government entity;
 - ii. any utility access or water meter cover;
 - iii. any street light pole or fixture;
 - iv. any road or bridge guard rail;
 - v. an highway or street sign, traffic directional or control sign, or light signal;

- vi. any metal beer keg that is clearly marked as being the property of the beer manufacturer;
- vii. any historical marker, grave marker, or burial vase;
- viii. any central air conditioner evaporator coils or condensers or catalytic converters that are not attached to a vehicle; or
- ix. any metal bleachers or benches.

K) The provisions of subsection (H) shall not apply to purchases of scrap metal from entities who manage such metal in the ordinary course of business. These entities include manufacturing, industrial, government, contractor, individual, or other commercial vendors or scrap metal businesses that generate or purchase or process scrap metal in the ordinary course of business.

§6 Retention; Suspension and revocation; other restrictions

C) All scrap metal purchased by a dealer in a reportable transaction are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in § 5. All scrap metal subject to inspection must remain in the same condition as when purchased and shall not be sold, disposed of, changed, modified, or melted by the dealer until the seven-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased scrap metal is being held.

D) Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by § 5(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.

C) If market conditions would create a hardship on the dealer by holding scrap metal for such period, the dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation may be implemented. The Chief of Police shall have the authority to grant the dealer a waiver of the requirement under this section.

Alternative Paragraph (C): It shall be an affirmative defense to any prosecution or administrative proceeding brought against a dealer for a violation of this section if retention for the time period required would have resulted in serious and substantial economic losses to the dealer, or the probability of such losses was significant due to rapid and highly fluctuating market conditions, provided that the persons so charged shall prove the existence of the market conditions giving rise to the aforesaid defense by a preponderance of the evidence. Market conditions, in order to be a defense hereunder, must be such that financial analysts would characterize trading as at or approaching a level or occurrence so as to clearly distinguish trading conditions from normal variations in market movement in response to economic news or other events.

D) In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of scrap metal in the manner prescribed in § 5(C).

- E) No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- F) Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate thereunder. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to § 9 of this chapter.
- i. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
 - ii. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal, pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease all purchasing and/or selling of scrap metal in the municipality until reinstatement.
 - iii. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (H).
- G) Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under § 9.
- i. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any regulations or local ordinances within this or any jurisdiction.
 - ii. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following

revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating a scrap metal business within the municipality.

- H) Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- I) A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

§ 7 Bond

Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A: 9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the [party municipality], be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

§ 8 Fees; period of license validity

A nonrefundable fee for initial application and license for an operator of a scrap metal business, as covered under this chapter, is \$300. The annual renewal fee for a license is \$250. These fees are separate from and in addition to any fees the dealer will be required to pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by § 5(D) of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

§ 9 Violations and penalties

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in § 6(F) and § 6(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in § 6(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

§ 10 Time limit for conformance; repealer; severability

- A) Any person, partnership, limited liability company, corporation, or other entity engaging in the scrap metal business shall conform to the provisions of this chapter

within ninety (90) days following the effective date of this chapter.

- B) All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C) Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing scrap metal businesses, as in N.J.S.A. 45:28-1 et seq., or any other statutory provision regarding any subject matter discussed herein.
- D) If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Edward J. Mignone, Mayor

Attest:

Stephanie Evans, Borough Clerk

Dated:

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

Stephanie Evans, Borough Clerk read the title of Ordinance #1864 as follows:

Ordinance #1864 - AN ORDINANCE TO AMEND ORDINANCE #1848 TO FIX THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, AND STATE OF NEW JERSEY FOR THE YEAR 2016

Motion by Councilwoman Davis, seconded by Councilman Papaleo to approve the first reading of Ordinance #1864 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1864

AN ORDINANCE TO AMEND ORDINANCE #1848 TO FIX THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, AND STATE OF NEW JERSEY FOR THE YEAR 2016

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge:

Section 1: The compensation for the following part-time positions and officers of the Borough of River Edge for the year 2016 is hereby supplemented and amended as follows:

	<u>2016</u>	
	<u>Hourly</u>	<u>Annually</u>
Farmer's Market Manager	\$8.38	- \$23.25

Section 2: The salary, wages or compensation of all officers and

employees shall be paid in twenty-four (24) installments upon presentation of duly executed vouchers as required by law.

Section 3: This ordinance shall take effect immediately after the first publication after final passage as provided by law.

Edward J. Mignone, Mayor

Attest:

Stephanie Evans, Borough Clerk

Dated:

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

Stephanie Evans, Borough Clerk read the title of Ordinance #1865 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1865

BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF FIFTH AVENUE (SECTION 4 - FROM MIDLAND AVENUE TO THE ORADELL BORDER), A GENERAL IMPROVEMENT, AND THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS, CURBS AND DRIVEWAY APRONS ALONG AND IN FRONT OF SUCH SECTION OF FIFTH AVENUE, A SIDEWALK IMPROVEMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$225,000 TO PAY THE COST THEREOF, 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.

Motion by Councilman Bartelloni, seconded by Councilman Papaleo to approve the first reading of Ordinance #1865 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1865

BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF FIFTH AVENUE (SECTION 4 - FROM MIDLAND AVENUE TO THE ORADELL BORDER), A GENERAL IMPROVEMENT, AND THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS, CURBS AND DRIVEWAY APRONS ALONG AND IN FRONT OF SUCH SECTION OF FIFTH AVENUE, A SIDEWALK IMPROVEMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$225,000 TO PAY THE COST THEREOF, 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.

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. The Borough of River Edge, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake (a) the resurfacing of Fifth Avenue (Section 4 - from Midland Avenue to the Oradell border) and (b) the construction and reconstruction of sidewalks, including, where necessary, curb and driveway apron construction and reconstruction, along and in front of the following properties on such section of Fifth Avenue as shown on the Tax Assessment Map of the Borough:

<u>Block Lots</u>	
103	1, 1.02, 2 (portion)
104	1, 10 (portion), 11, 12, 13, 14

Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. Said improvements shall be undertaken

in accordance with plans and specifications prepared or to be prepared by the Borough Engineer, which plans and specifications are hereby approved and directed to be placed on file in the office of the Borough Clerk and made available for public inspection during regular business hours. It is hereby determined and stated that said road being resurfaced is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$225,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. It is anticipated that a grant in the amount of \$155,500 from the New Jersey Department of Transportation shall be received by the Borough to finance the cost of said purpose. Said grant funds shall be applied as set forth in Section 12 hereof. Said road resurfacing shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted. Said sidewalk construction and reconstruction, including, where necessary, curb and driveway apron construction and reconstruction, shall be made as a sidewalk improvement as hereinafter set forth.

Section 3. The sidewalk construction and reconstruction, including, where necessary, curb and driveway apron construction and reconstruction, shall be undertaken as a sidewalk improvement and the cost thereof not borne by the Borough shall be assessed in the following manner: an accurate account of the cost of the improvement shall be kept by an officer of the Borough and such cost shall be assessed upon the several properties fronting on the improvement in proportion to their respective frontage thereon pursuant to and in accordance with the provisions of Chapter 65 of Title 40 of the Revised Statutes of New Jersey. The portion of such cost which shall not be so assessed shall be paid by the Borough as in the case of a general improvement which is to be paid for by general taxation.

Section 4. Before making said sidewalk improvement or awarding any contract for such sidewalk improvement, the Borough Clerk shall cause notice of the proposed sidewalk improvement to be given to the owner or owners of all real estate affected thereby. Such notice shall be served in accordance with the provisions of Chapter 65 of Title 40 of the Revised Statutes of New Jersey, in particular Section 40:65-2 to Section 40:65-6, and the proof of service shall be filed with the officer of the Borough in charge of the records of tax liens of the Borough within 10 days after service thereof.

Section 5. It is hereby determined and stated that (1) the Borough will contribute \$86,000 to the cost of said sidewalk improvement, and (2) the estimated maximum amount of the special assessments for said sidewalk improvement is \$3,000, and (3) no sidewalk assessments for such improvement have been levied or confirmed, and (4) such sidewalk assessments may be paid in five annual installments.

Section 6. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$225,000, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$225,000, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$45,000 which is estimated to be necessary to finance the cost of such purpose, 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 7. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$225,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions

to be hereafter adopted.

Section 8. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$225,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$225,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 13. 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 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or

amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Edward J. Mignone

Attest:

Stephanie Evans, RMC
Borough Clerk

Dated:

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

ORDINANCE - 2ND READING - NONE

RESOLUTIONS - By Consent

Motion by Councilman Acquafredda, seconded by Councilwoman Davis to approve resolution #16-201 through #16-210, #16-212 and #16-213.

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

#16-201 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 June 6, 2016 work session meeting and discussion of the hereinafter specified subject matter:

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

May 16, 2016

#16-202 Authorize Clerk to Go Out to Bid for Complete Solid Waste Collection Services

WHEREAS, the Borough of River Edge desires to go out to bid for complete solid waste collection services.

NOW, THEREFORE, BE IT RESOLVED that the Clerk is authorized to advertise in THE RECORD and STAR LEDGER for the purpose of providing said service.

May 16, 2016

#16-203 Amend Agreement with Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey 07675 as a Certified Planner for the Borough's Affordable Housing Obligation

WHEREAS, there exists a need for a Certified Planner for the Borough's Affordable Housing obligation; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Burgis Associates, Inc. via resolution #15-345 dated September 21, 2015 in the amount of \$15,000.00; and

WHEREAS, additional funding is required for professional services related to the Borough's Affordable Housing Obligation; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-166 of the Current Fund in the amount of \$6,000.00; 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, Burgis Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Burgis Associates, Inc. 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 Burgis Associates, Inc. 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 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 rate of pay shall not exceed the following:

Principals	\$145.00 per hour
Associates	\$125.00 per hour
Project Planners	\$110.00 per hour
CADD/GIS Technicians	\$ 75.00 per hour
Administrative Staff	\$ 55.00 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 Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey 07675 in the amount not to exceed \$6,000.00; 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.

May 16, 2016

#16-204 Cancel Unexpended and Dedicated Balances

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance and unused debt authorized may be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the following unexpended and dedicated balances of General Capital Appropriation be cancelled:

<u>ORDINANCE</u>	<u>UNFUNDED DEFERRED CHARGES</u>	<u>CAPITAL FUND BALANCE</u>	<u>CAPITAL IMPROVEMENT FUND</u>
1810	\$18,240.00	\$415.17	
1794	\$ 6,196.15		

May 16, 2016

#16-205 Resolution Authorizing the Municipal Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, c.72

WHEREAS, the Borough of River Edge has adopted its budget on April 4, 2016 and the County Board of Taxation is unable to certify the tax rate at this time and the municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

WHEREAS, the municipal Tax Collector in consultation with the municipal Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54-4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Governing Body requests the Director of the Division of Local Government Services to approve the estimated tax levy if exceeding 105% listed below. Approval will enable the municipality to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge, County of Bergen, State of New Jersey on this 16th day of May 2016, as follows:

1. The municipal Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the municipality for the third installment of 2016 taxes. The Tax Collector shall proceed upon approval from the director and take such actions as permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2016 is hereby set at \$47,739,056.36.
3. In accordance with law the third installment of 2016 taxes shall not be subject to interest until the later of; the end of the grace period, or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

May 16, 2016

#16-206 Enter Into Agreement with Richard A. Mehrman, P.E., 426
The Fenway, River Edge, New Jersey 07661 for Limited Structural
Engineering Services Related to Fire Company #1

WHEREAS, there exists a need to retain expert structural engineering services related to front elevation overhead door damage at Fire Company #1; 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 Account #01-2010-20-1652-170 of the Current Fund in the amount not to exceed \$1,000.00; 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; and

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

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

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, P.E., 425 The Fenway, River Edge, New Jersey 07661 in an amount not to exceed \$1,000.00.
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.

May 16, 2016

#16-207 Refund of Construction Bond for Shade Trees to Your Home Team,
LLC for the Property Located at 405 Fifth Avenue, Block 904, Lot 3

WHEREAS, Your Home Team deposited a cash construction bond for shade trees adjacent to the property located at 405 Fifth Avenue in the amount of \$2,579.56 on February 7, 2014; 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 May 16, 2016; and

WHEREAS, the Shade Tree Commission recommends that the bond in the amount of \$2,579.56 be released.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund of \$2,579.56 from the Trust Other Account to:

Your Home Team
37 Christine Court
West Milford, NJ 07480

May 16, 2016

#16-208 Award of Contract to Schifano Construction Corp., 1 Smalley Avenue, Middlesex, New Jersey 08846 for the 2016 Riverside Cooperative Road Improvement Program

WHEREAS, on April 13, 2016 sealed bids were received for the 2016 Riverside Cooperative Road Improvement Program by the Riverside Cooperative (35-RC); and

WHEREAS, eight (8) bids were received, the lowest from Schifano Construction, Corp.; and

WHEREAS, the Borough of Northvale, the Lead Agency for the Riverside Cooperative, awarded the bid on May 11, 2016; and

WHEREAS, the bids have been reviewed by the Borough Administrator, Borough Engineer, Superintendent of Public Works and Borough Attorney; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on May 16, 2016; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1568-300 in the amount of \$10,000.00, Account #04-2150-55-1656-650 in the amount of \$17,000.00, Account #04-2150-55-1763-400 in the amount of \$12,000.00, Account #04-2150-55-1806-500 in the amount of \$17,000.00, Account #04-2150-55-1829-350 in the amount of \$58,000.00 and Account #04-2150-55-1859-500 in the amount of \$240,000.00 of the Capital Fund for a total amount not to exceed \$354,000.00; and

WHEREAS, this contract is awarded on a unit price basis and may be considered an "Open Ended Contract" under N.J.A.C. 5:34-5.3, in which case certification of funds is not required until such time as the services are ordered and prior to incurring the liability by placing the order, certification of availability of funds will be made by the Chief Financial Officer, and it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds from the Chief Financial Officer as appropriate.

NOW, THEREFORE, BE IT RESOLVED that the bid is hereby awarded to Schifano Construction Corp., 1 Smalley Avenue, Middlesex, New Jersey 08846 in the amount of \$354,000.00 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

May 16, 2016

#16-209 Enter Into Agreement with W. Grant Consulting LLC, 1176 14th Street, Fort Lee, New Jersey 07024 for Professional Consulting Services

WHEREAS, there exists a need to retain professional consulting services in the Borough of River Edge; and

WHEREAS, W. Grant Consulting LLC 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, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1202-028 of the Current Fund in the amount not to exceed \$2,000.00; and

WHEREAS, W. Grant Consulting LLC has completed and submitted a Business Entity Disclosure Certification which certifies that W. Grant Consulting LLC 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 W. Grant Consulting LLC 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 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.

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 W. Grant Consulting LLC, 1176 14th Street, Fort Lee, New Jersey 07024 in the amount not to exceed \$2,000.00; 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.

May 16, 2016

#16-210 Amend Capital Budget

WHEREAS, the Borough of River Edge, New Jersey desires to amend the Capital Budget of said municipality by inserting thereon or correcting the items therein as shown on such budget for the following reason: Resurfacing of Fifth Avenue, Section 4 from Midland Avenue to the Oradell border and the Construction and Reconstruction of Sidewalks, Curbs and Driveway Aprons.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge in the County of Bergen as follows:

Section 1. The 2016 Capital Budget of the Borough of River Edge is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT 16-1
 CAPITAL BUDGET OF THE BOROUGH OF RIVER EDGE
 Projects Scheduled for 2016
 Method of Financing

<u>Project</u>	<u>Estimated Cost</u>	<u>Capital Improvement Fund</u>	<u>Bond/Notes Authorized</u>
Resurfacing of Fifth Avenue (Section 4- From Midland Avenue to the Oradell Border) & the Construction & Reconstruction of Sidewalks, Curbs and Driveway Aprons	\$225,000.00		\$225,000.00

May 16, 2016

Councilwoman Busted read resolution #16-211 into the record.

Motion by Councilwoman Busted, seconded by Councilman Papaleo to approve resolution #16-211.

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

#16-211 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	\$202,701.48
CAPITAL ACCOUNT	\$ 11,227.00
RECREATION ACCOUNT	\$ 2,968.79
ANIMAL WELFARE ACCOUNT	\$ 22.20
TRUST OTHER ACCOUNT	\$ 7,460.00
OPEN SPACE ACCOUNT	\$ 330.67
TRUST OTHER DEVELOPERS ACCOUNT	\$ 2,100.00

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.

May 16, 2016

#16-212 Amend 2016 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services may approve the insertion or increase of any special item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion or increase of an item of appropriation for an equal amount; and

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for State and Local Housing Grant in the amount of \$3,202.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

3. Miscellaneous Revenue - Section F

State/Local Cooperative Housing Grant.....\$3,202.00

BE IT FURTHER RESOLVED that the like sum of \$3,202.00 and the

same is hereby appropriated under the caption of:

General Appropriations

(A) Operations excluded from the "CAPS"
Public & Private Programs Offset by Revenues

State/Local Cooperative Housing Grant.....\$3,202.00

BE IT FURTHER RESOLVED that the Borough forward electronically the contents of this resolution to the Director of Local Government Services.

May 16, 2016

#16-213 Amend 2016 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services may approve the insertion or increase of any special item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion or increase of an item of appropriation for an equal amount; and

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for State and Local Housing Grant in the amount of \$23,967.64.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

4. Miscellaneous Revenue - Section F

Clean Community Grant.....\$23,967.64

BE IT FURTHER RESOLVED that the like sum of \$23,967.64 and the same is hereby appropriated under the caption of:

General Appropriations

(B) Operations excluded from the "CAPS"
Public & Private Programs Offset by Revenues

Clean Communities Grant.....\$23,967.64

BE IT FURTHER RESOLVED that the Borough forward electronically the contents of this resolution to the Director of Local Government Services.

May 16, 2016

OPEN HEARING OF THE PUBLIC -

Motion by Councilwoman Busteed, seconded by Councilman Bartelloni to open hearing of the public.

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

Patricia Cordts, 409 Oak Avenue- President of the Board of Health and Member of the Farmer's Market Committee- wanted to follow-up on her presentation at the last meeting and let the Mayor and Council know where they are with the Board of Health. By Wednesday morning, the Board of Health Secretary will have all the paperwork, a posting will put on the webpage and a letter will go out to the heads of all of the organizations explaining what they will need to do as far as a food handler's permit. She has personally reached out to several organizations which she will meet with to answer any questions they may have especially since this is new. Mrs. Cordts said that they will do that in the order of upcoming

events starting with the 4th of July and so on.

Mayor Mignone-asked how it has been received by the groups that she has reached out to?

Patricia Cordts-said that they still don't fully understand it but that's why she will meet with them and go through things step by step. She going to make things as easy as possible. Mrs. Cordts said that they had a very productive first meeting of the Farmer's Market Committee and they came up with some great ideas and are all very excited that Natalie will be the manager. The second meeting will be held tomorrow and she will present the welcome packet that will be given to the food vendors which will have all of the information and applications that they will need. Mrs. Cordts would like to get a webpage and possibly a Facebook page for the market for the public to look at. She said that the Farmer's Market has a mission statement and read it to the Mayor and Council. Mrs. Cordts stated that she has concerns that she would like to address to the Council and unfortunately the person she would like to address the concern is not here tonight. She continued to say that there has been a lot of miscommunication and misleading information on social media and wanted to address it this evening so that the truth would be known. Mrs. Cordts wants to understand where this Council person is coming from with this misleading information. Mrs. Cordts said that the comments are not supportive of them and she needs the support of the Council to make this market work. She asked the Council if the Farmer's Market Committee has their support?

Mayor Mignone-replied, yes you do. The Mayor said that he has his own comments that he will make later on.

Patricia Cordts-said that Councilwoman Murphy has given the impression to the River Edge residents that there is not going to be a Farmer's Market, when there is. Mrs. Cordts has received numerous calls, text messages and posts asking why there isn't going to be a Farmer's Market, which she's corrected by sending out a message on her Facebook page. Mrs. Cordts does not want to get into derogatory comments or a "he said she said" dialogue and that's why she came to the meeting tonight to confront her here in this forum. She would like Councilwoman Murphy to explain why she's saying what she's saying. Mrs. Cordts would like her to explain why she feels a need for an ordinance. There was a lot of confusion last year that the public was not made aware of and they didn't want to drag anything through the mud. As the Board of Health President, Mrs. Cordts was made aware of the circumstances of the potential health risks and the fact that money that was collected, may have been misappropriated. As far as the money, that is not her business but her business is the safety of the residents. She explained that there were a lot of issues that came about last year and they can't have it happen again. Mrs. Cordts said that Councilwoman Murphy is saying a lot of things on Facebook that she doesn't appreciate because we're here as a team to work together to make this work and promote a sense of community. Mrs. Cordts is disappointed that Councilwoman Murphy is not here this evening because she has many questions for her.

Mayor Mignone-said that she is welcome to come to the next meeting or she can raise them now.

Patricia Cordts-said that she would like to know from Councilwoman Murphy, according to her, was last year's Farmer's Market a Borough event or private event and who exactly was running it? Was she involved in running it because she stated that there were two people running it besides Gigi? There was a question whether the vendors were charged a fee. Were they or weren't they? She verbally told Mrs. Cordts that there was no fee charged but Mrs. Cordts found out later that there was. Who collected the money? Where was the money going? Were the fees even authorized? Why did the money surprisingly show up? Again, as her interest is with the Board of Health, what did you do or how did you handle when the inspector found potential health hazards? Mrs. Cordts stated that those were the questions that she wanted to put on the record and receive answers from Councilwoman Murphy so that the residents, despite emotional feelings and friendships, could come here and find out answers.

Mayor Mignone-stated that bits and pieces are already in the public record including statements that have been made from this dais by the Councilwoman, statements which have appeared in social media and quotes that were in the newspaper. The Mayor will attempt to summarize where we were and where we need to go. Mayor Mignone stated that he and many others have questions going back to October when this came to light, and feels that the Council and the public deserve answers to those questions. He thanked Mrs. Cordts for coming and feels that the Committee is doing a great job so far. He said that the greatest success would be to have another market and show that people are doing it for the betterment of the town and not for someone's personal agenda.

Patricia Cordts-stated that the councilwoman is very vocal in the town and does have a lot of supporters and would hope that she would support this

endeavor.

Mayor Mignone-said that she shouldn't bank on that and doesn't think they really need her support because she has made her opinions very clear. Patricia Cordts-informed the Mayor and Council that the market will be held on Tuesday's starting on June 7th from 2 p.m. to 7 p.m. and will run potentially through the first week of October. In mid October, they will have a harvest fest with soups, pumpkins and mums. She feels with all of them working together, this will be the best Farmer's Market.

Councilwoman Davis-said that it was very exciting to be at the meeting where everyone was so positive and came up with great ideas, especially the new manager. She was very disappointed to see what was written on Facebook especially saying that we weren't having a Farmer's Market. Councilwoman Davis had called a few of the vendors who had been told by someone that River Edge was not having a Farmer's Market. Councilwoman Davis said that there's a lot of bad publicity out there and we haven't even started yet.

Carl Fazio, 229 Madison Avenue-thanked the Mayor and Council and Board of Health for starting the Farmer's Market with rules and regulations this year. He feels that they did a great job and did their due diligence by hiring a manager. Mr. Fazio said that at least on the post that he had seen on Facebook, Councilwoman Murphy did acknowledge that she worked on the Farmer's Market. Mr. Fazio said that he is fully supportive of the market and offered his help in promoting it. He is pleased to see someone else asking the same questions that he has in the past.

Mayor Mignone-asked the Council's permission to address this issue. The Mayor read the following statement:

Last week in the Town News, there was an article entitled, "New Rules in Effect for Farmer's Market." The second paragraph stated, "confusion arose last fall over whether or not the farmers' market was a borough-run event, thereby falling under rules set by the mayor and council, or an independent event held on borough property; whether or not fees were collected, how they were collected and of what nature they were; and whether or not the collection of any fees were authorized."

This is the second time that last year's goings on have been explained in this manner and some recent comments on social media indicate that some residents are still being given misinformation or claim that they are not sure about what occurred at least last year. So in order to alleviate any confusion, perhaps we need to refresh the public record and restate the undisputed facts:

As to the issue whether or not the farmer's market was a borough-run event, thereby falling under rules set by the mayor and council, or an independent event held on borough property:

- a. The 2014 resolution was entitled "Approval to Establish a Mayor's Wellness Farmers Market."
- b. The 2014 resolution states that, "the Borough has established a Mayor's wellness program and green team."
- c. The 2014 resolution states, "the Mayor and Council approves the establishment and operation of the Mayor's Wellness Farmers Market conditioned on the following:
 - o The Farmers Market shall use and be restricted to the former American Legion parking lot.
 - o The Farmers Market is permitted to operate from 12:00 p.m. until 7:00 p.m. one day per week.
 - o Starting Thursday, June 12, 2014 to Thursday, October 9, 2014.
 - o The vendors shall be required to enter into a Use and Indemnity Agreement with the Borough of River Edge.
- d. Notes from Joanna Adamiak, Borough Health Inspector dated 6/12/2014 denote the "person in charge" as "Council President Kathleen Murphy."
- e. The Farmer's Market facebook post on July 25, 2014: "I have to bring it up at council meeting on Mon. If it gets okayed they will be there every Tues." The "I" was obviously CW Murphy who obviously had administrator credentials for the page.
- f. Post on August 9, 2014: Credits Council President Kathleen

Murphy and private chef and resident Gigi Gila Manasse, as creators of the Market.

- g. The 2015 resolution was entitled, "Amend Mayor's Wellness Farmers Market Resolution."
- h. The 2015 resolution states that, "the Borough has established a Mayor's wellness program and green team,"
- i. The 2015 resolution states, "the Mayor and Council approves the establishment and operation of the Mayor's Wellness Farmers Market conditioned on the following:
 - The Farmers Market shall use and be restricted to the former American Legion parking lot.
 - The Farmers Market is permitted to operate from 12:00 p.m. until 7:00 p.m. one day per week starting Tuesday, June 9, 2015 to Thursday, October 6, 2015.
 - The vendors shall be required to enter into a Use and Indemnity Agreement with the Borough of River Edge.
- j. The Farmer's Market facebook post on August 4, 2015: thanks the (former) Mayor for The Town Proclamation recognizing Kathleen Murphy and Myself for creating and running The River Edge Farmers Market!
- k. The "River Edge Farmers Market rules" (author still unknown) state: The person responsible for administration of the River Edge Farmers Market is Kathleen Murphy, 705 Kinderkamack Road, River Edge, NJ, 201-214- 6940. 705 Kinderkamack Road is the Borough Hall address.
- l. The "rules" state, "the site is subject to the rules and regulations of the Borough of River Edge."
- m. The rules dictate that checks be made payable to the "River Edge Green Team". So there was no confusion that it was a borough event and a borough entity.
- n. And to remove any doubt, a unanimous vote of the Council this year determined that that Farmer's market was and is and will continue to be a Borough entity.

As to "whether or not fees were collected," and "whether or not the collection of any fees were authorized," again, there was no confusion.

The minutes of the September 2015 BOH meeting detailed a meeting that was held in July that was attended by eight people: Arlene Faustini, public health nurse, Sam Yanovich, Health officer, Joanna Adamiak, Health inspector, Adrienne Capasso, Board secretary, Mary Gannon, Board of Health member, Former Mayor Moscaritolo, Ms. Manasse and Councilwoman Murphy.

- a. There was discussion of a complaint made by a resident that revealed that a market vendor was preparing food in his backyard to sell at the market. It was confirmed that contrary to what the health department was led to believe, the vendor did not have a commercial space for food preparation. This apparently led to the observation that had the health department had a temporary food handlers license provision, this situation could have been avoided.
- b. From the minutes: "Kathleen and Gigi stated that the vendors cannot afford to pay us a yearly fee. Joanna Adamiak stated that our fee would be maybe \$25.00 for the season, but a vendor told her that he is paying a fee weekly of about \$20.00. Mayor, Kathleen and Gigi stated that the fee is for administrative costs, advertising or petty cash."
- c. At the October 19, 2015 council meeting, the BOH minutes were listed under reports/correspondence; there was no comment from the former Mayor or Councilwoman Murphy objecting to the content of the minutes.
- d. At that meeting, I asked the simple question to the both of them whether the BOH minutes accurately reflected the July

- meeting - the mayor outrightly denied knowledge of any money being collected - in direct contrast with the BOH minutes. Councilwoman Murphy stated that she was going to check with the Green Team if money was collected.
- e. It was confirmed that evening that to that point no monies were deposited into the Green Team trust account or received by the Borough. It was confirmed that evening that there was no authorization to collect fees at the market.
 - f. On October 29, The TN reported that at the October 19, 2015 Council meeting that former Mayor Sandy Moscaritolo said that he had no knowledge of money being collected. The article quotes him as saying "Regarding the petty cash, if there's petty cash made payable to the Green Team or there's a bag of cash lying around, I'm sure we'll find it," said Moscaritolo. "I am sure that nothing untoward happened at the farmers' market. They are volunteers. Everybody loves the farmers' market. For anyone to come in and say that they did something illegal, or that they should be investigated or policed, that somebody collected \$20, then let them do an investigation."
 - g. In the same article, continues, "Councilwoman Kathleen Murphy said that she would check with the Green Team to see if any money had been collected. "I think we can find out the accuracy of that," said Murphy. "I know that some vendors they come and they go. There has been quite a number of changes so I can have accurate information for you."
 - h. Well it turns out that the Mayor was correct about the proverbial bag of cash. On October 28, 9 days after this was discussed at the council meeting, the bag of cash, checks and a couple of money orders did in fact show up. The transmittal note indicated that they were "holding onto the money until the completion of the market which was the week of 10/19, it said I was also waiting to receive some direction from the Borough as to what to do with the money. To date, I have not received any direction from anyone from the Borough and, as a result, am bringing the money to your office today." \$1120 in checks and money orders and \$1420 in cash was brought to the Borough.
 - i. At the subsequent council meetings for the rest of the year, there was no acknowledgement of the money being received by the former mayor or Councilwoman Murphy. CW Murphy never mentioned her findings after she was supposed to have a discussion with the Green Team, but we know didn't happen.
 - j. The BOH attendees and two Borough officials knew definitively on July 20th that money was being collected at that market and they knew it was not authorized by the Council. There was no confusion in that regard.

As to "how they (that is the fees) were collected and of what nature they were;

The "how the fees were collected" question has never been answered. As to their nature, this was the only point where you can see there was some confusion. I think most of us were surprised that money actually showed up. The transmittal letter stated that "vendors were asked for a weekly donation and contributions varied by vendor by week." It's my belief that the CFO and the Borough Attorney went along with this characterization specifically because it was clear that the collection of money on behalf the Borough was, in fact, not authorized - and if not authorized, the only way to accept the money was to consider them donations.

However, as there is no way to account for the source of the cash, the checks and money orders tell a different story. If vendors were asked for a weekly donation, then why are checks in large amounts that date to April or May - before the market started? Why is there another check from April that memo line states "2015 market fee"? Would someone make a donation via a money order? Not one single check stated "donation" in the memo line - it said fee, weekly fee

or week of X.

At the March 21, 2016 meeting, during a discussion on creating the new farmers market committee and rules, the October 19 meeting was again raised, when all of this was first discussed. I said that at that time, I was told money wasn't being collected or that no one was aware of any money being collected. Mayor Moscaritolo's comments about if there is a bag of money it will show up, and guess what, ten days later it did. It just confirms that at the March 21st meeting and the October 19th meeting that Councilwoman Murphy knew money was being collected and sat here that night and said she had to check with the Green Team.

She then stated that checks were made out to the Green Team Market. "We are not professional market managers, this was our second time doing it, and so it's all a learning curve." Councilwoman Murphy said some vendors came, some flaked out, some showed up and some didn't, it was a very ongoing." When I asked about the checks, Councilwoman Murphy said that, "Mr. Negreann didn't mention it when it was asked what we should do, he said it was very troublesome to create a new account, that it was going to be a more lot work, and he said whatever you could do you know... She can try to pin it on Mr. Negreann but we know that wasn't the case. Mayor Mignone said "you were never authorized to collect money in the first place" and her response was "It just kind of happened". If somebody had a good day we said why don't you donate to the Green Team and if they didn't have a good day.....

We'll all this flies in the face of the facts-people "prepaid" in April and May - did they guess they were going to have good days? When I said that this was just one of many questions that are unanswered, Councilwoman Murphy said it seems like they are being addressed by this new ordinance. I said that we don't have an accounting as to what happened last year. Councilwoman Murphy said, "the situation was just very fluid."

At the March 21st meeting, Councilman Bartelloni also expressed concern regarding the lack of accounting and said, "when she was confronted with the fact "were fees collected?" there was a denial. Councilwoman Murphy then said, "it wasn't a fee it was a donation." Councilman Bartelloni said that that's how Councilwoman Murphy was characterizing it. When she was asked, "who the checks were written to? She said only to the Green Team." "Mayor Mignone replied no they were not, they were written to various parties such as the Borough of River Edge, some were written to the River Edge Farmer's Market, which isn't an entity, some were not written to anybody, and if you read the memo lines not one of them says donation. It says, fee, it says weekly fee, it says seasonal fee. Councilwoman Murphy said "it's a matter of semantics". Semantics, really?

So: at the October 19, 2015 meeting, the July meeting with the Board of Health and perhaps back into 2014, Councilwoman Murphy knew that money was being collected at the market. After the money appeared, she denied any knowledge until March 21, 2016 going from "it was donations" and "it just kind of happened" blaming that "we were not professional managers" "this was our second time doing it" "it was a learning curve."

Then on October 28, 2015 the money was turned in, the council was directed to keep this information "confidential" so it was not disclosed to the public. Obviously Councilwoman Murphy was aware of this when the next day she posted on The River Edge Democrats facebook page, " We are sad to report that our sprouting Farmers' Market is the most recent victim of a rabid politically motivated Mignone/Bartelloni attack on River Edge volunteers. Now, in a desperate attempt to garner some attention to their weak and negative political campaign, in a purposely timed attack at the last council meeting, Mignone/Bartelloni and a few followers have targeted our all-volunteer run Farmers' Market. Mignone has "called for an investigation" and Bartelloni ranted incendiary and disparaging accusations solely because discretionary \$20 donations were collected. These baseless and despicable allegations are the best they've got. With absolutely no positions of merit regarding important town issues, their political strategy for this election is to ruin the reputation of our wonderful and committed volunteers. This is an outrage, and people are incensed.

Blame Mignone and Bartelloni when there is no Farmers' Market in 2016".

I guess at first she didn't realize that in this posting she acknowledge what was previously denied or called untrue - the fact that money was collected and now the spin of the "discretionary \$20 donations." The post was pulled down immediately, but obviously seen and printed beforehand.

Now, just last week the Councilwoman posted, "since we won't be back for the River Edge Farmers' Market, I'm recommending that everyone visit and support Gigi's Paramus Farmers Market! All of the same vendors just in Paramus!

When someone commented, "you will not go to the RE market?." she responded, "I'm going to the Farmers market in Paramus as they have all the vendors I've come to know and love."

Then another series of posts Councilwoman Murphy writes, "There is a committee of 4 people plus someone that is being hired to try and organize some variation of a farmers market. Neither myself nor the original manager will be involved. I imagine it won't be the same as it has been in the past 2 years. I will be going to Paramus Farmers Market and others in the area.

"What was once done by 2 people at no cost to the Borough, now takes 5 plus 10 pages of rules and regulations at an undetermined cost."

"If this new committee thinks that you can just hire someone to operate it successfully they don't know Gigi. Her vendors are extremely loyal to her because of the level of professionalism she brings to the job. Many will only go if she is in charge."

1. So she first puts forth misleading information that there won't be a RE market,
2. She encourages others to go to Paramus, even if RE market continues,
3. She firmly establishes herself as integral to the operation and success of the RE market,
4. There is an implication that "loyal vendors" will not betray her and participate in RE market,
5. Doesn't sound like someone who when it comes to collecting money "was on learning curve" or "it just kind of happened" or why vendors would "flaked out."

When someone asked, "what happened to the River Edge Farmers Market?" her answer was "politics."

In response to a comment that people are "wrecking what was once a well designed idea, shame on them, these people need to be exposed ... terrible," Councilwoman Murphy response was:

"we are dealing with extremely vindictive and small minded people and supposed "church going people" here. They have no problem sitting in front of the church and then trying any which way they can to destroy something good. We actually were able to donate unsold fresh produce and artisanal bread to the St. Peter's food pantry, every week for families in need. Guess who comes to almost every meeting to complain about the farmers market? The guy that runs the food pantry. I don't even know him and he calls for my resignation on a monthly basis. Must have to go to confession quite a bit."

She then turns her attention to the fact that a request was made to post notices on bus shelters, which is completely another topic. Although her comments indicate otherwise, she never acknowledges that she actually voted NOT TO PERMIT posting at the bus shelters.

She then turned her attention to the food handlers ordinance and posted that "school bake sales will need a temporary food handlers certificate. Lemonade stands at the moment are exempt but who knows that could change too." "plus parents serving pizza or other school lunches, one person on site will need a food handlers certificate. Brought to you by the people who espouse smaller government and less government intrusion. This in the interest of the public health."

She knew that night, and it was crystal clear, that bake sales are excluded and her ridiculous pronouncement to imply that lemonade stands are next is beyond the pale - all you have to do is read the minutes from the last meeting. I offered the opportunity at that time to amend the ordinance is she wanted to, she did not respond.

One of responses I guess referring to the Council on her post included, "Jackasses" and Councilwoman Murphy states that "there are more than a few on the council who thrive and subsist on creating news and more bureaucratic laws, ordinances and regulations". It's for your safety she smugly responds. Some people like BIG BROTHER watching over them or actually being Big Brother. Must be associated with a well known complex.

The Councilwoman has a repeated history of posting inflammatory and misleading facebook posts whether it's about the market, the food handlers ordinance, misinformation to Cherry Hill parents about parking, claims that the Borough is suffering through rashes of robberies and home invasions and the REPD is not doing enough. She provided misinformation to the library board about the roof project and tried to embarrass professionals with photos that were proved to be taken during construction and not after completion as she implied. She has meddled in the operations of the zoning board. She has alleged impropriety and imply wrongdoing from vendors without proof and when found to be unsubstantiated, she never apologizes. Her intent is never to provide information or to educate; rather to promote discord, sow resentment, cast blame and upset people and has sunken to a personal low by personally disparaging someone based on their faith or to suggest that others suffer from a "well known complex."

So this was all the result of politics, Councilwoman? You are the only one who uses any opportunity to politicize any event, person, suggestion or action of the Council. The fact is that you are angry because you got caught. You're angry because you are now trying to recast a chain of events to which no amount of spin will favor you. It's ironic that this all came to light because she called a meeting with the Board of Health to dress them down and accused them of "harassing vendors." Why don't you tell your facebook friends what really happened? Everyone has given Gigi the benefit of the doubt - if you and she were winging it, she would assume that the former mayor and councilwoman would be doing things appropriately. If she were a professional and works for other towns, she would obviously be aware of the rules and regulations about the collection and handling of money. Yes, you deserve credit for implementing the market, I've said that on more than one occasion, but you also need to accept responsibility for the situation you created. I didn't create this, the Board of Health didn't create this, she did.

Taken on their own, her facebook postings are often out of line, inappropriate and could be viewed as uncouth and could be accepted as rantings if she were just a single resident - however, her comments, her behaviors and the overall attitude they belie are completely unacceptable, unbecoming and unworthy not only of a Councilperson, but more so, of the municipal chair of the River Edge Democratic party, and the elected officials, candidates, and the thousands of ordinary residents of this town who should be asking themselves whether you reflect their values and attitudes.

I hope this clarifies any confusion that was out there and I look forward to the Council arriving at a consensus to ensure that all the unanswered questions are addressed. Since she acknowledged that she actively participated in the market, I am asking that she submit a vendor list from each week from 2014 and 2015, who "donated," and copies of receipts. There are also issues that I think the Board of Health will bring up regarding how vendors were asked to participate, which vendors may have applied and were denied, we should looking into those types of issues also.

Mayor Mignone stated that this has finally gone beyond the pale and it's got to stop. The postings particularly singling out Mr. Fazio are completely unacceptable for a sitting Councilperson. I can't sit here now and not bring this up anymore. I know people want to be polite and not read the words, but he feels it's important to hear what was actually written because those are the facts there was no confusion. He assumes that's why she's not here this evening because

she doesn't want to have to admit what was posted and what people saw. He apologized for taking up so much time but felt that it was important to bring everything that we know to light. He would like to move forward with the new market, but not forget what has happened, but continue to endeavor to the answers that the Council and the public deserve.

CLOSE HEARING OF THE PUBLIC -

Motion by Councilman Acquafredda, seconded by Councilman Bartelloni to close hearing of the public.

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

COUNCIL COMMENTS -

Councilwoman Davis-said that she is very disenchanted because as everyone knows, the only reason she agreed to come on to the Council was to try and bring everyone together, to get along and work for the citizens of River Edge. After reading the comments posted by Councilwoman Murphy, she feels that she is not working for the people of River Edge. Councilwoman Davis said again that they had a wonderful meeting, everyone worked hard and was very excited to bring in the new manager. After providing everyone with a copy of her resume, they can see that she is very qualified and it's going to be wonderful. To have it knocked down within 24 hours by comments posted on a facebook page, was very disheartening not only to herself but to the rest of the committee. None of the committee members can understand how someone would do something like that. She continued to say that it's one thing if it's a personal thing, but it's not, it's effecting the people that she has sworn to serve.

Councilman Acquafredda-stated that it brings back memories when he was becoming a naturalized citizen in 1979. He read somewhere "We hold these truths to be self-evident". That saying has come to mind again.

Councilman Papaleo-stated that he has a copy from facebook and everything that the Mayor said and every comment he made was true. Councilman Papaleo continued to say that it was not an exaggeration and not in any way politicized and was never to his knowledge, an attempt by the Mayor and Councilman Bartelloni to politicize. He felt that the Council was working in agreement with itself that there was a need to have an ordinance which they created for food handlers. Councilman Papaleo stated that Councilwoman Murphy's comments and characterizations are completely false about the Mayor and Councilman Bartelloni. He regrets that she has said that and on behalf of the River Edge Democrats, he apologized. He feels that her comments, given her position, were inappropriate, unprofessional and contrary to their mission to be of service as truthful servants to our residents.

Mayor Mignone-thanked him for his comments.

Councilman Papaleo-stated that he is very proud that his sister-in-law, Theresa Esposito is a member of the Farmer's Market Committee and commended Patty Cordts and the rest of the committee members for doing a phenomenal job. He is disappointed and embarrassed that this incident occurred.

Councilman Bartelloni-also thanked Councilman Papaleo for his comments. Councilman Bartelloni feels that Councilwoman Davis is doing a great job on the Council. He also feels that it's disappointing to read on facebook that a sitting councilperson would recommend that residents not go to a River Edge event and suggest that they go to another town. He feels that there is no excuse for that and although she may feel that she's not getting her way or is upset that she's no longer involved in the market, as a sitting councilperson you still have an obligation to the Borough and our events. He feels that the best way to move forward is to have a successful Farmer's Market and he knows that it will be great and is happy that it will be open until 7 p.m.

Councilwoman Busted-felt speechless and didn't know what to say. She said at the Reorganization meeting that the role of councilperson is to represent the 11,000+ people that reside in River Edge from young to old and everyone in between. Councilwoman Busted said that she means that 100% and feels that honesty and integrity are two of the most important qualities that an elected official can have. She continued to say that we are here to serve all of you and it is highly disrespectful to have a member of this body be openly critical of those who are working so hard to make River Edge better. She's not going to apologize for her but is very disappointed. She again stated that on behalf of the River Edge

Democrats, that's not the type of message that they would want to present to the residents of River Edge. She thanked Mary, Patty, Joellen and Theresa for their very quick work to bring about what is going to be a great Farmer's Market. Councilwoman Busted especially thanked, Patty Cordts for a year-long endeavor for the Board of Health to elevate this conversation and make public health an important issue in the Borough. We owe them a debt of gratitude in persevering to see this come to fruition. Councilwoman Busted announced that the River Dell PTO will be hosting a program tomorrow night with the Bergen County Prosecutor's Office called "The Path to Addiction". This is a riveting program that's highly sought after and one of the ongoing efforts of the Stigma Free initiative to work with the schools to bring this type of programming to members of our community. The program will be in the Library at the River Dell High School.

Councilman Bartelloni-reported that the River Clean-up was a very successful event and also reported that there will be another clean-up in October. He thanked the Environmental Commission and everyone else that came out to help. Councilman Bartelloni said that they are working with the Environmental Commission to have eco tours which will take people up and down the Hackensack River. Laura Hoogstrate who is a member of the commission has agreed to identify and point out different types bushes on the banks of the river.

Mayor Mignone-thanked the Council for their comments and again said that there was no need to let the situation with the market fester and feels that questions need to be answered and would like to pursue that. The Mayor again stated that he appreciates the Council's recognition and does not want to tolerate this type of behavior whether it be behind the dais or on a facebook post. The Mayor stated that it's not acceptable anymore and is tired of turning a blind eye to it and letting it happen time and time again. He feels that more pressure has to be given to make it stop. He hopes that the new market will alleviate those concerns to some degree and is confident that we'll have a successful market going forward. The Mayor said that he was going to say at the last meeting, how pleased he is with the way everyone was working together in advancing initiatives and programs that were stalled by someone in particular during the previous administration to some degree. He's working very hard to try to build a consensus on the council so that they can come up with common objectives and work toward achievable and reachable goals to move the town forward. He commended his colleagues on both sides of the dais for being very collegial, professional and very helpful in working together and hopes that the spirit continues despite the one person who always is the fly in the ointment. The Mayor appreciates what they've been able to accomplish and what they're going to accomplish such as the Farmer's Market, redevelopment, pedestrian safety and all the other issues that they are working towards. His objective is to get things accomplished by a consensus so we all can be proud of the work that we're doing. The Mayor is looking ahead to the summer to continue doing the good things that we're doing and have a great year.

ADJOURNMENT - 9:16 P.M.

Motion by Councilwoman Davis, seconded by Councilman Bartelloni to adjourn the meeting at 9:16 p.m.

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

Edward J. Mignone, Mayor

Attest:

Stephanie Evans, RMC
Borough Clerk

Dated: