

M I N U T E S
Regular Meeting of the Mayor and Council
Monday, September 21, 2015
8:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 8:00 p.m. in the Council Chambers of the Borough Hall.

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

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

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

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

ROLL CALL - Councilwoman Murphy, Councilman Cappola, Councilwoman Busteed, Councilman Mignone, Councilman Papaleo and Mayor Moscaritolo were present; Councilman Acquafredda was absent.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the minutes of the Mayor and Council regular meeting of September 8, 2015.

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

PROCLAMATIONS & AWARDS -

Mayor Moscaritolo read the Proclamation Declaring the Month of September as Childhood Cancer Awareness Month as follows:

PROCLAMATION

WHEREAS, September is designated as Childhood Cancer Awareness Month, we renew our commitment to fighting this disease, raising awareness and supporting those affected by childhood cancers; and

WHEREAS, the incidence of childhood cancer continues to rise with an average 0.6% increase per year since the mid 1970's, resulting in an overall increase of 24% over the last 40 years; and

WHEREAS, the average age of cancer diagnosis is 6 years old for a child while adults' average age is 66; and

WHEREAS, we are not battling one disease, there are 16 types of pediatric cancers and

over 100 subtypes; and

WHEREAS, the month of September is an appropriate time to honor and remember children and families affected by these rare diseases and help rally support to give kids with cancer better outcomes by supporting ground-breaking research; and

WHEREAS, we recognize the innovative, lifesaving work of medical professionals, through their efforts to prevent, detect and treat make a difference in the lives of our young citizens.

NOW, THEREFORE, BE IT RESOLVED, that I, Sandy Moscaritolo, Mayor of the Borough of River Edge and on behalf of the Council do proclaim:

September 2015

as

Childhood Cancer Awareness Month

Mayor Sandy Moscaritolo

Dated: September 21, 2015

Mayor Moscaritolo presented the proclamation to Daniel, Vanessa and Matthew Abadessa.

Daniel Abadessa explained that his son Luke was diagnosed with cancer when he was 18 months old and told everyone what type of treatments and surgery he has gone through. He thanked the Mayor and Council for this proclamation.

Vanessa Abadessa said that although they are not very active in the community, so many people have come to help them whether it's with a meal or prayer chain and they are very appreciate of the kindness of our residents.

Mayor Moscaritolo read the Proclamation Honoring Dr. William C. Lins for his Many Years of Service to the River Edge Public Library as follows:

PROCLAMATION

WHEREAS, Dr. William C. Lins has been a long time resident of River Edge; and

WHEREAS, Dr. William (Bill) Lins was first appointed to the River Edge Public Library Board of Trustees in September of 1973 and has served continuously for 42 years; and

WHEREAS, for most of that time, Bill also served as Treasurer of the Board of Trustees and as a Professor of Accounting, and was well qualified for that role; and

WHEREAS, over these past 42 years, Bill has overseen two major expansions of the River Edge Public Library, first in 1975 and a second expansion in 1993. In addition, Bill assisted in major redesigns in 2011 & 2012; and

WHEREAS, during his tenure on the Board of Trustees, Bill has worked with 3 Library Directors and while he was a Trustee had checked out well over 3 million items; and

WHEREAS, Bill is well-known for his wisdom and good humor and is respected by all of his colleagues; and

WHEREAS, Bill has always been a distinguished citizen and philanthropist and a valuable asset to our community; and

WHEREAS, we acknowledge his many accomplishments and recognize his philanthropy and contributions to the library, his community and society in general.

NOW, THEREFORE, I, Mayor Sandy Moscaritolo, and on behalf of the Borough Council along with all of the residents of River Edge do Honor, Thank, Commend and Congratulate Dr. William C. Lins for over 40 years of dedicated service.

Mayor Sandy Moscaritolo

Dated: September 21, 2015

Mayor Moscaritolo introduced Assemblyman Tim Eustace who will present Mr. Lins with a proclamation from the State Assembly.

Tim Eustace-thanked Mr. Lins for his many years of service because as a Mayor from a small town, he understands that nothing gets accomplished without the local volunteers. Assemblyman Eustace has attended many programs sponsored by our library and feels that libraries are the hub of community.

Mayor Moscaritolo-asked Mr. Lins to tell everyone some of the philanthropic contributions that he's made over the years.

Dr. Lins-stated that when he first moved to town the library was very small and after the expansions, it's now 3 or 4 times the size. He said that it's been a privilege to have worked with a wonderful Library Director as well as the people who have served on the Board. Mr. Lins said that he is proud to be part of a community who respects the Library the way our residents do.

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

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

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

John Higgins-580 Clarendon Court-stated that today the residents of Clarendon Court received a letter from the developer which stated that he spent the money to build and erect the store based on the Planning Board resolution allowing 7 Eleven to operate 24 hours under the existing ordinance. He continued to say that Mayor Moscaritolo, Councilman Mignone, Councilman Acquafredda and Councilwoman Busted all voted in favor of the resolution. Mr. Higgins had an opportunity to go back and look at minutes from the Planning Board meeting of May 17, 2012 where 7 Eleven offered experts on behalf of their position. There were different issues discussed, but among them was the issue of being open 24/7. During the exchange back and forth, Mr. Neiss who was acting as the Planning Board attorney, stated that the applicant shall comply with the Borough's ordinances until such time the ordinance is changed with regard to 24 hour operation. He then asked the representative of 7 Eleven, "is that a commitment you're willing to make?" Mr. Van Horn, on behalf of the applicant said yes. Mr. Higgins feels that to state that this project went forward based on a misrepresentation that he would be allowed to operate 24/7 when in fact no such statement was made by the Borough Attorney. In fact there was a proviso that was added that they would comply with the existing ordinance until such time the ordinance is changed realizing that ordinances do change. He continued to say that as the Planner stated tonight, she could find no record of any such representation being made to the applicant. Mr. Higgins stated that we have a situation where there is talk that we are doing a disservice and misrepresenting to the applicant when that isn't so. He feels that the applicant

should have been guided by that answer and also guided by their counsel that ordinances can change. Mr. Higgins continued to say that in this particular instance and as the Planner accurately stated, the Planning Board has no authority at all to dictate operation hours, that belongs solely in the province of the Mayor and Council. The Planning Board is not charged with Police powers, they are charged with approval of site plans. The Mayor and Council taking into consideration all of the things that effect the community, they can embark upon discussion to create ordinances to take everything into consideration. During the past several weeks, there have been statements made that the only people that are opposed to 7 Eleven operating 24/7 are the limited number of residents on Clarendon Court. Mr. Higgins had presented the Mayor and Council with a petition with 40 signatures who were in favor of the proposed ordinance at the last meeting on September 8th. Since that time, he has gathered another 311 signatures bringing the total to 351. He asked if he could present the petition to the Borough Clerk and advised everyone that the residents who signed the petition are not limited solely to the area around 7 Eleven, but live in different locations around town. Mr. Higgins responded to the comment that this will send the wrong message to the business community and stated that he appreciates the contributions that the businesses make toward the ratables in the town but also feels that they need to take into consideration the majority of the residents who also contribute to the operation of this town. Mr. Higgins said that it's disappointing to him that although 7 Eleven says that they want to be a good neighbor, they have never asked any of the surrounding residents and other people in town what they think of a 24/7 business operation. Mr. Higgins stated that in his efforts to gather signatures, he feels that the attitude is running approximately 75-80% in opposition of a business operating 24 hours a day. He spoke about some of the articles that the Mayor presented to the Police Chief regarding robberies of convenience stores. He read a few excerpts from the report and asked that all of these facts be taken into consideration before making any decision. He asked the Mayor and Council to vote affirmatively on this proposed ordinance which will show River Edge, that yes, we are in favor of business and this business will be able to operate 168 hours a week from 5 a.m. to 11 p.m. Mr. Higgins feels that it would be a way for them to show that they are a good neighbor in keeping with the values of the town.

Renee Bruen-581 Clarendon Court-had attended the last meeting advocating that the Mayor and Council vote in favor of the resolution restricting business hours. Mrs. Bruen said that residents value the peace and safety of the town and although they want businesses to flourish she doesn't want it to be at the expense of their quality of life. She feels that the noise from car engines, voices and lights will negatively impact them in early morning hours as well as having their safety compromised by having a convenience store open 24 hours. Mrs. Bruen also quoted excerpts from the report that Mr. Higgins presented. Mrs. Bruen felt that Damien Albergo, who spoke at the last meeting was insulting to the Council and residents by accusing the Council of pandering for votes. She feels that he is way off base. She said that the Council represents the residents not the developer or corporation and hopes that they vote to restrict the business hours.

Jerry Lim-572 Clarendon Court-told the Mayor and Council that he is pharmacy technician and feels that his job performance would be effected if he is sleep deprived. He passed around and commented on a few articles regarding early morning robberies at 7 Eleven stores in northern New Jersey.

Cynthia Talty-582 Clarendon-said that she was born and raised in River Edge and is strongly opposed to 24 hour operation for any business. She said that going forward, she would hope that the Mayor and Council would not allow that to happen.

Regina Higgins-580 Clarendon Court-has been a resident of River Edge and Clarendon Court for 37 years where she raised her children. Mrs. Higgins said that they have stayed on Clarendon Court because of the wonderful neighbors that they have. She said that yes, there have been businesses operating across from her backyard and bedroom windows, but they close at a reasonable hour. Mrs. Higgins stated that River Edge is a community that is a quiet, peaceful and enjoyable place to live and raise children. She asked why a 24/7 convenience store would become more important than each resident that lives here? They are asking for 42 hours out of 168 hours for businesses to be closed so that peace and tranquility can be maintained not just for Clarendon Court but for the quality of life for all residents in the residential areas of River Edge. She respectfully asks the Mayor and Council to vote yes on October 5th to the ordinance to limit business

hours in the residential areas in River Edge.

Dan Bruen-581 Clarendon Court-also supports the ordinance to limit 24 hour business operation. He continued to say that he has not heard any compelling reasons why any business would need to be open 24 hours.

Damien Albergo, Esq., Cole, Schotz, P.C.- represents 584 Kinderkamack LLC, the owner of the property that is being discussed. Mr. Albergo has appeared before the Mayor and Council twice before and has placed his statements on the record. He commented that what we've heard tonight and what we continue to hear with respect to this ordinance is that's it clearly about 7 Eleven.

Mayor Moscaritolo-asked Mr. Albergo if he's read the ordinance?

Damien Albergo-replied, yes I did.

Mayor Moscaritolo-asked if the ordinance says 7 Eleven?

Damien Albergo-stated that it's clearly targeted for 7 Eleven.

Mayor Moscaritolo-asked does the ordinance say 7 Eleven, does the ordinance say C1?

Damien Albergo-replied C1, yes.

Mayor Moscaritolo-asked if he is aware of the geographical boundaries of C1 going from the Oradell border to the Hackensack border?

Damien Albergo-replied, yes. He continued to say that the purpose and the motivating impetus for this proposed ordinance is his client. He said that it really doesn't matter how neutral you try to write the language in the ordinance, the intent or purpose of this ordinance is clear, it's discrimination against his client. One of the residents spoke about the disastrous consequences that will occur including the loss of life if this business is allowed to be open 24/7 and feels that it's speculative. He noted that the Police Chief spoke about the other 24 hours businesses that are currently operating and that there haven't been any significant problems with regard to those businesses. Mr. Albergo feels that it's a stretch to assume that the opening of a 24 hour 7 Eleven would be dramatically different than the other businesses in River Edge that are already in operation. Mr. Albergo did suggest a wait and see approach and if there is a problem with the 7 Eleven being open 24 hours, the Council will have a record and evidence on which to act and the ordinance would be valid and sustained. He feels that what we have is fear about what might happen and submits that it's no basis to sustain an ordinance. He asked Mr. Sarlo to confirm that the ordinance will be on for a vote on October 5th?

Tom Sarlo, Esq.-replied, that is correct.

Damien Albergo-asked if at that time, will they have the opportunity to present evidence in opposition to the ordinance?

Tom Sarlo-stated that any time there is a motion for a second reading it is open to the public.

Jason Tuvel, Esq., Gibbons, P.C., - Attorney for 7 Eleven, Inc.- stated that there were several documents that were submitted by the Mayor and Council, members of the public and the Planner, Brigitte Bogart and asked if they will be made available? He asked if they have to submit an OPRA or were they compiled with just a record of the discussions on the ordinance?

Tom Sarlo, Esq.-explained that anything that was referenced tonight and provided to Ms. Evans is available to the public. He was under the impression that they have a continuing OPRA request and suggested that he contact the Clerk tomorrow to make arrangements.

Adelina Murphy-576 Clarendon-stated that she has resided in River Edge for 4 years and feels that the issue is not against having a 7 Eleven but the hours of operation. Ms. Murphy said that she and her neighbors always support each other during good times and bad times, so as neighbors of Clarendon Court, we want to support 7 Eleven. Thus they would want 7 Eleven, or any business, to support them and their wishes. She feels that it's important for everyone to work together whether it's a resident or a business.

Sharon Thompson-586 Clarendon Court-agrees that they need to bring in more businesses to the community but objects to a business being allowed to operate for 24 hours. She feels that the ordinance should state that a business should be closed from 12 midnight to 5 a.m. Ms. Thompson works odd hours and concerned about her and her families safety in the middle of the night.

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola,

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

Mayor Moscaritolo-stated that there will be a public hearing and final vote on this ordinance on October 5th.

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the resignation of Stephanie Geisler, Accounts Payable Clerk and Construction Department Clerk effective September 22, 2015.

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

CORRESPONDENCE -

Letter - Saverio Cereste, Esq. - 9/8/15
Re: Thank you - Officer Zemaites

Notice - Marti Realty, LLC - 9/8/15
Re: Planning Bd. Application - 1080
Main Street

Notice - Cole Schotz, P.C. - 9/8/15
Re: Zoning Application - 60 & 80
Commerce Way in Hackensack & River Edge

Letter - Bergen County Utilities - 9/4/15
Re: 2015 Environmental Awareness
Challenge Grant

Letter - Board of Chosen Freeholders - 9/4/15
Re: Passage of Resolution #1038-15
Endorsing Crude-By-Rail-Safety Act

Notice - New Jersey Transit - 9/4/15
Re: Senior Citizen & Disabled Resident
Transportation Assistance Act -
(SCDRTAP)

Letter - State of New Jersey-DEP - 9/14/15
Re: Hazardous Discharge Notice -
909 Summit Avenue

Letter - State of new Jersey-DEP - 9/14/15
Re: Hazardous Discharge Notice -
185 Woodland Avenue

Notice - Board of Chosen Freeholders - 9/14/15
Re: Pending Bond Ordinance #15-22

Letter - Ferraioli, Wielkotez, Cerullo & Cuva
Re: 2014 Audit Report

Letter - Stephanie Geisler - 9/16/15
Re: Letter of Resignation

Letter - Board of Chosen Freeholders - 9/18/15
Re: Introduction of Ordinance #15-23

MONTHLY REPORTS -

Library Board - September 2015

LIAISON REPORTS -

Councilwoman Murphy - Liaison to Shade Tree Commission, Library, Environmental Protection Commission, Green Team, Technology Committee, New Milford and Oradell Shared Services Committee - reported that the Environmental Commission will be holding the annual river clean-up on Saturday, October 3rd from 12 to 4 at KBG Park and asked if anyone is interested in helping out to come down on that day. She reported that the Shade Tree Commission has been trimming trees around town and also informed everyone that some of the trees that were planted around the tennis court are dying due to the lack of rainfall. Councilwoman Murphy congratulated our Library Director, Daragh O'Connor who was elected to the BCCLS Executive Board. Councilwoman Murphy said that they are having issues with the library roof and has asked the Borough Administrator to invite Mr. Pulice, Mr. Cippolini and a representative from the roof manufacturer to explain their method of putting the roof on. After looking at the roof, she and John Lynch don't think the job was performed satisfactorily.

Councilman Cappola- Liaison to Recreation Commission, Senior Citizens co-

liaison, Beautification Committee - reported that the Recreation Commission will be sponsoring River Edge Day on October 4th (rain date October 11th) from 1 to 4 and will include the participation of over 40 community volunteer organizations. He also reported that the Rec Commission will be sponsoring a New York City Holiday Sights Tour on December 10th as well as the Army vs Duke game, October 10th and that the forms are available at the Recreation office. Councilman Cappola reported that the members of SCORE have indicated to him that generally they are very happy with the by-laws and things are running smoothly. He said the Beautification Committee continues to due plantings at different locations around the Borough.

Councilwoman Busted - Liaison to Senior Citizens, Co-liaison, Historic Commission, Traffic & Safety Committee, July 4th Committee and Board of Health - reported that the Planning Board memorialized the Historic Element of the Master Plan and is now finally complete. She thanked everyone involved for getting it done. She reported that several months ago the Mayor and Council passed a resolution creating River Edge as a Stigma Free Community and since that time our Public Health Nurse, Arlene Faustini and the Health Department board members have been working diligently to put programs together for our residents. Councilwoman Busted met with Arlene last week and she is going to have a kick-off for the Stigma Free Community at River Edge Day. Arlene has received tremendous cooperation from the Ouida Foundation and the County who provided many outside resources. She asked if anyone is interested in getting involved, to contact Arlene who is looking for volunteers. She invited everyone to stop by the table on River Edge Day to learn more about a Stigma Free Community and how to remove the stigma of mental illness. Councilwoman Busted also informed everyone that the annual rabies clinic will be held at Fire Company #1 on September 26th from 10 to 12.

Councilman Mignone - Liaison to DPW, Zoning Sub-Committee, Redevelopment, New Milford and Oradell Shared Services Committee, Technology Committee - thanked John Lynch and the DPW for the very comprehensive job they did in improving the drainage and erosion control by the tennis courts. Councilman Mignone feels that if we had to go out to bid for the work it would have cost the Borough at least \$10,000 and again thanked them for a job well done. He also reported that they are still trimming trees and gearing up for leaf season. Councilman Mignone reminded the public to periodically check and clear the catch basins so it doesn't cause local flooding during rainfalls.

Councilman Acquafredda - Liaison to Construction Code Official, Property Maintenance, Planning Sub Committee, Technology Committee, River Edge and River Dell School Boards.

Councilman Papaleo - Liaison to Police Department, Fire/Fire Prevention, River Edge Alliance Against Alcohol & Drugs, Local School Board Sub-Committee - reported that he continues to meet with the Chief of Police on a monthly basis and have frequent conversations with the PBA. Councilman Papaleo reported that the Police Department was instrumental in getting our 9/11 memorial and organizing the 9/11 ceremony which was quite moving. Councilman Papaleo reported that he continues to visit the Fire Department on Sunday mornings and informed everyone that to date, the volunteers have responded to 235 calls and did participate in the 9/11 ceremony. He also reported that there are two Junior Fire Department members who are graduating from the Firefighter 1 program this Friday. These young volunteers spent 6 weeks during the summer, 5 days a week completing this program at the Fire Academy. He said that if they didn't complete the 6 weeks, 5 days a week, they have to complete a six month program. Councilman Papaleo commended them for this tremendous commitment and informed everyone the ceremony will be held in Hackensack this Friday at 7 p.m. The Fire Department will be participating in River Edge Day where they will have fire education handouts and apparatus displays. Councilman Papaleo reported that October 4 - 10th is Fire Prevention Week and the volunteer firefighters will be visiting the schools to educate the students on fire safety. The firefighters will be marching in the 100th anniversary parade of the New Milford Fire Company #2 on October 10th.

Mayor Moscaritolo - River Edge Ambulance Service, Local School Board Sub-Committee - thanked Dick Berry for putting together a very moving 9/11 ceremony this year and is happy that the ceremony was very well attended. The Mayor thanked the DPW and Beautification Committee for doing a great job in maintaining the grounds and gardens. He again thanked Dick Berry for stepping up and volunteering to put together the ceremony. The Mayor asked Mary Donohue to report on the Baron Fest that was held over the weekend at New Bridge Landing.

Mary Donohue-said that they had the biggest attendance ever for the Baron Fest and more importantly, they collected 50 brand new memberships bringing the number to close to 2,000 members for the Historic Society. Mrs. Donohue stated that they are looking forward to the naturalization ceremony which will be held on Thursday, September 24th.

Mayor Moscaritolo-thanked Mary for all of the hard work she does on behalf of the New Bridge Landing Park Commission, Historic Commission and Historical Society. The Mayor stated that the Council is always supportive of their work and offered help if they ever need it. The Mayor reported that he had a sidewalk improvement meeting with Liz Stewart, John Lynch, Alan and Art DeRosa and they discussed trying to come up with a comprehensive policy to deal with sidewalk slabs that are coming up due to tree roots from our shade trees. Some topics of discussion were how to come up with funding and possibly adding a line item in the upcoming budget. They also discussed gathering standards or incentives from other communities who have a very mature tree population. The Mayor thought that it was a very constructive meeting and feels that this issue needs to be addressed because many residents would rather walk in the street than on the sidewalks. The Mayor is looking forward to River Edge Day on October 4th where he and the Council will have a chance to congratulate and thank the hundreds of volunteers for all of their hard work this year.

ORDINANCES - 1ST READING - NONE

ORDINANCE - 2ND READING -

Stephanie Evans, Borough Clerk read the title of Ordinance #1842 as follows:

Ordinance #1842 - AN ORDINANCE OF THE BOROUGH OF RIVER EDGE AMENDING AND SUPPLEMENTING CHAPTER 400, ARTICLE II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE PROHIBITING PARKING ON CERTAIN PARTS OF RESIDENTIAL PROPERTY

Mayor Moscaritolo-explained that this ordinance restricts, prohibits and codifies our land use regulations in order to enforce restrictions for people parking their cars on their front lawn or grassy areas.

Ordinance #1842 was introduced by Councilwoman Murphy, seconded by Councilman Mignone at the September 8, 2015 meeting as follows:

BOROUGH OF RIVER EDGE

ORDINANCE # 1842

AN ORDINANCE OF THE BOROUGH OF RIVER EDGE AMENDING AND SUPPLEMENTING CHAPTER 400, ARTICLE II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE PROHIBITING PARKING ON CERTAIN PARTS OF RESIDENTIAL PROPERTY

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

WHEREAS, Chapter 400, Article II of the Code of the Borough of River Edge regulates the parking of motor vehicles, motorcycles, commercial vehicles, campers, trailers and boats on residential properties within the Borough of River Edge; and

WHEREAS, the Mayor and Council is concerned that parking in front yard areas of residential properties can degrade streetscapes, provide a less attractive front yard area, increase impervious surfaces, create a less pedestrian friendly community and have a negative impact on property values; and

WHEREAS, the purpose of this chapter is to prohibit the parking and storage of motor vehicles, motorcycles, commercial vehicles, campers, trailers and boats on front yard areas of residential properties to promote safe and vehicular traffic, to preserve peace and good order, to promote the aesthetic beauty of the community and to promote the health, safety and general welfare of the citizens of the Borough of River Edge;

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

SECTION 1: As used in this chapter, the following terms shall have the meanings indicated:

DRIVEWAY: A defined paved surface or durable wearing surface, such as crushed stone, brick, or other such materials, providing vehicular access to a street and designated off-street parking space(s). A driveway is not a road, street, boulevard, highway, parkway, lawn or landscaped area. If the driveway connects to a curbed street, each end of the driveway connecting to the street must have a curb cut.

FRONT YARD: That area of a property from a front line of a building or structure located on the property to the curb or street, whichever is applicable.

SECTION 2: Article II of Chapter 400, entitled Parking, Standing and Stopping is hereby amended, revised and supplemented as follows:

- A. The parking of motor vehicles, motorcycles, commercial vehicles, campers, trailers, boats and other vehicles in the front yard of any residential property is prohibited at all times.
- B. The parking of motor vehicles, motorcycles, commercial vehicles, campers, trailers, boats and other vehicles are prohibited from parking on any grassed area or nonpaved area of any residential property at all times.
- C. Motor vehicles, motorcycles, commercial vehicles, campers, trailers, boats and other vehicles are prohibited from being parked in the rear of any residential property unless it is a paved driveway.

SECTION 3: The prohibitions set forth in this Section shall not apply during a state of emergency that is declared by either the State of New Jersey or the Borough of River Edge or whenever there is a snow accumulation that covers the street requiring plowing and removal.

SECTION 4. This section is to be enforced by the Police Department of the Borough of River Edge or any other person or persons designated by the Mayor and Council of the Borough of River Edge.

SECTION 5. Violation of this section shall be considered a motor vehicle parking violation and shall be subject to the same penalties as those in effect for parking violations on the streets of the Borough of River Edge. A separate violation shall be deemed to have occurred for each twenty-four-hour period during which the motor vehicle, truck or other vehicle remains parked in violation of this chapter following the issuance of the initial summons and complaint.

SECTION 6. Any portion or portions of the Borough Code not affected by this Ordinance remain(s) unchanged and in full effect.

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

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

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

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk
Dated:

OPEN PUBLIC HEARING ON THE ORDINANCE - Ordinance #1842

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open public hearing on Ordinance #1842.

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

CLOSE PUBLIC HEARING ON THE ORDINANCE - Ordinance #1842

There being no comments by the public, motion by Councilman Mignone, seconded by Councilwoman Murphy to close public hearing on Ordinance #1842.

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

ADOPTION - Ordinance #1842

Motion by Councilman Mignone, seconded by Councilwoman Murphy to adopt Ordinance #1842.

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

Stephanie Evans, Borough read the title of Ordinance #1843 as follows:

Ordinance #1843 - A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF STREET, CURB AND SIDEWALK IMPROVEMENTS PHASE I IN SAID BOROUGH AND APPROPRIATING THE SUM OF \$65,771.00 FROM BERGEN COUNTY COMMUNITY DEVELOPMENT GRANT PROGRAM FUNDS TO PAY THE COST THEREOF

Mayor Moscaritolo-explained that this ordinance is a portion of a grant given to us by the Bergen County Community Development Block Grant Program in order to make improvements to curbs and sidewalks in the south end of town. We are raising a bond to fund the project and will get reimbursed through drawing down the grant. The majority of the money is grant money, not tax payer money.

Ordinance #1843 was introduced by Councilwoman Murphy, seconded by Councilman Papaleo at the September 8, 2015 meeting as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1843

A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF STREET, CURB AND SIDEWALK IMPROVEMENTS PHASE I IN SAID BOROUGH, AND APPROPRIATING THE SUM OF \$65,771.00 FROM BERGEN COUNTY COMMUNITY DEVELOPMENT GRANT PROGRAM FUNDS TO PAY THE COST THEREOF

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 shall construct street, curb and sidewalk improvements on Oxford Terrace and Rutgers Place. Such improvements shall include all work and appurtenances necessary and suitable for the use and purpose thereof. Such improvements shall be made in accordance with plans to be prepared thereof by the Borough and herein authorized to be made. Such improvements shall be undertaken and made as a general improvement, no part of the cost of which shall be assessed against property specially benefited.

Other expenses, including but not limited to architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses to the extent permitted by Section 20 of the Local Bond Law are permitted.

SECTION 2. The Borough shall expend \$65,771.00 for the improvement authorized in Section 1. hereof. Said sum of \$65,771.00 is a grant from the 2015 Community Development Block Grant Funds, County of Bergen and is appropriated by the Borough by special rider in budgets hereinbefore authorized.

SECTION 3. Such improvement is hereby determined and declared to be a capital improvement which the Borough may lawfully make pursuant to law.

SECTION 4. This ordinance shall take effect at the time and in the manner provided by law.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING ON THE ORDINANCE - Ordinance #1843

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open public hearing on Ordinance #1843.

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

CLOSE PUBLIC HEARING ON THE ORDINANCE - Ordinance #1843

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilman Mignone to close public hearing on Ordinance #1843.

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

ADOPTION - Ordinance #1843

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adopt Ordinance #1843.

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

RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve resolution #15-341, #15-343 through #15-352, resolution #15-354 through #15-358 and resolution #15-360 through #15-363.

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

#15-341 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 October 5, 2015 work session meeting and discussion of the hereinafter specified subject matter:

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

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

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

3. This resolution shall take effect immediately.

September 21, 2015

Motion by Councilman Mignone, seconded by Councilman Papaleo to table resolution #15-342.

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

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#15-342 Refund of Construction Bond for Shade Trees to Quality Construction Services, LLC

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

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

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

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

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

Quality Construction Services LLC
P.O. Box 353
Fort Lee, NJ 07024

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

September 21, 2015

#15-343 Authorize Mayor and Clerk to Sign the Application/Agreement with the Keystone Purchasing Network for Cooperative Purchasing

WHEREAS, the Borough of River Edge desires to enter into an agreement with the Keystone Purchasing Network; and

WHEREAS, the State of New Jersey, Division of Local Government Services permits the entering into national cooperative contracts; and

WHEREAS, the authorization to enter into the contract is subject to the Borough Attorney's approval and meeting all of the requirements of Local Finance Notice 2012-10; and

WHEREAS, this matter was discussed at a work session meeting on September 21, 2015.

BE IT RESOVLED, that the Mayor and Borough Clerk are hereby authorized to sign the application/agreement with the Keystone Purchasing Network for Cooperative Purchasing.

September 21, 2015

#15-344 Resolution to Refund Planning Board Escrow Money to 41 Grand Avenue, LLC

WHEREAS, the following application had been made to the Planning Board and granted Site Plan approval; and

WHEREAS, the developer has requested the refund of the balance on deposit via a letter dated July 16, 2015; and

WHEREAS, all professionals have been paid.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to refund the following to:

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Amount</u>
1405/1 & 6	41 Grand Avenue, LLC 574 Grand Avenue Englewood, NJ 07631	\$1,403.75

September 21, 2015

Motion by Councilman Papaleo, seconded by councilwoman Murphy to approve resolution #15-345.

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

#15-345 Enter Into 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 Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-166 of the Current Fund in the amount of \$15,000.00; 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;

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 \$15,000.00; 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.

September 21, 2015

#15-346 Resolution Authorizing Jeffrey R. Surenian, Esq., to Execute an Agreement on Behalf of the Borough with Econsult Solutions, Inc. to Conduct a Fair Share Analysis with Regard to COAH

WHEREAS, the Mayor and Council of the Borough of River Edge entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; and

WHEREAS, the Mayor and Council of the Borough of River Edge recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Mayor and Council of the Borough of River Edge has determined that it is in the best interests of the citizens of the

Borough to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Mayor and Council of the Borough of River Edge hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough with Econsult Solutions, Inc.

The Mayor and Council of the Borough of River Edge hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough with the approval of the Borough's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Mayor and Council of the Borough of River Edge further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Borough of River Edge shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough.
6. This Resolution shall take effect immediately.

September 21, 2015

#15-347 Resolution of Certification of the Annual Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by the Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52-27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body has reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the

Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C.5:30-6-5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or members of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge, hereby states that it has complied with N.J.S.A. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

September 21, 2015

#15-348 Resolution to Approve the Corrective Action Plan for the Fiscal Year 2014 Audit Report for the Borough of River Edge

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a "Corrective Action Plan" outlining the actions to be taken by the Borough of River Edge relative to the findings and recommendations in the annual audit report; and

WHEREAS, the "Corrective Action Plan" shall be prepared by the Chief Financial Officer with assistance from other officials affected by the audit finding and recommendations; and

WHEREAS, the Governing Body is required by resolution, to approve said "Corrective Action Plan"; and

WHEREAS, the "Corrective Action Plan", as prepared by the Chief Financial Officer and approved by the Governing Body, shall be placed on file and made available for public inspection in the office of the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby approves the "Corrective Action Plan" for the year 2014 Audit Report submitted by the Chief Financial Officer.

September 21, 2015

#15-349 Resolution to Authorize Disposal of Surplus Equipment

WHEREAS, the Borough of River Edge is owner of various surplus equipment which is listed on file with the Borough Clerk, which is no longer needed for public use; and

WHEREAS, the Borough Clerk has made two attempts to auction off the equipment through GovDeals on June 29th through July 13, 2015 and August 3rd through August 17, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works is hereby authorized to dispose of said surplus equipment.

September 21, 2015

#15-350 Authorize Tax Collector to Adjust the 4th Quarter 2015 Taxes for a Veteran Deduction Allowed

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

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

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Deduction</u>	<u>Adjusted Amount</u>
911/4	Anthony Loiero 309 Olympia Drive	Veteran	\$250.00

September 21, 2015

#15-351 Authorize Tax Collector to Refund a 3rd Quarter 2015 Tax Overpayment

WHEREAS, the Tax Office has received a tax overpayment for the 3rd Qtr. 2015 taxes on the following property from Sage Title and Settlement Services, LLC; and

WHEREAS, a written request was received from Sage Title and Settlement Services to refund the overpaid amount directly to the homeowner.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Tax Qtr.</u>	<u>Refund Amount</u>
203/11	Michael & Randi Martin 920 Summit Avenue River Edge, NJ 07661	3 rd	106.84

September 21, 2015

#15-352 Authorize Tax Collector to Refund 2015 3rd Quarter Tax Overpayments

WHEREAS, the tax office has received duplicate and/or tax overpayments for the 3rd Quarter 2015 taxes on the following properties; and

WHEREAS, a written request was received from their mortgage company to refund the overpaid amount directly to the mortgage company.

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

<u>BLOCK LOT</u>	<u>HOMEOWNER/ADDRESS</u>	<u>QUARTER</u>	<u>AMOUNT</u>
308/6	Roushdy 727 Seventh Avenue	3 rd	6,155.21
409/35/C0041	Xu, XiuFeng 41 Jordan Drive	3 rd	2,756.53
911/8	Hong 283 Olympia Drive	3 rd	5,065.05

Total: \$13,976.79

Make check payable to:

CORE LOGIC TAX SERVICES
Mail Code: DFW 1-3
One Corelogic Drive
Westlake, TX 76262
Attn: Tax Refunds

September 21, 2015

Motion by Councilman Mignone, seconded by Councilman Papaleo to ~~table~~ resolution #15-353.

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

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#15-353 Forfeit of Construction Bond for Shade Trees at 382 Lee Avenue, River Edge, NJ 07661

WHEREAS, Gabi Issa, 382 Lee Avenue deposited a cash construction bond for shade trees adjacent to the property located at 382 Lee Avenue in the amount of \$2,695.80 on November 25, 2013; and

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

WHEREAS, the Shade Tree Commission recommends that the original bond amount of \$2,695.80 be used to remove and replace the tree; and

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

NOW, THEREFORE, BE IT RESOLVED that the Shade Tree Commission recommends that the bond in the amount of \$2,695.80 be forfeited and the Chief Financial Officer adjust his records accordingly.

September 21, 2015

#15-354 Authorize Amendment to Resolution #15-327 to Authorize Tax Collector to Adjust 2015 Final Tax Bills Due to County Board Judgments

WHEREAS, County Board Judgments were received for the year 2015 by the tax office reducing the Assessed Value on properties which was presented and passed under Res. #15-327 on September 8, 2015; and

WHEREAS, Block: 1103 Lot: 54, 54 Eastbrook Drive's Assessed Value of 584,400 was listed incorrectly as 564,400 creating a tax credit of \$3,197.70; and

WHEREAS, the error in assessed value is 20,000 which as a tax credit is an additional \$643.40 to be credited along with original credit approved by Res. #15-327 to the 4th Quarter 2015 taxes.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector apply an additional tax credit to the 4th Quarter 2015 taxes on the following property and adjust her records accordingly.

<u>BL/Lot</u>	<u>Name/Address</u>	<u>Adjusted Assessed Value</u>	<u>Adjusted Taxes</u>
1103/54	DIMITRIOU 54 Eastbrook Drive	20,000	\$643.40

September 21, 2015

#15-355 Grant Raffle License to HSA St. Peter Academy

BE IT RESOLVED that the following license to conduct an Off Premise 50/50 Raffle to St. Peter Academy, 445 Fifth Avenue, River Edge, NJ 07661 License #670, I.D. 423-5-31194 starting in October 2015 running through April 26, 2016 and will take place at 445 Fifth Avenue, River Edge, New Jersey on April 26, 2016 at 8 p.m.

The Clerk reporting all in order.

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control of the State of New Jersey.

September 21, 2015

#15-356 Authorize Refund from Trust Other Account

WHEREAS, the Boy Scouts of America, Troop 184 had requested the use of Memorial Park; and

WHEREAS, the park use fee of \$50.00 was paid in full; and

WHEREAS, the Boy Scouts were unable to use the park due to inclement weather; and

WHEREAS, a refund will be made to the following:

Boy Scouts of America Troop 184
c/o Janet Felice
309 Wales Avenue
River Edge, NJ 07661

NOW, THEREFORE, BE IT RESOLVED that a total of \$50.00 be refunded from the Trust Other Account for the above listed resident.

September 21, 2015

#15-357 Award of Contract to Joseph Smentkowski, Inc., 3 New York Avenue, Jersey City, NJ 07307 for Complete Solid Waste Collection Service from 1-4 Family Residences as Part of a Shared Service with New Milford, Option Year 1

WHEREAS, on August 26, 2014 bids were received by the Borough of New Milford for Complete Solid Waste Collection Service for New Milford and River Edge; and

WHEREAS, four (4) bids were received, the lowest from Joseph Smentkowski, Inc., 3 York Avenue, Jersey City, New Jersey 07306 in the amount of \$3,500,000.00 for a five (5) year contract total representing Options 1,2,3; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on September 8, 2015 and September 21, 2015; and

WHEREAS, the Borough of River Edge and Borough of New Milford have agreed to share the cost of such service for all years and during the first year of the contract it will be calculated at the following percentages: River Edge (44.5%), New Milford (55.5%) based upon the 2015 Table of Aggregates.

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-26-3050-100 of the Current Fund in the amount not to exceed \$310,800.00 for the 1st year from October 16, 2014 to October 15, 2015; a pro-rata share of \$310,800.00 for the 2nd year from October 16, 2015 to October 15, 2016; a pro-rata share of \$310,800.00 for the 3rd year from October 16, 2016 to October 15, 2017; a pro-rata share of \$310,800.00 for the 4th year from October 16, 2017 to October 15, 2018 and a pro-rata share of \$310,800.00 for the 5th year from October 16, 2018 to October 15, 2019. All amounts are contingent upon the Governing Body passing and including an appropriation in those current fund budgets and subject to all of the requirements of N.J.A.C. 5:34-5.3 with respect to multi-year contracts.

NOW, THEREFORE, BE IT RESOLVED that the bid for a one year contract Option Year 1 for Complete Solid Waste Collection Service from 1-4 Family Residences is hereby awarded to Joseph Smentkowski, Inc., 3 New York Avenue, Jersey City, New Jersey 07307 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

BE IT FURTHER RESOLVED, that this award of contract is subject to the Borough of New Milford making a similar award since they are the Lead Agency.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to Joseph Smentkowski, Inc. and the Borough of New Milford.

September 21, 2015

#15-358 Rejection of Bid for Complete Solid Waste Collection Service

WHEREAS, THE Mayor and Council of the Borough of River Edge received sealed bids on September 9, 2015 for Complete Solid Waste Collection Service; and

WHEREAS, the Clerk was authorized to go out for bid for the Garbage Collection Services via resolution #15-258, dated July 6, 2015; and

WHEREAS, one (1) bid was received from Joseph Smentkowski, Inc., 3 New York Avenue, Jersey City, New Jersey 07607 in the amount of \$2,043,760.00; and

WHEREAS, the Governing Body is rejecting the bid on the basis that the lowest bid substantially exceeds the cost estimates for the goods or services.

NOW, THEREFORE, BE IT RESOLVED that the bid is hereby rejected by the Governing Body of the Borough of River Edge.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to return all appropriate bid materials to the bidder.

September 21, 2015

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #15-359.

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

#15-359 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	\$440,038.53
CAPITAL ACCOUNT	\$250,455.15
RECREATION ACCOUNT	\$ 3,864.71
ANIMAL WELFARE ACCOUNT	\$ 4.80

TRUST OTHER ACCOUNT \$ 12,055.00
OPEN SPACE ACCOUNT \$ 1,351.73

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.

September 21, 2015

#15-360 Amend 2015 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 for an equal amount; and

WHEREAS, the Borough has received a donation for the Memorial park Bench Program in the Recreation Department in the amount of \$1,500.00.

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

Donation Memorial Park Bench Program.....\$1,500.00

BE IT FURTHER RESOLVED that the like sum of \$1,500.00 and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations excluded from the "CAPS"

Public & Private Programs Offset by Revenues

Donation Memorial Park Bench Program.....\$1,500.00

BE IT FURTHER RESOLVED that the Borough forward two (2) copies of this resolution to the Director of Local Government Services.

September 21, 2015

#15-361 Enter Into Agreement with the County of Bergen for a Community Development Block Grant for Handicapped Accessible Curb Ramps and Sidewalks

BE IT RESOLVED that the Mayor and Council of the Borough of River Edge wishes to enter into an agreement with the County of Bergen for the purpose of using \$65,771.00 in 2015 Community Development Block Grant funds for Handicapped Accessible Curb Ramps and Sidewalks in the Borough of River Edge; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes Sandy Moscaritolo, Mayor to be a signatory to the aforesaid grant agreement; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes Alan P. Negreann, Borough Administrator/Chief Financial Officer, to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED that the Mayor and Council recognizes that the Borough of River Edge is liable for any funds not spent in

accordance with the Grant Agreement, and that the liability of the Mayor and Council is in accordance with HUD requirements.

September 21, 2015

#15-362 Enter Into Agreement with the County of Bergen for a Community Development Block Grant for the Senior Bus Dispatcher & Driver Wages

BE IT RESOLVED that the Mayor and Council of the Borough of River Edge wishes to enter into an agreement with the County of Bergen for the purpose of using \$13,500.00 in 2015 Community Development Block Grant funds for the Senior Bus Dispatcher & Driver Wages in the Borough of River Edge; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes Sandy Moscaritolo, Mayor to be a signatory to the aforesaid grant agreement; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes Alan P. Negreann, Borough Administrator/Chief Financial Officer, to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED that the Mayor and Council recognizes that the Borough of River Edge is liable for any funds not spent in accordance with the Grant Agreement, and that the liability of the Mayor and Council is in accordance with HUD requirements.

September 21, 2015

#15-363 Enter Into Agreement with the County of Bergen for a Community Development Block Grant for Senior Citizen Activities

BE IT RESOLVED that the Mayor and Council of the Borough of River Edge wishes to enter into an agreement with the County of Bergen for the purpose of using \$1,800.00 in 2015 Community Development Block Grant funds for Senior Citizen Activities in the Borough of River Edge; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes Sandy Moscaritolo, Mayor to be a signatory to the aforesaid grant agreement; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes Alan P. Negreann, Borough Administrator/Chief Financial Officer, to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED that the Mayor and Council recognizes that the Borough of River Edge is liable for any funds not spent in accordance with the Grant Agreement, and that the liability of the Mayor and Council is in accordance with HUD requirements.

September 21, 2015

OPEN HEARING OF THE PUBLIC -

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

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

Gabi Issa-382 Lee Avenue-stated that he purchased his home in 2012 and plans to build an addition. In order to get approval, he was required to put up a bond in the amount of \$2,695.80 because there was a tree in front of the house. Mr. Issa explained that before starting construction in May of last year, he called the Shade Tree office to inform Liz Stewart that the tree looked sick.

Mayor Moscaritolo- asked if construction work had started before he made the phone call?

Gabi Issa-replied that he made the phone call prior to the start of construction but never received a response. He said that his neighbor recommended that he do that because she also felt that the tree was sick. Mr. Issa said that his neighbor had also called the Shade Tree office but didn't receive a response. He finished the house in December 28th and once summer came, he was noticing that branches were falling. He came to the Building Department and asked Nicole why no one has responded to his calls and Nicole advised him that she would send an e-mail to Liz Stewart with Mr. Issa's contact information. Mr. Issa never received a phone call. Mr. Issa's wife had called the Shade Tree Commission a few times with concerns about the tree branches falling because they have young children. She also didn't get a response. Mr. Issa said that he received a letter dated September 17th regarding the forfeiture of his bond deposit of \$2,695.80.

Mayor Moscaritolo - read the letter into the record.

Gabi Issa-went to Borough Hall today to find out what he can do or who he should speak with and was advised to come to the Mayor and Council meeting.

Councilwoman Murphy-wanted to clarify that Mr. Issa's neighbor told him that the tree was sick before he purchased the house?

Gabi Issa-replied yes.

Mayor Moscaritolo-read the door tag that Mr. Issa found on his door knob today from Liz Stewart explaining the reason for their decision.

Councilwoman Murphy-asked why Mr. Issa would put up a bond if he thought the tree was already compromised?

Gabi Issa-said that it is required.

Mayor Moscaritolo and Councilman Papaleo-both agreed that it is a requirement.

Councilman Mignone-asked Mr. Issa if he also was the contractor?

Gabi Issa-replied, no.

Councilman Mignone-asked if the contractor put any protection around the tree prior to construction.

Gabi Issa-replied yes, he put red fencing around the tree. He also explained that they didn't do any work on the foundation and that all of the work was done in the back of the house.

Councilman Mignone-stated that he should ask the Shade Tree Commission what they are basing their observation on.

Gabi Issa-said that's why he came here tonight.

Councilwoman Murphy-asked if he had any before or after pictures?

Gabi Issa-replied no.

Councilman Mignone-stated that sometimes if they do run heavy equipment over the roots it could do damage. He doesn't understand why the homeowner would post the bond and not the contractor.

Gabi Issa-thinks that they may have assumed that there was foundation work done because the house looks brand new.

Mayor Moscaritolo-asked if the tree is between the curb and the sidewalk?

Gabi Issa-replied yes. He again explained that there was no work done in front of the house, all of the work was in the back.

Councilman Mignone-asked if the addition was on the same side where the tree is?

Gabi Issa-replied no, all of the work was in the back.

Councilman Mignone-suggested that Mr. Issa speak with the Construction Official who could review the plans with Ms. Stewart and see if there was a misunderstanding of the work that was actually done. Councilman Mignone stated that depending on when inspections are done, if they had seen excavation or storage material by the tree it would have been brought to someone's attention at that time.

Gabi Issa-feels that if you look at the tree it would seem obvious that it's been sick for a while.

Mayor Moscaritolo-asked Mr. Issa if he posted the bond himself?

Gabi Issa-said that he wrote his contractor a check and the contractor came in and deposited it.

Councilman Papaleo-asked Mr. Issa if before construction began, he called the Shade Tree Commission on more than one occasion?

Gabi Issa-said that he called one time because Nicole advised him to call and leave a message and they would come and look at it.

Mayor Moscaritolo-asked if this was done before he got the permit?

Gabi Issa-replied yes it was before any work was started on the house.

Mayor Moscaritolo- clarified that "before the permit, you went to see Nicole, you got the number for Shade Tree Commission, you called them up and got the recording?"

Gabi Issa-yes, I left a message but no one called me back.

Councilman Papaleo-stated, "no one called you back, no letter was sent, no response from the Shade Tree Commission at all?"

Gabi Issa-replied no response at all.

Councilman Papaleo-asked if he had tried to contact the Shade Tree Commission several times after that?

Gabi Issa-stated that once the work was complete and they moved in, they called in the summer and told them that the tree was falling apart and asked for someone to come and take a look at it to decide whether it should be removed.

Councilman Papaleo-asked if the phone call was made in June or July?

Gabi Issa-replied, no in May. Mr. Issa said that someone had come and put a green X on the tree.

Councilwoman Murphy-stated that that means it's going to be removed.

Councilman Papaleo-asked if they had spoken to him at that time?

Gabi Issa-replied no.

Councilman Papaleo-asked if there was any attempt by the Shade Tree Commission to speak with him or his wife?

Gabi Issa-replied no.

Councilwoman Murphy-asked if Mr. Issa knew that they meet on the third Thursday of the month at the building by the train station?

Gabi Issa-replied, no. Mr. Issa mentioned that Nicole has a record of an e-mail that she sent with Mr. Issa's phone number.

Mayor Moscaritolo-stated "just so the record is clear, we've heard from Mr. Issa after the Council voted on the consent agenda resolution #15-353 forfeiting the bond". The Mayor asked if the Council would like to reconsider.

Motion by Councilman Mignone, seconded by Councilman Papaleo to reconsider resolution #15-353.

Alan Negreann-stated that after reading the resolution, he's sure that the amount is correct.

Councilman Mignone-stated that since they already approved it, he would like to vote to reconsider it. After they vote to reconsider it, they can motion to table it until we get more information.

Councilwoman Murphy-had asked the Shade Tree Commission if there were any problems with or questions about the forfeitures and they said no.

An amended motion by Councilman Mignone, seconded by Councilman Papaleo to reconsider resolution #15-342 and #15-353.

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

Mayor Moscaritolo-requested that when this is back on the agenda for a final vote, that Mr. Issa be notified.

CLOSE HEARING OF THE PUBLIC -

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

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

COUNCIL COMMENTS - No Comments

ADJOURNMENT - 9:33 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adjourn the meeting at 9:33 p.m. and return to the work session.

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

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk