

M I N U T E S  
Meeting of the Mayor and Council  
Monday, December 2, 2013  
8:15 P.M.

CALL THE MEETING TO ORDER -

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

SILENT PRAYER - FLAG SALUTE

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

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

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

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

In accordance with this act the Mayor and Council of the Borough of River Edge have caused notice of this meeting to be published by having the date, time and place thereof posted in the Borough Hall and notices have been sent to the Record and the Ridgewood News.

The mission of this governing body is to provide essential services through the establishment and implementation of public policy that will safeguard our infrastructure provide honest, courteous and professional services; and establish a sense of trust and accomplishment with our residents. Through research and prudent planning we seek to minimize risks while improving our services. We are sensitive to the needs of our taxpayers while realizing that this governing body cannot be all things to all people within the revenue constraints imposed by state mandates, economic conditions and prevailing attitudes about taxation.

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

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council work session and regular meeting of November 18, 2013.

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

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council work session meeting of November 25, 2013.

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

PROCLAMATIONS & AWARDS - NONE

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary change of Officer Vincent Ariano from \$28,611.00 to \$36,414.00 after the satisfactory completion of his one year probation, effective December 4, 2013.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary change of Adrienne Cappaso, Registrar of Vital Statistics and Secretary to the Board of Health from \$19.58 per hour to \$20.67 per hour from Step I to Step II, effective December 6, 2013.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary change of Tom Smith, Fire Inspector, from \$23.59 per hour to \$24.85 per hour from Step II to Step III, effective December 6, 2013.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the satisfactory completion of the six-month probationary period of Arthur DeRosa, Code Enforcement Officer, effective November 21, 2013.

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

CORRESPONDENCE -

Notice - River Edge Board of Education - 11/18/13  
RE: Meeting Notice 11/20/13  
Letter - Cablevision - 11/18/13  
RE: Removal of Howard TV Subscription Video  
Letter - Cablevision - 11/18/13  
RE: NBC Sports Network Package Move  
Letter - Boswell Engineering - 11/16/13  
RE: Application Submission NJDEP Flood  
Hazard Permit - Coles Brook, Hackensack

MONTHLY REPORTS -

Shade Tree Commission - October 7, 2013  
Environmental commission - November 14, 2013 (No Quorum)  
Historic commission - October 23, 2013  
Beautification Committee - November 14, 2013 (No Quorum)  
Board of Health - November 25, 2013

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

ORDINANCE - 2<sup>ND</sup> READING -

Denise Dondiego, Borough Clerk read the title of Ordinance #1794 as follows:

Ordinance #1794 - BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF FIFTH AVENUE (SECTION 1 - FROM HOWLAND AVENUE TO SLIGHTLY PAST THE INTERSECTION WITH WAYNE AVENUE), 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 \$176,000 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.

Ordinance #1794 was introduced by Councilman Mignone, seconded by Councilwoman Murphy at the November 18, 2013 meeting as follows:

BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF FIFTH AVENUE (SECTION 1 - FROM HOWLAND AVENUE TO SLIGHTLY PAST THE INTERSECTION WITH WAYNE AVENUE), 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 \$176,000 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 1 - from Howland Avenue to slightly past the intersection with Wayne Avenue) 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</u>	<u>Lots</u>
905	7, 8, 9, 10, 11, 12, 13, 14, 15, 16
911	1, 23
910	1, 38, 39, 40, 41, 42
906	32

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 \$176,000 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 \$150,000 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 \$107,850 to the cost of said sidewalk improvement, and (2) the estimated maximum amount of the special assessments for said sidewalk improvement is \$3,500, 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 \$176,000, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said

purpose is \$176,000, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$18,160 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 \$176,000 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 \$176,000 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 \$176,000 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.

Sandy Moscaritolo, Mayor

Denise A. Dondiego, RMC  
Borough Clerk

OPEN HEARING OF THE PUBLIC -

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

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

CLOSE HEARING OF THE PUBLIC -

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilman Mignone to close hearing of the public.

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

ADOPTION -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adopt Ordinance #1794.

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

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BY-LAWS

There was a discussion on the revised agenda that was placed before the Mayor and Council that evening, particularly resolution #13-446 approving the By-Laws. The Mayor had some issues with various items in the by-laws as well as some of the Council. A decision was made to change the following items on the By-Laws and have further discussion at the next meeting.

Article IV Borough Clerk - Section 3. Motion by Councilman Papaleo; seconded by Councilman Bartelloni to change the seven days to five days.

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

Article VI Meetings - Section 6 - Motion by Councilman Papaleo; seconded by Councilman Acquafredda to delete this section.

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

RESOLUTIONS - By Consent

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolutions #13-423, #13-425 through #13-441 and #13-443 through #13-445.

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

#13-423 A Resolution to Refund of a Soil Removal Permit

WHEREAS, the following application has been made to the Building Department for a Soil Movement Permit; and

WHEREAS, the applicant has decided not to move forward with the in ground pool at 455 Kinderkamack Road.

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>
809/7	Robert Brown 455 Kinderkamack Road	\$250.00

BE IT FURTHER RESOLVED that since the borough Engineer has been paid for his services out of the Trust Other Developers account that this refund is authorized to be paid out of the Current Fund Account #01-2010-20-1652-174.

December 2, 2013

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Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve resolution #13-424.

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

#13-424 A Resolution Requesting Permission for the Dedication by Rider for Donations/Fund Raising to the Borough of River Edge Senior/Community Center

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the purpose of the Senior/Community Center is to accept donations permitted by N.J.S.A. 40A:5-29 and conduct fund raising events to collect private funds to support, create, construct and maintain a Senior/Community Center; and

WHEREAS, these revenues are not subject to an accurate estimate in advance; and

WHEREAS, the Borough of River Edge desires to include in its budget a Dedicated by Rider item entitled Senior/Community Center; and

WHEREAS, the work of the Senior/Community Center will benefit the entire River Edge Community; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

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

1. The Borough Council does hereby request permission from the Director of the Division of Local Government Services to pay expenditures of the Senior/Community Center received from donations and fund raising.
2. That such income received by the Borough is to be placed in a Specific Trust Fund and such Trust Fund shall be considered a "Dedication by Rider" to be the budget of the Local Unit per N.J.S.A. 40A:4-39 for the sole purpose stated above.
3. The Borough Clerk of the Borough of River Edge is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

December 2, 2013

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#13-425 Award Contract for Riverside Cooperative 2013 Riverside Cooperative Tree Stump Grinding and Removal

WHEREAS, the Riverside Cooperative requested quotations for a 2013 Tree Stump Grinding and Removal Program on behalf of the Borough of River Edge; and

WHEREAS, two(2) quotations were received, the lowest from Downe Tree Service co., Inc. 65 Royal Avenue, Hawthorne, N.J. 07506, New Jersey; and

WHEREAS, the quotations have been reviewed by the Borough Administrator and the Shade Tree Commission; 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.

WHEREAS, the Mayor and Council have reviewed this matter at a work session on December 2, 2013; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-26-3022-169 of the Current Fund not to exceed \$5,000.00

NOW, THEREFORE, BE IT RESOLVED that the bid is hereby awarded to Downe Tree Service co., Inc. 65 Royal Avenue, Hawthorne, N.J. 07506, New Jersey not to exceed \$5,000.00 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

December 2, 2013

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#13-426 Change Order #2 Approval and Amendatory Contract for C & M Door Controls, Inc., 20 Markely Street, Port Reading, New Jersey 07064 for the New Hardware and ADA Power Operators at Entrances: River Edge Borough Hall and Public Safety Building Project

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

WHEREAS, the Borough of River Edge awarded a contract on January 22, 2013 via resolution #13-67 in the amount of \$19,170.00 and change order #1 in the decrease amount of (\$2,000.00) via resolution #13-321; and

WHEREAS Change Order #2 reflects the installation of a fail secure electric strike for the Police Department Entrance in amount not to exceed \$2,570.00; and

WHEREAS, the Consulting Architect has recommended the above change.

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-26-3102-167 of the Current Fund not to exceed \$2,570.00.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with C & M Door Controls, Inc. for Change Order #2 in an amount not to exceed \$2,570.00.

BE IT FURTHER RESOLVED that the exact form of this amendatory contract shall be at the discretion of the Borough Attorney and the Mayor and the Borough Clerk is hereby authorized to execute said contract, and Change Order #2.

December 2, 2013

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#13-427 Resolution to Authorize Submission of the Application for a Grant Extension for the River Edge Municipal Alliance to Prevent Alcoholism and Drug Abuse Grant for 2013

WHEREAS, The Governor's council on Alcoholism and Drug Abuse established the Municipal Alliance for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of River Edge, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, Borough Council was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal rather than calendar year cycle;

WHEREAS, funding has been made available to River Edge Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind grant requirement for the extension funding.

NOW, THEREFORE BE IT that the Borough Council does hereby authorize the submission of the grant extension for the River Edge Municipal Alliance grant in the amount of:

DEDR	\$14,814.00
Cash match	\$ 3,703
In Kind	\$11,110.00

BE IT FURTHER RESOLVED that the Mayor and Councilman Papaleo and Councilman Bartelloni are hereby authorized to sign the Municipal Alliance to Prevent Alcoholism and Drug Abuse Grant.

December 2, 2013

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#13-428 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development Grant of \$118,000.00 has been proposed by the Borough of River Edge for the Barrier Free Curb Cuts #10 in the municipality of River Edge; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of River Edge; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of River Edge hereby confirm endorsement for the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

December 2, 2013

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#13-429 Authorize Severance and Accumulated Absence Payments to Mary Lennox

WHEREAS, Mary Lennox, Library Assistant-Technical Services has retired as an employee of the Borough of River Edge Free Public Library on August 15, 2013; and

WHEREAS, the Borough of River Edge adopted Ordinance #585, on September 9, 1973 and amended it via Ordinance #814 dated March 21, 1982 and Ordinance #1736 dated September 6, 2011; and

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

WHEREAS, the River Edge Free Public Library Board of Trustees adopted a Personnel Policy on November 16, 2010; and

WHEREAS, Section #3 provides for the payment of any unused vacation due her in that calendar year; and

WHEREAS, the River Edge Free Public Library Board of Trustees adopted the Borough's Personnel Policy & Procedure Manual on November 13, 2012; and

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

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

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

December 2, 2013

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#13-430 Rescind a Portion of Resolution #13-387

WHEREAS, Resolution #13-387 which was approved on October 21, 2013 created an emergency appropriation of \$9,000.00 for the cleaning of the Voorhis Avenue Storm System; and

WHEREAS, Resolution #13-387 was filed with the State of New Jersey, Division of Local Government Services; and

WHEREAS, the Chief Financial Officer has reported that a portion of the emergency appropriation in Resolution #13-387 will not be spent by December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED that \$5,309.00 (Other Expenses) of resolution #13- 387 dated October 21, 2013 is hereby rescinded.

BE IT FURTHER RESOLVED that the Chief Financial Officer and Borough Clerk are hereby instructed to change their records accordingly, and forward two (2) copies of this resolution to the Director of the Division of Local Government Services.

December 2, 2013

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13-431 Amend 2013 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 contract amendment for the Municipal Alliance on Alcoholism and Drug Abuse Grant amount of \$4,938.00.

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

Municipal Alliance on Alcoholism and Drug Abuse Grant

Public & Private Revenues Offset with Appropriations.....\$4,938.00.

BE IT FURTHER RESOLVED that the like sum of \$4,938.00 and the same is hereby appropriated under the caption of:

General Appropriations  
(A) Operations Excluded from the "CAPS"  
Public & Private Programs Offset by Revenues

Municipal Alliance on Alcoholism and Drug Abuse Grant  
Public & Private Programs Offset by Revenues.....\$4,938.00.

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

December 2, 2013

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#13-432 Amend 2013 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 grant for Recycling Tonnage amount of \$16,291.55.

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

Unappropriated Reserve for Recycling Tonnage Grant.....\$16,291.55

BE IT FURTHER RESOLVED that the like sum of \$16,291.55 and the same is hereby appropriated under the caption of:

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

Unappropriated Reserve for Recycling Tonnage Grant.....\$16,291.55

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

December 2, 2013

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#13-433 Grant of Revocable License for Placement of a Fence over borough  
Drainage Easement to Mr. & Mrs. Raymond McCourt, 46 Eastbrook Drive, Block  
1103, Lot 52

WHEREAS, Mr. & Mrs. Raymond McCourt, are the owners of premises known as 46 Eastbrook Drive, River Edge, New Jersey, and have requested permission and license to place a fence in the rear yard of their premises at 46 Eastbrook Drive, which will extend over a twenty (20) foot drainage easement held by the Borough of River Edge; and

WHEREAS, the Borough has agreed to grant a revocable license to the property owner subject to the execution of a License Agreement in recordable form prepared by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED, that a Revocable License be granted for the construction of a fence over the drainage easement at the stated premises. Said license shall be granted with the understanding that the Borough will be permitted access without restriction and will in no way be held responsible for

the reconstruction of the fence, if access to the easement requires its removal. The removal and replacement of any fence shall be the responsibility of the property owner.

BE IT FURTHER RESOLVED, that this grant shall be memorialized in an Agreement prepared by the Borough Attorney which will be recorded so that future property owners shall be bound by its terms.

December 2, 2013

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#13-434 Change Order #1 Approval and Amendatory Contract for D.L.S. Contracting Inc., 633 Franklin Ave., Ste. 170, Nutley, N.J. 07110 for the Riverside Cooperative Road Improvement Program

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

WHEREAS, the Borough of River Edge awarded a contract on June 17, 2013 via resolution #13-257 in the amount of \$103,290.51; and

WHEREAS Change Order #1 reflects the decrease in quantity of concrete, increase of quantity of millings, asphalt price adjustment, traffic stripes and patches in amount not to exceed \$22,372.85; and

WHEREAS, the Consulting Architect has recommended the above change.

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1789-400 of the Capital Fund not to exceed \$22,372.85.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with D.L.S. Contracting Inc. for Change Order #1 in an amount not to exceed \$22,372.85.

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

December 2, 2013

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#13-435 Authorize Tax Collector to Refund Duplicate 4<sup>th</sup> Quarter 2013 Tax Payments

WHEREAS, the tax office has received a duplicate tax payment for the 4<sup>th</sup> Quarter 2013 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.

BLOCK LOT	HOMEOWNER/ADDRESS	AMOUNT
603 12	HEIDELBERG, GREGORY 608 Elm Avenue	2,634.78
1402 5.02	ALHASSAN, AYISHETU 106 Davis Drive	416.56
	TOTAL:	3,051.34

Make check payable to:

Wells Fargo Home Mortgage  
MAC X2302-04D  
1 Home Campus  
Des Moines, IA 50328

December 2, 2013

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#13-436 Authorize Tax Collector to Refund Duplicate 4<sup>th</sup> Quarter 2013 Tax Payments

WHEREAS, the tax office has received tax overpayments for the 4<sup>th</sup> Quarter 2013 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.

BLOCK LOT	HOMEOWNER/ADDRESS	AMOUNT
207 29	PENG, WEIMING 25 Richard Court	2,429.01
309 14	HENRY, ARTHUR 712 7 <sup>th</sup> Avenue	2,658.37
501 24	MESSING, JOSEPH 339 Continental Avenue	2,579.04
604 7	AGERUP, DENNIS 164 Monroe Avenue	3,463.76
615 10	HONG, IN KEE 580 Bogert Road	2,999.09
704 3	QUINN, COLIN 257 Greenway Terrace	1,562.87
908 31	WALMACH, LYNNE 184 Beech Drive North	2,602.65
1202 11	TERPAK, RICHARD 97 Valley Road	2,994.40
	Total:	21,289.19

Make check payable to:

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

December 2, 2013

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#13-437 Authorize Tax Collector to Refund a 4<sup>th</sup> Quarter 2013 Tax Overpayment

WHEREAS, the tax office has received a duplicate payment and/or tax overpayment for the 2013 taxes on the following property; and

WHEREAS, a written request was received from the homeowner 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.

Block/Lot	Name & Address	Tax Qtr.	Refund Amount
814/21	MEEHAN, WILLIAM 68 Wayne Avenue River Edge, NJ 07661	4 <sup>th</sup>	\$250.00

December 2, 2013

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#13-438 Authorize Tax Collector to Refund a 4<sup>th</sup> Quarter 2013 Tax Overpayment

WHEREAS, the Tax Office has received a tax overpayment for the 4<sup>th</sup> Quarter 2013 taxes on the following property;

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.

Block/Lot	Name & Address	Refund Amount
905/18	LLAMZON, BENJAMIN 356 Howland Avenue	379.45
Total:		379.45

Make check payable to: Municipal Credit Union  
22 Cortlandt Street, Floor 29  
New York, NY 10007  
Attn: Rosa Mitchell

December 2, 2013

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#13-439 Transfer of Funds

WHEREAS, N.J.S.A. 49:4-59 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budgeted appropriations.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be authorized:

FROM: ELECTRIC & NATURAL GAS	31-4482-120	\$11,500.00
TO: PETROLEUM PRODUCTS	31-4472-168	\$ 8,000.00
TO: PETROLEUM PRODUCTS	31-4472-166	\$ 2,000.00
TO: PUBLIC REPAIR MAINT OE	26-2902-028	\$ 1,500.00

December 2, 2013

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#13-440 Municipal Endorsing Resolution for Community Development Grant for Bathroom Upgrades at Cherry Hill School

WHEREAS, a Bergen County Community Development grant of \$102,000 has been proposed by the River Edge School District for bathroom upgrades at the Cherry Hill School in the municipality of River Edge, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of River Edge, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of River Edge hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

December 2, 2013

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#13-441 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 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 December 16, 2013 and December 23, 2013 meeting and discussion of the hereinafter specified subject matter:

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

December 2, 2013

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Councilman Mignone read resolution #13-442 into the record.

Motion by Councilman Mignone, seconded by Councilman Bartelloni to approve resolution #13-442.

#13-442 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	\$454,394.41
CAPITAL ACCOUNT	\$ 8,790.90
RECREATION ACCOUNT	\$ 1,652.11
TRUST OTHER ACCOUNT	\$ 71,420.88
SELF INSURANCE ACCOUNT	\$ 258.00
TRUST OTHERS DEVELOPERS ACCOUNT	\$ 250.00

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 time claims would be paid.

December 2, 2013

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#13-443 Amend 2013 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 grant for Body Armor Grant in the amount of \$3,011.63.

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:

5. Miscellaneous Revenue - Section F

Unappropriated Reserve for Body Armor Grant.....\$3,011.63

BE IT FURTHER RESOLVED that the like sum of \$3,011.63 and the same is hereby appropriated under the caption of:

General Appropriations

(C) Operations excluded from the "CAPS"

Public & Private Programs Offset by Revenues

Unappropriated Reserve for Body Armor Grant.....\$3,011.63

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

December 2, 2013

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#13-444 Amend 2013 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 grant for Community Stewardship Incentive Program Grant in the amount of \$20,000.00.

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:

6. Miscellaneous Revenue - Section F

Community Stewardship Incentive Program Grant.....\$20,000.00.

BE IT FURTHER RESOLVED that the like sum of \$20,000.00 and the same is hereby appropriated under the caption of:

General Appropriations

(D) Operations excluded from the "CAPS"

Public & Private Programs Offset by Revenues

Community Stewardship Incentive Program Grant.....\$20,000.00.

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

December 2, 2013

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#13-445 Community Stewardship Incentive Program Grant

WHEREAS, the Governing Body of the Borough of River Edge desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$20,000.00 to fund the following project: Community Stewardship Incentive Program (CSIP).

NOW, THEREFORE, BE IT RESOLVED that Mayor Sandy Moscaritolo or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$20,000.00 and not more than \$20,000.00, and (c) to execute ( ) any amendments thereto (X) any amendments thereto which

do not increase the Grantee's obligations.

BE IT FURTHER RESOLVED that the Governing Body of the Borough of River Edge authorizes and hereby agrees to match 50% of the total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified, 50% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The grantee agrees to comply with all applicable federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the 2014 Community Stewardship Incentive Program Grant, New Jersey Frost Service, P.O. Box 404, Trenton, New Jersey 07625-0404.

December 2, 2013

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Motion by Councilman Mignone, seconded by Councilman Bartelloni to Table resolution #13-446 until the December 16th meeting.

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

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TABLED

TABLED

#13-446 Adopting the By-Laws of the River Edge Mayor and Council

WHEREAS, it is the prerogative of the Mayor and Council of the Borough of River Edge to adopt By-Laws for the orderly, efficient and public-friendly performance of its official duties as the Governing Body of the Borough of River Edge; and

WHEREAS, the Mayor and Council hereby finds that the adoption of By-Laws will foster the orderly, efficient and public-friendly performance of its official duties as the Governing Body of the Borough of River Edge;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that any and all By-Laws heretofore adopted by the Mayor and Council of River Edge be and are hereby repealed; and it is further

RESOLVED, that the Mayor and Council of the Borough of River Edge, County of Bergen, and State of New Jersey, hereby adopt the By-Laws attached hereto for the calendar year 2013;

ADOPTED, at the public meeting of the Mayor and Council of the Borough of River Edge, held on Monday, December 2, 2013.

December 2, 2013

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OPEN HEARING OF THE PUBLIC -

There being no comments by the public, motion by Councilman Mignone, seconded by Councilman Bartelloni to open hearing of the public.

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

CLOSE HEARING OF THE PUBLIC -

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

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

COUNCIL COMMENTS -

Councilman Acquafredda-was pleasantly surprised by the invigorating debate and looks forward to approving the new by-laws. He stated that he was pleased with the presentation from Daragh O'Connor, Library Director and is happy that we have a dynamic library. Councilman Acquafredda also hopes that they will continue to work closely with Mr. Feldman, the Curriculum Coordinator and the three school districts.

Councilman Mignone-commented that one of the positive changes to the by-laws is that they will open the meeting for public comment prior to any ordinances or resolution being passed which will give people the opportunity to voice their opinion or ask questions.

Councilman Bartelloni-hopes that the Council adopts and keeps the by-laws in place past 2013. He continued to say that they need to preserve traditions of the Governing Body and also agrees that it would be beneficial to let the public speak on agenda items before the meeting gets underway. Councilman Bartelloni spent a lot of time working on revisions to the by-laws and is proud of the final result. He is glad to see that the library is always re-purposing and working with the Boards of Education and the Curriculum Coordinator. He understands that their budget has been hit hard over the last few years and stated that he knows that the library is an integral part in aiding students in their education but doesn't know if their requests will fit within the financial constraints of the Borough.

Councilman Papaleo-announced that the holiday tree lighting ceremony on Saturday, December 7<sup>th</sup> starting at the Library at 3:45 moving to Borough Hall at 4 p.m. and also announced that hot chocolate will be served at Fire Company #1. Councilman Papaleo stated that he is very proud that our library is pro-active and are constantly doing great things for our community. He thanked Daragh O'Connor for coming and giving an outstanding presentation.

ADJOURNMENT - 8:54 P.M.

Motion by Councilman Papaleo, seconded by Councilman Bartelloni to adjourn the meeting at 8:54 p.m.

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

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk

Dated: