

MINUTES

Regular Meeting of the Mayor and Council
Monday, October 22, 2018
7:00 P.M.

CALL THE MEETING TO ORDER –

Mayor Mignone called the meeting to order at 7:00 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER –

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

SUNSHINE STATEMENT -

Mayor Mignone read the statement under the Sunshine Law and asked the Clerk to put it into the minutes. “Adequate Notice of this meeting has been made by sending notice on December 29, 2017 to THE RECORD NEWSPAPER, by positioning on the bulletin board in the lobby of the Borough Hall and filing a Notice of the same with the Municipal Clerk”.

ROLL CALL – Councilman Bartelloni, Councilwoman Busteed, Councilman Chinigo, Councilwoman Davis, Councilman Gautier, Councilman Papaleo and Mayor Mignone were present.

APPROVAL OF MINUTES –

On motion by Councilman Chinigo, seconded by Councilman Bartelloni, the minutes of the Mayor and Council Regular Meeting of September 24, 2018 were approved unanimously.

PROCLAMATIONS & AWARDS – None

OPEN PUBLIC COMMENTS ON ANY ITEM ON THIS AGENDA –

On motion by Councilman Papaleo, seconded by Councilman Chinigo to open public comments on any item on the agenda was unanimously approved.

CLOSE PUBLIC COMMENTS ON ANY ITEM ON THIS AGENDA –

There being no comments by the public, the motion by Councilman Chinigo, seconded by Councilman Papaleo to close public comments on any item on the agenda was unanimously approved.

APPOINTMENTS & PERSONNEL CHANGES –

On motion by Councilman Chinigo, seconded by Councilman Papaleo, the satisfactory completion of the probationary period and salary increase of Edwin Alter, Land Use Board/Assessor Clerk from a probationary rate of \$16.00 to Step I - \$19.95, effective October 23, 2018 was unanimously approved.

On motion by Councilman Chinigo, seconded by Councilman Gautier, the appointment of Seth Hanauer as a Junior Firefighter in the River Edge Volunteer Fire Department effective October 23, 2018 was unanimously approved.

On motion by Councilwoman Busteed, seconded by Councilwoman Davis, the satisfactory completion of the six-month probationary period of Carolyn Baldanza, Director of Recreation & Cultural Affairs, effective November 1, 2018 was unanimously approved.

On motion by Councilman Papaleo, seconded by Councilwoman Busteed, the salary increase of Christopher Leishman, Road Foreperson in the Department of Public Works from a current salary of \$89,981.00 to Superintendent of Public Works Step I salary of \$121,825.00, due to serving out of classification and taking on responsibilities of the Superintendent’s position as per Section II, Subject 8 of the Personnel Policy & Procedure Handbook, effective October 15, 2018 was unanimously approved.

On motion by Councilman Chinigo, seconded by Councilwoman Davis, the resignation of Jennifer Kelemen, Adult Services Librarian effective October 31, 2018 was unanimously approved.

On motion by Councilwoman Busted, seconded by Councilman Gautier, the hire of Rebecca M. Karpoff as Temporary Adult Services Librarian, \$29.03 per hour, 3 ½ hours per week, effective November 6, 2018 was approved unanimously.

On motion by Councilman Gautier, seconded by Councilwoman Davis, the hire of Erin E. Hughes as Reference Librarian, \$29.03 per hour, up to 14 hours per month, effective November 10, 2018 was approved unanimously.

CORRESPONDENCE –

- Notice - PSE&G – 9/25/18
Re: Rate Changes
- Report - Alan P. Negreann, Admin/CFO – 10/9/18
Re: Damage to Public Property Report – 10/9/18
- Report - Alan P. Negreann, Admin/CFO – 10/16/18
Re: Revenue Report
- Report - Alan P. Negreann, Admin/CFO-10/16/18
Re: Farmer’s Market Monthly Report
- Notice - River Edge Board of Education – 10/15/18
Re: Meeting Notice – October 17th

MONTHLY REPORTS –

- Environmental Protection Commission - September 2018
- Fire Prevention - July – September, 2018
- Library Board - October 2018
- Historic Commission - September 2018
- Recreation Commission - July 2018
- Tax Collector - September 2018
- Beautification Committee - No Quorum – October 2018
- Land Use Board - October 3, 2018

ORDINANCES – 1ST READING –

Stephanie Evans, Borough Clerk read the title of Ordinance #18-21 into the record as follows:

Ordinance #18-21 – AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CHANGE OF A STREET NAME IN ACCORDANCE WITH N.J.S.A. 40:67-1(k)

Mayor Mignone-explained that this is an ordinance to rename Riverside Way to John P. Lynch Way. Councilwoman Davis-stated that historically River Edge was known as Riverside and Riverside Way was named for that reason. She asked if there was some way to keep both street names. Mayor Mignone-thought that was appropriate and suggested that we could sub-name it. Councilwoman Davis-said that we could put Riverside Way underneath the sign to be renamed John P. Lynch Way. She stated that although many people don’t realize the significance of the street name, many old timers do.

On motion by Councilman Papaleo, seconded by Councilman Bartelloni, the first reading of Ordinance #18-21 was approved unanimously as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #18-21**

AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CHANGE OF A STREET NAME IN ACCORDANCE WITH N.J.S.A. 40:67-1(k)

WHEREAS, N.J.S.A. 40:67-1(k) provides for the naming and/or changing of street names within a municipality; and

WHEREAS, the Governing Body of the Borough of River Edge desires to honor the memory of John P. Lynch, having served the Borough of River Edge as Superintendent of Public Works in an exemplary manner; and

WHEREAS, it is the desire of the Governing Body to change the name of Riverside Way to John P. Lynch Way in accordance with N.J.S.A. 40:67-1(k).

NOW, THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

SECTION 1. That the Governing Body does hereby change the name of Riverside Way to John P. Lynch Way in accordance with N.J.S.A. 40:67-1(k).

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This Ordinance shall become effective immediately upon adoption and publication according to law.

Mayor Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk

Dated:

Stephanie Evans, Borough Clerk read the title of Ordinance #18-22 into the record as follows:

Ordinance #18-22 - AN ORDINANCE AMENDING ARTICLE 2, CHAPTER 206, FEES AND CHAPTER 268, LICENSING OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN AND STATE OF NEW JERSEY

(Licensing of Establishments Selling Electronic Smoking Devices)

Councilwoman Busted-explained that for the information of the Council, this was discussed at a Municipal Alliance Against Substance Abuse meeting and there was full support for this effort. Mayor Mignone-also agreed that this ordinance is very necessary and will benefit the community.

On motion by Councilwoman Busted, seconded by Councilman Chinigo, the first reading of Ordinance #18-22 was unanimously approved as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #18-22**

AN ORDINANCE AMENDING ARTICLE 2, CHAPTER 206, FEES AND CHAPTER 268, LICENSING OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN AND STATE OF NEW JERSEY

(Licensing of Establishments Selling Electronic Smoking Devices)

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, that Article II,

Chapter 206 (Fees) and Chapter 268 (Licensing) of the Revised General Ordinances of the Borough of River Edge be and are hereby supplemented to include a section, entitled Licensing of Establishments Selling Electronic Smoking Devices as follows:

1. Purpose

The purpose of this Ordinance is to license establishments that sell electronic smoking devices and related products. The funds collected by licensing of such establishments shall be used to fund the development and maintenance of programs related to tobacco cessation, prevention, and control as may be established and/or administered by the Borough of River Edge Health Department.

2. Definitions

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning stated herein unless their use in the text of this section clearly demonstrates different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

“**Electronic Smoking Device**” shall mean an electronic or other powered device that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, cigarillo or pipe, or any cartridge or other component of the device or related product.

“**License Year**” shall mean the time period covering June 1st through May 31st of the year for which a license is issued pursuant to this Ordinance.

“**Retail Electronic Smoking Device Establishment**” shall mean any establishment that sells, distributes, gives or offers for sale Electronic Smoking Devices designed for consumption through inhalation.

“**Sale**” shall mean every delivery of Electronic Smoking Devices, whether the same is by direct sale or the solicitation or acceptance of an order, including the exchange, barter, traffic in, keeping and exposing for sale, displaying for sale, delivering for value, peddling and possession with intent to sell, distribute or give.

3. Licensing Fees

A. No person shall conduct, maintain or operate a Retail Electronic Smoking Device Establishment that sells, distributes or gives Electronic Smoking Devices without first obtaining from the Borough of River Edge Health Department a license to do so.

B. Fees in accordance with the following schedule shall be paid before any license required in this article shall be issued:

Electronic Smoking Device Establishment License \$1,200.00

C. Licenses issued under the provisions of this article, unless forfeited or revoked by the Borough of River Edge Health Department, shall expire annually on the 31st day of May of each year.

D. The fees for all initial licenses issued to a licensee pursuant to this Article shall be an amount proportionate to the number of months remaining in the license year, including the month in which the license is issued.

E. No license is transferrable by sale or otherwise.

F. Such license shall be posted in a conspicuous place in such establishment. No itinerant establishments shall be permitted to obtain an Electronic Smoking Device Establishment License.

G. All licensing fees shall be paid to the Borough of River Edge. The funds collected by the licensing of such establishments shall be used to fund the development, maintenance and/or

enforcement of a Tobacco Age of Sale Enforcement Program and other smoking cessation, prevention or control programs as may be established and/or administered by the Board.

4. Sale Requirements

- A. No person shall sell, distribute or give Electronic Smoking Devices in the Borough of River Edge unless an employee of the establishment controls the sale of such products. A person may only sell Electronic Smoking Devices in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines of Electronic Smoking Devices shall be prohibited.
- B. No person shall sell, distribute, or give Electronic Smoking Devices to any person under the age of 21 years.
- C. No Retail Electronic Smoking Device Establishment shall allow the retailer, employee or any other person to sell, distribute or give such products until the retailer, employee or other person has read the Borough of River Edge Ordinances and State laws pertaining to the sale of Electronic Smoking Devices and has signed a statement that they have read such ordinances and State laws. Such form statement will be supplied by the Borough of River Edge Health Department and all signed original statements shall be kept on file by the Retail Electronic Smoking Device Establishment and made immediately available at all times for review by the Borough of River Edge Health Department. All Retail Electronic Smoking Device Establishments shall be in compliance with this provision by the effective date noted in subsection 9.
- D. The sale of any Electronic Smoking Device refill liquid, whether or not such liquid contains nicotine, that is intended for human consumption that is not contained in packaging that is child-resistant is prohibited as set forth in N.J.S.A. 2A:170-51.9 et. seq.
- E. License holders can only do in-person marketing and sales of Electronic Smoking Devices at the Retail Electronic Smoking Device Establishment. There shall be no cross marketing or sales at nonregistered retail locations and mobile locations, including but not limited to, street fairs, local fairs, festivals, etc.

5. Enforcement

- A. This section shall be enforced by the Borough of River Edge Health Department and/or other municipal officials of the Borough of River Edge.
- B. Any person found to be in violation of this section shall be ordered to cease the sale of Electronic Smoking Devices immediately.

6. Violations and Penalties

- A. Any person(s) who is found to be in violation of the provisions of this section shall be subject to the following penalties. For any and every violation of any of the provisions of this Ordinance, the violator of said provision will be subject to a fine of not less than twelve hundred (\$1,200.00) dollars and not more than twenty-five hundred (\$2,500.00) dollars.
- B. In addition any violator of this section shall be subject to having any Borough license held by the violator, suspended, revoked or fined. No such action may be taken unless the requirements of due process are satisfied.
- C. These penalties are in addition to any penalties that may be imposed including but not limited to penalties imposed by the New Jersey Code of Juvenile Justice, N.J.S.A. 2A:170-51, et. seq. and the N.J.S.A. 2C:33-13.1, et. seq.
- D. Fines and sanctions associated with this section shall be dedicated and forwarded to the Borough of River Edge Health Department to be used in connection with education and enforcement of this ordinance. The monies shall be maintained by the Chief Financial Officer of the Borough of River Edge.

7. Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

8. Repealer

All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this chapter are hereby repealed to the extent of such conflict or inconsistency.

9. Effective Date

This ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

BOROUGH OF RIVER EDGE

Stephanie Evans, Borough Clerk

Edward Mignone, Mayor

Stephanie Evans, Borough Clerk read the title of Ordinance #18-23 into the record as follows:

Ordinance #18-23 - A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE ROAD RESURFACING AT VARIOUS LOCATIONS PHASE IV IN SAID BOROUGH, AND APPROPRIATING THE SUM OF \$171,500.00 FROM BERGEN COUNTY COMMUNITY DEVELOPMENT GRANT PROGRAM FUNDS TO PAY THE COST THEREOF

Mayor Mignone-explained that this ordinance is to get the bonding in place for the CDBG grant that we received in the amount of \$171,500.00 to finish up the work on Oxford Terrace and Rutgers Place.

On motion by Councilman Papaleo, seconded by Councilman Gautier, the first reading of Ordinance #18-23 was unanimously approved as follows:

**BOROUGH OF RIVER EDGE
COUNTY OF BERGEN
ORDINANCE #18-23**

A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE ROAD RESURFACING AT VARIOUS LOCATIONS PHASE IV IN SAID BOROUGH, AND APPROPRIATING THE SUM OF \$171,500.00 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 road resurfacing at various locations 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.

SECTION 2. The Borough shall expend \$171,500.00 for the improvement authorized in Section 1. hereof. Said sum of \$171,500.00 is a grant from the 2018 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 Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk
Dated:

ORDINANCE – 2ND READING – NONE

RESOLUTIONS - By Consent

On motion by Councilman Chinigo, seconded by Councilwoman Davis, resolution #18-314 through #18-328 were unanimously approved.

#18-314 Report Investments Pursuant to the Cash Management Plan

BE IT RESOLVED that the following investments and deposits made pursuant to the Cash Management Plan of the Borough of River Edge are hereby confirmed and accepted by the Governing Body.

Months of July and August, 2018.

<u>Name of Institution</u>	<u>Amount</u>	<u>Type</u>	<u>Book Value</u>	<u>Earned Income</u>	<u>Market Value</u>	<u>Int. Rate</u>
N.J. Cash Management Fund	\$8,200,000.00	CMF	\$8,200,000.00	\$66,654.20	\$8,266,654.20	1.94

October 22, 2018

#18-315 Enter into Agreement with Robert Costa, Borough Engineer for Professional Services Related to the Preparation of the 2019 Municipal Aid Application – Bogert Road, Section 3

WHEREAS, there exists a need for expert professional engineering services related to the Preparation of the 2019 Municipal Aid Application – Bogert Road, Section 3; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund not to exceed \$1,500.00; and

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

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

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

Principal Engineer.....	\$ 65.00
Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00
Technical/Administrative Assistant.....	\$ 65.00
Field Inspector.....	\$ 80.00

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$1,500.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

October 22, 2018

#18-316 Enter into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to Meeting Outfall Mapping Requirements for the Department of Environmental Protection January 1, 2019 & 2020 Deadlines and Other Stormwater Related Engineering Services

WHEREAS, there exists a need for expert professional engineering services related to meeting Outfall Mapping Requirements for the Department of Environmental Protection January 1, 2019 and 2020 deadlines and other Stormwater Related Engineering Services; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-5109-100 of the Current Fund not to exceed \$5,000.00; and

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

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

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

Principal Engineer.....	\$ 65.00
Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00
Technical/Administrative Assistant.....	\$ 65.00
Field Inspector.....	\$ 80.00

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with

Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$5,000.00; and

2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

October 22, 2018

#18-317 Approval to Execute a Grant Contract with the New Jersey Department of Transportation for the River Edge School Safety Improvements, Federal Project No: TAP D00S(137), State Job No: 5652308

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of River Edge formally approves the Federal Aid Agreement and Amended Federal Aid Agreement for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of River Edge and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

October 22, 2018

#18-318 Change Order #2 Approval and Amendatory Contract to Joseph Smentkowski, Inc., 3 New York Avenue, Jersey City, NJ 07307 for Complete Solid Waste Collection Services

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, 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 September 24, 2018 via resolution #18-304 to Joseph Smentkowski, Inc. in the amount of \$312,200.00; and

WHEREAS, Change Order #2 has been submitted which will extend the solid waste pick-up service for an additional third weekly pick-up at Cherry Hill and Roosevelt Schools at a rate of \$600.00 per month; and

WHEREAS, the Borough Attorney has issued a legal opinion indicating that a change order may be made for this purpose and in the amount requested; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-26-3050-100 of the Current Fund in the 2018 budget in the amount not to exceed \$1,200.00, and \$5,700.00 from Account #01-2010-26-3050-100 of the Current Fund in the 2019 budget. 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 Borough of River Edge shall enter into a written amendatory contract with Joseph Smentkowski, Inc., 3 New York Avenue, Jersey City, NJ 07307 for Change Order #2.

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

October 22, 2018

#18-319 Approval to Waive the Fee for a Parade or Special Events Application for Temple Avodat Shalom

WHEREAS, Temple Avodat Shalom has Religious Services and other events at 385 Howland Avenue, a list of dates are on file in the Clerk’s office; and

WHEREAS, Temple Avodat Shalom has requested the waiver of a fee for the duration of the year for the Religious Services and other events; and

WHEREAS, Temple Avodat Shalom has made an appeal to the Mayor and Council to waive the fee of \$15.00 per application; and

WHEREAS, the Mayor and Council have discussed this matter at their work session of October 9, 2018 and have indicated that the fee of \$15.00 be waived for events through December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Police Department and the Borough Clerk’s Office are instructed to adjust their billing accordingly and to notify Temple Avodat Shalom of the waiver of the fees.

October 22, 2018

Councilman Gautier-asked if resolution #18-320 represents past work that has already been done for the Community Center?

Alan Negreann-explained that he anticipated that Mr. Costa has done work above and beyond a prior contract for topo work.

#18-320 Enter into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to Site Work Design for the Senior Citizens/Community Center

WHEREAS, there exists a need for expert professional engineering services related to site work design for the Senior Citizens/Community Center; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund not to exceed \$12,000.00; and

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

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

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

Principal Engineer.....	\$ 65.00
Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00
Technical/Administrative Assistant.....	\$ 65.00
Field Inspector.....	\$ 80.00

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with

Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$12,000.00; and

2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

October 22, 2018

#18-321 Change in Personnel Policy & Procedure Manual – Section X, General Conduct, Subject 9– Open Public Meetings Act Procedure Concerning Personnel Matters

WHEREAS, the Borough of River Edge adopted a Personnel Policy and Procedure Manual on March 7, 1983 via resolution #83-58; and

WHEREAS, the Mayor and Council of the Borough of River Edge desire to change Section X, General Conduct, Subject 9 with regard to Open Public Meeting Act Procedure Concerning Personnel Matters.

NOW, THEREFORE, BE IT RESOLVED, that the Personnel Policy and Procedure Manual of the Borough of River Edge shall be changed in the following manner:

1. Delete the following paragraph to Section X, General Conduct, Subject 9, Open Public Meetings Act Procedure Concerning Personnel Matters:

POLICY

Discussions by the governing body or any body of the Borough of River Edge concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any body of the Borough of River Edge concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the governing body or other body of the Borough of River Edge may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.

2. Add the following paragraph to Section X, General Conduct, Subject 9, Open Public Meetings Act Procedure Concerning Personnel Matters:

POLICY

Discussions by the governing body or any public body concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or the open session should be discussed with and be based upon the guidance and advice of the legal counsel for the public entity and recent court decisions.

October 22, 2018

Councilman Gautier-asked for more information on this resolution.

Mayor Mignone-explained that this is an approved plan by the Planning Board for the former spa property. He doesn't have the details but recommended that Councilman Gautier look at the minutes from that meeting for more information. He said basically they took down the old salon building and are putting up a two story salon/office building.

#18-322 Resolution Authorizing the Mayor to Execute a Developer's Agreement Between the Borough of River Edge and ILBJ, LLC for the Property Located at Block 1405, Lot 3, More Commonly Known as 335 Johnson Avenue

WHEREAS, by resolution dated August 13, 2018, the River Edge Land Use Board granted site plan approval to ILBJ, LLC for the property located on Block 1405, Lot 3 of the Borough tax map and more commonly known as 335 Johnson Avenue; and

WHEREAS, among the conditions of said approval was a requirement that the Developer enter into a Developer's Agreement with the Borough of River Edge to provide for among other things, a schedule of improvements, a time for completion of the development, performance guarantees and indemnification of the Borough; and

WHEREAS, the Developer's Agreement has been executed by ILBJ, LLC and all Other documentation required in accordance with the provisions of the Developer's Agreement has been reviewed and approved by the Land Use Board Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the Mayor be and is hereby authorized to execute the Developer's Agreement on behalf of the Borough.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to the River Edge Construction Code Official, Brian Chewcaskie, Esq., Land Use Board Attorney and ILBJ, LLC.

October 22, 2018

#18-323 Authorize Accounts Supervisor to Issue a Refund Check to DeMartini Companies LLC for a Street Opening at 312 Lexington Drive

WHEREAS, the Borough of River Edge received a street opening permit from the following who surrendered \$500.00 for a bond; and

WHEREAS, the Department of Public Works has inspected the street where the opening was made, 312 Lexington Drive, and has declared it satisfactory; and

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

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to issue a check in the amount of \$500.00 to the following:

DeMartini Companies LLC
795 Susquehanna Avenue
Franklin Lakes, NJ 07417

October 22, 2018

#18-324 Amend 2018 Budget

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

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

WHEREAS, the Borough has received a grant from the Community Development Block Grant Program for a Wellness Program for Senior Citizens Grant in the amount of \$5,000.00.

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:

3. Miscellaneous Revenue – Section F

Community Development Block Grant
Wellness Program for Senior Citizens.....\$5,000.00

BE IT FURTHER RESOLVED that the like sum of \$5,000.00 and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations excluded from the “CAPS”
Public & Private Programs Offset by Revenues

Community Development Block Grant
Wellness Program for Senior Citizens.....\$5,000.00

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

October 22, 2018

18-325 Enter Into Agreement with Klein Traffic Consulting, LLC, 156 Walker Road, West Orange, New Jersey 07052 for Professional Traffic Engineering Services – Traffic Engineering and Parking Evaluation for the Borough’s Proposed Community Center Addition to the Public Library on Elm Avenue at Continental Avenue

WHEREAS, there exists a need to retain professional services for Traffic Engineering and Parking Evaluation for the Borough’s Proposed Community Center Addition to the Public Library on Elm Avenue at Continental Avenue; 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, Klein Traffic Consulting LLC meets the criteria for a professional service contract under N.J.S.A. 40A:11-1; and

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

WHEREAS, the rate of pay shall not exceed \$160.00 per hour; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-170 of the Current Fund in the amount not to exceed 4,480.00; and

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

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 Klein Traffic Consulting, LLC in an amount not to exceed \$4,480.00.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(l)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of this resolution be forwarded to the RIDGEWOOD NEWS for publication.

October 22, 2018

#18-326 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to Cherry Blossom Park – Potential Litigation, Easement, Engineering Estimate, Affidavit of Merit

WHEREAS, there exists a need for expert professional engineering services related to Cherry Blossom Park – Potential Litigation, Easement, Engineering Estimate, Affidavit of Merit; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-170 of the Current Account Fund not to exceed \$2,000.00; and

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

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

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

Principal Engineer.....	\$ 65.00
Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00
Technical/Administrative Assistant.....	\$ 65.00
Field Inspector.....	\$ 80.00

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

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

October 22, 2018

#18-327 Resolution to Refund Soil Movement Escrow Money to John & Sarah Manocchio for the Property Located at 824 Summit Avenue, River Edge, New Jersey, Block 206, Lot 15

WHEREAS, the following deposit was made to the Borough for Soil Movement approvals and has since received such approval; and

WHEREAS, a duplicate deposit was received by the contractor and was paid to the professional; 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>
206/15	John & Sarah Manocchi 824 Summit Avenue River Edge, NJ 07661	\$250.00

October 22, 2018

#18-328 Enter into a Grant Agreement with the County of Bergen for the Purpose of Using Community Development Block Grant Funds

BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$5,000.00 in 2018 Community Development Block Grant funds for Wellness Program for Senior Citizens in the Borough of River Edge.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Edward J. Mignone, Mayor to be a signatory for the aforesaid grant agreement.

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

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 liability of the Mayor and Council is in accordance with HUD requirements.

October 22, 2018

Councilman Bartelloni read resolution #18-329 into the record.

On motion by Councilman Bartelloni, seconded by Councilman Chinigo, resolution #18-329 was approved unanimously.

#18-329 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	\$336,887.88
CAPITAL ACCOUNT	\$ 4,842.00
TRUST OTHER ACCOUNT	\$ 10,076.07
OPEN SPACE ACCOUNT	\$ 557.57
TRUST OTHER DEVELOPERS ACCOUNT	\$ 632.50

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

October 22, 2018

OPEN HEARING OF THE PUBLIC -

On motion by Councilwoman Busted, seconded by Councilman Chinigo to open hearing of the public was unanimously approved.

CLOSE HEARING OF THE PUBLIC -

There being no comments by the public, the motion by Councilwoman Busted, seconded by Councilman Bartelloni to close hearing of the public was unanimously approved.

COUNCIL COMMENTS –

Councilman Gautier-reported that at the Library meeting there was a discussion about the problems they've been having with the companies that have been transporting books between libraries. He said that our Library borrows about 40,000 books a year. What happened is that the State hired a company that just couldn't do the job and rehired another company but there is a 5-7 day lag on books ordered from other libraries. As of June 30th that will cease and now what is happening is the Bergen County Cooperative Library System is going to hire their own employees, trucks and space to store the books. If it's divided evenly it will probably cost about \$9,000 per library. He said that it's something to consider in next years budget. In a society where we expect 1 day deliveries, 5 to 7 days is definitely a lag.

Mayor Mignone-said that he's sure that the Library Board will include that in their budget request.

Joseph Gautier-complimented Councilman Chinigo for spear-heading Recycle Coach and said that he's been using it and finds it to be very easy and informative. Councilman Gautier attended the Stigma Free event and book discussion and was pleased to see a lot of input from the community. The event was sponsored by both River Edge and Oradell Stigma Free.

Councilman Bartelloni-reported that on November 15th at 7 p.m. at the Library there will be a discussion and seminar in conjunction with the Bergen YMCA called Stepping up to Stop Sexual Violence. It will be a panel discussion that he and Councilwoman Busted have been working on together. It will be interactive and will cover a large range of topics that he feels is very important. He said that the Library will put out an email and he has had discussions with the Junior Women's Club to promote it as well. He asked everyone to spread the word.

Councilwoman Davis-said that originally she thought the program was about sexual violence towards women.

Councilman Bartelloni-explained that they'll also talk about children and men and informed everyone that the discussion is targeted for adults. He said that there is a separate program for children but first they wanted to see how this one did. Councilman Bartelloni reported that the Police Department has installed traffic counters on Elm and Tenney which will aid them in the efforts regarding the traffic study that they talked about at the last meeting.

Councilman Papaleo-had no report.

Councilwoman Busted-reported that this Saturday is National Take-back Day in an effort to encourage people to get rid of their unwanted prescription medication. She reminded everyone that we do have a drop-box in the lobby of the Police Department but Saturday is a good reminder to clean out your medicine cabinets. She announced that the Halloween Parade will take place on October 27th at 2:15 p.m. in Memorial Park and the Rec Commission asked that she extend the invitation to the Mayor and Council so they can hand out candy to the trick or treaters. She announced that the tree lighting has been scheduled for December 8th at 4 p.m. and the Rec Commission has started promoting it today.

Councilwoman Busted reported that the Environmental Protection Commission collected 3,000 lbs. of debris during the River Sweep on October 7th. They had about 75 participants and the event was very well attended and very well organized. She thanked our Environmental Protection Commission for a job well done. She reported that we have qualified for our Trex bench because they collected over 700 lbs. of plastic film. They would like to dedicate the bench to John Lynch. They will be ordering a plaque and would also like a recommendation on where to place the bench. She asked Councilman Papaleo to follow up with the DPW to find out if they would recommend replacing an existing bench. She said that the bench outside of Borough Hall looks a little rough and asked if anyone else has a thought. She also recognizes the efforts of the Stigma Fee Initiative here in River Edge and Oradell and is pleased that they're working together. She was impressed with the turnout for the book discussion on "What Made Maddy Run". Councilwoman Busted also said that they had the first "greenout" at the football game on Friday night where 200 green shirts were sold to the River Dell student community to raise awareness about mental health. She reported that they raised \$2,000 and the game was very well attended because they were playing Paramus. The County Executive was there in his green shirt and again commented on what a great event it was. Councilwoman Busted requested that our Borough Attorney, with the consent of the Council, prepare a resolution that will opt us out of participating in commercial businesses associated with cannabis in preparation of the state legislature voting on October 29th. She

would also ask for his opinion on whether the resolution can sunset either annually or every two years in case circumstances change among members of the Council and community. This way if it is revisited, it would just sunset as opposed to having it repealed. She feels it's important to be pro-active before the legislature acts because they are intending to do so on October 29th.

Mayor Mignone-asked Mr. Sarlo if this would have to be done by resolution or ordinance?

Tom Sarlo, Esq. – replied, by ordinance. He said that he could prepare a memo and possibly put it on for discussion first.

Mayor Mignone-would like him to draft one and circulate it to the Council and have it listed for first reading at the next meeting. The Mayor would like to act on it soon because we're running out of meeting dates for the year and if they don't get it done now, they'll have to wait until January.

Councilwoman Busteded-said that she read the last guidance from the League and she thought that they said in order to opt out, you just have to pass a resolution but perhaps it's changed.

Tom Sarlo, Esq. – said that he would take a look at it because there's nothing to opt out of right now. He said that there are towns that are drafting ordinances prohibiting it, so we don't want to go that route.

Councilwoman Busteded- asked how you prohibit something that is going to be legal?

Tom Sarlo, Esq.-agreed.

Councilwoman Busteded-said that if you look at the guidance from the League, it was very specific that there will be an opt out clause and in order for municipalities to take advantage of it, they would have to pass a resolution banning any commercial businesses associated with cannabis sales.

Tom Sarlo, Esq.-said that his understanding of the last draft was that towns are going to have a period to opt out once it's drafted. He said we could do it now but because it's something that's not in effect, we may have to redo it.

Councilman Bartelloni-said that by the time we meet again, the timing might be right. He would imagine that the Governor will sign it shortly thereafter.

Councilwoman Busteded-said that they don't have a lot of meetings left before the end of the year.

Tom Sarlo, Esq.-said that if we need to redo it in case we missed something because of the statute, we can do that.

Mayor Mignone-asked Mr. Sarlo to include in his memo the zoning aspect of it and how they are justifying it under the Land Use Law.

Councilwoman Davis-reported that in September, the Fire Department had 28 alarms and also drilled on a house on Lexington Drive that is scheduled for demolition. They're going to host a tri-boro drill on Sunday, November 4th at the new apartment complex at 230 Kinderkamack Road. There will be a presentation on the construction first, then a walk-through of the building and grounds and then they will stretch lines from the street. She commended them for taking a pro-active approach and preparing for that. She said that the first part, the presentation, will be held at the Fire Department and then they will proceed to the building location around 9:30 – 10:00 a.m. Councilwoman Davis reported that members of REVAS have many concerns regarding parking at the new Community Center. After much discussion, she told them that they are having a traffic study done.

Mayor Mignone-said that he had spoken with Donna Sanders subsequent to the October 9th meeting and told her that the intent is to maintain 6 spaces for them. What will be the challenge, ultimately for the Council, is they're not going to be able to get everything that they want. He feels that they'll have to balance what will promote good and safe circulation on the site, traffic impacts locally and address the pedestrian crossing issues we have. Right now Costa Engineering has come up with several scenarios and once the traffic engineer completes his data collection, he will review the options with Mr. Costa. Mr. Costa will pick the ones that he feels is most viable and present them to the Council.

Councilwoman Davis-reported that the Board of Health unanimously recommended that the Mayor and Council enact a fee for businesses selling vaping and smoking devices. Councilwoman Davis told the members that she would make the request to the Borough Attorney to prepare an ordinance. She reminded everyone that the candidates and the Mayor and Council have been invited to the SCORE meeting on November 5th to discuss their vision for the Borough. She reported that the Farmer's Market ended on October 1st as they had not had it 2 weeks prior because of rain. The farmer notified them that because of the rain, his fall crops were ruined.

Mayor Mignone-commented that they didn't have good luck with the weather this summer.

Councilwoman Davis-agreed. She called DPW and asked them to take the two banners down which they did within a few hours of her request.

Councilman Chinigo-reported that the Historic Commission is meeting this Wednesday and mentioned that they had sent an email to him and the Mayor requesting a meeting with the Council to discuss historic designation and how it fits into the master plan. He suggested that they be invited to the next Council meeting.

Mayor Mignone-said that he doesn't think that's necessary because they were informed that anything they did prior to the adoption of the historic element would have to be redone.

Councilman Bartelloni-asked if this involves the two houses they want to designate?

Mayor Mignone-replied yes. He said that they'll have to re-designate because it was done prior to the adoption.

Tom Sarlo, Esq.-stated that they'll have to start the process over.

Councilman Chinigo- said that he's thinks that they've told them that before.

Mayor Mignone-said maybe they're not clear.

Councilman Chinigo-said that he'll try and explain it to them again on Wednesday. He reported that they're working on the interlocal agreements with the school board and plans to have something to present to the Mayor and Council at the next meeting. He knows that Rec is eager to get moving on some projects so he wants to make sure this happens sooner rather than later. He also would like the agreements in place in anticipation of the winter ahead. He just wanted to let the Council know that it's being worked on expects to have something concrete by the next meeting. He announced that Recycle Coach is up and running and although he appreciates the kudos from Councilman Gautier, he just helped facilitate things. The program itself is a great program and the Environmental Commission did a lot of work in reviewing and beta testing it for us so he thanked them for their efforts. He hopes that our residents will download it because it's a great program. Councilman Chinigo stated that River Edge Day was a great success and feels that it's always nice to speak with the residents of River Edge and members of our committees and commissions. He thanked the Rec Commission and our Rec Director, Carolyn for doing a great job. During his rounds on River Edge Day, he spoke with Michele Cariddi of the Beautification Committee and was told there was no table for Beautification because she's the only person doing any work. He said that if we want to continue to have a Beautification Committee, we need to figure out a way to recruit volunteers and help her out.

Councilman Papaleo-said that this goes back to the issue that we've been talking about for about 7 years. He feels that if people don't show up for repetitive meetings, they should be removed. He suggested that we develop an ordinance that says that. He said that he and a few other people do show up for the meetings, but when it comes to do the work, it's really just Michele.

Councilman Chinigo-said yes, that's what he's told and he himself sees her working as he drives around town.

Mayor Mignone-said that he would suggest looking at the ordinances because at their request, we went from 11 to 20 something members at some point.

Councilman Bartelloni-explained that they increased the number of members and decreased the quorum requirements. Although they've added members, if they're not showing up to do the work it a moot point.

Mayor Mignone-said that he believes that state statute does let us set a policy where if you miss a certain number of meetings you may have cause to have someone removed. He said the question is what kind of process would that be? It's technically a hearing which is the only way to do it administratively. He is in favor of doing something like that because in years past, we've had the same issues other committees and commissions.

Councilwoman Busted-suggested that maybe they should be looking at expiring terms for reorganization.

Councilman Chinigo-said that he saw Michele working at 140 Kinderkamack Road and agrees that she needs help.

Councilman Papaleo-agreed that she works very hard and said that Michele sends regular texts and emails out but the response is next to none.

Councilman Chinigo-said if people in town want the nice flowers and our buildings to look great, they're going to have to put themselves out there and volunteer.

Mayor Mignone-said that he appreciates Michele's effort because it's terrible and unfair to be doing all the work for the committee. He hopes that they can reorganize and restructure them so that it's something that's workable.

Councilman Chinigo-he thanked our local State Farm Insurance agents for handing out bike helmets to children on River Edge Day free of charge.

Councilwoman Davis-said that they came from Hackensack Hospital and Anita DeSilva knows someone from there who donated the helmets.

Councilman Chinigo-said that they had a lot of helmets and fitted the children and thought it was a fantastic thing that they did.

Mayor Mignone-commented on the Stigma Free event and felt that it was very powerful and thought provoking and was very happy to see that there was a great turnout. He hopes that this is the beginning of people being made aware of the programming that we're doing for it in hopes of encouraging them to continue to come and keep the momentum going. With regard to the Community Center, the Mayor hopes that maybe they'll be ready for an update by the second meeting in November. He received an email from our OEM Coordinator Ron Starace who informed him that he went down to DPW and met with the three Foremen, Jason, Rick & Chris. He told the Mayor that it's fantastic the way the three of them are working together in John's absence. The Mayor felt it would be nice to acknowledge that publicly because it's not easy for them to step into that role and thinks that they are doing a fantastic job in handling the responsibilities. The Mayor has received complaints from residents about dog barking and is wondering how to address it. We've said before that our noise ordinance is not really enforceable because it requires actual readings from a sound meter. From what he's read, dog barking ordinances

generally say the same thing. A typical type of ordinance that you'll see is they define incessant barking to be continuous for 20 minutes for so many minutes out of an hour. Again, he asked how is anyone going to document those things. He had been in touch with someone who has drafted a model ordinance which may put us in the right direction. It talks about how there should be a neighbor engagement and if that doesn't work, some towns are having mediation or requiring that proof that the dog is behavior trained. He feels that there's enough interest has been brought to his and Councilwoman Busted's attention and suggested that it be referred to the Board of Health. He will provide them with the information that he has and ask them to review it to see if there's any way we can modify our existing ordinances.

Councilwoman Davis-said that the Health Department was notified.

Councilman Chinigo-asked for some background because he doesn't know what they're talking about.

Councilwoman Busted-suggested that they may want to look at domesticated animals that are housed 24/7 outside of the home if that's the situation we have. She said that there's nothing on our books prohibiting that.

Councilman Chinigo-asked if this is a dog left outside that is barking and keeping the neighbors up?

Councilman Papaleo-asked about ASPCA laws?

Councilwoman Busted-stated that it was determined that it was not a health and welfare issue.

Councilman Papaleo-asked if she is saying 24/7 all year?

Mayor Mignone-said that they've had the Police Department go.

Councilwoman Davis-said that the Health Department went as well.

Mayor Mignone-explained that in some of the ordinance language that he's proposing, if you had 2 or 3 neighbors who complained about the same address, obviously that would give you more weight to do something. As with any nuisance for example, if someone sleeps nights and a generator goes off, they're disturbed. Some people let their dogs out early in the morning and they start barking to get back in and people get woken up. The Mayor said that this has come to his attention in 4 different areas of town so it must be something that people are concerned about. He asked if we could refer it to the Board of Health for future research and hopefully some guidance.

Councilman Chinigo-said it's like anything else, once it's law it has to stop, right?

Mayor Mignone-explained that it's a matter of enforcement.

Councilman Chinigo-stated that if a certain house gets complaints several times, then you find them.

Mayor Mignone-said that barking is a natural characteristic of a dog so how do you define when it becomes a nuisance. That's what the issue is and apparently that's what makes it more complicated.

Councilman Chinigo-said that we would probably run into more trouble with service dogs because they have further rights.

Mayor Mignone-said that this would tie into our general noise ordinance. The Mayor said that they've been talking about looking into that because it's not enforceable, even our Court has said so. He feels it's timely and hopefully they can come up with some recommendations.

Councilwoman Davis-asked if he's talking about the Health Department for the noise?

Mayor Mignone-explained that it will be for the noise and the dog. A lot of the barking restrictions either fall under noise ordinances or under a separate animal control ordinance.

Councilwoman Davis-stated that they went down there twice.

Mayor Mignone-said that he knows but there's nothing for them to enforce.

Councilwoman Davis-replied, that's right. We need an ordinance.

Councilman Chinigo- said "or we need guidance".

Councilman Bartelloni-said we need a better ordinance.

Mayor Mignone-stated that our ordinance says you can't have a habitually barking dog. Define that?

Councilwoman Davis-said Art DeRosa went down there too.

Mayor Mignone-said that this is what our ordinance says: "Prohibited Acts – the keeping of animals or birds by causing frequent or long continued noise disturb the comfort and repose of any person in the vicinity". That's what our ordinance says.

Councilwoman Davis-asked "can't that be enforced by the Police Department?"

Mayor Mignone- replied no. What is frequent or long continued mean? It's very vague. There's language in other ordinance that we may want to consider.

Councilwoman Busted-stated that maybe Joanna who works with other municipalities has seen other things.

Councilman Papaleo-agreed and said maybe we can ask her to network.

Mayor Mignone-said it's really nothing local and as Ellen referred to Westwood, they have that clock watching kind of ordinance that has shown not to be effective or enforceable.

Councilman Gautier-agreed to look at what other towns have.

Mayor Mignone-said that most of them have the generic language in it.

Councilman Bartelloni-asked the Mayor if the 4 incidents that were brought to his attention, we they all instances where the dogs are kenneled outside all day?

Mayor Mignone-replied no. The Mayor read the ordinances on barking that Emerson and Westwood have. Again he stated that many of these ordinances are not enforceable and suggested that they take a closer look at some options.

ADJOURNMENT – 7:45 P.M.

On motion by Councilman Bartelloni, seconded by Councilman Chinigo to adjourn the meeting at 7:45 p.m.

Mayor Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk
Dated: