

MINUTES
Mayor and Council Regular Meeting
Tuesday, October 13, 2020
6:30 P.M.

Meeting held via ZOOM

CALL TO ORDER –

Mayor Papaleo called the meeting to order at 6:30 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER – FLAG SALUTE

Mayor Papaleo asked for a moment of silent reflection and led the salute to the flag.

STATEMENT –

Statement of Compliance with Open Public Meeting Act: This meeting complies with the Open Public Meeting Act by notification on December 20th of this location, date and time to the Ridgewood News and the Record and by posting of same on the municipal bulletin board and Borough Web Site and filing a notice of the same with the Municipal Clerk.

ROLL CALL –

Councilwoman Busteed, Councilman Chinigo, Councilwoman Kaufman, Councilwoman Kinsella, Councilwoman Montisano-Koen and Mayor Papaleo were present; Councilman Gautier was absent.

APPROVAL OF MINUTES -

On motion by Councilman Chinigo, seconded by Councilwoman Busteed the minutes of the Mayor and Council Regular Meeting of September 21, 2020 were approved unanimously.

PROCLAMATIONS & AWARDS –

Mayor Papaleo read the Proclamation Declaring the Month of October as National Breast Cancer Awareness Month as follows:

P R O C L A M A T I O N

WHEREAS, in the United States, Breast Cancer is the third most common cause of cancer deaths after lung cancer and colon cancer; and

WHEREAS, during National Breast Cancer Awareness Month, we renew our commitment to fighting this disease, raising awareness and supporting those affected by breast cancer; and

WHEREAS, death rates from breast cancer have been declining and this change is believed to be the result of earlier detection and improved treatment; and

WHEREAS, mammography, an “x-ray” of the breast, is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt; and

WHEREAS, October 18, 2020 is National Mammography Day, a day set aside to promote the importance of regular screenings in the early detection and prompt treatment of breast cancer; and

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

WHEREAS, it is important to continue the fight against breast cancer and to reduce the risk of this disease among our citizens.

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

October 2020
as
National Breast Cancer Awareness Month

Mayor Thomas Papaleo

Dated: October 13, 2020

Councilwoman Busteed thanked the Mayor and past Mayor's for recognizing October as breast cancer awareness month. Last year we had 3 young women in the audience who were breast cancer survivors and they were invited tonight but were not able to attend. Councilwoman Busteed asked if the proclamation could be posted at the library.

Councilwoman Montisano-Koen said that she will coordinate with the Library the posting of this proclamation.

Mayor Papaleo read the Proclamation Declaring the Week of October 4-10, 2020 as Fire Prevention Week as follows:

P R O C L A M A T I O N

WHEREAS, cooking, heating, and electrical fires represent three of the nation's leading causes of home fires, and are collectively responsible for nearly half of all home fires and almost one-third of the associated fire deaths; and

WHEREAS, the vast majority of home cooking, heating, and electrical fires can be prevented by taking simple safety precautions; and

WHEREAS, developing a home fire escape plan and practicing it at least twice a year are critical to escaping a fire safely; and

WHEREAS, proper installation, testing, and maintenance of smoke alarms are part of a thorough home fire escape plan; and

WHEREAS, by preventing the leading causes of home fires, and by developing and practicing a thorough home fire escape plan, people can greatly reduce their risk to fire; and

WHEREAS, the Fire Prevention Week 2020 theme, "[Serve Up Fire Safety in the Kitchen](#)" encourages the public to develop a home fire escape plan and make sure they have working smoke alarms; and

WHEREAS, the fire service of the Borough of River Edge is dedicated to the safety of life and property from the devastating effects of fire; and

WHEREAS, the members of the fire service are joined by other concerned citizens of this Borough of River Edge, County of Bergen, State of New Jersey, as well as other emergency service providers and safety advocates, businesses, schools, service clubs, and organizations in their fire safety efforts; and

WHEREAS, I Thomas Papaleo, Mayor of the Borough of River Edge, do hereby proclaim the week of

October 4– 10, 2020
as
Fire Prevention Week

This week commemorates the Great Chicago Fire of 1871, which killed more than 250 persons, left 100,000 homeless, and destroyed more than 17,400 buildings.

WHEREAS, I call upon the people of the Borough of River Edge to participate in fire prevention activities at home, work, and school, and to take the steps needed to make their homes and families safe from the leading causes of home fires, which include cooking, heating and electrical fires and plan and practice their home fire escape.

Thomas Papaleo, Mayor

Dated: October 13, 2020

Mayor Papaleo recognized Assistant Chief Gregg Cariddi and Mutual Aid Coordinator Neal Carroll.

Assistant Chief Cariddi-appreciated the Mayor and Council for acknowledging fire prevention week especially for kitchen fires. He reminded everyone that working smoke detectors and carbon monoxide detectors are very important and to make sure they are operating correctly.

Neal Carroll-explained the importance of having house numbers visible especially for emergency responders.

PUBLIC COMMENTS ON ANY ITEM ON THIS AGENDA –

On motion by Councilwoman Kaufman, seconded by Councilwoman Montisano-Koen to open public comments on any item on the agenda was unanimously approved.

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

APPOINTMENTS & PERSONNEL CHANGES –

On motion by Councilwoman Busteded, seconded by Councilwoman Kaufman, the following appointments and personnel changes were approved unanimously:

The separation of Alyson Kaufman, part-time summer help in the Department of Public Works effective September 29, 2020;

The salary increase of Jason DeCarlo, Laborer in the Department of Public Works from an annual Laborer II, Step 6 salary of \$46,852.00 to Laborer II, Step 7 - \$48,082.00 effective November 5, 2020;

The salary increase of Brenton Prisendorf, Police Officer from a Patrol Officer 14th Grade salary of \$92,262.03 to Patrol Officer 13th Grade - \$94,198.00 effective November 3, 2020.

MONTHLY REPORTS –

Fire Prevention	-	July – September 2020
Tax Collector	-	September 2020
Library Board	-	October 2020
Land Use Board	-	August & September 2020

ORDINANCES – 2nd Reading

Mayor Papaleo asked Tom Behrens, Borough Planner to explain the changes that were made on Ordinances #20-15 and #20-16.

Mr. Behrens-explained the setback changes that had been discussed at the Land Use Board meeting. Richard Mehrman-said that his concern with the setbacks is that it would create a canyon affect and urbanization along with it. His other observation is the parcel across the street, Feathers. He said that in the near future that parcel will probably undergo a similar redevelopment plan. He doesn't want to set precedent which would create a canyon affect and the Land Use Board went along with increasing setbacks. He explained his credentials and his history with the Borough.

Mayor Papaleo-asked the Borough Engineer, Robert Costa what his opinion is on the 5 foot setback versus the 10 foot setback.

Robert Costa, Borough Engineer-said he agrees with Mr. Mehrman to move it from the 5 feet to 10 feet which would allow more open space. He feels that the empty parcel which has been a subject of contention for many years should be incorporated into this development and shouldn't sit on route 4 vacant.

Mayor Papaleo-if the council considered the 10 foot setback, should the council not vote on or vote down 20-16?

Tom Behrens- said that the first action should be whether or not to make that change. Notice requirements for both plans were postponed until Oct 26th. He said that they can't be adopted tonight because there still may be some changes.

Mayor Papaleo – asked if they would have to go back to a first reading?

Tom Behrens –explained that it would be an amendment which would not require re-introduction. The Mayor and Council will have the opportunity to adopt both ordinances on Oct 26th but he will confirm.

Mayor Papaleo – asked Joseph Garcia, Esq. how to proceed.

Joseph Garcia, Esq.–suggested tabling Ordinances 15 & 16.

Mayor Papaleo-asked the Council if there is an interest in amending #20-15 and #20-16?

Councilman Chinigo –asked Tom Behrens if there is any detriment for us to do this?

Tom Behrens – said he understands the issues and there is good rationale to increase the setbacks. He explained that compliance hearing is on October 21st and spoke with the Master who said we could proceed with the hearing on a conditional basis and wrap up the plans in timely manner. He said that they'll make the changes and get it back to the council as soon as possible.

Councilman Chinigo – asked if we would need a special session? He said that he agrees with Dick Mehrman and Robert Costa but if it has a negative impact on the settlement in litigation he questions whether we should take the risk.

Tom Behrens – said that today is October 13th and the compliance hearing is on October 21st, which is less than 10 days away. He asked Mr. Garcia in terms of amending the ordinance or redevelopment plans, are we beyond the 10 day threshold?

Mr. Garcia – said that he's probably correct but because he is just filling in tonight, he doesn't know what has been done in the past. He said that he will confer with Tom Sarlo on how to get this done.

Tom Behrens – said he will have a discussion tomorrow on an expeditious way to get it done. He said that if they can get it done by the 21st he will get it back to the council.

Mayor Papaleo –asked Council President Chinigo if we can ask council to conditionally approve the 10 foot setback based on an affirmative vote from our council and professionals that it would in no way jeopardize the borough and retain a 5 foot setback if there was element that might endanger the borough is this matter? Would you be open to that?

Councilman Chinigo – replied, he absolutely would. His main concern is that this settlement may blow up in our faces down the line which is what he stated at Land Use meeting. He doesn't know if they can go that route and feels that they need guidance.

Mayor Papaleo– took a poll to see if the council would be amenable to a 10 foot setback if it can be achieved without settlement?

Councilwoman Busted, yes;

Councilwoman Kaufman, yes;

Councilwoman Montisano-Koen, yes,

Councilwoman Kinsella, yes;

Councilman Chinigo, yes.

Mayor Papaleo – asked Mr. Garcia and Mr. Behrens if they need to take a more formal vote or is the direction clear?

Tom Behrens – said the direction is clear and understands and appreciates the comments from Mr. Costa and Mr. Mehrman. He said they'll get it done one way or another.

Joseph Garcia – said the direction is clear but the council still needs to postpone the adoption of the ordinances until the next meeting.

Mayor Papaleo –asked if there was any objection to postponing until the next meeting.

No Objections

Ordinance #20-15 – AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR THE NEW BRIDGE LANDING STATION REDEVELOPMENT AREA

Ordinance #20-15 was introduced by Councilwoman Busted, seconded by Councilman Gautier and unanimously approved at the September 8, 2020 meeting as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #20-15**

**AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR THE NEW BRIDGE
LANDING STATION REDEVELOPMENT AREA**

WHEREAS, the Governing Body retained the services of Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey 07675 to draft a Redevelopment Plan for Block 1411, Lots 1.01, 1.02 and Block 1412, Lots 1, 2 and 3; and

WHEREAS, Burgis Associates, Inc. prepared a Redevelopment Plan which has been reviewed by the River Edge Land Use Board, the property owner/developer and other agents and departments of the Borough and by the Mayor and Council who approve of the Redevelopment Plan; and

WHEREAS, the River Edge Land Use Board found in its review that the Redevelopment Plan is consistent with the Master Plan for the Borough of River Edge.

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

Section I:

The Governing Body hereby adopts the “New Bridge Landing Station Redevelopment Plan” prepared September 4, 2020 a copy of which is annexed hereto as the Redevelopment Plan for the Subject Property, Block 1411, Lots 1.01, 1.02 and Block 1412, Lots 1, 2 and 3.

Section II:

The Redevelopment Plan shall supersede all provisions of Chapter 416 “Zoning” of the Code of the Borough of River Edge. In all situations where zoning issues are not addressed in the Redevelopment Plan, Chapter 416 of the Borough Code shall remain in full force and effect.

Section III:

Pursuant to N.J.S.A. 40A:12A-7(c) the Zoning Map of the Borough of River Edge is hereby amended to identify the redevelopment area in the manner depicted in the “New Bridge Landing Station Redevelopment Plan”.

Section IV:

If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not effect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section V:

This Ordinance shall take effect upon passage and publication as required by law and upon filing with the Bergen County Planning Board.

Thomas R. Papaleo, Mayor

Attest:

Stephanie Evans, Borough Clerk
Dated:

On motion by Councilwoman Montisano-Koen, seconded by Councilwoman Kinsella to postpone the adoption of Ordinance #20-15 until the next meeting was unanimously approved.

Ordinance #20-16 – AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR THE KINDERKAMACK ROAD REDEVELOPMENT AREA

Ordinance #20-16 was introduced by Councilwoman Kinsella, seconded by Councilwoman Montisano-Koen at the September 8, 2020 meeting as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #20-16**

**AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR THE
KINDERKAMACK ROAD REDEVELOPMENT AREA**

WHEREAS, the Governing Body retained the services of Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey 07675 to draft a Redevelopment Plan for Block 1413,

Lots 1, 2.01, 4 and 5; and

WHEREAS, Burgis Associates, Inc. prepared a Redevelopment Plan which has been reviewed by the River Edge Land Use Board, the property owner/developer and other agents and departments of the Borough and by the Mayor and Council who approve of the Redevelopment Plan; and

WHEREAS, the River Edge Land Use Board found in its review that the Redevelopment Plan is consistent with the Master Plan for the Borough of River Edge.

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

Section I:

The Governing Body hereby adopts the “Kinderkamack Road Redevelopment Plan” prepared September 4, 2020 a copy of which is annexed hereto as the Redevelopment Plan for the Subject Property, Block 1413, Lots 1, 2.01, 4 and 5.

Section II:

The Redevelopment Plan shall supersede all provisions of Chapter 416 “Zoning” of the Code of the Borough of River Edge. In all situations where zoning issues are not addressed in the Redevelopment Plan, Chapter 416 of the Borough Code shall remain in full force and effect.

Section III:

Pursuant to N.J.S.A. 40A:12A-7(c) the Zoning Map of the Borough of River Edge is hereby amended to identify the redevelopment area in the manner depicted in the “New Bridge Landing Station Redevelopment Plan”.

Section IV:

If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not effect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section V:

This Ordinance shall take effect upon passage and publication as required by law and upon filing with the Bergen County Planning Board.

Thomas R. Papaleo, Mayor

Attest:

Stephanie Evans, Borough Clerk
Dated:

On motion by Councilman Chinigo, seconded by Councilwoman Busted to postpone the adoption of Ordinance #20-16 until the next meeting was unanimously approved.

Mayor Papaleo read the title of Ordinance #20-18 into the record.

Ordinance #20-18 – AN ORDINANCE REPEALING AND REPLACING CHAPTER 362, ARTICLE III ENTITLED “STREET EXCAVATIONS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN AND STATE OF NEW JERSEY

Ordinance #20-18 was introduced by Councilman Gautier, seconded by Councilwoman Kaufman and unanimously approved at the September 18, 2020 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #20-18

AN ORDINANCE REPEALING AND REPLACING CHAPTER 362, ARTICLE III ENTITLED
“STREET EXCAVATIONS” OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF RIVER EDGE, COUNTY OF BERGEN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen and State of New Jersey that the entirety of Chapter 362, Article III entitled “Street Excavations” is hereby repealed in its entirety and shall be replaced with the following newly titled Chapter 362, Article III, “Street Excavations” as follows:

Chapter 362. Streets and Sidewalks

Article III. Street Excavations

§ 362-11. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BLOCK PAVEMENT

A street having a granite, wooden or stone substance in block form.

CONCRETE PAVEMENT

Any pavement having a concrete surface.

DEPARTMENT

Except where otherwise required by the context, shall mean the Public Works Manager.

PERMANENT PAVEMENT

A street having an asphalt Topeka surface on a stone base.

SEMIPERMANENT

A street having macadam or a penetration surface.

UNIMPROVED STREET

Any street having a dirt or cinder surface.

HISTORICAL STREET

Any street within the Borough of River Edge designated in Chapter 240

§ 362-12. Permit required.

No person shall remove, obstruct, excavate, dig up or in any way disturb the surface of any street, road, avenue or public place within the Borough, or any gutter or pavement thereon, for any purpose, without obtaining a written permit from the Borough Clerk, in the event of clerk’s absence such permit can be issued by the Deputy Clerk and/or Borough Administrator. A street shall be defined as set forth in § 362-11 No person shall make an excavation in, or tunnel under, any street without the necessity of the issuance of a permit. Where an emergency has arisen which makes it necessary to commence work immediately, provided that the application for a permit is filed with the responsible municipal official no later than the commencement of work together with an estimate of fees required and estimated performance guarantee, provided further that such procedure may be delayed until the next business day succeeding the commencement of work where the emergency arises subsequent to the departure for the day of the responsible municipal official. The permit, when issued, shall be retroactive to the date on which the work has begun.

§ 362-13. Application; fees.

- A. Application. All permits granted under §362-12 shall be done by completing Borough of River Edge Street Opening Application. The permit shall specify the full name of the person to whom it is granted and the place or places at which the work is to be done, the character of the work and the time within which it is to be completed. No such permit shall be valid except for the place, time and character of the work specified therein. No permits shall be granted to dig up or excavate any street, road, avenue or public place until there shall have been paid to the Borough Clerk a fee as hereinafter provided. The fee shall become the property of the Borough to be used for the repairing and maintenance of the surface of the trench or opening until it has been

properly filled. The fee shall also be for the use of the Borough for preparing and recording every permit and inspecting the street when the work is completed.

- B. Fees shall be paid simultaneously with the submission of the permit application. Applicants shall be charged a permit fee of \$500 for each opening permit, or such higher fee as is set forth in Chapter 206. In addition, the applicant shall be required to post a performance guarantee in the form of cash or an approved surety bond in the amount of \$1,500 (Bituminous Concrete Roads) or \$3,600 (Concrete Roads, Granite, Concrete Pavers or Historical Street), provided that the estimated dimensions of the opening are 120 square feet or less, and in the amount of \$1,500 (for Bituminous Concrete Roads) or \$3,600 (Concrete Roads, Granite, Concrete Pavers or Historical Street) plus \$15 (Bituminous Concrete Roads) or \$30 (Concrete Roads, Granite, Concrete Pavers or Historical Street) per square foot for each square foot of openings estimated to exceed 120 square feet, to insure the restoration of the street in accordance with the requirements of this chapter. A public utility company in lieu of giving a separate bond for each project may annually, once in January of each year, post a bond for each project in the amount of \$15,000 sufficient to encompass the estimated work performed by said utility during the ensuing calendar year. In the event that the actual street opening work exceeds the posted bond amount, additional bonds and/or cash security will be required.

§ 362-14 Rules and regulations.

All permits issued under this section shall be subject to the following rules and regulations:

- A. All excavations shall be kept properly barricaded by the permittee at all times. No excavation work area shall be open overnight. This regulation shall not excuse the permittee from taking any other reasonably necessary precaution for the protection of persons or property.
- B. All work shall be done in such a manner as to cause a minimum of disruption to the community at large.
- C. No work shall be done in such a manner as to interfere with any water main or sewer line, or any connection with either of the same, from any building unless that is the purpose of the excavation or permission has been obtained in advance from the Borough Engineer. No work shall be carried on in such a manner as to result in destruction or damage of any property of the Borough unless this is necessary for completion of the work and permission has been obtained in advance from the Borough department or agency having jurisdiction over such property.
- D. Pavement shall be cut with mechanical pavement cutters, saws or other like tools. The edges of the opening shall be kept as square and clean cut as possible. The paved roadway surfaces shall be cut vertically on a straight line at least Twelve (12") inches beyond the outer limits of the trench before excavating to avoid undermining the adjacent roadway. The trench in which any utilities and/or appurtenances are to be constructed shall be excavated in open cut from the surface and in such a manner and to such depth and width as will give suitable room for bracing and supporting, pumping and drainage at the permittee's discretion.
- E. All applications for excavations exceeding four (4') feet in depth shall be accompanied by engineering documents showing how the excavation will be supported from side wall collapse and how adjacent property and structures shall be protected.
- F. No trench may be backfilled until such time as the Director of Public Works, Borough Engineer or their designee has inspected the subterranean installations and approved same.
- G. All excavations shall be completely backfilled at the end of each working day by the permittee. As much as possible of suitable material excavated modified proctor density. Consolidation will not be acceptable as a method to achieve the soil densities specified. Upon completion of the

work, the permittee shall remove any excess material and leave the premises in a clean condition. If the Director of Public Works, Borough Engineer or their designee determines that any backfilled excavation has settled or caved in, he shall so notify the permittee who shall promptly continue backfilling until the Director of Public Works, Borough Engineer or their designee determines that settlement is complete.

- H. All required utility mark outs, including the Borough if necessary, should be done in a timely fashion, specifically before excavation takes place.
- I. It is the responsibility of the permittee to ensure traffic safety arrangements have been arranged with the River Edge Police Department.
- J. A permit shall be valid for Sixty (60) Calendar Days to open and restore the street in accordance with Section 247-34. If the work is not completed during that timeframe; a new permit will be required to be obtained in accordance to all the terms and conditions of this chapter.

§ 362-15. Bonds.

No permit shall be issued until the applicant has filed a bond in an amount determined to be sufficient by the Director. The Director may waive the requirements of this subsection in the case of public utilities upon the presentation of satisfactory proof that it is capable of meeting any claims against it up to the amount of the bond which would otherwise be required. The bond shall be executed by the applicant as principal and a surety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:

- A. To indemnify and hold harmless the Borough from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.
- B. To indemnify the Borough for any expense incurred in enforcing any of the provisions of this article.
- C. To indemnify any person who sustains personal injuries or damage to his property as a result of any act or omission of the applicant, his agents, employees or subcontractors done in the course of any work under the permit.
- D. The bond shall also be conditioned upon the applicant's restoring the surface and foundation of the street for which the permit is granted in a manner acceptable to the Public Works Manager.
- E. One bond may be accepted to cover a number of excavations by the same applicant. Bonds shall remain in force for a period to be determined by the Public Works Manager.

§ 362-16. Insurance.

- A. No permit shall be issued until the applicant has furnished the Public Works Manager with satisfactory proof that he is insured against injury to persons and damage to property caused by any act or omission of the applicant, his agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the insurance policy shall be a combined single limit of \$1,000,000 for injury to any one person, for injuries to more than one person in the same accident and for property damage for a single incident. The Superintendent may waive the requirements of this section in the case of a public utility upon the presentation of satisfactory proof that it is capable of meeting claims against it up to the amount of the limits of the insurance policy which would otherwise be required.
- B. Satisfactory proof that the applicant is insured as stated above must have what is considered to be an A or better rating by the A.M. Best: Rating Service. The governing body of the Borough of River Edge reserves the right to waive this requirement at its discretion by passage of a resolution.

The following requirements shall pertain to every applicant for a street opening permit:

- A. Every application for a street opening permit must be accompanied by a certificate of insurance demonstrating that the applicant possesses personal injury liability insurance in the amount of \$1,000,000 combined single limit and property damage liability insurance in the amount of \$500,000 per occurrence. Said insurance shall be maintained by the permittee during the period of construction. Utility companies may file an annual certificate showing proof of coverage.
- B. Every application for a street opening permit shall contain an agreement by the applicant, in writing, to indemnify and hold harmless the Borough of River Edge, its agents, servants and employees, including its reasonable attorney's fees, resulting from any damage or liability, sustained by any person or property arising out of the activities of the permittee or its agents, servants and employees in conjunction with the work authorized by said street opening permit.

§ 362-17. Restoration of surface required.

Restoration of the various roadway surfaces shall be in accordance with the following rules and regulations.

A. Bituminous Concrete Roads:

- 1. Following compaction, the permittee shall install no less than six (6") inches of Virgin Dense Graded Aggregate followed by eight (8") inches of Bituminous Stabilized Base Course to the trench. If the distance from the edge of the excavation work area to the existing curb or roadway edge is less than two feet, the permittee shall be required to excavate to the curb and evenly install six (6") inches of dense graded aggregate followed by eight (8") inches of bituminous stabilized base course in the entire area (See Detail-A, Detail-B, Detail-C, Detail-D & Detail-E).
- 2. The partially restored pavement shall be allowed to settle for no less than Ninety (90) days and no more than One Hundred Eighty (180) days (Period of Settlement). The Borough has the responsibility to inspect the trench at any time during the settlement period or after at its sole discretion, if the trench becomes unacceptable, the permittee shall be notified of the condition requiring repair and such repair shall be performed by the permittee within Fifteen (15) Business Days.
- 3. Following the period of settlement, the permittee shall be required to mill the excavation work area surface as specified in this article and install no less than two (2") inches of Fine Aggregate Bituminous Concrete (FABC) 9.5 HMA 64 surface course. The permittee shall also be required to provide a tack coat on all existing bituminous concrete surfaces and a hot-poured, rubber asphalt joint sealer per Section 914 of NJDOT Standard Specifications for Roads and Bridges.
- 4. All longitudinal excavations shall require milling and restoration of the excavation work area extending from the curb to curb of the road and/or a minimum of one (1') foot beyond the outer edges of the excavation. Individual excavations less than One Hundred Twenty (120SF) square feet shall be restored via the "infrared" method. If square excavations are located within 50 feet on center, full curb-to-curb restoration for the entire distance between excavations shall be required (See Detail-C, Detail-D & Detail-E).
- 5. The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line stripping, trees, etc. that are affected by the excavation and restoration work.
- 6. With written approval from the Borough Engineer, the center line of road milling and restoration may be offset by the distance necessary to avoid disturbing the existing line striping or markers.

B. Concrete Roads.

1. Following compaction, the permittee shall install no less than six (6") inches of virgin dense graded aggregate.
2. The permittee shall install No. 4 longitudinal and transverse reinforcing bars (two rows spaced four inches apart). The permittee shall install No. 4 reinforcing bars (Steel dowels; 18 inches long) shall be set in predrilled holes in the existing concrete pavement spaced every two feet along the cut edge. Following approval by the Borough Engineer, the permittee shall then follow with eight (8") inches of 5,000 psi concrete with polypropylene fibers at a mix of One Pound per Cubic yard (1lb/cy), bringing the finished trench to grade. If concrete has been overlaid with asphalt, the same thickness of asphalt present (minimum two inches) shall be installed (See Detail-F & Detail-G).
3. The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line striping, trees, etc. that are affected by the excavation and restoration work.

C. Granite Paver Crosswalks and Intersections.

1. Following compaction, the permittee shall install no less than six (6") inches of dense graded aggregate base course to the trench. If the distance from the edge of the excavation work area to the existing curb is less than two (2') feet, the permittee shall be required to excavate to the curb and evenly install six (6") inches of dense graded aggregate base course in the entire area (See Detail-H).
2. The permittee shall follow with matching brick pavers approved by the Borough Engineer, 2 1/4 inches thick on a one-and-one-half-inch sand setting bed leaving a separation for swept-in sand. The subgrade will consist of Twelve (12") inches of Virgin Dense Graded Aggregate, along with Geogrid Fabric for Structural Strength (See Detail-H).
3. The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line striping, etc. that are affected by the excavation and restoration work.

§ 362-18. Permit conditions and regulations.

- A. Transferability. A permit shall apply only to the person to whom it is issued and shall not be transferable.
- B. Commencement of work. Work under a permit shall commence within 45 days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate, unless extended, in writing, by the Borough Clerk, in the event of clerk's absence such permit can be issued by the Deputy Clerk and/or Borough Administrator.
- C. Possession of permit. A copy of the permit, together with a copy of the plan, endorsed with the approval of the Director of Public Works, Borough Engineer or their designee, must be kept in possession of the person actually performing the work and shall be exhibited on demand to Director of Public Works, Borough Engineer or their designee, any duly authorized employee of the Department of Public Works or to any police officer of the Borough.
- D. Revocation of permit. Director of Public Works, Borough Engineer or their designee may revoke a permit for any of the following reasons:
 1. Violation of any provision of this article or any other applicable rules, regulations, law or ordinance.
 2. Violation of any conditions of the permit issued.

3. Carrying on work under the permit in a manner which endangers life or property, or which creates any condition which is unhealthy, unsanitary or declared by any provisions of this Code to constitute a nuisance.
- E. The procedure for revoking a permit shall be the same as that set forth in this Code for the revocation of licenses, except that the initial hearing shall be before the Director of Public Works, Borough Engineer or their designee with a right of appeal to the Council; and the Director of Public Works, Borough Engineer or their designee may provide in his decision that the revocation shall not become effective if the permittee corrects the violation within a specified period of time.
- F. Modification of permit conditions. In a special case, the Council may by resolution impose special conditions to which the issuance of the permit may be subject, or may decide that any provision of this article shall not apply or shall be altered.
- G. There will be no street opening work permitted on Saturday or Sunday in accordance with this article unless it is an emergency.

§ 362-19. Power to make additional rules and regulations.

The Borough may make any rules and regulations which he considers necessary for the administration and enforcement of this article, but no regulation shall be inconsistent with, alter or amend any provision of this article, or impose any requirement which is in addition to those expressly or by implication imposed by this article. No regulations shall be effective unless they shall be approved by resolution of the Council. Copies of all current regulations shall be furnished each permittee at the time of the issuance of the permit.

§ 362-20. Permit and fee for storing material.

It shall be unlawful for any person to store any material upon the right-of-way of any road or street in the Borough for the maintenance of which the Borough is responsible without first obtaining a storing permit. The charge for each storing permit shall be as set forth in the Borough Fee Schedule, adopted by resolution of the Borough Council, on file in the office of the Borough Clerk. The permit shall run for the time as so designated when issued by the Clerk. Each permit can be renewed upon application and a further payment as set forth in the Borough Fee Schedule, adopted by resolution of the Borough Council, on file in the office of the Borough Clerk.

§ 362-21 Approvals required.

Any person, company, firm or corporation who has applied and received approval before the Planning or Zoning Board of the Borough shall apply for the permit required under this article and shall pay the appropriate fee. Prior to granting approval to any applicant, the Planning or Zoning Board must consult with the Borough Engineer or his/her designee regarding any activity. Such work shall be performed under the authority of the Borough Engineer. Additional escrow fees necessary under this section shall be determined at time of permit application.

§ 362-22 Inspections.

No performance guarantees will be returned until such time as the Director of Public Works, Borough Engineer or their designee has satisfied himself that the permittee has complied with all of the requirements of this chapter relative to opening, backfilling and restoration of the street surface.

§ 362-23 Notice and inspections.

Forty-Eight (48) hours prior to the commencement of work, the permittee shall notify the Director of Public Works, Borough Engineer or their designee and request that an inspector be present to observe the excavation and restoration. The permittee shall also call for a utility mark-out prior to undertaking any excavating activity and supply the Dig Number to the Borough.

§ 362-24 Inspection fees.

At the time of submission of the permit application, a nonrefundable inspection fee of \$500 for each opening permit (Includes up to 2 inspections of a maximum duration of 1 hours each), Inspection fees are as follows \$150/Hour or such higher amount as may be set forth in Chapter 206, shall be deposited with the Borough of River Edge to defray the cost of inspections.

§ 362-25 Maintenance procedures.

Performance Bond will be released when final pavement restoration is approved by Director of Public Works, Borough Engineer or their designee. Such release shall be subject to the permittee agreeing to maintain the restored excavation work area for a period of two (2) years from the date of final approval of the work and posting a maintenance bond to guarantee same. As such, the Borough shall retain as a cash retainage 50% of the cash repair deposit and/or performance guaranty during the two-year period. If an inspection reveals that the restored excavation area becomes unacceptable, the Director of Public Works, Borough Engineer or their designee shall notify the permittee that he must repair the area in accordance with the aforementioned procedure within Thirty (30) days from the date of notification or sooner if safety on public conveyances is involved. If the permittee fails to repair trench within this time limit, the Borough will utilize the permittee's cash retainage and maintenance bond to pay for the cost of the repairs. Upon termination of the two-year maintenance period, any remaining portions of said maintenance bond that has not been expended shall be returned to the permittee without interest.

§ 362-26 Newly paved streets.

- A. Notice of Improvements: Before any street is improved or paved, the Borough shall give notice to all persons owning property abutting on the street and to all public utilities and authorities operating in the Borough that the street is about to be paved or improved. Such notice shall state that all connections and repairs to utilities in the street and all other work which requires excavation of the street, including the installation of sewer laterals and other utility connections from sewer, gas or water mains to the curb line of unimproved lots, shall be completed within thirty (30) days of the receipt of notice. The time for the completion of work may be extended, in writing, by the Director of Public Works, Borough Engineer or their designee upon application by the person performing the work. This subsection shall not excuse any person from the requirement of obtaining a permit as provided in this article, except that there will be no requirement of posting a performance guarantee for the street restoration. In the event an excavation must be made the requirement for Restoration of the Surface Section 362-17 shall control with the addition of a curb to curb restoration and an extension of ten feet past the excavation in each direction of the opening.
- B. Restrictions on excavation.
 - 1. For a period of three (3) years following the completion of the street improvements causing notice to be issued pursuant to this article, no person to whom such notice was given shall be issued a permit to excavate the newly improved street unless its issuance is approved by the Borough Engineer.
 - 2. Subsection **B(1)** shall not apply to any case where the excavation is made necessary by the occurrence of some event which could not have been foreseen at the time that notice was given, or where the public health or safety requires the performance of the street opening.

§ 362-27. Violations and penalties.

For a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof.

§ 362-28. Severability.

The provisions of this Ordinance are declared to be severable and if any section, subsection sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

§ 362-29. Effective Date.

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

§ 362-30. Codification.

This ordinance shall be a part of the Code of the Borough of River Edge as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The Borough Clerk and Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of River Edge in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

ATTEST:

Stephanie Evans
Borough Clerk

Thomas Papaleo
Mayor

OPEN HEARING OF THE PUBLIC – Ordinance #20-18

On motion by Councilwoman Kaufman, seconded by Councilwoman Montisano-Koen to open the hearing to the public on Ordinance #20-18 was unanimously approved.

CLOSE HEARING OF THE PUBLIC –Ordinance #20-18

There being no comments by the public, the motion by Councilwoman Kinsella, seconded by Councilman Chinigo to close the hearing to the public on Ordinance #20-18 was unanimously approved.

ADOPTION – Ordinance #20-18

On motion by Councilwoman Busteed, seconded by Councilwoman Kaufman to adopt Ordinance #20-18 was unanimously approved.

Mayor Papaleo read the title of Ordinance #20-19 into the record.

Ordinance #20-19 – AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RIVER EDGE (1998) CHAPTER 206 – “FEES”

Ordinance #20-19 was introduced by Councilwoman Montisano-Koen, seconded by Councilwoman Kinsella and unanimously approved at the September 21, 2020 meeting as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #20-19**

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RIVER EDGE (1998) CHAPTER 206 – “FEES”

BE IT ORDAINED that the following changes be made:

Section 1. - Section 206-2 – Schedule of Fees amended as follows:

U. Street Opening Permit – Delete in its entirety.

Add:

U. Street Opening Permit

1. Application Fee (minimum fee) - \$500.00 (plus \$1.00 per linear foot over 100 linear feet)

- a. Fee for failure to apply for a road opening permit shall be a fine not exceeding - \$1,000.00 (24 hour grace period for emergency road opening)

2. Inspection Fee (minimum fee) - \$500.00 (includes up to 2 inspections of a maximum duration of 1 hour each (any additional inspections thereafter shall be paid at the rate of \$150.00 per hour – 1 hour minimum)

3. Performance Escrow (refundable) – In the form of cash or an approved surety bond in the amount of \$1,500.00 (Bituminous Concrete Roads) or \$3,600.00 (Concrete Roads, Granite, Concrete Pavers or Historical Street), provided that the estimated dimensions of the opening are 120 square feet or less, and in the amount of \$1,500.00 (for Bituminous Concrete Roads) or \$3,600.00 (Concrete Roads, Granite, Concrete Pavers or Historical Street) plus \$15.00 (Bituminous Concrete Roads) or \$30.00 (Concrete Roads, Granite, Concrete Pavers or Historical Street) per square foot for each square foot of openings estimated to exceed 120 square feet.

For Public Utilities refers to Chapter 362-13(B)

4. Permanent Maintenance Fee (non-refundable) – shall be paid prior to the release of the performance escrow. Refers to Chapter 362-25.

5. Waiver of Fees – Municipalities - Road Opening Permit Fees may be waived for Municipal Projects, in connection with County roads, including but not limited to: handicap ramp installation curb replacement projects, and streetscape projects. Notwithstanding anything to the contrary, Road Opening Permit Fees apply to all municipally owned utilities and may not be waived.

*Violations of Road Opening Ordinance and/or Procedures
(up to) \$1,000.00 per occurrence

Section II.

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

Section III:

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

Section IV:

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

Mayor Thomas Papaleo

ATTEST:

Stephanie Evans, Borough Clerk
Dated:

OPEN HEARING OF THE PUBLIC – Ordinance #20-19

On motion by Councilwoman Montisano-Koen, seconded by Councilwoman Kinsella to open the hearing of the public on Ordinance #20-19 was unanimously approved.

CLOSE HEARING OF THE PUBLIC –Ordinance #20-19

There being no comments by the public, the motion by Councilman Chinigo, seconded by Councilwoman Busted to close the hearing of the public on Ordinance #20-19

ADOPTION – Ordinance #20-19

On motion by Councilwoman Kaufman, seconded by Councilwoman Montisano-Koen the adoption of Ordinance #20-19 was unanimously approved.

Councilman Gautier arrived at 7:30 p.m.

Kevin Galland-Interim Administrator- stated that there is an amendment to resolution #20-230, the appointment of a volunteer firefighter. He explained that the effective date on the resolution needs to be corrected retroactive to October 7th which is the date that the firefighter started the academy.

RESOLUTIONS - By Consent

On motion by Councilwoman Kinsella, seconded by Councilman Gautier resolution #20-226 through #20-229, #20-230 as amended and #20-231 through #20-238 were unanimously approved.

#20-226 Approve the Hire of a Full-time Laborer in the Department of Public Works

BE IT RESOLVED by the Governing Body of the Borough of River Edge that Juan Avalos be and he is hereby hired as a full-time Laborer in the Department of Public Works at an annual Laborer II, Step I salary of \$36,414.00 with a one (1) year probationary period, effective October 14, 2020.

October 13, 2020

Councilwoman Kaufman-with regard to #20-227 Councilwoman Kaufman asked why this wasn't put out to competitive bid?

Kevin Galland-explained that this is one of the exceptions to the local public contracts law to handle recycling by a Class A recycler. He said normally recycling is a biddable commodity, if in fact you're going to employ the services of a contractor to pick up recycling. He just learned that River Edge does their own recycling pick-up and the material is delivered to a Class A recycler and is one exception to the local public contracts law. He explained that this is a renewal contract. 3 years ago they went through this process and was designed to award for a 5 year period. The initial contract was for 3 years with 2 one-year renewals. The renewals could be exercised or opt-out by either party and as we know recycling is no longer a profitable commodity. He explained that the first 3 years went well until recoverable payments for recyclables changed and the Contractor opted out of the contract. This is a new 5 year contract with the same vendor and unfortunately instead of money coming to borough, it now will cost the borough around \$1,100 a month.

Councilwoman Kaufman-why didn't we put it out to bid?

Kevin Galland-said that the previous Administrator handled this and he came in on the tail end but it seems that this is the way River Edge has been doing it for the past several years.

Councilman Chinigo-agreed that maybe we should put it out to bid.

Councilwoman Busteed-asked if we have enough time to remove this and do more research because she would like to hear from our DPW Superintendent.

Mayor Papaleo-asked Kevin if we have enough time on our calendar to go out to bid.

Kevin Galland-responded that he doesn't know the expiration date on the original contract and suggested the Superintendent of Public Works answer that question.

Mayor Papaleo – asked Jason Milito to give background on the 5 year renewal of \$1,100 outlay and also comment whether the calendar allows us to go out to bid.

Jason Milito, Superintendent of Public Works-explained the terms and conditions of the original contract. Atlantic Coast Fibers chose to opt out because they were losing money on the contract. He explained that recycling is difficult to collect and basically we're lucky to get what we have locked in.

Councilwoman Kaufman-asked if he thought we had time to put this out to bid?

Jason Milito- said that there is no time to go out to bid. He said that he's looked around and Atlantic Coast Fibers is pretty much all that's out there.

#20-227 Enter into Agreement with Atlantic Coast Fibers, 101 7th Street, Passaic, New Jersey 07055

WHEREAS, the Borough of River Edge has included the collection of newspaper, mixed news and co-mingled containers as part of its recycling program in an effort to reduce solid waste; and

WHEREAS, Atlantic Coast Fibers has agreed to enter into a three (3) year contract beginning November 1, 2020 with two (2) 1 year options under the terms and conditions with the Borough of River Edge for the disposal of newspaper, mixed news and co-mingled containers; and

WHEREAS, N.J.S.A. Section 40A:11-5(1)(s) and N.J.S.A. 40A:11-36 permits the awarding of a contract without competitive bidding for the marketing of recyclables; and

WHEREAS, the Borough Attorney and Superintendent of Public Works have prepared a contract containing the approved terms and conditions of the sale; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are authorized to enter into an agreement for option year 1 from November 1, 2020 to November 1, 2021 with Atlantic

Coast Fibers, 101 7th Street, Passaic, New Jersey, 07055.
October 13, 2020

#20-228 Acknowledge Receipt of Certification of Request for Emergency Purchase - Sewer Back-up at Borough Hall – Tenney Avenue and Kinderkamack Road

WHEREAS, the Borough Engineer has certified that an emergency condition exists in the Department of Public Works for the emergency repair of a sewer line at Borough Hall in the amount not to exceed \$20,000.00; and

WHEREAS, this condition constitutes an emergency affecting the public health, safety and welfare of the public; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-133.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby confirm and acknowledge the receipt of Certification of Request for Emergency Purchases for this emergency.

October 13, 2020

#20-229 Resolution Authorizing Participation in an Electronic Tax Sale

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of River Edge wishes to participate in an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of River Edge, County of Bergen, State of New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

October 12, 2020

#20-230 Approve the Appointment of Volunteer Firefighter

BE IT RESOLVED by the Governing Body of the Borough of River Edge that Matthew Panchi be and he is hereby appointed as a volunteer firefighter in the River Edge Volunteer Fire Department effective October 7, 2020.

October 13, 2020

#20-231 Resolution Increasing the Bid Threshold and Appointing a Qualified Purchasing Agent, Pursuant to N.J.S.A. 40A:11-3a and N.J.A.C. 5:34-5 et seq.

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$44,000; and

WHEREAS, N.J.S.A. 40A:11-3c, permits an increase in a bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Kevin Galland, Borough Administrator, possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in

accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Borough of River Edge desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of River Edge, in the County of Bergen, in the State of New Jersey hereby increases its bid threshold to \$44,000; and

BE IT FURTHER RESOLVED, that the governing body hereby appoints Kevin Galland, Borough Administrator as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2 the local unit Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Kevin Galland, Borough Administrator's certification to the Director of the Division of Local Government Services.

October 13, 2020

#20-232 Award Contract for the 2020 ADA Curb/Ramp Improvements at Various Locations to FDM Construction, 90 Willow Street, Carteret, New Jersey 07008

WHEREAS, on September 24, 2020 four (4) sealed bids were received for the 2020 ADA Curb/Ramp Improvements at Various Locations project; and

WHEREAS, the lowest bid was received from FDM Construction in the base amount of \$107,995.00, Alternate A - \$44,000.00 and Alternate B - \$34,700.00 for a total amount not to exceed \$186,695.00; and

WHEREAS, the bid has been reviewed by the Borough Engineer and Borough Attorney; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C04-20-060-06 in the amount of \$107,995.00; Account #C-04-20-060-082 in the amount of \$44,000.00 and Account #C-04-20-060-083 in the amount of 34,700.00 for a total amount not to exceed \$186,695.00; and

NOW, THEREFORE, BE IT RESOLVED that the contract is hereby awarded to FDM Construction, 90 Willow Street, Carteret, New Jersey 07008 in the amount not to exceed \$186,695.00 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

October 13, 2020

#20-233 Award of Contract to Joseph Smentkowski, Inc., 160 James Avenue, Jersey City, NJ 07307 for Complete Solid Waste Collection Service from 1-4 Family Residences as Part of a Shared Service with New Milford, Option Year 2

WHEREAS, on February 6, 2019 bids were received by the Borough of New Milford for Complete Solid Waste Collection Service for New Milford and River Edge; and

WHEREAS, three (3) bids were received, the lowest from Joseph Smentkowski, Inc., 3 York Avenue, Jersey City, New Jersey 07306 in the amount of \$3,545,931.00 for a five (5) year contract total representing Options 1,2,3; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on February 11, 2019; and

WHEREAS, the Borough of River Edge and Borough of New Milford have agreed to share the cost of such service for all years and during the first year of the contract it will be calculated at the following percentages: River Edge (44.7%), New Milford (55.3%) based upon the 2019 Table of Aggregates.

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-26-3050-100 of the Current Fund in the amount not to exceed \$316,541.71 for the 1st year from October 16, 2019 to October 15, 2020; a pro-rata share of \$316,541.71 for the 2nd year from

October 16, 2020 to October 15, 2021; a pro-rata share of \$316,541.71 for the 3rd year from October 16, 2021 to October 15, 2022; a pro-rata share of \$317,703.02 for the 4th year from October 16, 2022 to October 15, 2023 and a pro-rata share of \$317,703.02 for the 5th year from October 16, 2023 to October 15, 2024. All amounts are contingent upon the Governing Body passing and including an appropriation in those current fund budgets and subject to all of the requirements of N.J.A.C. 5:34-5.3 with respect to multi-year contracts.

NOW, THEREFORE, BE IT RESOLVED that the bid for a one year contract Option Year 2 for Complete Solid Waste Collection Service from 1-4 Family Residences is hereby awarded to Joseph Smentkowski, Inc., 3 New York Avenue, Jersey City, New Jersey 07307 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

BE IT FURTHER RESOLVED, that the Borough of River Edge agrees to pay \$316,541.71 for the period October 16, 2020 – October 15, 2020 representing 44.7% of the total amount of \$708,147.00 for option Year 2 of the contract.

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

October 13, 2020

#20-234 Resolution Authorizing the Award of Professional Services Contract Without Competitive Bidding to The Canning Group LLC, to Perform an Executive Search For A Business Administrator and Authorizing the Signing Of The Agreement With The Canning Group LLC, 45 S. Park Place 183, Morristown, New Jersey 07960

WHEREAS, there exists a need to perform an executive search to hire a permanent Administrator; and

WHEREAS, the Borough of River Edge wishes to retain the services of the Canning Group, LLC to provide such services and for such other services as identified in the attached proposal; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40:11-1 et seq. requires a resolution authoring the award of contracts for “Professional Services” without competitive bids; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #0-01-20-100-028 in the amount not to exceed \$15,000.00 for the calendar year 2020.

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

1. The Borough of River Edge hereby award and authorizes the execution of an agreement with the Canning Group, LLC to perform an executive search for an Administrator per the attached proposal.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law.
3. The Mayor is hereby authorized to sign the attached Professional Services Contract with the Canning Group, LLC on behalf of the Borough of River Edge.

October 13, 2020

#20-235 Authorize Tax Collector to Adjust 2020 Final Tax Bill Due to County Board Judgment

WHEREAS, County Board Judgment was entered on 9/25/20 and received by the tax office on 9/23/20 for the year 2020 reducing the Assessed Value on the following property; and

WHEREAS, the reduction was not reflected in the 2020 Extended Tax Duplicate.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector apply the tax credits to the 4th Quarter 2020 and the Preliminary 2021 taxes and adjust and her records accordingly.

Block/Lot	Name/Address	Old Value	New Value	2020 Tax Adjustment	2021 Tax Adjustment
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October 13, 2020

#20-236 Resolution Authorizing the Award of Professional Services Contract Without Competitive Bidding to The Canning Group LLC for an Interim Business Administrator and Authorizing the Signing of the Agreement with The Canning Group LLC, 45 S. Park Place 183, Morristown, New Jersey 07960

WHEREAS, the Borough of River Edge is in need of an Interim Administrator while the Borough conducts a search for a permanent Administrator; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40:11-1 et seq. requires a resolution authoring the award of contracts for “Professional Services” without competitive bids;

WHEREAS, Chief Financial Officer has certified that funds are available from Account #0-01-35-470-100 in the amount not to exceed \$40,000.00; and

WHEREAS, the Canning Group, LLC and the Borough entered into the attached Professional Services Contract wherein the Canning Group, LLC shall provide the Borough with an Interim Administrator at an hourly rate of \$115.00.

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

1. The Mayor is hereby authorized to sign the attached Professional Services Contract with the Canning Group, LLC on behalf of the Borough of River Edge.
2. Kevin Galland of the Canning Group is hereby appointed as Interim Business Administrator, effective September 28, 2020.

October 13, 2020

#20-237 Authorize Tax Collector to Adjust 4th Quarter 2020 Taxes for a Veteran Deduction Reinstated

WHEREAS, the following homeowner filed a Veteran Deduction Application and was approved in 1997; and

WHEREAS, the deduction was deleted from the County records in 2020 in error; and

WHEREAS, the deduction was reinstated by the Tax Assessor for the year 2020; and

WHEREAS, the deduction was not listed in the 2020 Tax Duplicate.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Deduction</u>	<u>Adjusted Amount</u>
1204/21	Quinn, Hyacinth V 198 Cherry Lane	Veteran	250.00

October 13, 2020

#20-238 Resolution to Go Into Closed Session and Exclude Public

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, permits the exclusion of the public from a meeting in certain enumerated circumstances; and

WHEREAS, this public body is of the opinion that such circumstances will or presently exist.

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

That the public shall be excluded from the October 13, 2020 regular meeting and discussion

of the hereinafter specified subject matter:

Closed Session		Statutory
Docket #	Item Title or Description	Reference
20-10/13-1	Potential Litigation – New Bridge Landing Apts	N.J.S.A. 10:4-12(7)
20-10/13-2	Personnel-DPW Employee Representation	N.J.S.A. 10:4-12(8)

Formal action may/may not be taken by the Borough of River Edge’s Mayor and Council at this meeting.

October 13, 2020

Councilwoman Kaufman read resolution #20-239 into the record.

On motion by Councilwoman Kaufman, seconded by Councilman Chinigo resolution #20-239 was unanimously approved.

#20-239 Payment of Bills

At a Regular Meeting of the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, held on October 13, 2020.

BE IT RESOLVED that the Mayor and Council of the Borough of River Edge approve the following expenditures.

CURRENT FUND ACCOUNT	\$1,613,095.04
CAPITAL FUND ACCOUNT	\$ 149,448.04
GRANT FUND ACCOUNT	\$ 240.00
ANIMAL CONTROL ACCOUNT	\$ 13.20
TRUST OTHER ACCOUNT	\$ 8,369.27
OPEN SPACE ACCOUNT	\$ 831.01
PAYROLL ACCOUNT	\$ 8,956.34
DEVELOPER’S ESCROW ACCOUNT	\$ 2,625.00
RECREATION ACCOUNT	\$ 219.90

October 13, 2020

NEW BUSINESS - None

PUBLIC COMMENTS –

On motion by Councilman Gautier, seconded by Councilwoman Busted to open for public comments was unanimously approved.

There being no comments by the public, the motion by Councilman Gautier, seconded by Councilwoman Kaufman was unanimously approved.

ADJOURNMENT- Regular Session – 7:36 P.M.

On motion by Councilwoman Kinsella, seconded by Councilman Gautier to adjourn the regular session and go into closed session was approved unanimously.

Attest:

Mayor Thomas Papaleo

Stephanie Evans, Borough Clerk

Dated: