

MINUTES
Mayor and Council Regular Meeting
Monday, November 23, 2020
7:00 P.M.

CALL TO ORDER –

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

SILENT PRAYER – FLAG SALUTE

Mayor Papaleo called for a moment of silent reflection and keep in their thoughts those who've been affected by the COVID virus. The Mayor led the salute to the flag.

STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETING ACT:

In accordance with the Open Public Meeting Law, P.L. 1975, Chapter 231, notice requirements for this meeting have been set forth in a resolution adopted by the Municipal Council at its meeting of January 6th, 2020. Pursuant to the State of Emergency and the Public Health Emergency as ordered in Executive Orders Nos. 103 and 104, the Borough will hold its scheduled meetings virtually until further notice. Further, notification of this compliance was published in The Record and the Ridgewood News on April 24, 2020, notifying the public that until further notice, all future meetings will not have members of the public physically present, but the public will have the opportunity to ask questions to the Mayor and Council virtually, and that the public who wish to participate in the meeting may secure access information shown on the Borough's website.

ROLL CALL – Councilwoman Busteded, Councilman Chinigo, Councilman Gautier, Councilwoman Kaufman, Councilwoman Kinsella, Councilwoman Montisano-Koen and Mayor Papaleo were present.

APPROVAL OF MINUTES –

On motion by Councilwoman Kinsella, seconded by Councilwoman Montisano-Koen, the minutes of the Mayor and Council Regular Meeting of November 9, 2020 were approved unanimously.

PUBLIC COMMENTS ON ANY ITEM ON THIS AGENDA –

On motion by Councilwoman Kaufman, seconded by Councilman Gautier to open to open for public comments on any item on the agenda was approved unanimously.

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

MONTHLY REPORTS –

Historic Commission	-	September 2020
Land Use Board	-	October 7 & October 21, 2020

RESOLUTIONS - By Consent

On motion by Councilman Chinigo, seconded by Councilwoman Busteded, resolution #20-261 through #20-271 were unanimously approved.

#20-261 Resolution to Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development grant of \$600,000 has been

proposed by Building Communities for the installation of an elevator to The Senior Residence at St. Peter the Apostle in the municipality of River Edge; and

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

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

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

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

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program, One Bergen County Plaza, 4th Floor, Hackensack, New Jersey 07601 so that implementation of the aforesaid project may be expedited.

November 23, 2020

#20-262 Change Order Approval and Amendatory Contract for the 2019/2020 Municipal Aid Program for Bogert Road Improvement Project, Section 3 & 4 to FDM Construction LLC, 90 Willow Street, Carteret, New Jersey

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 to FDM Construction LLC on August 10, 2020 via resolution #20-201 in the amount of \$386,578.65; and

WHEREAS Change Order #1 reflects an increase in quantity for a total amount not to exceed \$55,398.75; and

WHEREAS, the Borough Engineer has recommended the above change; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-070-102 for an additional amount not to exceed 55,398.75 for a total contract amount of \$441,977.40.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with FDM Construction LLC, for Change Order #1 for an increase of \$55,398.75.

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

November 23, 2020

#20-263 Approve the Appointment of a Volunteer Firefighter – Michael Schlossberg

BE IT RESOLVED by the Governing Body of the Borough of River Edge that Michael Schlossberg be and he is hereby appointed as a firefighter in the River Edge Volunteer Fire Department, effective November 23, 2020.

November 23, 2020

#20-264 Approve the Appointment of a Volunteer Firefighter – Joshua Wagreich

BE IT RESOLVED by the Governing Body of the Borough of River Edge that Joshua Wagreich be and he is hereby appointed as a firefighter in the River Edge Volunteer Fire Department, effective November 23, 2020.

November 23, 2020

#20-265 Approve the Appointment of a Volunteer Firefighter – Brian Yeandle

BE IT RESOLVED by the Governing Body of the Borough of River Edge that Brian Yeandle be and he is hereby appointed as a firefighter in the River Edge Volunteer Fire Department, effective November 23, 2020.

November 23, 2020

#20-266 Authorize Tax Collector to Refund Payment Made on a Tax Exempt Property

WHEREAS, Mr. Charles T. Costa of 2 Cherry Mews, Block 1004 Lot 29, has qualified for the 100% disabled Veteran tax exemption, and his exempt status has been approved by the Tax Assessor after providing the necessary documents; and

WHEREAS, Mr. Costa is in receipt of a letter dated October 30, 2020, from the U.S. Department of Veterans Affairs notifying him that he has been declared totally and permanently disabled due solely to is service-connected disabilities effective April 4, 2019; and

WHEREAS, Mr. Costa has submitted a Claim For Property Tax Exemption dated November 2, 2020, along with a letter of explanation received on November 5, 2020; and

WHEREAS, by the letter received on November 5, 2020, Mr. Costa is requesting a refund back to January 2020; and

WHEREAS, the Mayor and Administrator have reviewed this matter and recommend that Mr. Costa receive a refund of his 2020 taxes from the first day of the month of notification to the municipality, which would be November 1, 2020.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
1004/29	Charles T. Costa 2 Cherry Mews River Edge, NJ 07661	\$2,419.54

November 23, 2020

#20-267 Authorize Tax Collector to Cancel 2021 Preliminary Taxes on a Tax Exempt Property

WHEREAS, Mr. Charles T. Costa, of 2 Cherry Mews, Block 1004 Lot 29, has qualified for a 100% Disabled Veteran Tax Exemption after providing the necessary documents to prove his status; and

WHEREAS, the Tax Assessor has approved his status as of 11/03/20.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector cancel the 2021 preliminary taxes in the amount of \$6,995.37 and adjust her records accordingly.

<u>BL/Lot</u>	<u>Name & Address</u>	<u>Qtr.</u>	<u>Cancelled Amount</u>
1004/29	Charles T. Costa	1 st	3,497.69
	2 Cherry Mews	2 nd	3,497.68
	River Edge, NJ 07661		
Total:			6,995.37

November 23, 2020

#20-268 Approve the Hire of a Part-time Police Dispatcher

BE IT RESOLVED by the Governing Body of the Borough of River Edge that Austin Berninger be and he is hereby hired as a part-time Police Dispatcher at an hourly probationary rate of \$16.00 with a six-month probationary period.

November 23, 2020

#20-269 Approve the Hire of a Part-time Police Dispatcher

BE IT RESOLVED, by the Governing Body of the Borough of River Edge that Lindsay Byrnes be and she is hereby hired as a part-time Police Dispatcher at an hourly probationary rate of \$16.00 with a six month probationary period.

November 23, 2020

#20-270 Authorize Tax Collector to Refund a Duplicate 4th Quarter 2020 Tax Payment

WHEREAS, the tax office has received a duplicate and/or tax overpayment for the 4th Quarter 2020 taxes on the following property; and

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

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

<u>BLOCK/LOT</u>	<u>HOMEOWNER/ADDRESS</u>	<u>AMOUNT</u>
508/8	PIERCE 231 Jefferson Avenue	4,193.43
810/17	YESILYURT 176 Dorchester Road	3,153.17

Total: 7,346.60

Make check payable to: Wells Fargo Home Mortgage
MAC X2302-04D
1 Home Campus
Des Moines, IA 50328
Attn: Tax Refunds

November 23, 2020

Councilwoman Kaufman read resolution #20-271 into the record.

On motion by Councilwoman Kaufman, seconded by Councilman Chinigo resolution #20-271 was approved unanimously.

#20-271 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 November 23, 2020.

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

CURRENT ACCOUNT	\$570,918.38
CAPITAL ACCOUNT	\$341,967.91
GRANT FUND ACCOUNT	\$ 3,882.00
TRUST OTHER ACCOUNT	\$ 3.10
OPEN SPACE ACCOUNT	\$ 1,302.52
PAYROLL ACCOUNT	\$ 13,905.94
DEVELOPER’S ESCROW ACCOUNT	\$ 617.50
SELF INSURANCE TRUST ACCOUNT	\$ 1,075.00
RECREATION TRUST ACCOUNT	\$ 5,350.26

November 23, 2020

On motion by Councilwoman Busted, seconded by Councilman Gautier, resolution #20-273 was unanimously approved.

#20-273 Approve the Appointment of Junior Firefighter

BE IT RESOLVED by the Governing Body of the Borough of River Edge that Christopher Iannantuano be and he is hereby appointed as a Junior Firefighter in the River Edge Volunteer Fire Department effective November 23, 2020.

November 23, 2020

FOR DISCUSSION –

Concept Drawing – Continental Avenue-Borough Engineer Robert Costa, Superintendent of Public Works, Jason Milito and Police Officer Patrick Diamond were on hand to explain the DOT project for Continental Avenue.

Robert Costa-posted the concept photo of the project for Continental Avenue and said that is looking to the Council to move forward with the existing plan. He explained that we’ve received Department of Transportation Discretionary Aid and although the plan is targeted to slow traffic down it will also

reconstruct the drainage adjacent to the tennis courts to the Oak Avenue ditch. They would eliminate the path to the Library and redirect the path to the center with flashing beacons to encourage people to walk straight across the street. There was some discussion to remove the path on the westerly side of the park. He said that the project will almost go up to Fifth Avenue with reconstruction of the handicapped ramps. Jason Milito-only concern was by the ambulance service and parking spaces and he feels that Rob will address that.

Officer Patrick Diamond-suggest that bushes be planted by the Ambulance Service driveway.

Jason Milito-gave his opinion on the westerly pathway. Office Diamond agreed.

Mayor Papaleo-recommended for consideration to accept the plan as is, relocate the sign and close off the west path and place bushes there. The Mayor opened it up for Council comments.

Councilman Chinigo-thanked everyone for the work that has been done on this. He said that looking at the plan, it seems like they're cutting lawn area away. He said that there's been a lot of misinformation around town after the first drawing saying that they're looking to get rid of the jogging path which is not true. They want to dice up the space that residents use now. He asked if they would reconsider having 1 path instead of 2 or 3 coming straight down the middle making it more attractive and giving more lawn space. He said that they lost a lot of lawn space when they constructed the parking lot.

Robert Costa-explained that the mission is to force everyone to the crosswalk. He said that DOT won't pay for the paths and because of the difficulty in getting approval he suggested moving forward with the road project now and continue discussions about the paths.

Jason Milito -said that we're actually trying to use the areas where trees already exist.

Mayor Papaleo- said to move the project in its fundamental form leaving the paths open for debate.

Robert Costa, replied yes, because DOT will not fund the paths.

Councilwoman Busted-Thanked the team for all of their hard work to try and slow traffic down on Continental Avenue. The main goal is a positive benefit. She said she wished Carolyn Baldanza was invited to weigh in and spoke on her behalf. She wanted to speak on behalf of the Rec Director is opposed to the path going down the center of the park entrance. She and many of the Rec Commissioners were opposed to getting rid of the two side paths but after looking at the revised plan, it seems to redirect them slightly so it may work out. Carolyn would like to try and keep a symmetrical look to the park entrance with the sign remaining in the middle of the two paths. Finally she would like the grass area to remain as open as possible for activities. Councilwoman Busted asked that Carolyn be invited if there are any additional comments about the park. Councilwoman Busted said that she is willing to proceed as previously stated.

Mayor Papaleo-said he didn't realize these issues were going to come up. When they have a more detailed discussion she and members of the Rec Commission will be invited.

Robert Costa-also explained that they will go a little further up Continental with striping to narrow the area which should slow traffic down for motorists coming over the hill from Paramus.

Patrick Diamond-said that they will place beacons by the crossing guard on Elm and Continental and add street lighting.

Councilman Gautier-thanked everyone for the tremendous amount of work they put into this and said that he likes the plan as is but would like to hear from the Rec Commission for recommendations.

Councilwoman Kaufman-would like to move ahead as is.

Councilwoman Montisano-Koen-said that she was ok with moving forward with the road work so we don't lose the discretionary aid and continue to have discussions on the paths and trees.

Councilwoman Kinsella-also thanked everyone for their hard work and said she didn't realize that this was a safety issue. She agreed with the plan as is.

Mayor Papaleo-asked if the Council accepts the drawing in principle with discussions about the paths to continue.

On motion by Councilwoman Busted, seconded by Councilman Gautier they were all in agreement.

NEW BUSINESS –

Outdoor Dining – The Mayor has received several phone calls from a business leader from town asking when the outdoor dining will end or if it will continue? The Mayor spoke with Tom Sarlo and the Borough Administrator and they agreed that it's a good thing. If restaurants want to keep their tents up and stay open they can through December 31st. The Mayor suggested that they place a resolution on the Reorganization meeting in January extending outdoor dining as is barring any

executive order, through June 30th. He also suggested that they revisit it in April to possibly extend or nullify. There were no objections by the Council.

Mayor Papaleo spoke with the Council President previously about this and said he would like to set up two Ad Hoc Committees. One for Park Improvements and one for the Community Center. They were waiting for the Library Grant to come in, which will be used for the HVAC system and now that it has, he would like to move forward with the Community Center.

Park Improvement Ad Hoc Committee- The Mayor said that they tried very hard to get Roosevelt School field for REGAL but in the end the Board of Education refused to make any accommodation regarding the food stand. He asked Councilman Chinigo, Councilman Gautier and Councilwoman Kaufman if they would serve on the committee. They were all in agreement.

Councilman Chinigo said he was very disappointed in the Board of Education because he felt that we bent over backwards to make it work and it was clear in the end that they had no interest in helping the town. He said that going forward they'll take a look at KBG field for our girls and hopefully give them what they deserve in making it equal to what the boys have.

Councilwoman Kinsella and Councilwoman Montisano-Koen agreed with the proposed members of the committees and also agree with his comments regarding the Board of Ed.

Councilwoman Busted also concurs with Councilman Chinigo's comments and said that there is a Bergen County Open Space Grant and they intend to bring all stakeholders to the table for kick off meeting. She said that they plan to start from the beginning and they are 100% serious. She looks forward to working with everyone on what could be a fantastic project for the borough.

Community Center Ad Hoc Committee- The Mayor asked Councilwoman Busted, Councilwoman Kinsella and Councilwoman Montisano-Koen if they would be willing to serve on the committee? They all agreed. The Mayor suggested that they move forward with the current plan and suggested possibly considering a gym setting as long as it's within budget.

Councilman Chinigo suggested that the Finance Committee sit down and go over the numbers as to where we are today before proceeding.

Mayor Papaleo said that he believes they've paid and encumbered the funds through past budgets for this project.

Councilwoman Kaufman thought they were way over budget on the parking lot.

Councilwoman Busted agrees that Finance should meet first so the committee knows how to proceed.

Councilman Chinigo stated that he thought we received a letter from the architect stating that things had changed from the original plans.

Mayor Papaleo suggested reaching out to the engineer to go over current costs and bring them back to Kevin. He also asked that Kevin be involved in all meetings and asked if they would be able to meet over the next few weeks? They replied, yes. The Mayor asked Councilwoman Busted to bring Councilwoman Kinsella and Montisano-Koen up to speed on the plans.

Councilman Chinigo suggested also reaching out to DMR to see if anything has changed.

Reorganization Meeting – Council President Chinigo announced that the Sine Die meeting and Reorganization Meeting will take place on Monday, January 4, 2021. Sine Die will start at 6:30 p.m. and Reorganization will start at 7:00 p.m.

Councilwoman Kaufman informed everyone that she took a few courses during the virtual League of Municipalities Conference last week and learned that for electric vehicles, they suggest that we allow chargers within our Master Plan. This way if anyone wants an electric vehicle they wouldn't have to get a variance.

Mayor Papaleo asked Mr. Sarlo if it would be appropriate for Councilwoman Kaufman to send an email to Tom Behrens or Land Use Chair, Jim Arakelian?

Tom Sarlo, Esq. suggested that she send an email to Mr. Behrens to get his thoughts and cc Jim Arakelian, the Land Use Chair just letting them know that the Council had a discussion about them taking a look at this and including electric chargers in the Master Plan.

Councilwoman Kaufman – said that they're almost ready to launch the new website and asked what everyone thought about ordering lawn signs to encourage people to shop and dine local with QR codes that would automatically take people to the website.

Mayor Papaleo-thought it was a good idea and asked that she keep Kevin in the loop and spend no more than \$500.00. All members of the Council were in agreement.

PUBLIC COMMENTS –

On motion by Councilwoman Kinsella, seconded by Councilwoman Kaufman to open for public comments was unanimously approved.

Rob Berninger-205 Madison Avenue-said that he is very disappointed to hear the Board of Education's decision to not allow a food stand at the Roosevelt School field for REGAL. He said that during the pandemic, he's had difficulty getting times for use of the school gyms with the Board of Ed. He hopes that going forward, a gym type setting would be included in the plans for the Community Center so that we don't have to rely on the schools. He offered to volunteer on the Community Center Committee and help put together a better solution going forward. He feels frustrated that the taxes that he pays towards the schools is not being used for all of the residents needs in the town of River Edge.

On motion by Councilwoman Kaufman, seconded by Councilwoman Montisano-Koen to close public comments was unanimously approved.

COUNCIL COMMENTS -

Councilwoman Kinsella-wished everyone a Happy Thanksgiving and encouraged everyone to be safe and to keep social distancing.

Councilwoman Montisano-Koen-wished everyone a healthy and happy Thanksgiving and also encouraged everyone to continue practicing social distancing.

Councilwoman Kaufman-echoed their comments.

Councilman Gautier-said stay safe and healthy everyone. Happy Thanksgiving.

Councilwoman Busted-announced that the Recreation and Cultural Affairs Committee will sponsor the first annual holiday decorating contest which started on November 15th and will end on December 13th. Winners will be announced on Facebook Live on December 19th. For anyone that's interested they can sign up on Community Pass. She also reported that there will be a virtual tree and menorah lighting on Facebook Live on December 10th at 5 p.m.

Councilman Chinigo-wished everyone a Happy Thanksgiving and wished his wife a happy anniversary.

Mayor Papaleo-stated that the closing of schools is a decision of the Board of Education and Superintendent of Schools and not the decision of the municipality or the Health Department in its entirety. There is some legal understanding from the Executive Order that the Health Department could, in a time of crisis, make the directive. He asked Mr. Sarlo if that is essentially correct, that it's a recommendation?

Tom Sarlo, Esq.-replied yes, the sole discretion is with the Board of Education and Superintendent. They certainly can make a recommendation but there are guidelines in place as to when they're going to close the schools from the Department of Education and the final decision rests with the Board of Ed and Superintendent.

Mayor Papaleo-said that a letter went out from the Superintendent on Friday which seemed to infer that this was a municipal decision which is the way many residents read it. What the Superintendent was looking for was a recommendation. The Mayor knows from many of his contacts in the educational world, a recommendation from Health Department is considered to be an essential element but the decision comes from Superintendent and Board of Ed. Our public Health Officer did contact the Superintendent after our region was declared an orange zone. The Mayor spoke with Mr. Yanovich on Friday, over the weekend and again today and essentially what occurred was Mr. Yanovich called the Superintendent and let her know that the region entered into an orange zone. The recommendation from the State is that when a region falls into the orange zone, that it considers remote education. Mr. Yanovich conveyed that to the Superintendent and then the Superintendent and Board make the decision. The Mayor explained that there's misunderstanding and confusion about this. The Health Department did not order schools to go remote, they simply passed on the State's recommendation that when a region falls into the orange zone, the Board and Superintendent consider going remote. The Mayor asked Mr. Sarlo if he characterized it correctly?

Tom Sarlo, Esq.-replied, yes you did.

On motion by Councilwoman Busteed, seconded by Councilman Gautier, resolution #20-272 was unanimously approved.

#20-272 Resolution to Go Into Closed Session and Exclude Public

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

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

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

1. That the public shall be excluded from the November 23, 2020 regular meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session Docket #</u>	<u>Item Title or Description</u>	<u>Statutory Reference</u>
20-11/23-1	Personnel Matter- Borough Administrator	N.J.S.A. 10:4-12(8)

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

November 23, 2020

ADJOURNMENT -8:21 P.M.

On motion by Councilman Gautier, seconded by Councilwoman Montisano-Koen to adjourn the regular meeting at 8:21 p.m. was unanimously approved.

Attest:

Thomas Papaleo, Mayor

Stephanie Evans, Borough Clerk

Dated: