

M I N U T E S  
Meeting of the Mayor and Council  
Monday, November 15, 2010  
8:00 P.M.

CALL THE MEETING TO ORDER -

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

SILENT PRAYER - FLAG SALUTE

Mayor Watkins called for a moment of silent prayer and asked Councilman Cannon to lead the salute to the flag.

STATEMENT -

Mayor Watkins read the statement under the Sunshine Law and asked the Clerk to put it into the minutes. "Adequate Notice of this meeting has been made by sending notice on December 18, 2009 to THE RECORD and THE RIDGEWOOD NEWSPAPER, by positioning on the bulletin board in the lobby of the Borough Hall, and filing a Notice of the same with the Municipal Clerk".

ROLL CALL - Councilwoman Walker, Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon, Councilman Cordts and Mayor Watkins were present.

APPROVAL OF MINUTES - By Consent

Motion by Councilman Cannon, seconded by Councilman Smith to approve the minutes of the Mayor and Council regular meeting of November 1, 2010.

ROLL CALL VOTE: Councilwoman Walker, Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

Motion by Councilman Cannon, seconded by Councilman Smith to approve the minutes of the Mayor and Council work session and special meeting of November 8, 2010.

ROLL CALL VOTE: Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes, Councilwoman Walker abstained.

PROCLAMATION & AWARDS - NONE

APPOINTMENTS & PERSONNEL CHANGES

Motion by Councilman Porco, seconded by Councilman Smith to approve the appointment of Al Ruhlmann, Kenneth Krautheim, Justin Ranley, Carl Fazio and Michael Gonnerman to the 2011 Citizen's Budget Committee, effective November 16, 2010.

ROLL CALL VOTE: Councilwoman Walker, Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

CORRESPONDENCE -

Memo	-	Chief Cariddi - 11/2/10
		Re: Commendation - Patrolman John Connolly
Notice	-	River Edge Board of Education - 11/5/10
		Re: Meeting 11/10/10
Letter	-	Board of Chosen Freeholders - 11/9/10
		Re: Ordinances Passed
Letter	-	Cablevision - 11/10/2010
		RE: Tariffs and rate adjustments

MONTHLY REPORTS -

Millennium Strategies	-	October 2010
Beautification Committee	-	October 2010
Tax Collector	-	September 2010
Building Department	-	October 2010

ORDINANCES - 1<sup>st</sup> Reading -None

ORDINANCES - 2<sup>nd</sup> Reading

Denise Dondiego, Borough Clerk read the title of Ordinance #1717 as follows:

Ordinance #1717 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RIVER EDGE (1998) CHAPTER 300 ENTITLED "PROPERTY MAINTENANCE"

Ordinance #1717 was introduced by Councilwoman Walker, seconded by Councilman Smith at the November 1, 2010 meeting as follows:

BOROUGH OF RIVER EDGE  
ORDINANCE #1717

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RIVER EDGE (1998) CHAPTER 300 ENTITLED "PROPERTY MAINTENANCE"

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey that chapter 330 of the Code of the Borough of River Edge entitled "Property Maintenance" is hereby amended as follows:

Section I: Article III, Section 330-29 Enforcement is deleted in its entirety and replaced with the following:

Section 330-29 Enforcement

The Property Maintenance/Code Enforcement Officer is hereby designated as the officer in charge of the enforcement of this Code, or in his absence the Code Inspector.

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

Section II:

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.

Margaret Falahee Watkins, Mayor

ATTEST:

Denise A. Dondiego, Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1717

Motion by Councilman Cannon, seconded by Councilwoman Walker to approve open hearing of the public.

ROLL CALL VOTE: Councilwoman Walker, Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

CLOSE HEARING OF THE PUBLIC - Ordinance #1717

~~Motion by Councilman Cordts, seconded by Councilman Cannon to close hearing of the public.~~

ROLL CALL VOTE: Councilwoman Walker, Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

ADOPTION - Ordinance #1717

Motion by Councilman Cannon, seconded by Councilman Smith to adopt Ordinance #1717.

ROLL CALL VOTE: Councilwoman Walker, Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

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RESOLUTIONS - By Consent

Motion by Councilman Cannon, seconded by Councilman Smith to approve resolution #10-401 through #10-403 and #10-405 through #10-407.

ROLL CALL VOTE: Councilwoman Walker, Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

#10-401 Authorize Alan P. Spiniello, Esq. to Enter Into a Stipulation of Settlement

WHEREAS, Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey will handle the litigation of River Edge '01 LLC v. Borough of River Edge, Block 1417, Lot 1, 65 Route 4, River Edge; and

WHEREAS, Alan Spiniello, Esq. has recommended stipulation in the above stated matters; and

WHEREAS, the Mayor and Council have considered these recommendations at their work session of November 15, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby authorize Alan Spiniello, Esq. to enter into a Stipulation of Settlement with a total assessment of \$2,650,000 for Block 1417, Lot 1 for calendar years 2009 and 2010.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to forward a copy of this resolution to James Anzevino, the Borough's Tax Assessor and Alan Spiniello, Esq.

November 15, 2010

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#10-402 Amend Agreement with Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey for Professional Services for Expert Legal Services

WHEREAS, there exists a need for Expert Legal Services for tax appeal representation; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Alan P. Spiniello, Esq. via resolution #10-48 dated January 4, 2010 in the amount of \$10,000.00 and amended via resolution #10-247 dated June 21, 2010 in the amount of \$15,000.00; and

WHEREAS, additional funding is required for Expert Legal Services for tax appeal representation; and

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

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

WHEREAS, the Mayor and Council have reviewed this matter at a work session on November 15, 2010; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-174 of the Current Fund an amount not to exceed \$7,000.00.

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

be available for public inspection;

WHEREAS, the rate of pay shall not exceed \$85.00 per hour:

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey, 07601.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

November 15, 2010

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#10-403 Resolution to Go Into Closed Session and Exclude Public

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

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

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

1. That the public shall be excluded from the November 15, 2010 meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session</u> <u>Docket #</u>	<u>Item Title or Description</u>	<u>Statutory</u> <u>Reference</u>
10-11/15-1	Personnel - Hiring of Clay Marcoux Part-time Fire Inspector	N.J.S.A. 10:4-12(8)

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

3. This resolution shall take effect immediately.

November 15, 2010

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Motion by Councilwoman Rush, seconded by Councilman Cannon to table resolution #10-404.

ROLL CALL VOTE: Councilwoman Walker, Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

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#10-404 Change in Personnel Policy & Procedure Manual - Section VI, Work Rules and Standards, Subject 4, Attendance

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

WHEREAS, Section VI, Work rules and Standards, Subject 4, Attendance of the Personnel Policy and Procedure Manual indicates that the Borough Administrator shall implement a uniform attendance record keeping system; and

WHEREAS, an exception may be approved by resolution of the Mayor and Council; and

WHEREAS, the Police Chief uses a Roster method of attendance which is kept in the Police Department and is duplicative of the listing of work hours scheduled and worked hours for the week; and

WHEREAS, the Personnel Subcommittee has met and considered this matter and after consultation with the Labor Attorney has issued a recommendation to the Mayor and Council.

WHEREAS, the Mayor and Council considered at their work session of November 15, 2010 making those changes to the Personnel Policy & Procedure Manual; and

NOW, THEREFORE, BE IT RESOLVED that the Police Chief shall be exempt from following the Scheduled Hours and Hours Worked portion of the attendance form.

BE IT FURTHER RESOLVED that the Police chief shall continue to file this attendance form semi-monthly to track sick, vacation, comp time and personal days.

November 15, 2010

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#10-405 Authorize Tax Collector to Bill Taxes for 2010 on a Previously Tax Exempt Property

WHEREAS, Central Unitarian Church has qualified for a tax exemption status for Block: 911 Lot: 18 also known as: 296 Howland Ave. River Edge, NJ.

WHEREAS, that property was sold to Sun Ja Hwang and a deed was recorded at the Bergen County as of 7/26/2010 and since the property was sold it should be taxable as of the purchase date.

NOW, THEREFORE, BE IT RESOLVED that the tax collector to bill the new owner from 7/26/2010 to 12/31/2010 property taxes and to adjust her records accordingly

<u>Block/Lot</u>	<u>Property</u>	<u>Tax Year</u>	<u>To Bill</u>
911/18	296 Howland Ave.	2010	\$5,028.45

November 15, 2010

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#10-406 Authorize Redemption and Disbursement of Tax Sale Certificate

WHEREAS, at the December 1<sup>ST</sup> 2009 Tax Sale, Certificate #2009-7 was sold to Joseph Clemente on property known as: 270 Johnson Ave. River Edge, NJ. Block: 1418, Lot: 1, owner: Enterprise 5, LLC.

WHEREAS, the mortgagee, Wells Fargo has requested redemption amounts on the above certificate as of 11/15/ 2010 and has submitted a certified check in the amount of \$65,393.36 to redeem the lien.

NOW, THEREFORE, BE IT RESOLVED, that the account supervisor is hereby authorized to issue a check in the amount of \$65,393.36 for the redemption of the lien and the tax collector to redeem the lien and adjust her records accordingly.

Please make checks payable to:

Joseph Clemente  
366 Sunset Blvd  
Wyckoff, NJ 07481

November 15, 2007

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#10-407 To Amend Resolution #10-338 Authorizing Tax Collector to Adjust Final Tax Bills due to County Board Judgments

WHEREAS, Resolution # 10-338 was passed on September 7<sup>th</sup>, 2010 authorizing the tax collector to apply all county board judgment credits to the 4<sup>th</sup> quarter 2010.

WHEREAS, the 4<sup>th</sup> quarter taxes were paid in full on Block: 1102 Lot: 12, also known as: 21 Eastbrook Dr.

NOW, THEREFORE, BE IT RESOLVED that the tax collector apply the credit of \$1,708.29 to the 1<sup>st</sup> quarter 2011 and to adjust her records accordingly.

November 15, 2010

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Councilwoman Rush read resolution #10-408 into the record.

Motion by Councilwoman Rush, seconded by Councilman Smith to approve resolution #10-408.

ROLL CALL VOTE: Councilwoman Walker, Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

#10-408 Payment of Bills

WHEREAS, vouchers for the payment of goods and services rendered to the Borough of River Edge have been received; and

WHEREAS, each bill has been checked by the receiving department, approved by the Chief Financial Officer and Borough Clerk and reviewed by the three members of the Finance Committee.

NOW, THEREFORE, BE IT RESOLVED that bills as listed now be confirmed for payment from the appropriate funds as follows:

CURRENT ACCOUNT TOTAL	\$ 7,890,009.04
CAPITAL ACCOUNT	\$ 6,336.09
RECREATION ACCOUNT	\$ 53.41
TRUST OTHER DEVELOPERS ACCOUNT	\$ 1,360.00
ANIMAL WELFARE ACCOUNT	\$ 190.50
TRUST OTHER ACCOUNT	\$ 3,245.50
OPEN SPACE ACCOUNT	\$ 3,551.52

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

November 15, 2010

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OPEN HEARING OF THE PUBLIC -

Motion by Councilman Smith, seconded by Councilman Cannon to open hearing of the public.

ROLL CALL VOTE: Councilwoman Walker, Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

CLOSE HEARING OF THE PUBLIC -

There being no comments by the public, motion by Councilman Smith, seconded by Councilman Cannon to close hearing of the public.

ROLL CALL VOTE: Councilwoman Walker, Councilwoman Rush, Councilman

Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

COUNCIL COMMENTS -

Councilwoman Walker-had no comment.

Councilwoman Rush-had no comment.

Councilman Porco-congratulated and welcomed Alphonse Bartelloni and Ed Mignone.

Councilman Smith-had no comment.

Councilman Cannon-had no comment.

Councilman Cordts-had no comment.

Mayor Watkins-thanked everyone for coming to the meeting this evening and invited them to come back to future meetings. The Mayor announced that she, Denise and Alan will be attending the League of Municipalities conference this week.

ADJOURNMENT - 8:03 P.M.

Motion by Councilman Smith, seconded by Councilwoman Walker to adjourn the meeting at 8:03 p.m.

ROLL CALL VOTE: Councilwoman Walker, Councilwoman Rush, Councilman Porco, Councilman Smith, Councilman Cannon and Councilman Cordts voted yes.

Mayor Margaret Falahee Watkins

Attest:

Denise A. Dondiego, Borough Clerk

Dated: