

M I N U T E S
Meeting of the Mayor and Council
Monday, December 20, 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 Moscaritolo 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, Councilman Moscaritolo, Councilman Porco, Councilman Smith, Councilman Cannon, Councilman Cordts and Mayor Watkins were present.

APPROVAL OF MINUTES - By Consent

Motion by Councilman Cordts, seconded by Councilman Cannon to approve the minutes of the Mayor and Council work session and regular meeting of December 6, 2010.

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

PROCLAMATION & AWARDS -

Mayor Watkins read the plaque that was presented to Councilwoman Mary Anne Rush into the record as follows:

PRESENTED TO MARY ANNE O'CONNELL RUSH
COUNCILWOMAN 2009-1010

FOR YOUR LEADERSHIP AND HARD WORK
UNQUESTIONABLE INTEGRITY AND
DESIRE TO SERVE IN THE BEST INTEREST OF ALL BOROUGH RESIDENTS

GIVEN IN GRATITUDE AND APPRECIATION
MAYOR MARGARET FALAHEE WATKINS AND COUNCIL 2010

APPOINTMENTS & PERSONNEL CHANGES

Motion by Councilman Cannon, seconded by Councilman Smith to approve the resignation of Joseph Picone and James Lemakos from the Historic Preservation Commission effective immediately.

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

Motion by Councilman Smith, seconded by Councilman Cannon to approve the resignation of Margo Tauberman, Senior Bus Dispatcher, effective immediately.

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

Motion by Councilman Smith, seconded by Councilman Porco to approve the satisfactory completion of the six-month probationary period for Anthe Siaflas, Senior Bus Dispatcher, effective August 17, 2010 and an additional five hours per week, effective December 6, 2010.

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

CORRESPONDENCE -

Letter - Bergen County Utilities Authority - 12/7/10
Re: Proposed 2011 Budget

Letter - Cablevision - 12/7/10
 Re: Launch of Fox Soccer Plus

Letter - DCA News - State of N.J. - 12/3/10
 Re: Christie Administration Best Practice Checklist

Letter - Cablevision - 12/8/10
 Re: Game Show Package Change

Letter - Cablevision - 12/13/10
 Re: Launch of Galavision

Letter - Cablevision - 12/13/10
 Re: Launch of Fox Soccer Plus

Notice - River Edge Board of Education - 12/13/10
 Re: Meeting December 15, 2010

Letter - Margo Tauberman - 12/16/10
 Re: Letter of Resignation

MONTHLY REPORTS -

Building Department - November 2010
 Police Department - November 2010
 Tax Collector - October 2010
 Shade Tree Commission - September 2010
 Shade Tree Commission - October 2010
 Shade Tree Commission - November 2010

ORDINANCES - 1st Reading - NONE

ORDINANCES - 2nd Reading

Denise Dondiego, Borough Clerk read the title of Ordinance #1718 as follows:

Ordinance #1718 - AN ORDINANCE AMENDING CHAPTER 453 "PUBLIC HEALTH NUISANCES" OF THE CODE OF THE BOROUGH OF RIVER EDGE

Ordinance #1718 was introduced by Councilman Smith, seconded by Councilman Cannon at the December 6, 2010 meeting as follows:

BOROUGH OF RIVER EDGE
 ORDINANCE #1718

AN ORDINANCE AMENDING CHAPTER 453 "PUBLIC HEALTH NUISANCES" OF THE CODE OF THE BOROUGH OF RIVER EDGE

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge Code Chapter 453 "Public Health Nuisances" be and hereby is amended as follows:

Section I: Code Sections 453-1 through 453-4 are hereby deleted and replaced with the following.

Section II: 1. DEFINITION

As used in this Chapter, Nuisance shall mean whatever is dangerous to human health, or whatever renders the ground, the water, the air or food a hazard or injury to human health, is hereby considered a nuisance.

2. PROHIBITED ACTS

It shall be unlawful for any person or persons to commit, maintain or allow to exist any nuisance, as declared and described hereinafter. The following matters, things, conditions or acts and each of them are hereby declared to be nuisances and injurious to the health of persons in this Borough:

- A. Any matter, thing, condition, or act which is or may become a detriment or menace to the health of persons in this Borough.
- B. Any matter, thing, condition, or act which is or may become, annoy or interfere with the comfort or general well-being of persons in this Borough.
- C. Pollution, or the existence of a condition or conditions which cause or threaten pollution of any waters in this Borough in such a manner as to cause or threaten injury to any persons or beasts in this municipality with regard to their health, comfort or property. Waters shall include but not be limited to wells, streams,

springs, reservoirs, bathing and swimming pools.

- D. Permitting a growth of or failing to remove brush, weeds or other vegetation, contact with which or the pollen from which will cause discomfort or injury to health.
- E. The existence or presence of any pool or container of water or other liquid in which mosquito larvae can breed or exist.
- F. The existence or presence of any accumulated garbage, refuse, manure or animal or vegetable matter and/or the deposit, accumulation or maintenance of any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place.
- G. Maintaining any premise which is infested with rats, mice or other rodents. Depositing, accumulating or maintaining any matter or thing which serves as food for insects or rodents and to which they may have access, or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, buildings or any other place.
- H. Depositing, maintaining or permitting to exist any foul, decaying, malodorous or offensive matter in or upon any lot, yard, street, house, building, premises or place, whether public or private.
- I. Throwing upon or allowing to flow from any premises, upon any street, public place, open lots or public or private property, or allowing to collect upon the surface of any premises, any waste, water, dirty water, slops, stable drainings, overflow from any cesspool or privy vault, or any offensive matter whatever.
- J. Allowing to exist any unclean or unsanitary conditions in any cellar, room or building or any imperfect plumbing or sewer appliances or connections from which any foul or noxious odors or liquids may escape.
- K. Taking or allowing any dog, cat or other animal to enter any area of a store where food is offered for sale, sold or stored, except that any Seeing Eye dog is exempt from the prohibition. Exception to this must be specifically approved by the Board.
- L. Burying or causing to be buried any dead animal under any property, private or public, in the Borough.
- M. Expectorating upon public sidewalk or upon any part of the interior or exterior of any public building or public conveyance.
- N. Maintaining stationary lights other than public street lighting which have light output of such magnitude and/or direction as to cause discomfort or injury to health.
- O. Feeding of waterfowl.
- P. The keeping of any dwelling house or other building in which there is or has been any pollutions or communicable disease without thorough airing, cleaning and disinfection is hereby declared to be a nuisance.
- Q. Presence of poison ivy, ragweed or sumac in or on any land or premises is specifically declared to be a nuisance.

3. ABATEMENT OF CERTAIN NUISANCES; NOTICE; COSTS

Where noises, noxious odors, gas or vapor or cause of ill

health or disease shall be found on private property, the Board shall cause notice thereof to be given the owner or owners to remove or abate the same at their own expense within such time as the Board shall deem proper. A duplicate of the notice so given shall be left with one (1) or more of the tenants or occupants of the premises. If the owner resides out of State or cannot be reached with notice speedily, notice left at the house or placed on the premises shall be deemed sufficient, and if the owner or owners thus notified shall not comply with such notification or order of the Board of Health within the time specified, the Board may proceed to abate such nuisance and remove the cause of such foul and noxious odors, gas or vapor or other conditions detrimental to the public health, and such Board shall have the right to recover, by action for debt, for the expense incurred by said Board in the abatement or removal, from any person or persons who shall have caused or allowed such nuisance, source of foulness or cause of sickness hazardous to the public health, and from any owner, tenant or occupant of the premises who after such notice as aforesaid shall have failed to remove such nuisance within the time specified in the notice, and in case the Board of Health shall fail to recover such expense or it shall be deemed inexpedient to bring such suit, they may present the bill, certified by the Board or a majority thereof, to the local municipal authorities, and such bill shall be audited and paid by the Borough Council or other local municipal government, in and for which the Board is organized, in the same manner as the bills for ordinary current expenses for such municipality are paid.

4. VIOLATIONS AND PENALTIES

A. Maximum penalty. Any person violating any of the provisions of any chapter adopted by the Board of Health or the Borough shall, upon conviction thereof, pay a penalty of not less than five dollars (\$5.00), nor more than five hundred dollars (\$500.00), for each offense. Complaint shall be made in the Municipal Court of the Borough or before another judicial officer having authority under the laws of the State of New Jersey. The Court shall have the power to impose the other and additional penalties provided by N.J.S.A. 26:3-77 and 26:3-78.

B. Separate violation. Except as otherwise provided, each and every day in which a violation of any of the provisions of any chapter adopted by the Board of Health exists shall constitute a separate violation.

C. Collection of fees and penalties. All fees and penalties collected under any provision of any chapter adopted by the Board of Health shall be paid to the Chief Financial Officer.

Section III: All ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies only.

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

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

Margaret Falahee Watkins, Mayor

Attest:

Denise Dondiego, Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1718

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

ROLL CALL VOTE: Councilwoman Walker, Councilman Moscaritolo, Councilman

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

CLOSE HEARING OF THE PUBLIC - Ordinance #1718

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

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

ADOPTION - Ordinance #1718

Motion by Councilwoman Walker, seconded by Councilman Smith to adopt Ordinance #1718.

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

Denise Dondiego, Borough Clerk read the title of Ordinance #1719 as follows:

Ordinance #1719 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE CHAPTER 400 "VEHICLES & TRAFFIC, ARTICLE III "TRAFFIC REGULATIONS", SECTION 21 "TURNS"

Denise Dondiego-stated that Lieutenant Curran had asked that in Section 13, that the words "during school days" be added as an amendment as it was not included in the wording during introduction.

Ordinance #1719 was introduced by Councilman Smith, seconded by Councilman Cannon at the December 6, 2010 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1719

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE CHAPTER 400 "VEHICLES & TRAFFIC, ARTICLE III "TRAFFIC REGULATIONS", SECTION 21 "TURNS"

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, that Chapter 400 "Vehicles & Traffic" of the Revised General Ordinances of the Borough of River Edge is hereby amended and supplemented as follows:

Section I. Chapter 400, Article III, Section 21 Turns, Section B shall be supplemented to reflect the following:

400-21 Turns.

B. Left Turns. No Person shall make a left turn on any of the following streets:

(13) Kinderkamack Road (north) onto Adams Avenue between the hours of 7:00 a.m. and 9:00 a.m. and 2:00 p.m. and 4:00 p.m. during School Days.

Add:

(16) Kinderkamack Road (north) onto Jefferson Avenue between the hours of 7:00 a.m. and 9:00 a.m. and 2:00 p.m. and 4:00 p.m. during School Days.

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 judgment 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 III:

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 #1719

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

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

CLOSE HEARING OF THE PUBLIC - Ordinance #1719

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

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

ADOPTION - Ordinance #1719

Motion by Councilwoman Walker, seconded by Councilman Cannon to adopt Ordinance #1719 as amended.

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

RESOLUTIONS - By Consent

Motion by Councilman Smith, seconded by Councilman Cannon to approve resolution #10-426 through #10-444 and #10-446 through #10-449.

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

#10-426 Borough of River Edge Commitment to Health and Safety

WHEREAS, the Borough of River Edge is a member of the Bergen County Municipal Joint Insurance Fund and a member of the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, a publication has been circulated on the topic of community safety leadership; and

WHEREAS, that publication has identified as a best practice the Governing Body's commitment to the health and safety of the public and the employees in the workplace; and

WHEREAS, the Mayor and Council have reviewed this document and discussed it at a work session on December 6, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body will sign the pledge enumerated below and made a part of this resolution.

Our Commitment to Health & Safety

Health and Safety must never be compromised. Your health and safety along with the health and safety of the public is the number one priority. We will achieve an accident-free environment through a health and safety culture built on:

TRUST: We respect each other's opinions and decisions and will follow through on all health and safety concerns.
CARE: We approach each day with the determination to care for ourselves, co-workers and the community we serve.
KNOWLEDGE: We seek the education and skills to properly fulfill our responsibilities.
COMMUNICATION: We communicate with each other in a clear, open and honest manner.

Safety is a Way of Life Both On and Off the Job!

BE IT FURTHER RESOLVED, that the Borough Clerk distribute this pledge to all departments so that it might be posted in the Boroughs public buildings and in the workplace.

December 20, 2010

#10-427 Amend Agreement with Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, New Jersey, 08054-3415 as Clerk of the Works for the Reconstruction of the Tennis Courts at Veteran's Memorial Park

WHEREAS, there exists a need for expert engineering services related to the construction management services for the Reconstruction of the Tennis Courts at Veteran's Memorial Park; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Environmental Resolutions, Inc. via resolution #10-150 dated April 5, 2010 in the amount not to exceed \$12,500.00 and amended via resolution #10-364 dated October 4, 2010 in the amount of \$2,300.00; and

WHEREAS, additional funding is required for partial trench drain modifications, partial color coating system review and approval and delaminating issues in the amount not to exceed \$981.75; 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, Environmental Resolutions, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Environmental Resolutions, Inc. 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 Environmental Resolutions, Inc. 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 December 20, 2010; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund not to exceed \$981.75 and

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 Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, New Jersey 08054-3415.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

December 20, 2010

#10-428 Amend Agreement with Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, New Jersey, 08054-3415 as Clerk of the Works for the Stream Stabilization Project at Veteran's Memorial Park

WHEREAS, there exists a need for expert engineering services related to the construction management services for the Stream Stabilization Project at Veteran's Memorial Park; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Environmental Resolutions, Inc. via resolution #10-119 dated March 15, 2010 in the amount not to exceed \$8,000.00 and amended via resolution #10-366 dated October 4, 2010 in the amount of \$1,600.00; and

WHEREAS, additional funding is required for site visit on shade tree removal, reconfiguration of piping to courts and soil erosion concerns and resetting of erosion matting site visit in the amount not to exceed \$1,487.50; 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, Environmental Resolutions, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Environmental Resolutions, Inc. 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 Environmental Resolutions, Inc. 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 December 20, 2010; and

WHEREAS, the Chief Financial Officer has certified that funds are

available from Account #09-105 DOE of the Municipal Open Space Fund not to exceed \$1,487.50; and

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 Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, New Jersey 08054-3415.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

December 20, 2010

#10-429 Acknowledge Receipt of Certification of Request for Emergency Purchases

WHEREAS, the Superintendent of Public Works has certified that an emergency condition exists in the Department of Public Works Buildings and Grounds for a mold condition in Borough Hall; and

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

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.

December 20, 2010

#10-430 Authorize Tax Collector to Refund Duplicate 4th Quarter 2010 Tax Payments

WHEREAS, the tax office has received duplicate tax payment for the 4th Quarter 2010 taxes on the following property; and

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

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

Block/Lot	Name & Address	Refund Amount
105/14	PAXINOPOULOS, ANTHONY 920 Willow Avenue	605.34
209/4	OTERO, HELENE 75 Spring Valley Avenue	446.31
401/18	MENDEZ, STEVEN 778 Oak Avenue	825.93
410/1/C0006	DORMAN, JOSEPH 35 Sherwood Court	1,074.74
809/19	DELGADO, CAROL 36 Wayne Avenue	513.00
809/21	LAKEY, RJ 44 Wayne Avenue	513.00
1002/34	RODGERS, RYAN 425 Bogert Road	2,765.07
1004/4	RAHMAN, TARIQ 37 Wayne Avenue	1,026.00
1202/9	DHARIWAL, ASHWIN 107 Valley Road	1,215.81
1205/23	RIVERA, CECILIA 195 Reservoir Avenue	333.45
1209/26	SHAW, VIKAS 294 Cleveland Place	1,977.62

TOTAL: \$11,296.27

Make check payable to:

WELLS FARGO HOME MORTGAGE
1 Home Campus

MAC X2302-04D
Des Moines, IA 50328
Attn: Tax Refund Department

December 20, 2010

#10-431 Transfer of Funds

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

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

FROM: Bus S/W	27-3311-011	\$ 2,400.00
TO: Engineering O/E	20-1652-100	\$ 2,400.00
FROM: Municipal Clerk O/E	20-1202-021	\$ 100.00
TO: Mayor and Council O/E	20-1102-041	\$ 100.00
FROM: Bus S/W	27-3311-011	\$ 2,000.00
TO: Vehicle Maintenance O/E	26-3152-173	\$ 2,000.00
FROM: Other Public Works O/E	26-3002-140	\$ 70.60
FROM: Parking Lot Maint. O/E	26-3012-100	\$ 1,016.20
FROM: Public Repair Maint O/E	26-2902-030	\$ 6,000.00
TO: Buildings & Grounds O/E	26-3102-182	\$ 7,086.80
FROM: Financial Admin. S/W	20-1301-011	\$ 10.00
TO: Construction Official S/W	22-1951-011	\$ 10.00
FROM: Financial Admin O/E	20-1302-036	\$ 60.00
TO: Emergency Mgt. Svcs O/E	25-2522-077	\$ 60.00
FROM: Sanitation Landfill O/E	32-4652-124	\$ 6,000.00
TO: Police Department O/E	25-2402-124	\$ 6,000.00

December 20, 2010

#10-432 Authorize Tax Collector to Refund Duplicate 4th Quarter 2010 Tax Payment

WHEREAS, the tax office has received duplicate tax payments for the 4th Quarter 2010 taxes on the following properties; and

WHEREAS, a written request was received from the homeowner to refund the overpaid amount directly to the homeowner.

NOW, THEREFORE, BE IT RESOLVED that the Accounts 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>Name & Address</u>	<u>Refund Amount</u>
910/19	CLOHESSY, JAMES & LINA 195 Beech Drive South River Edge, NJ 07661	\$ 5.48
1106/15	AGATONE, ERIKA & GIUSEPPE 251 Oak Avenue River Edge, NJ 07661	\$1,131.17

December 20, 2010

#10-433 Authorize Tax Collector to Transfer a 4th Quarter 2010 Tax Overpayment to the 1st Quarter 2011

WHEREAS, the 2010 taxes were overpaid on the following property, and the mortgage company has requested the amount to be transferred from their 4th Quarter 2010 taxes to their 1st Quarter 2011 taxes.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector adjust her records by transferring the 2010 tax overpayment to the 1st quarter 2011 taxes as

follows.

<u>Block/Lot</u>	<u>Owner/Property</u>	<u>from 4th Qtr. 10 to 1st Qtr. 11</u>	
814/21	Meehan, William & Lois 68 Wayne Avenue River Edge, NJ 07661	\$641.25	\$641.25

December 20, 2010

#10-434 Authorize Tax Collector to Refund a Duplicate 4th Quarter 2010 Tax Payment

WHEREAS, the tax office has received a duplicate tax payments for the 4th Quarter 2010 taxes on the following properties; and

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

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
909/23	MENICOLA, ANTHONY 4 Fenway Court River Edge, NJ 07661	\$ 854.15
1203/19	VISAGGIO, STEPHANIE 152 Valley Road River Edge, NJ 07661	\$1,085.00
TOTAL:		\$1,939.15

Make check payable to:

Community Bank of Bergen County, NJ
Mortgage Department
18 Railroad Avenue
PO Box 7128
Rochelle Park, NJ 07662-7128

December 20, 2010

#10-435 Authorize Tax Collector to Refund a Duplicate 4th Quarter 2010 Tax Payment

WHEREAS, the tax office has received a duplicate tax payment for the 4th Quarter 2010 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 Accounts Supervisor is hereby authorized to issue refund check in the following amount and the Tax Collector to adjust her records accordingly.

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
1001/2	KENNEDY (ETAL), KERRY 413 Lee Avenue River Edge, NJ 07661	\$3,970.62
TOTAL:		\$3,970.62

Make check payable to:

Lakeland State Bank
250 Oak Ridge Road
Oak Ridge, NJ 07438
Attn: Marta Smith

#10-436 Authorize Tax Collector to Refund Duplicate 4th Quarter 2010 Tax Payments

WHEREAS, the tax office has received duplicate tax payments for the 4th Qtr. 2010 taxes on the following properties; and

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

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
501/16	SMITH, LEONARD & MARGARET 14 Kimberly Way River Edge, NJ 07661	\$4,751.58
501/27.02	LEE, STUART 687 Westview Court River Edge, NJ 07661	\$ 466.59
	TOTAL:	\$5,218.17

Make check payable to:

BAC TAX SERVICES CORPORATION
CA6-913-LB-01
PO BOX 10211
VAN NUYS, CA 91499-6089
Attn: Tax Refund Department

December 20, 2010

#10-437 Cancel Unexpended and Dedicated Balances

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance and unused debt authorized may be canceled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that the following unexpended and dedicated balances of General Capital Appropriation be canceled:

<u>ORDINANCE</u>	<u>UNFUNDED DEFERRED CHARGES</u>	<u>CAPITAL FUND BALANCE</u>	<u>CAPITAL IMPROVEMENT FUND</u>
1650		\$ 6.85	

December 20, 2010

#10-438 Authorizing an Amendment to the December 1992 Lease Agreement between the Borough of River Edge and the River Edge Swim Club, Inc.

WHEREAS, on or about December 1992, the Borough of River Edge entered into a Lease Agreement with River Edge Swim Club, Inc. for the rental of certain real estate owned by the Borough consisting of 4.3436 + acres being Lots 1-B, 2-B and a portion of 3-B in Block 73 as shown on the tax assessment map of the Borough of River Edge; and

WHEREAS, Paragraph 15 of said Lease Agreement creates certain restrictions on the use of the premises specifically, as follows: "The Lessee shall not permit juke boxes, music machines or dancing on the demised premises. The Lessee shall not permit the sale of food or beverages or construct or install facilities for the preparation or sale of food and beverages, except vending machines for the sale of soft drinks, cigarettes, candy, crackers and ice cream"; and

WHEREAS, a majority of the members of River Edge Swim Club, Inc. voting at its Annual Meeting on December 9, 2010 voted in favor of requesting the Borough to amend the Lease Agreement, Paragraph 15, to allow the sale of certain pre-packaged food items; and

WHEREAS, at its meeting of December 20, 2010 the Mayor and Council have discussed the request and have considered the amendment to the Lease Agreement as prepared by the Borough Attorney.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of River

Edge that Paragraph 15 the Lease Agreement with the River Edge Swim Club, Inc. as aforesaid, be amended to read as follows: "The Lessee shall not permit juke boxes, music machines or dancing on the demised premises. The Lessee shall be permitted to install vending machines for the sale of soft drinks, candy, crackers and ice cream and shall also be permitted to install an area for a concession stand for the sale of pre-made and packages sandwiches, salads and wraps by an independent vendor of the Club's choosing. Under no circumstances shall any cook facilities be created or installed on the demised premises and cooking of food is expressly prohibited".

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and hereby are authorized to execute an amendment to the Lease Agreement formalizing the above change.

December 20, 2010

#10-439 Resolution Calling on the State Legislature and the Governor to Exempt the Reserve for Uncollected Taxes From the 2% Cap

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

WHEREAS, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

WHEREAS, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblymen McKeon and Burzichelli has recently introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of River Edge hereby urge the swift passage and signing of A-3603.

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to New Jersey Governor Christopher Christie, Senate President Stephen Sweeney, Assembly Speak Sheila Oliver, our State Senator, to our two Representatives in the General Assembly and to the New Jersey League of Municipalities.

December 20, 2010

#10-440 Change in Personnel Policy & Procedure Manual- Section V, Subject 2 - Overtime/Compensatory Time Off in Lieu

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

WHEREAS, the Mayor and Council of the borough of River Edge desire to change Section V, Subject 2, with regard to Overtime/Compensatory Time Off in Lieu; and

WHEREAS, the Mayor and Council considered at their work session of December 20, 2010 making those changes to the Personnel Policy and Procedure Manual.

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

- 1. Change the following paragraph to Section V, Pay Periods, Computational Distribution, Subject 2, Overtime/Compensatory Time Off in Lieu as follows:

PROCEDURE

Police/DPW

The Police Chief, prior to engaging in any side detail work funded by resources other than the municipal budget, shall notify and have the permission of the appropriate authority and notify the Borough Administrator. The overtime may be paid or the Police Chief may receive compensatory time off.

December 20, 2010

#10-441 Amend 2010 Budget

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

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

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for State and Local Housing Grant in the amount of \$818.00; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

- 3. Miscellaneous Revenue - Section F

State/Local Cooperative Housing Grant.....\$818.00

BE IT FURTHER RESOLVED that the like sum of \$818.00 and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations excluded from the "CAPS"

Public & Private Programs Offset by Revenues

State/Local Cooperative Housing Grant.....\$818.00

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

December 20, 2010

#10-442 Resolution to Adjust 2010 Final Billing on a Sub-Divided Property

WHEREAS, property known as 788 Kinderkamack Rd. Block 409, Lot 50 was sub-divided into 8 lots plus a portion of the original lot was kept in the tax duplicate as lot 50 for the tax year 2010; and

WHEREAS, taxes in the amount of \$8,336.25 should be billed based on the new assessed value of \$325,000; and

WHEREAS, the estimated billing for the 1st 2nd and 3rd quarters was in the amount of \$5,318.97 and they were paid in full.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector to bill the 4th quarter in the amount of \$3,017.28 reflecting the balance that is owed in taxes on this section of the property and to adjust her records accordingly.

<u>Block/Lot</u>	<u>Property</u>	<u>Amount billed for 4th Qtr 2010</u>
409/50	788 Kinderkamack Rd.	\$3,017.28

December 20, 2010

#10-443 Authorize Tax Collector to Refund Duplicate 4th Quarter 2010 Tax Payments

WHEREAS, the tax office has received duplicate tax payment for the 4th Quarter 2010 taxes on the following properties; and

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

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to issue refund checks in the following amounts and the Tax Collector to adjust her records accordingly.

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
106/19	XIAO, JIZHONG 934 Myrtle Avenue	3,054.80
112/11	KREUTZER, GLENN 835 5 th Avenue	2,411.75
117/13	BRIORDY, ANDREW 208 Wales Avenue	318.06
118/18	KO, CHRISTOPHER 190 Wales Avenue	833.63
206/17	COSTA, ROBERT 840 Summit Avenue	1,282.50
304/4	FARANDA, TIMOTHY 257 Wales Avenue	443.75
411/2.01	DAIBES, ASSAD 749 Williams Avenue	3,836.88
510/9	SONG, MARK 235 Madison Avenue	6,201.02
601/7	BOYD, JANET L. 167 Tenney Avenue	770.35
703/28	MELLETT, JOSEPH & MICHELLE 564 5 th Avenue	11.90
811/12	POSPISCHIL, DAVID 172 Manchester Road	111.58
1004/25	NATOLI, DENNIS 325 Kinderkamack Road	2,575.26
1101/13	HAN, LU 5 Eastbrook Drive	3,922.51
1101/14	MAHMUD, ABUN 1 Eastbrook Drive	1,126.04
1101/25	TOTA, JENNIFER L. 143 Valley Road	3,280.87
1107/36	MUNOFO, DOMINICK 332 Van Saun Drive	1,438.97
1203/8	RODRIGUEZ, JAIME 213 Cherry Lane	977.27
1205/9	SHIN, YOUNG 212 Oak Avenue	1,341.50
1209/33	GUO, YU 173 Howland Avenue	1,816.02
	TOTAL:	\$35,754.66

Make check payable to:

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

#10-444 Enter Into Agreement with Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 7 James Street, Florham Park, New Jersey 07932 for Professional Services as Labor Attorney for the Borough

WHEREAS, there exists a need for special legal counsel for labor matters concerning employees, to provide legal services such as opinions and guidance on labor contracts and laws, assistance with negotiations and arbitration and to represent the interests of the Borough before PERC; and

WHEREAS, the Chief Financial Officer has determined and certified in

writing that the annual aggregate value of the service may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is until January 1, 2011; and

WHEREAS, Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of River Edge elected officials in the previous one year, which would prohibit the award of this contract and that the contract will prohibit Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, from making any reportable contributions through the term of the contract.

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq. requires that the resolution authorizing the award of contacts for Professional Services without competitive bids must be publicly advertise.

WHEREAS, the Chief Financial Officer has certified that fund are available from account #01/2010/20/1552/168 of the Current Fund in the amount not to exceed \$10,000.00; and

WHEREAS, the Borough of River Edge previously had a contract with Matthew Giacobbe, Esq. Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, Lyndhurst, N.J. and the lead attorney for the Borough of River Edge was Matthew Giacobbe; and

WHEREAS, Matthew Giacobbe has now joined the law firm of Cleary Giacobbe Alfieri Jacobs, LLC, 7 James Street, Florham Park, N.J. and the Borough desires to engage the new law firm of Cleary Giacobbe Alfieri Jacobs, LLC; and

WHEREAS, the rate of pay shall not exceed \$150.00 per hour;

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

1. The Borough is hereby authorized to retain Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 7 James Street, Florham Park, New Jersey, 07932 as Labor Relations Counsel to supervise and coordinate the management labor relations of the Borough as requested including, but not limited to, participation in collective bargaining negotiations, grievances and administrative proceedings, arbitration and litigation.

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

3. This contract is made without competitive bidding as "Professional Service" under the provisions of the Local Public Contracts Law because of the qualitative nature of legal counsel.

4. A copy of this resolution shall be published in the RIDGEWOOD NEWS as required by law.

December 20, 2010

Councilman Smith read resolution #10-445 into the record.

Motion by Councilman Smith, seconded by Councilman Cannon to approve resolution #10-445.

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

#10-445 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	\$723,560.95
CAPITAL ACCOUNT	\$ 11,677.00
RECREATION ACCOUNT	\$ 65.00
TRUST OTHER DEVELOPERS ACCOUNT	\$ 1,778.75
ANIMAL WELFARE ACCOUNT	\$ 3.60
TRUST OTHER ACCOUNT	\$ 83,708.46

OPEN SPACE ACCOUNT

\$ 2,087.50

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

December 20, 2010

#10-446 Amend Agreement with Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, New Jersey, 08054-3415 for Conceptual Design and Engineer's Estimate of Development for the Bogert Road Park Project

WHEREAS, there exists a need for expert engineering services related to the conceptual design and engineer's estimate of development for the Bogert Road Park Project; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Environmental Resolutions, Inc. via resolution #10-263 dated June 21, 2010 in the amount not to exceed \$3,500.00; and

WHEREAS, additional funding is required for grant assistance, meeting with various committees, Borough officials and Recreation Chairman in the amount not to exceed \$1,300.00; 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, Environmental Resolutions, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Environmental Resolutions, Inc. 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 Environmental Resolutions, Inc. 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 December 20, 2010; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Account not to exceed \$1,300.00 and

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 Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, New Jersey 08054-3415 in the amount not to exceed \$1,300.00.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "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.

December 20, 2010

#10-447 Amend Agreement with Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, New Jersey, 08054-3415 for Services Relating to the Environmental Investigation and Building Demolition for the Bogert Road Pocket Park

WHEREAS, there exists a need for expert engineering services related to the environmental investigation and building demolition for the Bogert Road Pocket Park; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Environmental Resolutions, Inc. via resolution #10-274 dated July 6, 2010 in the amount not to exceed \$2,800.00; and

WHEREAS, additional funding is required for extra work for asbestos abatement quotes, inspection and laboratory analysis in the amount not to exceed \$1,800.00; 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, Environmental Resolutions, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Environmental Resolutions, Inc. 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 Environmental Resolutions, Inc. 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 December 20, 2010; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Account not to exceed \$1,800.00 and

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 Environmental Resolutions, Inc., 525 Fellowship Road, Suite 300, Mt. Laurel, New Jersey 08054-3415 in the amount not to exceed \$1,800.00.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "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.

December 20, 2010

#10-448 Authorize the Release of a Performance Bond for Charles Zampino & Maureen E. Zampino for Block 1002, Lot 57.2 a Minor Sub-Division of 87 Erskine Avenue/388 Lee Avenue, Block 1002, Lot 13

WHEREAS, the Borough of River Edge received a cash performance bond and cash deposit from Charles & Maureen Zampino on March 24, 2010 for the property located at 87 Erskine Avenue/388 Lee Avenue, Block 1002, Lot 57.2; and

WHEREAS, in accordance with a Developer's Agreement with the Borough the Developer was required to provide a Performance Bond in the amount of \$34,128.00 and cash deposit in the amount of \$3,792.00 to secure performance of all conditions of the Planning Board's Site Plan Approval; and

WHEREAS, the Borough Engineer has certified that the Developer has fully performed the project in accordance with the Planning Board and has recommended release of the Performance Bond and cash deposit; and

WHEREAS, at a work session of the Mayor and Council on December 20, 2010 the recommendation of the Consulting Engineer was considered and reviewed.

WHEREAS, the Chief Financial Officer has certified that funds are available from the Trust Other Fund in the amount not to exceed \$37,920.00; and

WHEREAS, in accordance with the Developers Agreement, the Borough Engineer has mandated that Zampino post a Maintenance Bond in the amount of \$5,688.00 for a period of two years as a condition of the release of the Performance Bond.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the above referenced Performance Bond and cash deposit be and hereby released to Charles & Maureen Zampino, 418 Lafayette Avenue, River Edge, NJ 07661 upon the posting of a Maintenance Bond in the amount of \$5,688.00 in a form approved by the Borough Attorney.

December 20, 2010

#10-449 Resolution to Go Into Closed Session and Exclude Public on December 27, 2010 at 7:00 P.M.

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

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

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

1. That the public shall be excluded from the December 27, 2010 meeting at 7:00 p.m. 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>
10-12/27-1	Litigation - Daly vs River Edge	N.J.S.A. 10:4-12(7)

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

3. This resolution shall take effect immediately.

December 27, 2010

OPEN HEARING OF THE PUBLIC -

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

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

Renee Bruen-581 Clarendon Court-read a letter that was addressed to the Mayor and Council from herself and the Beautification Committee as follows:

Dear Mayor Watkins and Council Members,
I am writing on behalf of myself and the River Edge Beautification Committee members to request that you reconsider your decision not to reappoint our Chairperson, Stacy Stein and Master Gardener, Michele Cariddi.

These two volunteers have been instrumental in creating beautiful outdoor spaces at the Town Library, Cultural Center, Borough Hall and 140 Kinderkamack Road (across from Total Wine), Elm Avenue (Bulb planting), River Edge Train Station, etc. Their dedication is immeasurable and their inventive planting and lovely gardenscapes surpass the mission of the Committee. They started with a patch of land in front of the Library, tilling and amending the rock hard soil, creating a planting scheme, providing a watering system that worked and creating gardenscape with planters, rocks and seasonal figures. The Library gardenscape received many compliments and we believe inspired other citizens to get involved in our Committee.

Stacy and Michele continued to grow the Committee's work by arranging for the seasonal and "Welcome to River Edge" banners you see on the poles throughout town. They have fostered partnerships with the Girl Scouts and others town groups to provide manpower needed for seasonal planting and decorating, providing the opportunity for those groups to complete their service requirements, thus creating a win-win situation for the community.

Stacy and Michele's efforts have been tireless; no one can commit the amount of hours they have to our town and its Beautification projects.

Mayor, you have acknowledged Michele's work many times over the years. Therefore, it doesn't seem logical that she was not reappointed.

If your reason for not reappointing Stacy and Michele is to allow new members the opportunity to serve on the Committee, why not increase the size of the Committee.

To dismiss two volunteers who are irreplaceable deals a blow to the effectiveness of the Committee and sends a negative message to all River Edge citizens wishing to get involved through volunteering.

We kindly ask that you reappoint these two wonderful volunteers to the Beautification Committee immediately so our efforts to enhance River Edge will remain strong.

~~Respectfully-submitted, Renee Bruen, Beautification-Committee-Member and the~~
Beautification Committee

Laurie Edelstein-250 Concord Drive-read a letter as follows:

I moved to River Edge 11 years ago because I was impressed with the school system and what River Edge had to offer. It had reminded me of what it was like to grow up in a small, friendly town. I live on a wonderful block with terrific neighbors.

But lately, I have been upset over town politics. It first started with all the mud thrown during the November campaign. People were accusing others of misquotes and actions. I was inundated by emails and phone calls. I thought the mud slinging would be over once the campaign ended and it sadly has not. An incredible person was told she no longer is part of the town VOLUNTEER beautification committee. My friend, Stacy Stein was let go for reasons unknown. Her colleague and master gardener, Michelle Carriddi, was also told that she was not needed any longer. I was told they got a "form" letter a week or so ago. Why I wondered to myself. Stacy has given 6 years of her time to beautify this town. Under her leadership, dedication, and volunteerism, beautiful landscapes were added to our library and town hall. She and her committee worked tirelessly to make this town look wonderful and it did.

I ask the Mayor and Council to think before taking more actions regarding these committees. Are volunteer/paid positions being filled by Republicans as a thank you for a vote? Why was Stacy and Michelle told they were not needed any longer? This town never looked better. It should not be party politics but rather who wants to give up their own time to help this town be a better place. I am incredibly disappointed in the Mayor especially regarding her decisions with volunteerism. Isn't that what is this town about?- I really hope that when the new members of our Town Council get sworn in that they are not swayed by being a Democrat or Republican but by doing what is good for our town.

Ann Cannon-110 Madison Avenue-made the following statement:

Madam Mayor and Council Members:

My name is Ann Cannon and I have been a member of the River Edge Beautification since January 2004. In January 2004, I walked into a room full of strangers with a common thought. What can we do? Well, you've heard what we've been able to accomplish with Stacy's leadership and Michele's expertise in artistry. I'd like to take this opportunity to share what the River Edge Beautification Committee has meant to me, my family and my fellow committee members. We began as strangers and became family, simply put. Perhaps a cliché, but simply put. We've worked together through all types of weather and still managed to laugh. Our spouses, children and neighbors showed up to help us. We have comforted each other in difficult times and have made tribute gifts to our town in memory of our fathers, my father, and mothers. The committee has had no budget for the last two fiscal years and we anticipate that 2011 will be no different, understandably. So the only question that begs to be answered is why would two very active volunteers who wish to continue to serve the town of River Edge and who have respectively and positively impacted the Borough be dismissed? Thank you.

Michele Cariddi-193 Wayne Avenue-read her letter as follows:

What was it Mayor?

Did the town not look pretty enough? We certainly received enough positive compliments from residents who saw myself and other members of the Beautification Committee working, including yourself on numerous occasions. Many times you stated what a great job I was doing and how you loved the characters that I painted and how they made the town look, especially during each holiday.

Did the Beautification Committee use too much money? Was our budget too big? Oh, that's right we had no budget for 2010. This past year myself and the committee cost the town NOTHING! Not one cent! Yes, we did everything this past year with not one taxpayer dollar! Several members of the committee even emptied their attics and basements and had a garage sale this past spring to raise monies for the Beautification Committee. These funds were used to purchase plants and flowers that were used throughout town. I don't see any other committee doing this.

So, what was it Mayor? I sat in the council chambers at one particular meeting in which you stated that you were afraid that people would stop volunteering. Well mayor, myself and several members of the Beautification Committee were volunteering very successfully. The committee brought a new meaning to the term "volunteering". As a member I watched us take nothing and make something beautiful. This town never looked so good, and you even told me so!

So, what was it Mayor? Volunteer workers, at no cost to the town and beautiful results equaling happy residents.

So what was it Mayor that made you not renew my term as a member of the Beautification Committee? Tell me because I don't understand! Tell me, I deserve to know why you did this to me, especially after all of the praise you had given me. I guess it was all a front.

How sad that this had to happen. How sad for this town.

Ellen Gorja-433 Lafayette Avenue-stated that during the past few years the Girl Scouts have been helping the Beautification Committee by watering plants located at various locations throughout the town. She feels that it's important to teach our youth the importance of volunteering and that's why she doesn't understand why Stacy and Michele have not be re-appointed to this

committee.

Ann Ramos-287 Manning Avenue-stated that she's been a resident of River Edge since 1965 and has been involved with St. Peter's Church throughout the years and understands the difficulty in getting volunteers. Mrs. Ramos stated that she doesn't understand why two dedicated people who love what their doing and are not costing the Borough anything are not be allowed to continue to volunteer.

Gregg Cariddi-193 Wayne-asked the Mayor after hearing all of these comments and letters of support, why? He stated that the Mayor had made several complimentary comments to him about work that Michele has done or that the committee has done and doesn't understand why this decision was made. He asked the Mayor for a response to Michele's letter.

Stephanie Hartman-144 Monroe Avenue-stated that she is currently the Chairperson for the River Edge Alliance Against Drugs and in November, she had made a recommendation to form an Alliance Network with the Borough of Oradell. She continued by saying that Oradell has been slow moving on whether or not they would like engage in forming this network. In the meantime, she feels that we need to start off the year with our goals. Stephanie stated that at the time she tended her resignation, she had made a recommendation for her replacement. She explained that this position is not an easy undertaking and after looking for a replacement for over a year, she had contacted and nurtured this person. She continued by stating that although she respects the right of the Council to appoint anyone they want, her recommendation was narrowly dismissed and feels that she should have been contacted to find out what the job entails and who might be the right choice. She stated that she's getting an element of a real disheartening approach to volunteerism that goes into this community and feels that volunteerism is so important. She feels that there is the impression that volunteerism has gone to the wayside of political patronage instead of appointing the most appropriate person for the job. She was disappointed that she was not part of the process in looking for her replacement.

Laurie Edelstein-asked if that is a volunteer job? She asked the Mayor if she responds to all of the comments regarding different positions?

Mayor Watkins-stated that she will be responding after Council Comments.

CLOSE HEARING OF PUBLIC -

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

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

COUNCIL COMMENTS -

Councilwoman Walker-thanked everyone for coming. Councilwoman Walker stated that she started volunteering several years ago and one thing lead to another and that's how she ended up running for Council. She continued by saying that she's come to know many of the people in the audience and around town through volunteering for different things and feels that this is what makes our town great. Councilwoman Walker stated that the passion of the Beautification Committee has really shown because the town has never looked so good. She thanked them for all that they've done and also thanked all the volunteers in town for giving their time to the community.

Councilman Moscaritolo-introduced himself to the audience and stated that after sitting in on a few budget meetings, he knows that financially the town is struggling to pay its bills. He further stated that during these difficult times, what could be more important that volunteerism especially because it saves the taxpayers so much money. He thanked all of the volunteers for their hard work and hopes that they are re-appointed. He feels that we all need to pull up our sleeves and get the work done.

Councilman Porco-thanked Mary Anne for her service to the Council and the community and wished her the best in the future. He thanked everyone for coming to the meeting and agreed that the town needs as many volunteers that they can get. He stated that they encourage volunteerism but right now they are giving opportunities to other people to fill certain roles. He continued by stating that anyone can volunteer for anything that they want and doesn't think that anyone will turn them away if they want to help out.

Councilman Smith-also thanked Mary Anne for her service to the town and offering her financial expertise to the Borough. Councilman Smith commented to Michele Cariddi that he is very proud of what she's done for River Edge and commended the entire committee for helping each other out in good weather and bad. He's not sure if there is a limit to the number of people who can be on the committee but if not, maybe there is room for new people to come on and for Michele and Stacy if they choose to stay. Councilman Smith stated that when there is a changing of the guards, part of that change is what goes on with appointments. He continued to say that most of those changes happen with attorneys or those who get paid by the Borough but it can also happen to those who volunteer. He understands how hard it is to lose prominent members especially because it's such a close knit group, but hopes that there will be a change on this as the year proceeds. He asked Michele not to give up because her talent and Stacy's leadership is something that River Edge needs and will continue to need. He thanked Michele on behalf of himself and all the residents of River Edge for a job well done. Councilman Cannon-thanked Mary Anne for coming out of retirement to be his

running mate a few years ago and for her years of service given to the Council and community. Councilman Cannon also thanked Wendy for her years of service and stated that she will be sorely missed. He thanked all of the volunteers from Beautification who came up tonight and commended them for working so well together and being a close group. He stated that most volunteer groups are tight knit groups who work together for something that they believe in and feels that it's a shame when there is disruption. He agreed with Councilman Smith's comment that it's part of the process. He feels that they have to be careful as a governing body to send the right message to our residents who wish to volunteer. He continued by saying that they don't want people to feel that if they do volunteer they may be gone if the political winds change. He stated that people aren't volunteering to plant because they're Republican or Democrat, they're volunteering to plant because they want the town to be beautiful and we want all of them to do that.

Councilman Cordts-thanked Mary Anne for her service on the Council and wished her the best in the future. He thanked the members of the Beautification Committee for coming up and understands that this is a sticky issue. He continued by saying that it isn't easy when there's a political party change because the new party tries to give other people a chance to be a part of different committees. He agrees with the Mayors' decision and feels that they need to give new people a chance to give different ideas and changes that will also benefit the town.

Mayor Watkins-responded to the many questions that were asked regarding the Beautification re-appointments. She explained that it is not that they threw them out, they just didn't re-appoint them because they're time was up. The Mayor pointed out that there were ten members of the Beautification Committee whose terms were expiring this year and eight were re-appointed. She stated that as Councilman Smith said, when political parties changed years ago, a lot of the committees changed. The entire Beautification Committee was wiped out, the entire group on the Zoning Board was wiped out and they were all volunteers. The Mayor commended Michele Cariddi for doing a fantastic job and will never take that away from her but stated that she has other people who can also do a good job. The Mayor explained that she thought Michele and Stacy did something that put people in danger and this town at risk for being sued by going in the gated area where there were known pesticides, lead, asbestos. The Mayor stated that granted, they did a nice job, but she does not want to put the Borough at risk of having a law suit because people did not think. The Mayor acknowledged that Michele is a master gardener but stated that there was a woman who was on the Beautification Committee years ago who is also a master gardener who formed her own foundation. The Mayor stated that this person has done a lot for this town by maintaining, at her own expense, the Pocket Park on River Edge Road, did initial plantings at 140 Kinderkamack Road, maintains the triangle coming into River Edge and pays for the maintenance of it. The Mayor explained that there is a committee that decides who will be appointed and re-appointed to the different committees. The Mayor stated that as the Democrats have a County Committee, the Republicans also have a County Committee who discuss the pros and cons of the appointments. Mayor Watkins pointed out that if you look at all of the committees, very few sitting Democrats have been taken off. They didn't fire anyone it's just that their terms have not been renewed. The Mayor understands that some won't like this answer but have to respect the fact that she is concerned with the exposure this town would have had if anyone would have gotten sick going into that gated area. The Mayor thanked everyone for coming to the meeting this evening. The Mayor stated that she was not aware that Stephanie Hartman wanted to be involved with the recommendation and told her that she will talk to her separately about the lady they are putting on. The Mayor thanked Mary Anne for her service to the community and also wanted to thank Mary Anne's husband for allowing her to be here.

ADJOURNMENT - 8:45 P.M.

Motion by Councilman Cannon, seconded by Councilman Cordts to adjourn the meeting at 8:45 p.m.

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

Mayor Margaret Falahee Watkins

Attest:

Denise A. Dondiego, Borough Clerk

Dated: