

M I N U T E S
Meeting of the Mayor and Council
Monday, August 1, 2011
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 Cordts 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 24, 2010 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 - Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon, Councilman Cordts and Mayor Watkins were present, Councilman Porco was absent.

APPROVAL OF MINUTES - By Consent

Motion by Councilman Cannon, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council work session and regular meeting of July 5, 2011.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone and Councilman Cannon voted yes, Councilman Cordts abstained and Councilman Porco was absent.

Motion by Councilman Cannon, seconded by Councilman Cordts to approve the minutes of the Mayor and Council work session meeting of July 25, 2011.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

PROCLAMATION & AWARDS - NONE

APPOINTMENTS & PERSONNEL CHANGES

Motion by Councilman Cordts, seconded by Councilman Cannon to approve the retirement of Sergeant Mark Westervelt from the Police Department, effective August 1, 2011.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

Motion by Councilman Cordts, seconded by Councilman Mignone to approve the appointment of Samuel Sim, 408 Oak Avenue, to the Fire Auxiliary Squad of the River Edge Volunteer Fire Department, effective immediately.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

Motion by Councilman Cordts, seconded by Councilman Cannon to approve the appointment of Ellen McCourt, 46 Eastbrook Drive, to the Zoning Board of Adjustment, to fill the unexpired term of Vince D'Amore through December 31, 2012.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

Mayor Watkins administered the Oath of Office to Ellen McCourt.

CORRESPONDENCE -

Letter - Cablevision - 7/5/11
Re: Launch of New Channels
Letter - County of Bergen - 7/5/11

Re: Approval for Community Development
Block Grant Funds

Letter - State of New Jersey - 7/1/11
Re: BCUA

Letter - Irene, Catherine & Diane Lindsley - 7/12/11
Re: Thank you

Notice - Joseph Gassib - 7/12/11
Re: Planning Board Application

Letter - Lapatka Associates, Inc. - 7/18/11
Re: Flood Hazard Permit, Paramus, NJ

Notice - River Edge Board of Education - 7/18/11
Re: Meeting Notice - 7/18/11

Notice - PSE&G - 7/18/11
Re: Rate Changes

Notice - United Water - 7/19/11
Re: Rate Relief Request Filed with NJBPU

Letter - Bergen County Freeholders - 7/21/11
Re: Resolutions

Notice - Apportionment of Levies and Rates
Re: 2011

Notice - PSE&G - 7/22/11
Re: Rate Changes

Letter - Cablevision - 7/25/11
Re: Channel/Package Change

Notice - N.J. Transit - 7/22/11
Re: Public Hearing Notice- Senior Citizen/Disabled
Resident Transportation Assistance Program

MONTHLY REPORTS -

Planning Board - April 21, 2011
Planning Board - May 19, 2011
Building Department - June 2011
Tax Collector - May 2011
Historic Commission - June 2011
Fire Prevention - April, May, June 2011
R.E. Revenue Report - July 19, 2011
Tax Collector - June 2011

ORDINANCES - 1st Reading

Denise Dondiego, Borough Clerk read the title of Ordinance #1736 as follows:

Ordinance #1736 - AN ORDINANCE AMENDING ORDINANCE #585 ENTITLED "AN ORDINANCE TO PROVIDE FOR SEVERANCE PAY AND HEALTH BENEFITS FOR EMPLOYEES OF THE BOROUGH OF RIVER EDGE WHO RETIRE AFTER TWENTY (20) YEARS OR MORE OF CONTINUOUS SERVICE TO THE BOROUGH".

Motion by Councilman Cordts, seconded by Councilman Mignone to approve the first reading of Ordinance #1736 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1736

AN ORDINANCE AMENDING ORDINANCE #585 ENTITLED "AN ORDINANCE TO PROVIDE FOR SEVERANCE PAY AND HEALTH BENEFITS FOR EMPLOYEES OF THE BOROUGH OF RIVER EDGE WHO RETIRE AFTER TWENTY (20) YEARS OR MORE OF CONTINUOUS SERVICE TO THE BOROUGH".

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

Section 1: The following portion of Ordinance #585 is hereby amended to add a new paragraph to Section 2:

Section 2: Employees hired on or after July 1, 2011 shall not be eligible for severance pay under Ordinance #585.

Section 3: All other provisions of Ordinance #585 remain in full force and effect.

Section 4: This Ordinance shall take effect upon passage and publication as required by law.

Mayor Margaret Falahee Watkins

Attest:

Denise A. Dondiego, Borough Clerk

Dated:

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

Denise Dondiego, Borough Clerk read the title of Ordinance #1737 as follows:

Ordinance #1737 - AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.A. 40A:4-53

Motion by Councilman Cordts, seconded by Councilman Cannon to approve the first reading of Ordinance #1737 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1737

AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.A. 40A:4-53

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, that pursuant to N.J.S.A. 40A:4-53 (Chapter 48, P.L. 1956 AS Amended by Chapter 144, P.L. 1965 and Chapter 38, P.L. 1969) the sum of \$230,000.00 (two hundred thirty thousand dollars) is hereby appropriated for the

- A. Preparation and execution of a complete revaluation program or any program to update and make current any previous revaluation program when same is ordered by the County Board of Taxation.

And shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one fifth of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

This ordinance shall take effect when passed and published as required by law.

Mayor Margaret Falahee Watkins

Attest:

Denise A. Dondiego, Borough Clerk

Dated:

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

ORDINANCES - 2nd Reading

Denise Dondiego, Borough Clerk read the title of Ordinance #1735 as follows:

Ordinance #1735 - AN ORDINANCE ADDING CHAPTER 339 "SECONDHAND DEALERS"

Ordinance #1735 was introduced by Councilman Porco, seconded by Councilman Cannon at the July 5, 2011 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1735

AN ORDINANCE ADDING CHAPTER 339 "SECONDHAND DEALERS"

BE IT ORDAINED by the Borough Council of the Borough of River Edge, in the County of Bergen, State of New Jersey, as follows:

Section I. Definitions.

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

DEALER - Any person, partnership or corporation, who or which through any means buys or sells secondhand gold, silver, precious metals or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

MINOR - Any person under the age of 18 years.

Section II. License required; fee.

Each dealer conducting business within the jurisdiction of the Borough of River Edge shall first register with the Chief of Police, who shall investigate the applicant, and shall obtain a license from the Borough Clerk by paying a fee of \$50.00.

Section III. Records to be kept by dealer; inspections.

(a) Each dealer shall maintain a complete record of each purchase and sale, including the amount paid, indicating the name, residence, occupation, age and description of the person from whom the items were purchased, received or sold. These records shall be subject to the inspection of any authorized police officer of the Borough of River Edge.

(b) The dealer shall maintain a permanent log with photographs and data established under subsection (a) above. This log shall be maintained and made available for inspection by the Police Department of River Edge.

Section IV. Description of transactions.

Each dealer doing business in the Borough of River Edge shall deliver to the Chief of Police the description of all items purchased, received or sold within 72 hours of the completion of the transaction, on forms prescribed by the Chief of Police.

Section VI. Unlawful acts.

No dealer shall sell, melt, change the form of or dispose of any articles purchased or received within five (5) days from the date the written notification is made to the Chief of Police, and all such items shall remain on the premises where the purchase was made for at least five (5) days.

Section VII. Transaction restrictions.

(a) Each dealer must require identification of the person with whom it is transacting business, and no transaction may be made with any minor, as hereinabove defined. The dealer shall secure two (2) forms of identification, one of which shall be a government form of identification such as a passport or driver's license.

(b) The forms of identification as set forth in section (a) shall be maintained as part of the permanent records of the dealer and shall not be destroyed or disposed of without the express written consent of the Chief of Police.

Section VIII. Violations and penalties.

Any person as defined above who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding 90 days and/or a period of community service not exceeding 90 days, within the discretion of the Municipal Judge. A separate offense shall be deemed committed in each day during or on which a violation occurs or continues.

Section IX: 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 #1735

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

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

CLOSE HEARING OF THE PUBLIC - Ordinance #1735

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

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

ADOPTION - Ordinance #1735

Motion by Councilman Cordts, seconded by Councilman Cannon to adopt Ordinance #1735.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

RESOLUTIONS - By Consent

Motion by Councilman Moscaritolo, seconded by Councilman Cannon to approve resolution #11-262 through #11-284.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

#11-262 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, amended via resolution #10-247 dated June 21, 2010 in the amount of \$15,000.00, amended via resolution #10-402 dated November 15, 2010 in the amount of \$7,000.00; amended via resolution #11-88 dated February 22, 2011 in the amount of \$5,000.00 and amended via resolution #11-156 in the amount of \$10,000.00; 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 August 1, 2011; 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 \$10,000.00.

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.

August 1, 2011

#11-263 Change Order Approval and Amendatory Contract for 2011 Howland Avenue & Kinderkamack Road Intersection Improvement Project to AJM Contractors, Inc.

WHEREAS, N.J.A.C. 5:34-4.2 lists the requirements for all Change Orders; and

WHEREAS, the Borough of River Edge awarded a contract on June 6, 2011 via resolution #11-207 to AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey 07011 in the amount of \$818,320.10; and

WHEREAS Change Order #1 reflects removal of additional trees in the amount not to exceed \$5,295.00; and

WHEREAS, the Mayor and Council have reviewed this matter at their work session of July 25, 2011; and

WHEREAS, the Borough Engineer has recommended the above change.

WHEREAS, The Chief Financial Office has certified that funds are available from Account #04-2150-55-1728-200 of the Capital Fund in the amount not to exceed \$5,295.00.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with AJM Contractors, Inc. for Change Order #1 in the amount not to exceed \$5,295.00.

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.

August 1, 2011

#11-264 Amend 2011 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 grant for a Reserve for ADA Improvements to Municipal Building Unappropriated in the amount of \$23,000.00; 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

ADA Improvements to Municipal Building.....\$23,000.00

BE IT FURTHER RESOLVED that the like sum of \$23,000.00 and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations excluded from the "CAPS"
Public & Private Programs Offset by Revenues

ADA Improvements to Municipal Building.....\$23,000.00

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

August 1, 2011

#11-265 Authorize Refund from Recreation Dedicated Account and Trust Other Account

WHEREAS, residents had signed up for various programs and were unable to participate; and

WHEREAS, they had paid in full for these programs; and

WHEREAS, a refund will be made to the following:

Shannon Calli 210 Manchester Road River Edge, New Jersey 07661	\$ 50.00	Women's Softball
Geraldine Garcia 839 Park Avenue River Edge, NJ 07661	\$ 50.00	Women's Softball
Janine Fernandez 72 Rutgers Place, Apt. 1 River Edge, NJ 07661	\$130.00	Summer Playground
Adiela & Andrew Rosen 171 Greenway Terrace River Edge, NJ 07661	\$ 20.00	Bowling Trip
Roosevelt School PTO Attn: Mary Hanvah 711 Summit Avenue River Edge, NJ 07661	\$ 50.00	Park Facility Use

NOW, THEREFORE, BE IT RESOLVED that a total of \$250.00 be refunded from the Recreation Dedicated Account and \$50.00 be refunded from Trust Other Account to the above listed residents.

August 1, 2011

#11-266 Award Contract to Pitney Bowes for the Lease of a Postage Meter

WHEREAS, the Borough of River Edge has been renting a postage meter machine from Pitney Bowes since 1998 which is no longer manufactured and cannot be repaired; and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(3) the Borough of River Edge privately negotiated a lease with Pitney Bowes for a new digital postage meter; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on August 1, 2011; and

WHEREAS, the lease agreement is for the term of 60 months at a monthly fee of \$54.00; and

WHEREAS, the Chief Financial Officer certifies that funds are available from Account #01-2010-20-1202-022 of the Current Fund for 2011 for the period July 22, 2011 to December 31, 2011 in the amount of \$325.00; in the 2012 budget in the amount of \$648.00 subject to the Governing Body making sufficient funds in the year 2012 budget; in the 2013 budget in the amount of \$648.00 subject to the Governing Body making sufficient funds in the year 2013 budget; in the 2014 budget in the amount of \$648.00 subject to the Governing Body making sufficient funds in the year 2014 budget; in the 2015 budget in the amount of \$648.00 subject to the Governing Body making sufficient funds in the year 2015 budget and for the 2016 budget in the amount of \$325.00 for the period January 1, 2016 to July 31, 2016 subject to the Governing Body making sufficient funds in the year 2016 budget for a total of \$3,242.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized to enter into an agreement with Pitney Bowes, P.O. Box 2017,

34 Maple Avenue, Pine Brook, N.J. 07058 which contract is awarded and the date shall be ratified and confirmed as July 22, 2011.

August 1, 2011

#11-267 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 August 1, 2011 meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session Docket #</u>	<u>Item Title or Description</u>	<u>Statutory Reference</u>
11-8/1-1	Personnel - Non Contractual Employees- Longevity Pay for Hire on or after July 2, 2011	N.J.S.A. 10:4-12(8)
11-8/1-2	Personnel - Mike Marion - Inspector for Department of Public Works/Code Enforcement	N.J.S.A. 10:4-12(8)
11-8/1-3	Personnel- Account Supervisor - Geeta Birnbaum	N.J.S.A. 10:4-12(8)
11-8/1-4	Personnel-Promotion to the Position of Sergeant in the Police Department	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.

August 1, 2011

#11-268 Amend 2011 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 grant for a Reserve for Senior Van Driver Grant Unappropriated in the amount of \$12,500.00; 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

Bergen County Community Development Block Grant	
Senior Bus Driver.....	\$12,500.00

BE IT FURTHER RESOLVED that the like sum of \$12,500.00 and the same is hereby appropriated under the caption of:

General Appropriations
 (B) Operations excluded from the "CAPS"
 Public & Private Programs Offset by Revenues

Senior Van Driver.....	12,500.00
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BE IT FURTHER RESOLVED that the Borough forward two (2) copies of this

resolution to the Director of Local Government Services.

August 1, 2011

#11-269 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on The Fenway

WHEREAS, on or about August 1, 2011, the Borough of River Edge granted permission to Michael Corcoran, 1 Fenway Court, River Edge, New Jersey, to hold a block party on The Fenway on September 3, 2011 in accordance with Borough Ordinance #1678; and

WHEREAS, Mr. Corcoran has requested that the possession and consumption of alcoholic beverages be permitted in connection with said block party;

WHEREAS, Borough Code Section 114-15 allows the Governing Body to permit the possession and consumption of alcoholic beverages in or on a public street or sidewalk in connection with an authorized block party.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge that persons age 21 and over be and hereby are permitted to possess and consume alcoholic beverages at the block party described above, on the date and time specified herein.

August 1, 2011

#11-270 Resolution of Certification of the Annual Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by the Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52-27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body has reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C.5:30-6-5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or members of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge, hereby states that it has complied with N.J.S.A. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

August 1, 2011

#11-271 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on The Fenway

WHEREAS, on or about August 1, 2011, the Borough of River Edge granted permission to Colleen Kiely, 489 The Fenway, River Edge, New Jersey, to hold a block party on The Fenway on September 3, 2011 in accordance with Borough Ordinance #1678; and

WHEREAS, Mrs. Kiely has requested that the possession and consumption of alcoholic beverages be permitted in connection with said block party;

WHEREAS, Borough Code Section 114-15 allows the Governing Body to permit the possession and consumption of alcoholic beverages in or on a public street or sidewalk in connection with an authorized block party.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge that persons age 21 and over be and hereby are permitted to possess and consume alcoholic beverages at the block party described above, on the date and time specified herein.

August 1, 2011

#11-272 Amend Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the 2009 Howland Avenue and Kinderkamack Road Intersection Improvement Project (Howland Avenue Traffic Light Design & Inspection)

WHEREAS, there exists a need for expert professional engineering services for the 2009 Howland Avenue and Kinderkamack Road Intersection Improvement Project (Howland Avenue Traffic Light Design & Inspection); and

WHEREAS, the Borough of River Edge has previously awarded a contract to Robert Costa, Borough Engineer via resolution #08-94 dated February 19, 2008 in the amount of \$25,000.00, amended via resolution #08-459 dated December 15, 2008 in the amount of \$25,000.000, amended via resolution #10-113 dated March 1, 2010 in the amount of \$7,100.00 and amended via resolution #10-423 dated December 6, 2010 in the amount of \$14,000.00; and

WHEREAS, additional funding is required for professional services for the 2009 Howland Avenue and Kinderkamack Road Intersection Improvement Project (Howland Avenue Traffic Light Design & Inspection); and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1728-100 of the Capital Fund in the amount of \$40,000.00 and Account #01-2010-20-1652-100 of the Current Fund in the amount of \$10,000.00 for a total amount not to exceed \$50,000.00; 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, 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; and

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

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

Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 327 South River Street, Suite 302, Hackensack, New Jersey 07601; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts

Law because the service performed is by a person authorized to practice a recognized profession.

August 1, 2011

#11-273 Authorize Accounts Supervisor to Issue Refund Check - Street Opening for Well-Built Carpentry & Builders, Inc. - 400 Lee Avenue

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

WHEREAS, John Lynch, Superintendent of Public Works has inspected the street where the opening was made, 400 Lee Avenue, and has declared it satisfactory; and

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

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

Well-Built Carpentry & Builders, Inc.
1022 Woodland Avenue
Oradell, NJ 07649

August 1, 2011

#11-274 Authorize Alan P. Spiniello, Esq. to Enter Into a Stipulation of Settlement with Great Outdoors v Borough of River Edge, Block 1418, Lots 2, 3, 3.01 & 4

WHEREAS, Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey will handle the litigation of Great Outdoors v. Borough of River Edge, Block 1418, Lots 2, 3, 3.01 & 4; 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 July 5, 2011.

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 an assessed value for calendar year 2009 that would match that of 2008 being \$825,000.00, calendar year 2010 would be increased to \$925,000.00, calendar year 2011 would be increased to \$1,250,000.00, calendar years 2012 and 2013 would be covered under the freeze act unless there is a town-wide revaluation.

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.

August 1, 2011

#11-275 Authorize Alan P. Spiniello, Esq. to Enter Into a Stipulation of Settlement with Riverside Medical c/o Gator Investment, 130 Kinderkamack Road, Block 1407, Lot 1

WHEREAS, Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey will handle the litigation of Riverside Medical c/o Gator Investment for tax appeals for the years 2006, 2007, 2008, 2009, 2010 and 2011; 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 August 1, 2011.

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 Riverside Medical who agreed to settle the matter by completely withdrawing and dismissing its Complaint for calendar

year 2006, will completely withdraw and dismiss its Complaint for calendar year 2007, will agree to an assessed value of \$3,800,000.00 for the year 2008, an assessed value of \$3,600,000.00 for year 2009, an assessed value of \$3,400,000.00 for year 2010 and an assessed value of \$3,200,000.00 for year 2011.

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.

August 1, 2011

#11-276 Municipal Open Space, Recreation and Historic Preservation Trust

WHEREAS, N.J.S.A. 40:12-15.1 et seq. authorizes the governing Body of any municipality to submit to the voters a proposition authorizing imposition of an annual tax levy for the following purposes:

- a. development of lands acquired for recreational and conservation purposes;
- b. maintenance of lands acquired for recreation and conservation purposes;
- c. historic preservation of historic properties, structures, facilities, sites, areas, or objects and the acquisition of such properties, structures, facilities, sites, areas or objects of historic preservation purposes; or
- d. payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraph (a), (b), (d) or (e) of this paragraph.

WHEREAS, the amounts raised by such tax levy shall be deposited into a Municipal Open Space, Recreation and Historic Preservation Trust Fund to be used for designated purposes within the municipality, and may be disbursed for specific projects only after a public hearing is conducted.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of River Edge that the following question be submitted to the voters of the Borough at the general election to be held on November 8, 2011.

Shall the Borough of River Edge effective for the fiscal year 2012 establish a dedicated tax program and impose an annual tax levy at the rate of \$0.01 per \$100.00 of assessed value for a period not to exceed five (5) years unless at the time a proposition extending the same is approved by the voters and for any or all of the following purposes or any combination thereof, as determined by the Governing Body: development and maintenance of lands for recreation and conservation purposes; historic preservation; and debt service for any of these purposes?

INTERPRETATIVE STATEMENT

This proposition would authorize the Borough of River Edge effective for the fiscal year 2012 to establish a Municipal Trust Fund for the development, maintenance and preservation of lands for recreation and conservation purposes as well as historic preservation and for the payment of debt service for any of these purposes. Real property owners in the Borough would be taxed annually at the rate of \$0.01 per \$100.00 of assessed value not to exceed five (5) years to fund this program (which is equal to \$43.60 for a property assessed at \$436,000.00). Interested parties who have submitted funding requests in the past for use of the funds have included but not limited to the following: Recreation Commission, River Edge 9/11 Memorial Fund, Beautification Committee, Department of Public Works, Shade Tree Commission, Historic Commission and Environmental Commission.

"The Open Space Trust Fund" shall be funded for a period not to exceed five (5) years unless at that time a proposition extending the same is approved by the voters.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward this binding referendum question to the County Clerk for the submission to the Borough voters at the November 8, 2011 election.

August 1, 2011

#11-277 Authorize Refund of Parking Permit

WHEREAS, a yearly parking permit for the River Edge Road Train Lot was issued and then returned to the Borough of River Edge.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to issue a pro-rated refund in the amount of \$73.30 for the yearly permit to:

<u>Name/Address</u>	<u>Permit #</u>	<u>Amount</u>
Vincent Maresca 188 Adams Avenue River Edge, NJ 07661	#23	\$73.30

August 1, 2011

#11-278 Salary Resolution

BE IT RESOLVED that the following officers and employees of the Borough of River Edge be compensated for the year 2011 in accordance with the salary guides on file with the Borough Clerk and made a part herewith.

BE IT FURTHER RESOLVED that employees hired or promoted prior to July 1, 2011 for the positions listed shall be compensated on the salary guides entitled "Schedule A" and employees hired or promoted after July 1, 2011 for the positions listed will be compensated on the salary guide entitled "Schedule B".

BE IT FURTHER RESOLVED that the salary guides may be modified by the Mayor and Council by resolution, the mayor and Council may offer a probationary rate off of the guide, and that all step increases along the guide are at the sole discretion of the Mayor and Council.

August 1, 2011

#11-279 Resolution to Adopt a Formal Safety Procedure to Ensure That All Park and Recreation Facilities are Inspected

WHEREAS, the State of New Jersey has mandated a 2012 Best Practices Inventory Questionnaire; and

WHEREAS, the Borough of River Edge strives to adopt best practice in order to provide a more efficient and cost effective service to its residents; and

WHEREAS, the 2012 Best Practices Inventory questionnaire recommends that a municipality have a formal procedure to ensure that all park and recreation facilities are inspected/assessed periodically to determine whether property maintenance is being done to ensure the safety of the using public; and

WHEREAS, the Borough of River Edge since 1985 has been a member of the Bergen County Municipal Joint Insurance Fund; and

WHEREAS, the Bergen County Municipal Joint Insurance Fund has a Safety Incentive Program, part of which encourages its members to periodically inspect and assess their parks and recreation facilities to ensure the safety of the using public.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of River Edge does hereby confirm that their formal procedure to ensure the safety of the public in their park and recreation facilities is that of the procedures for inspection and assessment adopted by the Bergen County Municipal Joint Insurance Fund as part of its Safety Incentive Program.

August 1, 2011

#11-280 Resolution to Go Into Closed Session and Exclude Public on August 22, 2011 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 August 22, 2011 meeting at 7:00 p.m. and discussion of the hereinafter specified subject matter:

<u>Docket #</u>	<u>Item Title or Description</u>	<u>Statutory Reference</u>
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11-8/22-1

Personnel - Hiring of Architect to N.J.S.A. 10:4-12(8)
Provide Services on the Following
Projects:

- Review of DPW roof specifications,
- Re-bid, Recommendation to revise & re-bid
- Library roof replacement
- Borough Hall HVAC improvement
- American Legion

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.

August 1, 2011

#11-281 Authorize Refund of 2010 Taxes Due to N.J. Tax Court Judgment

WHEREAS, a Tax Court Judgment was entered on 6/24/11 and the same was received by the tax office reducing the Assessed Value on Block 619, Lot 2, Property Known as 26 Van Buren Avenue, Owner Van Buren Apartments LLC; and

WHEREAS taxes for the year 2010 were paid in full.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor to refund the property owner \$7182.00 and the Tax Collector to adjust her records accordingly.

Tax Year	Old Value	New Value	Refund
2010	2,800,000.	2,520,000.	\$7,182.00

Make check payable to: Brach Eichler L.L.C. and Van Buren Apartments LLC

Mail to: Attn: Daniel Pollak
Brach Eichler L.L.C.
101 Eisenhower Parkway
Roseland, NJ 07068

August 1, 2011

#11-282 Authorize Refund of 2009 and 2010 Taxes Due to N.J. Tax Court Judgment

WHEREAS, a Tax Court Judgment was entered on 6/24/2011 and the same was received by the tax office reducing the Assessed Value on Block 206, Lot 1, property known as 888 Summit Ave, River Edge, NJ, Owner, Ernesto and Maria Cadiz.

WHEREAS, the homeowner's 2009 and 2010 taxes are paid in full.

NOW, THEREFORE BE IT RESOLVED that the Accounts Supervisor to refund the property owner \$5,392.90 and the Tax Collector to adjust her records accordingly.

Tax Year	Old Value	New Value	Refund
2009	744,900	650,000	2,317.46
2010	744,900	625,000	3,075.44
Total Refund:			\$5,392.90

August 1, 2011

#11-283 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on Seventh Avenue

WHEREAS, on or about August 1, 2011, the Borough of River Edge granted permission to Cindy Bequeaith, 745 Seventh Avenue, River Edge, New Jersey, to hold a block party on Seventh Avenue on September 17, 2011 in accordance with Borough Ordinance #1678; and

WHEREAS, Mrs. Bequeaith has requested that the possession and consumption

of alcoholic beverages be permitted in connection with said block party;

WHEREAS, Borough Code Section 114-15 allows the Governing Body to permit the possession and consumption of alcoholic beverages in or on a public street or sidewalk in connection with an authorized block party.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge that persons age 21 and over be and hereby are permitted to possess and consume alcoholic beverages at the block party described above, on the date and time specified herein.

August 1, 2011

#11-284 Enter Into Agreement with Thomas Wall, Esq., 115 River Road, Suite 300, Edgewater, New Jersey, 07020 for Legal Services Pertaining to the Completion of Legal Assignments of the Former Borough Attorney

WHEREAS, there exists a need to retain legal services pertaining to the completion of legal assignments of the former Borough Attorney, William Lindsley, Esq.; and

WHEREAS, Thomas Wall, Esq. meets the criteria for a professional service contract under N.J.S.A. 40A:11-1; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-172 of the Current Fund in the amount not to exceed \$5,000.00; and

WHEREAS, Thomas Wall, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Thomas Wall, 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 Thomas Wall, Esq. from making any reportable contributions through the term of the contract; and

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

WHEREAS, the rate of pay shall not exceed \$100.00 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 Thomas Wall, Esq. 115 River Road, Suite 300, Edgewater, New Jersey 07020.
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.
4. That a copy of this resolution be forwarded to the RIDGEWOOD NEWS for publication.

August 1, 2011

Councilman Mignone read resolution #11-285 into the record.

Motion by Councilman Mignone, seconded by Councilman Cannon to approve resolution #11-285.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

#11-285 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	\$6,522,677.05
CAPITAL ACCOUNT	\$ 8,051.35
RECREATION ACCOUNT	\$ 10,534.43
TRUST OTHER ACCOUNT	\$ 1,460.00
OPEN SPACE ACCOUNT	\$ 1,743.06
TRUST OTHER DEVELOPERS ACCOUNT	\$ 550.00

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.

August 1, 2011

OPEN HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

Peggy White-741 Center Avenue- stated that with regard to code enforcement, she feels that John Lynch has enough to do without adding that responsibility to his work load. Peggy also stated that although it may take John Sarafian a while to follow through, he does get things done. She commented that there are many properties that aren't being taken care of and feels that whoever is responsible for them should be fined.

Mayor Watkins-stated that the Borough tries very hard to contact the mortgage company when properties are left vacant and sometimes it takes a while to track them down.

Neal Carroll-321 Wales-noticed that there is a closed session scheduled for August 22nd to hire an architect for various projects. He asked if the architect that we've used in the past for the generator, is aware of the changes that are going to be made to this building that might require additional power.

Alan Negreann-stated that it has been suggested that the firm that is hired to do the mechanical engineering for the HVAC work incorporate the Public Safety Building generator into the overall plans. He explained that the Mayor and Council have changed their mind on the approach and they are looking for one firm or mechanical engineer to take care of both issues at the same time.

Neal Carroll-stated that the Borough, over the last few years, has already paid a lot of money to the firm from New York City and asked if that has gone by the wayside.

Alan Negreann-stated that he can't answer that question accurately because he's not sure how much use they've made of that report.

Neal Carroll-stated that over the last six months the Council voted to have additional money to go to that same company.

Mayor Watkins-told Mr. Carroll that they would look into it.

Gregg Cariddi-193 Wayne Avenue-stated that he attended an open house in his neighborhood and asked if a house is considered renovated or a reconstruction, does that affect the tax rate? He overheard the realtor tell two couples that the taxes were \$10,000 and feels that the amount cannot be accurate.

Mayor Watkins-stated that it would depend on how it was assessed. The Mayor stated that she knows several people who have done improvements and once they were reassessed their taxes did increase. The Mayor was puzzled that the realtor would have told everyone that the taxes were \$10,000 because there are very few residents who are paying that amount.

CLOSE HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

COUNCIL COMMENTS - NONE

Mayor Watkins-thanked everyone for coming this evening and invited everyone to come to the next work session meeting on August 22nd.

ADJOURNMENT - 8:18 P.M.

Motion by Councilman Cordts, seconded by Councilman Cannon to adjourn the meeting at 8:18 p.m.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes, Councilman Porco was absent.

Mayor Margaret Falahee Watkins

Attest:

Denise A. Dondiego, Borough Clerk

Dated: