

M I N U T E S  
Meeting of the Mayor and Council  
Monday, June 17, 2013  
8:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 9:09 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

Mayor Moscaritolo called for a moment of silent prayer and reflection and asked Councilman Papaleo to lead the salute to the flag.

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

Mayor Moscaritolo read the Mission Statement into the record as follows:

The New Jersey Open Public Meetings Law was enacted to ensure the right of the public to have advance notice of and attend any meetings of public bodies at which any business affecting their interest is discussed or acted upon.

In accordance with this act the Mayor and Council of the Borough of River Edge have caused notice of this meeting to be published by having the date, time and place thereof posted in the Borough Hall and notices have been sent to the Record and the Ridgewood News.

The mission of this governing body is to provide essential services through the establishment and implementation of public policy that will safeguard our infrastructure provide honest, courteous and professional services; and establish a sense of trust and accomplishment with our residents. Through research and prudent planning we seek to minimize risks while improving our services. We are sensitive to the needs of our taxpayers while realizing that this governing body cannot be all things to all people within the revenue constraints imposed by state mandates, economic conditions and prevailing attitudes about taxation.

ROLL CALL - Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni, Councilman Papaleo and Mayor Moscaritolo were present.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the minutes of the Mayor and Council work session and regular meeting of June 3, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

PROCLAMATIONS & AWARDS -

Mayor Moscaritolo presented a Plaque to Patrol Officer John Connolly which read as follows:

Presented to  
Patrol Officer John Connolly  
Upon Retirement from Your Distinguished  
25 Years of Service  
to the River Edge Police Department  
in Recognition of your Dedicated  
and Inspiring Career to the Protection  
and Safety of the Residents  
with our Gratitude and Appreciation

Mayor Sandy Moscaritolo  
& Council  
2013

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the salary change of Leonard Herman, Plumbing Inspector, from an annual Step II salary of \$10,360.00 to Step III - \$10,906.00, effective June 17, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo

voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary change of Anthe Siafflas, Senior Bus Dispatcher, from an hourly Step II rate of \$13.79 to a Step III hourly rate of \$14.51, effective June 17, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary change Lisa Hessman, Municipal Recycling Coordinator, from an hourly Step II rate of \$24.63 to a Step III hourly rate of \$25.93, effective June 17, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to approve the salary change of John Mauthe, Crossing Guard, from Step II hourly rate of \$18.31 to a Step III hourly rate of \$19.27, effective June 17, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to approve the salary change of William Sanders, Crossing Guard, from Step II hourly rate of \$18.31 to a Step III hourly rate of \$19.27, effective June 17, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the appointment of John Orth, 239 Adams Avenue, to the Planning Board, Class IV-2 to fill the unexpired term of Robert Nyman to 12/31/13, effective June 18, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the appointment of Thomas Behrens, 172 Beech Drive North, to the Planning Board as Alternate #2 to 12/31/15, effective June 18, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the separation of Coleen Goddel, from the part-time clerical position in the Department of Public Works, effective, June 18, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the hire of Danielle George, 291 Van Saun Drive, as a Library Page, 6 hours per week for 8 weeks, at an hourly rate of \$7.25, effective July 8, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to approve the resignation of Christopher Weismann from the River Edge Volunteer Fire Department, effective June 28, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilman Papaleo, seconded by Councilman Murphy to approve the resignation of Michael Medico from the River Edge Volunteer Fire Department, effective June 11, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilman Papaleo, seconded by Councilman Murphy to approve the resignation of Timothy Faranda from the River Edge Volunteer Fire Department, effective June 10, 2013.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

CORRESPONDENCE -

Notice	-	River Edge Board of Education - 6/3/13 Re: Meeting on June 5, 2013
Letter	-	State of New Jersey DEP - 6/3/13 Re: Hazardous Substance Discharge Notification - 172 Kinderkamack Road
Notice	-	River Edge Board of Education - 6/6/13 Re: Meeting Notice - June 10, 2013
Letter	-	State of New Jersey, DEP - 6/10/13 Re: Underground Storage Tank - 147 Manning Avenue
Notice	-	NJ Transit - 6/10/13 Re: DBE Announcement
Notice	-	Planning Board - 6/11/13 Re: Site Plan Hearing, Block 1306, Lot 4 1182 Main Street
Letters	-	Neal Carroll, Fire Co. #1 - 6/12/13 Re: Resignations: Christopher Weismann, Michael Medico, Timothy Faranda
Letter	-	Community Hospice of Bergen County-6/13/13 Re: Center's First Anniversary
Letter	-	Rabbi Borovitz - 6/13/13 Re: Thank you

MONTHLY REPORTS -

Historic Commission	-	May 2013
Building Department	-	May 2013
Tax Collector	-	May 2013

LIAISON REPORTS -

Councilwoman Murphy - Liaison to DPW, Shade Tree Commission, Library, Senior Citizens co-liaison, New Milford/River Edge Shared Services Committee, Oradell/River Edge Shared Services Committee - reported that the Library had an incident last week where two staff members felt threatened by a patron. She continued to say that the Police were called after the patron damaged some of the property and they would like to start discussions on better security measures.

Councilman Acquafredda - Liaison to Beautification Committee, Ad Hoc Zoning Subcommittee, River Edge and River Dell Schools - reported that Beautification is off until September and stated that he will make every effort to attend the graduation ceremonies for the Elementary School and High School.

Councilman Cappola - Liaison to Construction Code Official, Property Maintenance, Senior Citizens co-liaison, Historic Commission - reported that he continues to work with members of SCORE on the mass mailer to try to entice new membership.

Councilman Mignone - Liaison to Police Dept., Environmental Protection Commission, Green Team, Planning Board, New Milford/River Edge Shared Services Committee - congratulated Officer Connolly and wished him well in his retirement. He also acknowledged Officer Casey and Lee who received a letter of appreciation from a resident for helping him during a medical situation. Councilman Mignone reported that there are still volunteer slots open to help out at the Community Garden at the Middle School and also reported that Planning Board will be hearing an application from Steuben Arms Apartments for minor alterations to the site plan.

Councilman Bartelloni - Liaison to Recreation Commission, Traffic & Safety, Special Events Committee, Technology Committee, Oradell Shared Services Committee - reported that the Recreation Commission will be meeting this Wednesday and also reported that the Special Events Committee is moving forward with the July 4<sup>th</sup> celebrations and stated that they've received a decent amount of sponsors for the events. Councilman Bartelloni stated that there are still volunteer slots available for the Special Events Committee and announced that the Zumba in the Park event was cancelled due to inclement weather and hopes that it will be rescheduled in the fall.

Councilman Papaleo - Liaison to Fire/Fire Prevention, River Edge Alliance Against Alcohol & Drugs - congratulated the Fire Department for receiving several awards in the New Jersey/New York Firemen's Parade and announced the individual awards that they received. Councilman Papaleo commended the members for their many hours of preparation and thanked them for taking care of Borough equipment and taking pride in the way that they conduct themselves.

Mayor Moscaritolo-reported on the different calls that the Volunteer Ambulance Service has responded to and as of May, they've responded to 250 calls. The Mayor reported that REVAS assisted Pearl River, New York and Montvale in the New Jersey/New York Firemen's Parade and it was first joint effort in providing emergency services in that area. The Mayor reported that on June 15<sup>th</sup> the Ambulance Service assisted New Milford in their 5K Run and on June 17<sup>th</sup> and 18<sup>th</sup> REVAS CPR instructors will be holding a three hour recertification class for their members.

ORDINANCES - 1<sup>ST</sup> READING -

Denise Dondiego, Borough Clerk read the title of Ordinance #1791 as follows:

Ordinance #1791 - AN ORDINANCE AMENDING CHAPTER 354, SOIL REMOVAL OF THE CODE OF THE BOROUGH OF RIVER EDGE

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the first reading of Ordinance #1791 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1791

AN ORDINANCE AMENDING CHAPTER 354, SOIL REMOVAL OF THE CODE OF THE BOROUGH OF RIVER EDGE

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

CHAPTER 354. SOIL REMOVAL

- § 354-1. Definitions.
- § 354-2. Permit required; enforcement.
- § 354-3. Applications.
- § 354-4. Consideration of application.
- § 354-5. Appeals.
- § 354-6. Silt movement or redistribution regulations.
- § 354-7. Planning Board approval.
- § 354-8. Unsuitable soil.
- § 354-9. Violations and penalties.

§ 354-1. Definitions.

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

SOIL

Earth, sand, clay, loam, gravel, humus, rock or dirt, without regard to the presence or absence of organic matter.

UNSUITABLE SOIL

Any soil that is contaminated so that it represents a violation of groundwater quality standards, results in vapor hazards, poses threats to human health or is considered a hazardous substance or waste by state and federal law and regulation.

§ 354-2. Permit required; enforcement.

- A. No person shall excavate, cause to be excavated, change or alter and/or allow the excavation, change or altering of any soil, change or alter the grade of any property within the Borough of River Edge without having first obtained a

- permit from the Borough Engineer or his designee.
- B. (Reserved)
  - C. No person shall move soil from, into or within the Borough of River Edge without having first obtained a permit approving said movement.
  - D. This chapter shall be enforced by the Borough Engineer.

§ 354-3. Applications.

- A. Applications shall be made to the Borough Engineer or his designee and shall be accompanied by the following:
  - (1) A map of the premises showing the present contour lines and the proposed future contour lines resulting from the intended excavation or redistribution of soil.
  - (2) The grades resulting from the intended movement or redistribution of soil in relation to the topography of the premises. This information may be included in the map required by Subsection A(1).
  - (3) The proposed dates for the commencement and completion of the work.
- B. In the case of an existing one-family residential property being improved with an approved addition and/or basement, if it is demonstrated to the borough engineer that more than 300 cubic yards of soil require movement and there will be no change in existing topography or structural elements (such as retaining walls), the requirements of § 354-3(A)(1) and (2) may be relaxed by the granting of a waiver by the borough engineer.

§ 354-4. Consideration of application.

- A. In considering the application, the Borough Engineer or his designee shall be guided by the following factors:
  - (1) Soil erosion by water and wind.
  - (2) Drainage.
  - (3) Soil fertility.
  - (4) Lateral support slopes and grades of abutting streets and lands.
  - (5) Land values and uses.
  - (6) Any other factor which is relevant to the coordinated, adjusted and harmonious development of the Borough of River Edge.
- B. If, after considering the above factors, the Borough Engineer or his designee determines that the proposed movement or redistribution of soil will not be detrimental to the health, safety or welfare of the Borough of River Edge or its inhabitants, he shall issue the necessary permit. Otherwise he shall deny the application and shall notify the applicant. Notice of the grant or denial of the application shall be given to the applicant within a reasonable time after the application is filed.

§ 354-5. Appeals.

If the application is denied, the applicant may appeal the decision of the Borough Engineer or his designee of the Borough by filing a notice, in writing, to that effect with the Borough Clerk within 10 days after receiving notice of the decision of the Borough Engineer or his designee. The Council shall set a time and place for a hearing and shall so notify the applicant. The decision of the Council rendered after a hearing shall be final.

§ 354-6. Silt movement or redistribution regulations.

Silt movement or redistribution conducted under a permit issued under this chapter shall be in accordance with the following regulations:

- A. Operations shall be conducted so that there shall be no sharp declivities, pits or depressions.
- B. Land shall be graded so as to conform to the approved contour lines and grades and shall be cleared of debris.
- C. Unless impractical, the top layer of soil to a depth of six inches shall not be removed from the premises but shall be set aside and respread over the premises when the remainder of the soil has been removed.
- D. Adequate measures shall be taken to prevent erosion or the depositing of soil upon surrounding lands, streets or municipal facilities.

§ 354-7. Planning Board approval.

- A. Soil shall not be moved within, to or from the Borough of River Edge without having first applied for a permit in accordance with this chapter. Application shall be made to the Planning Board of the Borough of River Edge for approval to move the soil within, to or from the Borough of River Edge if the volume of the soil exceeds 300 cubic yards except in cases of an existing one-family residential property where soil removal is the result of an excavation of a basement/foundation and no change to the surrounding topography or structural elements (such as retaining walls) are proposed.

B. The application for soil movement shall be made at the same time the development application is being sought by the Planning Board or by the Board of Adjustment, if that Board is hearing said application.

§ 354-8. Unsuitable soil.

Unsuitable soil shall only be moved in accordance with state and federal law and regulations.

§ 354-9. Violations and penalties.

For a violation of any provision of this chapter, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000 or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof. Each truckload of soil removed shall be considered a separate offense under this chapter.

§354-10. Severability.

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

§354-11. Repeal of Inconsistent Provisions.

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

§354-12. Codification.

This ordinance shall be part of the Code of the Borough of River Edge as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk is authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of River Edge in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

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

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.

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

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk

Dated:

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

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ORDINANCE - 2<sup>ND</sup> READING -

Denise Dondiego, Borough Clerk read the title of Ordinance #1790 as follows:

Ordinance #1790 - AN ORDINANCE TO PROVIDE FOR OPEN AIR SIDEWALK CAFES WITHIN THE BOROUGH OF RIVER EDGE

Ordinance #1790 was introduced by Councilwoman Murphy, seconded by Councilman Papaleo at the June 3, 2013 meeting as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1790

AN ORDINANCE TO PROVIDE FOR OPEN AIR SIDEWALK CAFES WITHIN THE BOROUGH OF RIVER EDGE

WHEREAS, the Borough of River Edge deems it in the best interest of the residents of River Edge, as well as River Edge's business community and the many out-of-town patrons of River Edge's food service establishments, to provide for open air sidewalk cafes; and,

WHEREAS, the Borough of River Edge finds that open air sidewalk cafes promote and facilitate a vibrant and active streetscape and enhance our community's quality of life; and,

WHEREAS, the Borough of River Edge desires to encourage the establishment of outdoor dining in River Edge to support local economic and commercial development; and,

WHEREAS, the Borough of River Edge has determined that guidelines and regulations for the establishment of open air sidewalk cafes are in the best interest of the community;

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

Section 1. Definitions.

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

FOOD SERVICE ESTABLISHMENT: A facility established primarily for the preparation and service of food and drink with facilities to serve same on its premises, which shall include restaurants, bakeries, ice cream parlors, delicatessens and similar establishments.

LIMITED SIDEWALK CAFE: The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of a food service establishment, immediately fronting on that sidewalk space, which space is unenclosed.

SIDEWALK: That portion of the public easement that lies between the building line and the curb.

Section 2. Requirements of operation.

No sidewalk cafe shall operate within the Borough unless and until the owner or operator has fully complied with and continues to comply with all of the criteria set forth in this Chapter.

Section 3. Permitted location.

Sidewalk cafes shall only be permitted in front of an operating food service establishment that has previously acquired all of the required licenses and/or permits needed to operate within the Borough.

Section 4. Regulations for operation.

A. No outdoor dining area shall be located within any public right of way.

B. A minimum four foot wide area of unobstructed paved surface shall be available for pedestrian movement around or through the outdoor cafe. No outdoor dining area shall be located less than eight (8) feet from any driveway and/or parking area unless the applicant installs protective bollards or barriers as approved by the Borough Engineer.

C. All outdoor dining areas shall be limited to not more than 15% of the total maximum permitted seating for the establishment.

D. Tables shall be arranged so that the side of each table shall be as close as practical to the adjacent wall of the food establishment it is associated with, provided that in no event shall the establishment be allowed more than one table and two chairs for every five feet of storefront of the establishment requesting the outdoor dining.

E. Tables shall be limited to two seat tables. The maximum permitted depth of the table, as measured from the nearest wall it abuts, shall be forty (40) inches.

F. Table umbrellas are permitted for outdoor cafes on sidewalks, subject to the following:

(1) Umbrellas shall only be permitted at the permitted outdoor cafe tables, and the number of umbrellas shall be no more than the number of tables permitted.

(2) The size of the umbrellas shall allow at least a vertical clearance under the umbrella of six feet eight inches. The width of the umbrella and its placement shall be such as to leave a four foot wide unobstructed path of sidewalk parallel to the curb across the entire frontage of the property in question.

(3) All umbrellas shall be vented and properly secured with pins or bolts through the table framework, with weighted umbrellas stands directly beneath the table to prevent toppling in high winds.

(4) Umbrellas shall not be illuminated, and signs are only permitted on the valance of the umbrella.

(5) The maintenance and daily removal of umbrellas shall be in conformance with the standards of this article.

G. No food or drink shall be prepared or stored other than the interior of the eating establishment.

H. No tables, chairs or other equipment shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk, or property of the Borough.

I. No outdoor loudspeaker, public address system, radio or similar device shall be utilized.

J. The applicant shall remove all chairs, tables and other equipment from the sidewalk at the close of business each day unless the chairs, tables and other equipment are surrounded by a partition that separates the sidewalk cafe area from the public portion of the sidewalk. The partition shall be no less than thirty (30) inches in height and shall not exceed thirty-six (36) inches in height, and the design of the partition shall provide boundaries which will allow patrons and pedestrians to clearly ascertain the entrance and exit to the premises.

K. The area utilized for the sidewalk cafe shall be cleared of any obstruction and cleaned of refuse, debris and/or food waste at the close of business on each day.

L. The Borough shall not require additional parking for outdoor cafe seating.

#### Section 5. Permitted hours of operation.

Operation of open sidewalk cafes shall be permitted from April 15, through November 30 inclusive. The hours of operation shall be 8:00 a.m. until 10:00 p.m. on Sundays through Thursdays, and 8:00 a.m. until 11:00 p.m. on Friday and Saturday, except that no alcoholic beverages may be served before 12:00 p.m. on any day, and then only upon proper revision of the liquor license applicable to the premises with the Borough and/or New Jersey Alcoholic Beverage Commission, as required.

#### Section 6. Licenses.

A. The Borough shall grant a revocable license renewable each year for seasonal operation for limited sidewalk cafes. The Zoning Code Official shall prepare an application form, and shall be responsible for reviewing all submitted applications to ensure that the owner and operator demonstrate adherence to all of the conditions set forth in this Chapter and all applicable Borough and state laws and regulations. Included within the application shall be the following:

(1) The name, address and telephone number of the applicant and property owner, and written authorization of the owner of the property in question, and the street address and block and lot number of the property in question.

(2) A survey, schematic or other evidence illustrating the location and number of proposed tables, chairs, planters, awnings or other fixtures proposed to be located in the outdoor cafe.

(3) The drawing shall illustrate the location of any doors leading from the food establishment to the outdoor dining area. No such door may be obstructed in any manner, the dimension and location of the unobstructed space permitting the passage of pedestrian traffic around or through the outdoor cafe.

(4) A statement of the seating capacity of the existing food establishment and the proposed seating capacity of the outdoor dining area shall be shown.

B. The Borough, through its duly authorized agents, reserves the right to revoke the license of any sidewalk cafe license for failure to of any licensee to comply with this chapter or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. Any license issued hereunder is issued upon the express understanding that the licensee obtains no property right thereunder nor any interest in the continuation of said license. It shall be considered a violation of this chapter for any person to operate an outdoor cafe after the suspension or termination of the applicable license.

C. The Borough expressly reserves the right to require removal of all sidewalk cafes or other projections or encumbrances upon any street, sidewalk or public easement which are improperly constructed or maintained.

D. In addition to the powers of suspension or revocation as set forth above, the borough reserves the right to modify, suspend or revoke any license on five (5) days written notice if the borough determines that pedestrian traffic, is in fact, impeded or made unsafe because of the operation of the outdoor cafe or because of any other safety issue which the borough determines adversely affects the borough because of such operation. The license may also be suspended or revoked on five days written notice in the event that the borough determines that it is necessary to utilize the area or any part thereof for the maintenance or installation of underground utilities. In the event of any emergency, which is certified by the Borough Administrator, the license may be suspended or revoked without notice.

E. Applications for renewal of permits shall be made in the same manner as original applications.

F. Licenses shall be personal to the applicant, and any change or transfer in the ownership interest of the business entity or establishment utilizing the license shall terminate the license and shall require new application and a new license in conformance with all of the requirements of this ordinance.

#### Section 7. Fees.

The applicant shall pay an application fee of \$200.00 for each application or annual renewal.

The applicant may also be required to post an escrow fee of \$500.00 for the engineering review of the application by the Borough Engineer.

#### Section 8. Insurance required.

A. Applicant must have a comprehensive general liability insurance policy issued by a company authorized to do business in the State of New Jersey in effect at the time of the application and show proof thereof. If the operator is not the property owner, then the property owner must likewise have insurance in effect at the time of application by the restaurant operator. The Borough of River Edge and the County of Bergen must be designated as an additional insured on the operator's policy and well as on the property owner's policy affording coverage set forth below in the amounts specified:

1. Bodily Injury:
  - (a) Each person: \$300,000.00
  - (b) Each accident: \$1,000,000.00
2. Property Damage:
  - (a) Each person: \$300,000.00
  - (b) Each accident: \$1,000,000.00

The insurance coverage required by this section shall at all times be

maintained for the full amount. The policy of insurance required by this section to be filed with the zoning code official shall contain a clause obligating the company issuing the same to give not less than 30 days written notice to the Borough clerk before cancellation or amendments of any terms thereof. Notice of cancellation shall not relieve the company issuing such policy of liability for any injury or claim arising.

The applicant shall also file with the zoning code enforcement official a statement agreeing to indemnify and hold harmless the Borough of River Edge, County of Bergen and their agents, servants, representatives or employees from any and all claims, damages, judgment costs or expenses, including attorneys fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the outdoor dining for which the license is issued.

#### Section 9. Violations and penalties.

A. Any person, firm, company, or corporation violating any of the provisions of this chapter, shall, upon conviction thereof, be subject to a fine of not less than one hundred (\$100.00) dollars nor exceeding one thousand (\$1,000.00) dollars or imprisonment for a period not exceeding ninety (90) days, or both, and each and every day in which said violation exists shall constitute a separate violation.

B. Any, person, firm, company or corporation that fails to comply with the criteria for establishment of a limited sidewalk cafe set forth in this Chapter shall be deemed to have violated this Article and shall face the above fines and/or penalties.

#### Section 10. Severability.

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

#### Section 11. Repeal of Inconsistent Provisions.

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

#### Section 12. Codification.

This ordinance shall be part of the Code of the Borough of River Edge as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk is authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of River Edge in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

#### Section 13:

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

#### Section 14:

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 15:

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

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1790

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Peggy White - 741 Center Avenue-doesn't understand how there can be outdoor dining at the strip mall when there isn't any room?  
Mayor Moscaritolo-explained that this ordinance requires that the tables have to be against the building, there has to be enough room for the wait staff to serve and there has to be 4 feet of open sidewalk. He further explained that if the establishment doesn't have the required amount of space, they won't be able to have an outdoor café.  
Peggy White-asked if they would be able to add more sidewalk space?  
Mayor Moscaritolo-stated that this ordinance won't apply to every food establishment on Kinderkamack Road because many of them won't have enough space.  
Councilman Mignone-added that there is also a requirement to have a physical barrier between the car and sidewalk area. He stated that many towns don't have that condition in their ordinances.  
Councilwoman Murphy-stated that the developer of the old Huffman Koos property has received requests from businesses asking if we have an outdoor dining ordinance in place.  
Councilman Mignone-explained that when the developer came before the Planning Board they suggested that the town consider this type of ordinance and also explained that it's also one of the objectives in the master plan. His feeling is that if we can have a safe set up and the businesses want to do it he's all for supporting it.

CLOSE HEARING OF THE PUBLIC - Ordinance #1790

Motion by Councilwoman Murphy, seconded by Councilman Mignone to close hearing of the public.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

ADOPTION - Ordinance #1790

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to adopt Ordinance #1790.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

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RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve resolution #13-241 through #13-259 and #13-261.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

#13-241 Change in Personnel Policy & Procedure Manual- Section II, Employment, Subject 5, - Employment/Probation

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 II, Employment, Subject 5 with regard to Employment/Probation; and

WHEREAS, the Mayor and Council considered at their work session of June 17, 2013 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. Add the following paragraphs to Section II, Employment, Subject 5, Probation:

The first day of the start of the probation period for an hourly employee shall be their first day of work. All other employees shall have their effective date of employment as the first day of the start of the probation period.

June 17, 2013

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#13-242 Authorize the Petty Cash Reimbursement for the Recreation Camp Program

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of Petty Cash Fund for the Office of the Chief Financial Officer of the Borough of River Edge; and

WHEREAS, said the petty cash fund was established by resolution dated January 3, 1983 by the Mayor and Council of the Borough of River Edge as amended by Resolution #90-149 dated August 6, 1990; and

WHEREAS, Resolution #87-169, dated August 3, 1987, established that the maximum amount of a single draw down on the Petty Cash Fund shall not exceed \$35.00; and

WHEREAS, Resolution #99-188, dated June 7, 1999 increased the maximum amount of a single draw limit to \$50.00; and

WHEREAS, the purpose of having a Petty Cash Fund is to eliminate staff time and paper work for small purchases which could be handled more cost effectively through a Petty Cash Fund; and

WHEREAS, the Recreation Commission of the Borough of River Edge operates a camp for its residents and has a unique need to purchase supplies for programs, activities and projects for the children of the camp on a daily basis; and

WHEREAS, the Mayor and Council recognize that the unique nature of a camp operation does not always lend itself to advance planning and there is an immediate need to purchase items such as first aid supplies, food and drink, and arts and crafts materials and the Governing Body considered this at their work session of June 17, 2013.

NOW, THEREFORE, BE IT RESOLVED that Geeta Birnbaum, Custodian of the Petty Cash Fund, is hereby authorized to reimburse the Recreation Director up to a single draw down limit of \$50.00 per slip and said authorization to initiate the day the Borough of River Edge camp opens and expire on the last day of camp operation, and as long as the Recreation Director complies with all other policies and procedures in effect for the Borough of River Edge with regard to the maintenance of its Petty Cash Funds.

June 17, 2013

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#13-243 Resolution to Go Into Closed Session and Exclude Public

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

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

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

1. That the public shall be excluded from the June 24, 2013 and July 1, 2013 meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session</u>		<u>Statutory</u>
<u>Docket #</u>	<u>Item Title or Description</u>	<u>Reference</u>

To be determined by reference to the Borough Clerk's Agenda for the above Meeting.

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.

June 17, 2013

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#13-244 Approve Renewal of Liquor Licenses

WHEREAS, application for renewal of liquor licenses have been filed with the Clerk of the Borough of River Edge by the following licenses; and

WHEREAS, reports have been received from the Police Department, Fire Prevention Official and the Department of Health that the following premises holding liquor licenses in the Borough have been found in order in accordance with the rules and regulations of this Borough and the required fees have been received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the Borough of River Edge that the following licenses be issued for the premises described for a period of one (1) year commencing July 1, 2013; and

BE IT FURTHER RESOLVED that Denise A. Dondiego, Borough Clerk, be directed to sign and deliver said licenses on behalf of the Borough of River Edge.

PLENARY CONSUMPTION LICENSES

0252-33-001-005	259 Johnson Avenue, Inc., T/A Dinallo's 259 Johnson Avenue River Edge, N.J. 07661	\$2,500.00
June 17, 2013		

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#13-245 Authorize Refund of Garage Sale Permit

WHEREAS, garage sale permit #13-63 was issued on May 31, 2013; and

WHEREAS, a fee of \$10.00 was collected; and

WHEREAS, the resident called and indicated that due to the construction work that was being done on Howland Avenue she was unable to participate in the June 1, 2013 town wide garage sale.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to issue a refund in the amount of \$10.00 to:

<u>Name/Address</u>	<u>Amount</u>
Rosa Gvardijan 6 Cherry Mews River Edge, NJ 07661	\$10.00

June 17, 2013

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#13-246 Authorize Severance and Accumulated Absence Payments to Lieutenant Richard Curran

WHEREAS, Lieutenant Richard Curran has submitted a notification that he will retire as an employee of the Borough of River Edge on August 31, 2013; and

WHEREAS, the Borough of River Edge adopted Ordinance #585, on September 9, 1973 and amended it via Ordinance #814 dated March 21, 1982 and Ordinance #1736 dated September 6, 2011; and

WHEREAS, Ordinance #585 as amended provides for severance pay when an employee serves the Borough after twenty (20) years or more of continuous service; and

WHEREAS, the Borough of River Edge has entered into a collective bargaining agreement with the River Edge Superior Officers Association; and

WHEREAS, Article XIX provides for the payment of any vacation due him on a pro-rated basis; and

WHEREAS, Section V, Subject 1 of the Personnel Policy and Procedure Manual of the Borough of River Edge states that the Municipal Governing Body shall approve all payments for accumulated absences and other severance payment; and

WHEREAS, a certification by the Chief Financial Officer in accordance with N.J.A.C. 5:30-15.4 has been received and is on file with the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of River Edge that the Chief Financial Officer and the Finance Department are hereby authorized to make payment to Richard Curran for any amounts due per Ordinance #585 and accumulated vacation or other time as certified by the Chief Financial Officer.

June 17, 2013

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#13-247 Authorize Severance and Accumulated Absence Payments to Patrol Officer John Connolly

WHEREAS, Patrol Officer John Connolly has submitted a notification that he will retire as an employee of the Borough of River Edge on June 30, 2013; and

WHEREAS, the Borough of River Edge adopted Ordinance #585, on September 9, 1973 and amended it via Ordinance #814 dated March 21, 1982 and Ordinance #1736 dated September 6, 2011; and

WHEREAS, Ordinance #585 as amended provides for severance pay when an employee serves the Borough after twenty (20) years or more of continuous service; and

WHEREAS, the Borough of River Edge has entered into a collective bargaining agreement with the River Edge PBA, Local 201; and

WHEREAS, Article 20 provides for the payment of any vacation due him on a pro-rated basis; and

WHEREAS, Section V, Subject 1 of the Personnel Policy and Procedure Manual of the Borough of River Edge states that the Municipal Governing Body shall approve all payments for accumulated absences and other severance payment; and

WHEREAS, a certification by the Chief Financial Officer in accordance with N.J.A.C. 5:30-15.4 has been received and is on file with the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of River Edge that the Chief Financial Officer and the Finance Department are hereby authorized to make payment to John Connolly for any amounts due per Ordinance #585 and accumulated vacation or other time as certified by the Chief Financial Officer.

June 17, 2013

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#13-248 Authorize Accumulated Absence Payments to Christopher Weismann

WHEREAS, Christopher Weismann, Borough Mechanic has submitted a notification that he will retire as an employee of the Borough of River Edge on June 28, 2013; and

WHEREAS, the Borough of River Edge has entered into a collective bargaining agreement with the Local 108, Public Employee Division, RWDSU Blue Collar Unit; and

WHEREAS, Article 10 provides for the payment of any vacation due him on a pro-rated basis; and

WHEREAS, Section V, Subject 1 of the Personnel Policy and Procedure Manual of the Borough of River Edge states that the Municipal Governing Body shall approve all payments for accumulated absences and other severance

payment; and

WHEREAS, a certification by the Chief Financial Officer in accordance with N.J.A.C. 5:30-15.4 has been received and is on file with the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of River Edge that the Chief Financial Officer and the Finance Department are hereby authorized to make payment to Christopher Weismann for any amounts due accumulated vacation or other time as certified by the Chief Financial Officer.

June 17, 2013

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#13-249 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on Dorchester Road

WHEREAS, on or about June 17, 2013, the Borough of River Edge granted permission to Johnny Porco, 183 Dorchester Road, River Edge, New Jersey, to hold a block party on Dorchester Road between Elm Avenue and Oak Avenue on July 13, 2013 (with a rain date of July 14<sup>th</sup>) from 11 a.m. to 12 midnight in accordance with Borough Ordinance #1678; and

WHEREAS, Mr. Porco 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.

June 17, 2013

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#13-250 Authorize Tax Collector to Refund a 2013 Tax Overpayment

WHEREAS, the tax office has received a tax overpayment for the 2013 taxes on the following property; and

WHEREAS, a written request was received from the closing attorney, Yuk-Shim Mak, Esq., LLC, to refund the overpaid amount directly to the new homeowner.

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

<u>Block/Lot</u>	<u>Name &amp; Address</u>	<u>Tax Qtr.</u>	<u>Refund Amount</u>
114/22	Jing Liu & Zhiming Liao 862 Elm Avenue River Edge, NJ 07661	2 <sup>nd</sup>	10.70

June 17, 2013

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#13-251 Authorize Refund from Recreation Dedicated Account

WHEREAS, residents signed their children up for the Summer Playground Program; and

WHEREAS, the children were unable to attend due to a change in plans for the summer; and

WHEREAS, the residents had paid in full for this program; and

WHEREAS, a refund will be made to the following:

Donfeng Zhang 6 Carol Lane River Edge, NJ 07661	\$280.00 (2 children)
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Robert Gebhardt  
91 Valley Road  
River Edge, NJ 07661 \$140.00

NOW, THEREFORE, BE IT RESOLVED that a total of \$420.00 be refunded from the Recreation Dedicated Account to the above listed residents.

June 17, 2013

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#13-252 Authorize Refund from Trust Other Account

WHEREAS, Grace Lutheran Church reserved Memorial Park for a picnic on June 2, 2013; and

WHEREAS, Grace Lutheran Church paid in full for the use of the park; and

WHEREAS, the picnic was cancelled due to inclement weather.

WHEREAS, a refund will be made to the following:

<u>Name</u>	<u>Amount to be refunded</u>
Grace Lutheran Church c/o Carol Hortsman 925 Fifth Avenue River Edge, NJ 07661	\$50.00

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

June 17, 2013

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#13-253 Authorize Refund of 2011 Taxes Due to a NJ Tax Court Judgment

WHEREAS, a Tax Court Judgment was entered 4/25/13 and the same was received on 5/7/13 reducing the Assessed Value on the property owned by Theodore Falk known as Block 1406, Lot 7 Qualifier: C0001 located at 63 Grand Avenue, River Edge for the year 2011; and

WHEREAS, the 2011 taxes are paid in full.

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

<u>Tax Year</u>	<u>Old Value</u>	<u>New Value</u>	<u>Refund</u>
2011	552,300	525,000	\$729.18

Make check payable to:

Theodore Falk  
63 Grand Avenue  
River Edge, NJ 07661

June 17, 2013

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#13-254 Authorize Tax Collector to Refund 2<sup>nd</sup> Quarter 2013 Tax Overpayments

WHEREAS, the tax office has received duplicate tax payments for the 2<sup>nd</sup> Quarter 2013 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 Account Supervisor is hereby authorized to issue a refund check in the following amount and the Tax

Collector to adjust her records accordingly.

BLOCK LOT	HOMEOWNER/ADDRESS	AMOUNT
804/16	BOTHE 454 Kinderkamack Road	\$1,888.04
1202/6	FARRELL 119 Valley Road	\$3,021.32
Total:		\$4,909.36

Make check payable to:

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

June 17, 2013

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#13-255 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the 2013 Riverside Cooperative Road Resurfacing Inspection

WHEREAS, there exists a need for expert professional engineering services for the 2013 Riverside Cooperative Road Resurfacing Design & Inspection; 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 #04-2150-55-1763-100 of the Capital Fund not to exceed \$2,500.00; 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, 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., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$2,500.00; 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.

June 17, 2013

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#13-256 Award Contract for the 2014 International Hooklift Model 7400 4 x 2 Chassis & Cab with Snow Removal Equipment & Central Hydraulics to DeLuxe

International Trucks, Inc., 600 South River Street, Hackensack, New Jersey  
07601

WHEREAS, on June 13, 2013 one (1) sealed bid was received for the 2014 International Hooklift Model 7400 4 x 2 Chassis & Cab with Snow Removal Equipment & Central Hydraulics in the amount of \$171,283.00; and

WHEREAS, the bid has been reviewed by the Superintendent of Public Works and the Borough Attorney; and

WHEREAS, the Mayor and Council have discussed this matter at a work session on June 17, 2013; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1787-300 of the Capital Fund in an amount not to exceed \$171,283.00; and

NOW, THEREFORE, BE IT RESOLVED that the contract is hereby awarded to DeLuxe International Trucks, Inc., 600 South River Street, Hackensack, New Jersey 07601 in the amount not to exceed \$171,283.00 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

June 17, 2013

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#13-257 Award of Contract to D.L.S. Contracting, Inc., 633 Franklin Avenue,  
Nutley, New Jersey 07110 for the 2013 Riverside Cooperative Road Improvement  
Program

WHEREAS, on May 21, 2013 sealed bids were received for the 2013 Riverside Cooperative Road Improvement Program by the Riverside Cooperative (35-RC); and

WHEREAS, three (3) bids were received, the lowest from D.L.S. Contracting, Inc.; and

WHEREAS, the Borough of Haworth, the Lead Agency for the Riverside Cooperative, awarded the bid dated June 4, 2013; and

WHEREAS, the bids have been reviewed by the Borough Administrator, Borough Engineer, Superintendent of Public Works and Borough Attorney; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on June 17, 2013; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1789-400 of the Capital Fund not to exceed \$103,290.51.

WHEREAS, this contract is awarded on a unit price basis and may be considered an "Open Ended Contract" under N.J.A.C. 5:34-5.3, in which case certification of funds is not required until such time as the services are ordered and prior to incurring the liability by placing the order, certification of availability of funds will be made by the Chief Financial Officer, and it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds from the Chief Financial Officer as appropriate.

NOW, THEREFORE, BE IT RESOLVED that the bid is hereby awarded to D.L.S. Contracting, Inc., 633 Franklin Avenue, Nutley, New Jersey 07110 in the amount of \$103,290.51 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

June 17, 2013

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#13-258 Amend Agreement with Robert Costa, Borough Engineer, for Professional  
Services Related to the Design of the 2012 Howland Avenue Roadway Improvement  
Project, Phase 4, Section 6 to Include Inspection Services

WHEREAS, there exists a need for expert professional engineering services for the design of the 2012 Howland Avenue Roadway Improvement Project, Phase 4, Section 6; and; and

WHEREAS, the Borough of River Edge adopted resolution #12-257 on August 6, 2012 for design services for the 2012 Howland Avenue Roadway Improvement Project, Phase 4, Section 6 in amount of \$15,000.00; and

WHEREAS, the Governing Body desires to change the scope of this contract to include inspection services as well; 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., 325 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.

June 17, 2013

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#13-259 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</u>	<u>CAPITAL</u>	
<u>FUND</u>	<u>DEFERRED CHARGES</u>	<u>FUND BALANCE</u>	<u>CAPITAL IMPROVEMENT</u>
1782			\$30.00
1732	\$7,420.85		

June 17, 2013

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Councilman Mignone read resolution #13-260 into the record.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #13-260.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman

Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

#13-260 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	\$259,123.18
CAPITAL ACCOUNT	\$257,045.02
RECREATION ACCOUNT	\$ 2,334.38
ANIMAL WELFARE ACCOUNT	\$ 19.20
TRUST OTHER ACCOUNT	\$ 3,606.00
TRUST OTHER DEVELOPERS ACCOUNT	\$ 6,312.50
OPEN SPACE ACCOUNT	\$ 24,955.81

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.

June 17, 2013

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#13-261 Authorize Payment to DMV/DRS Creative Services, Inc., 450 Bloomfield Avenue, Suite 101, Verona, New Jersey 07044

WHEREAS, resolution #13-223 was adopted by the Governing Body of the Borough of River Edge on June 3, 2013 to enter into an agreement with DMV/DRS Creative Services, Inc.; and

WHEREAS, these services provide for a study to investigate strategies for business development and the establishment of a Special Improvement District; and

WHEREAS, the proposal submitted to the Governing Body of the Borough of River Edge states that an initial payment of \$5,000.00 or one third of the total amount of the contract will be made upon the acceptance of the proposal and execution of the agreement between the Consultant and the Borough of River Edge.

NOW, THEREFORE, BE IT RESOLVED, that the Account Supervisor is hereby authorized to issue a partial payment in the amount of \$5,000.00 to DMV/DRS Creative Services, Inc., 450 Bloomfield Avenue, Suite 101, Verona, New Jersey 07044.

June 17, 2013

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OPEN HEARING OF THE PUBLIC -

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to open hearing of the public.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Kara O'Donnell-150 Voorhis Avenue-thanked the Mayor and Council for their effort and support in resolving the drainage problems on Voorhis Avenue. She personally thanked the Mayor, Kathleen Murphy and Tom Papaleo for their support, encouragement and follow-up.

Mayor Moscaritolo-stated that it's nice to see a project completed and hopes that this is a permanent fix for the Voorhis Avenue residents. The Mayor thanked Kara and Joanne for their tenacity and keeping their feet to the fire and making them do their jobs.

Peggy White-asked what is being amended in Ordinance 1791?

Councilman Mignone-gave a detailed explanation of the amendment.

CLOSE HEARING OF THE PUBLIC -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to close hearing of the public.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

COUNCIL COMMENTS -

Councilman Bartelloni-apologized to anyone who received an odd e-mail from him and explained that his e-mail was hacked. He congratulated and thanked Officer Connolly for his 25 years of service and wished him well in his retirement. Mayor Moscaritolo-congratulated Councilman Bartelloni on the birth of his son. Councilman Mignone-welcomed Tom Behrens to the Planning Board and thanked him for volunteering his time for one of the more important Boards in the town. He congratulated Councilman Bartelloni on the birth of his son.

Councilman Cappola-congratulated Councilman Bartelloni on the birth of his son, wished Officer Connolly well on his retirement and thanked Tom Behrens for volunteering for the Planning Board. He announced that he will be selling cotton candy in the park on July 3<sup>rd</sup> as a fundraiser for the Special Events Committee and invited everyone to stop by.

Councilman Acquafredda-in addition to congratulations to Al, Councilman Acquafredda congratulated his wife Sara Theresa on the birth of their son and wished them well. Although many people have told Councilman Acquafredda that he's officially joined the complaint department, he is very thankful that he has been given the opportunity to serve the community.

Councilwoman Murphy-congratulated Al and his family on the birth of their child, welcomed Tom Behrens to the Planning Board and wished the three retiring Fire Department members the best of luck in their future endeavors. Councilwoman Murphy wished Rabbi Borovitz of Temple Avodat Shalom a happy and healthy retirement. She extended her condolences to Zoning Board member Tony Arturi on the passing of his mother.

Mayor Moscaritolo-thanked everyone for coming to the meeting and expressing their concerns and complaints. The Mayor thanked Tom Behrens for volunteering for the Planning Board and stated that it's nice to see a young adult take an interest in the town. Mayor Moscaritolo thanked Officer Connolly for his 25 years of service, again congratulated Joe Maugeri for being involved with the VFW and for being a crossing guard for so many years and feels that he received a well-deserved street sign which bears his name. The Mayor acknowledged the retirement of firefighters, Medico, Weismann and Faranda and also informed everyone that he attended Rabbi Borovitz's retirement affair and was touched by the many speeches that were given in his honor by current and former elected officials. The Mayor also attended an Eagle Scout ceremony on Sunday and announced that there were six young men who received this award which is the most that they've had in over 60 years. The Mayor encouraged residents to continue to attend meetings in the future and wished everyone a great summer.

ADJOURNMENT - 9:55 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to adjourn the meeting at 9:55 p.m.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk

Dated:

