

M I N U T E S
Meeting of the Mayor and Council
Monday, November 19, 2012
8:00 P.M.

CALL THE MEETING TO ORDER -

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

SILENT PRAYER - FLAG SALUTE

Mayor Moscaritolo called for a moment of silent prayer and asked Councilman Bartelloni 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 effecting 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 Cordts, Councilman Cappola, Councilman Bartelloni, Councilman Papaleo and Mayor Moscaritolo were present; Councilman Mignone was absent.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council regular meeting of November 5, 2012.

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

PROCLAMATIONS & AWARDS - NONE

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the hire of Thomas Dekker, 13-02 6th Street, Fair Lawn, New Jersey, 07410 as a Step I Laborer II in the Department of Public Works at an annual salary of \$27,540.00 with a six-month probationary period, effective November 26, 2012.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

CORRESPONDENCE -

Notice	-	River Edge Board of Education - 11/7/12 Re: Meeting on November 7, 2012
Notice	-	River Edge Board of Education - 11/7/12 Re: Meeting on November 14, 2012
Letter	-	Cablevision - 11/12/12 Re: Cable Package Change
Letter	-	Bergen County Utilities Authority - 11/12/12 Re: Hearing for BCUA Amendment to Solid Waste Plan

Notice - PSE&G - 11/12/12
 Re: Changes in Tariff for Electric Service

Letter - Saverio Cereste, Esq. - 11/12/12
 Re: Retiring from Public Service 12/31/12

Letter - Cablevision - 11/14/12
 Re: Launch of New Channel

Letter - Robert Gordon -New Jersey Senate - 11/15/12
 Re: Thank you for resolution sent re:
 New offense of unlawful conduct

Notice - State of N.J. DEP - 11/15/12
 Re: Hazardous Discharge Notification - 600
 Riverside Way (Swim Club)

MONTHLY REPORTS -

Volunteer Ambulance Service - October 2012
 Environmental Protection Commission - No Quorum - November
 Building Department - October 2012
 Tax Collector - October 2012
 Library - October 2012

LIAISON REPORTS -

Councilwoman Murphy - Liaison to Shade Tree Commission, Library, Senior Citizens co-liaison, Technology Committee, Special Events Committee, New Milford/River Edge Shared Services Committee - reported that SCORE celebrated their 40th Anniversary at Temple Avodat Shalom today with a very enjoyable luncheon and was glad to see so many people in attendance. She also reported that the Shade Tree Commission will be meeting on Thursday and the Library continues to work on the tile mural project but have concerns with regard to the decrease in funding that will affect them next year. They anticipate a \$40,000 reduction due to the decrease in revenues.

Councilman Cordts - Liaison to DPW, Beautification Committee, New Milford/River Edge Shared Services Committee, Oradell/River Edge Shared Services Committee - reported that he spoke with John Lynch who informed him that they are continuing with storm clean-up and leaf pick-up.

Councilman Cappola - Liaison to Historic Commission, Traffic & Safety Committee - reported that a new board member was appointed to the Historic Commission to fill a vacancy and the oral history of River Edge is continuing to be updated. He also reported that Robert Gruska of 56 Spring Valley Road attended the meeting and is upset with the proposal of the Historic Commission limiting the changes that would be able to be made to the front facade of his home if designated historic. A heated debate ensued and Councilman Cappola feels that Mr. Gruska will probably fight this decision and will most likely bring it before the Mayor and Council.

Councilman Mignone - Liaison to Police Dept., Environmental Protection Commission, Green Team, Planning Board - was absent.

Mayor Moscaritolo - stated that he would like to set up a Traffic & Safety Committee meeting so we can coordinate with Chief Cariddi and the County what the next steps are regarding pedestrian safety and Complete Streets Program.

Councilman Bartelloni - Liaison to Recreation Commission, River Edge and River Dell Schools, Special Events Committee, Senior Citizen co-liaison - reported that the Recreation Commission met and started working on their capital and operating expenses for 2013. He announced that the tree lighting ceremony will take place on December 1st and will start at the Library and progress down Tenney Avenue. He hopes that the tree will be in place by then. He also announced that on December 13th, the Recreation Commission is sponsoring a trip to Radio City for the Christmas Spectacular. He reported that the Special Events Committee will be meeting tomorrow night to go over what they will be working on in the coming year.

Mayor Moscaritolo - asked the members of the Shade Tree Commission if they can shed some light on the status of the tree.

Liz Stewart - stated that they are expecting delivery on the 29th and it will be planted immediately.

Councilman Papaleo - Liaison to Fire/Fire Prevention, Construction Code Official, Property Maintenance, River Edge Alliance Against Alcohol & Drugs - reported that the Drug Alliance has been busy funding important programs at River Dell High School and \$892.68 was awarded to the high school for the first volunteer fair called "Hawks Have Heart". Parents and students visited volunteer groups and the theory behind that is the more people get involved in volunteering, the less likely they will get involved in substance abuse. He reported that a small amount of money is left in the 2012 budget which will be used to fund another high school program and to purchase educational materials for the middle school.

Councilman Papaleo had nothing new to report on Property Maintenance and Construction Code departments. He reported that the Fire Department has responded to 261 calls to date; 120 were related to Hurricane Sandy; 95 of which were in first 48 hours. He again thanked those who went to help out in Little Ferry and Toms River. He read a few of the thank you notes that he received commending and thanking the Fire Department.

ORDINANCES - 1ST READING - NONE

ORDINANCE - 2ND READING -

Denise Dondiego, Borough Clerk read the title of Ordinance #1771 as follows:

Ordinance #1771 -AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RIVER EDGE (1998) CHAPTER 206 - "FEES"

Ordinance #1771 was introduced by Councilwoman Murphy, seconded by Councilman Mignone at the November 5, 2012 meeting as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1771

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RIVER EDGE (1998) CHAPTER 206 - "FEES"

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

SECTION I:

Chapter 206 of the Code of the Borough of River Edge is hereby amended and supplemented by the addition and changes thereto of the following which shall be added or changed to the list of fees and charges on file with the Borough Clerk.

Section 206-2 - Schedule of Fees

Sub-section L. Amend as follows: Police Outside Duty - \$135.00 per hour

Sub-section W. Amend as follows: Towing Application Non-Refundable
Filing Fee - \$135.00
Towing Application Renewal
Filing Fee - \$135.00

Sub-section M. Amend as follows: Police Officer Application Fee -
\$140.00 (2013)
\$143.00 (2014)
\$146.00 (2015)

Sub-section DD. Amend as follows: River Edge Commuter Parking Fees
(1) Parking of Vehicles for River Edge Residents
Quarterly - \$ 65.00 (2013)
Annual - \$200.00 (2013)

Sub-section EE - Miscellaneous Fees - Amend as follows: Banner Fee - \$25.00

SECTION II:

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

SECTION III:

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 IV:

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

Mayor Sandy Moscaritolo

ATTEST:

Denise Dondiego, Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1771

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

CLOSE HEARING OF THE PUBLIC - Ordinance #1771

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

ADOPTION - Ordinance #1771

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to adopt ordinance #1771.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Denise Dondiego, Borough Clerk read the title of Ordinance #1773 as follows:

Ordinance #1773 - AN ORDINANCE AMENDING CHAPTER 384, TREES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

Ordinance #1773 was introduced by Councilwoman Murphy, seconded by Councilman Mignone at the November 5, 2012 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1773

AN ORDINANCE AMENDING CHAPTER 384, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

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

Section I

§ 385-1 Purpose.

The Mayor and Council of the Borough of River Edge finds that the preservation, protection, and planting of trees and other plants conserves and enhances the borough's physical and aesthetic appearance, and generally protects the public health and safety and general welfare;

The intent of this Ordinance is to limit the adverse impact of damage and removal of Borough trees associated with construction. This ordinance preserves and perpetuates the Borough's tree stock located on public property within the public right of way through the establishment of regulatory controls for the preservation of street trees.

Section II

§ 385-2 Definitions

As used in this ordinance, the terms hereinafter set forth shall be defined and deemed to have the following meanings:

Cash Landscape Bond - means a cash deposit in U.S. Currency, bank or certified check made payable to the Borough of River Edge.

Commission - means the Board of Shade Tree Commissioners of the Borough of River Edge including any of its duly appointed members and any of its duly authorized agents.

Diameter Breast Height (DBH) - means the diameter of a tree measured at a point on the tree four (4') feet from ground level.

Gross Floor Area - means the gross floor area of a principal structure or building measured from exterior walls of the building or principal structure.

ISA - means the International Society of Arboriculture.

Public Property - means any road, easement, passageway or area under the jurisdiction and control of the Borough of River Edge.

Regulated Project - means any undertaking involving new construction or development of existing property affecting 50% or more of the existing gross floor area or demolition of an existing principal building affecting 50% of the total gross floor area.

Regulated Tree - Any living woody, deciduous or coniferous species which has a DBH of four (4") inches or greater measured four (4') feet above ground level. This definition shall apply to any tree, which is situated in or along any public property, park, field, public right of way, easement or encumbrance under the ownership or control of the Borough of River Edge. The term regulated tree shall also mean public tree(s) as provided in the context of the within ordinance.

Any species not qualifying as a "tree" under this definition shall be considered a stem and shall not fall within the purview of this ordinance.

Section III

§ 385-3 Tree Protection Permit Required

- (a) Any person undertaking a regulated project shall secure a tree protection permit from the Shade Tree Commission and will provide the Borough of River Edge with a Cash landscape Bond in the amount of up to \$5,000.00 for each Borough of River Edge street tree adjacent to said property for a duration of up to a maximum of three (3) years starting from the time a Certificate of Occupancy is issued. After two (2) years, the tree/trees will be evaluated by the Commission, and based upon the evaluation, the Commission will determine whether the Cash Bond be extended or utilized to remove and replace any or all of the Borough of River Edge trees at said property. Valuation of trees shall be based upon current ISA standards.
- (b) In the undertaking of a regular project, the owner, contractor or other person in charge thereof shall place such guards around all nearby trees as will effectually prevent injury to such trees.

Section IV

§ 385-4 Project Permit Application Process.

A. Project Permit Application Submission.

Upon filing of a demolition or building permit for a regulated project, a Tree Protection Project Permit shall be required for the removal and/or protection of public trees. A permit application for the removal and/or protection of said trees shall be submitted to the Shade Tree Commission for review.

B. Application Contents.

An application for a Tree Removal and Protection Project Permit shall consist of the following:

1. The name and address of the owner of the land;
2. The description of the lands in question, including the lot and block numbers of the land as shown on the current Tax Map of the Borough of River Edge; a survey or plot plan locating public and private trees; tree location placed on existing survey or plot plan need not be certified by any licensed

professional;

3. The quantity, DBH , location and species of regulated tree(s);

4. The proposed dates for commencement and completion of the project;

5. Name and address of the person having express charge, supervision, and/or control of the proposed protection or removal of tree(s);

6. A tree protection plan.

C. Application Review

(1) The Shade Tree Commission or its designee shall review the Project Permit application to determine applicability with this ordinance. The Shade Tree Commission shall then provide written notice to the applicant indicating one of the following determinations and the valuation of regulated trees and landscape bond amount:

a. The Protection Permit is granted; or

b. The Project Permit is granted subject to prescribed conditions attached to such notice;

(2) The Shade Tree Commission shall render a decision on a Project Permit Application and furnish the required notices within thirty (30) calendar days following submission of a completed application.

(3) Failure of the Shade Tree Commission to render a decision within the thirty (30) day period, or within any extension of time granted by the applicant, shall constitute and have the same effect as an approval of the application.

(4) Any proposed change in the approved Project shall be submitted to the Shade Tree Commission. The Shade Tree Commission's determination concerning the approval of the amended project shall be determined in the same manner as an original application for a Protection Permit.

(5) The applicant shall maintain a copy of the approved Protection Permit at the Project location. A copy of the Protection Permit shall be available for inspection by a representative of the Shade Tree Commission.

(6) Cash Landscape bonds must be submitted and posted prior to the start of the project. It shall be the responsibility of the permit holder to make the cash deposit.

(7) The valuation determinations and decisions of the Shade Tree Commission shall be reviewable on written appeal to the Mayor and Council. Said appeal shall be filed within twenty-one (21) days of written notice of the decision of the Shade Tree Commission. The appeal before the Mayor and Council shall be a de novo hearing in which the Shade Tree Commission shall produce testimony supporting disputed tree valuations or actions.

In the event of a dispute concerning the release of a Case landscape Bond, said dispute shall be submitted to the Mayor and Council for final resolution and direction.

D. Jurisdiction

1. The Shade Tree Commission shall have jurisdiction concerning the assessment, protection or removal of regulated trees on public property. The protection assessment of regulated trees may be determined based upon the appraisal of a trained forester or licensed tree expert or a member of the Shade Tree Commission.

Section V

§ 385-5 Fees

An application for a Tree Protection Permit shall be accompanied by the required fees as set forth below:

A. Administration or Application Fee for the processing of each tree removal permit is \$25.00. Any subsequent application or request shall be subject to the same fee requirement.

B. Escrow deposit where Shade Tree Commission determines that a tree expert is needed for tree evaluation. Expert fees incurred by the Commission shall be the responsibility of the applicant.

Section VI

§ 385-6 Enforcement and Penalty.

The enforcement of this Ordinance shall be under the jurisdiction of the Shade Tree Commission or as delegated to the Borough's Code Enforcement Officer.

Any person who violates any provisions of this ordinance shall be liable for a fine as permitted by N.J.S.A. 49:64:12. In addition, the Court may require restitution for any destroyed and/or damaged tree, including the cost of removal.

Section VII

§ 385-7 Severability.

If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

Section VIII

§ 385-8 Inconsistency.

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section IX

§ 385-9 Effective Date.

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

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1773

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

CLOSE HEARING OF THE PUBLIC - Ordinance #1773

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

ADOPTION - Ordinance #1773

Motion by Councilwoman Murphy, seconded by Councilman Cordts to adopt Ordinance #1773.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Mayor Moscaritoli-thanked Liz Stewart and the Shade Tree Commission for all of their hard work.

RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Cordts to approve resolution #12-390 through #12-404.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

#12-390 Resolution to Go Into Closed Session and Exclude Public

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

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

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

1. That the public shall be excluded from the November 19, 2012 meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session Docket #</u>	<u>Item Title or Description</u>	<u>Statutory Reference</u>
12-11/19-1	Personnel - Hiring of Police Officer(s)	N.J.S.A. 10:4-12(8)

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

3. This resolution shall take effect immediately.

November 19, 2012

#12-391 Rejection of Bid for the New Door Hardware and ADA Power Operators at Entrances: River Edge Borough Hall and Public Safety Building

WHEREAS, the Mayor and Council of the Borough of River Edge advertised for the receipt of bids for the New Door Hardware and ADA Power Operators at Entrances: River Edge Borough Hall and Public Safety Building on October 30, 2012; and

WHEREAS, a bid was received prior to the bid date on October 12, 2012, date stamped and placed in the Borough Clerk's safe; and

WHEREAS, the Borough Hall was closed on October 30th since it did not have electricity or heat due to Hurricane Sandy; and

WHEREAS, per the Local contracts Law "At such time and place (when bids are due) the contracting agent of the contracting unit shall publicly receive the bids and thereupon immediately proceed to unseal them and publicly announce the contents, which announcement shall be made in the present of any parties bidding or their agents....."; and

WHEREAS, the Borough Attorney's opinion is to reject the bid received and held in advance of the due date of October 30, 2012 since the Borough Hall was closed due to Hurricane Sandy and no bids were read aloud, thus not conforming to N.J.S.A. 40A:11-1 et seq. and in violation thereof constituting a reason to reject as per 40A:11-13.2(21)e.; and

WHEREAS, the Governing body is rejecting the bid on this basis.

NOW, THEREFORE, BE IT RESOLVED that the bid is hereby rejected by the Governing body of the Borough of River Edge and the Borough Clerk is hereby instructed to return all appropriate bid materials to the bidder.

November 19, 2012

#12-392 Resolution to Go Into Closed Session and Exclude Public on December 3, 2012 at 7:00 P.M.

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

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

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

1. That the public shall be excluded from the December 3, 2012 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>
12-12/3-1	Personnel - Sergeant Chris Cheevers	N.J.S.A. 10:4-12(8)

2. Any non-attorney client privilege communications will be released at the conclusion of the litigation subject of any orders of the court.

4. This resolution shall take effect immediately.

November 19, 2012

#12-393 Amend 2012 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services may approve 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 for an equal amount; and

WHEREAS, the Borough has received a notice of grant award for the Body Armor Grant Fund in the amount of \$2,338.88..

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

Unappropriated Reserve for Body Armor Grant.....\$2,338.88

BE IT FURTHER RESOLVED that the like sum of \$2,338.88 and the same is hereby appropriated under the caption of:

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

Unappropriated Reserve for Body Armor Grant.....\$2,338.88

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

November 19, 2012

#12-394 Transfer of Funds

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

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

FROM: HISTORIC SITE OFFICE O/E	20-1752-187	350.00
TO: BUILDING & GROUNDS O/E	26-3102-176	350.00
FROM: PUBLIC INFORMATION O/E	20-1012-126	897.15
TO: PUBLIC EMPL RETIRE SYSTEM O/E	36-4712-100	897.15
FROM: SANITATION LANDFILL O/E	32-4652-124	15,000.00
TO: POLICE DEPT S/W	25-2401-010	15,000.00
FROM: LEGAL SERVICES O/E	20-1552-172	5,000.00
TO: POLICE DEPT S/W	25-2401-010	5,000.00
FROM: BUS S/W	27-3311-011	11,576.62
TO: POLICE DEPT S/W	25-2401-010	11,576.62
FROM: FINANCIAL ADMIN O/E	20-1302-168	600.00
FROM: REVENUE ADMIN O/E	20-1452-023	1,000.00
FROM: PLANNING BOARD O/E	21-1802-044	500.00
TO: MUNICIPAL CLERK O/E	20-1202-022	2,100.00

November 19, 2012

#12-395 Authorize Refund from Recreation Dedicated Account

WHEREAS, a resident had signed up for the Casino Bus Trip on November 4, 2012 which was postponed due to a storm; and

WHEREAS, the resident is unable to participate and has asked for a refund; and

WHEREAS, the resident had paid in full for this trip; and

WHEREAS, a refund will be made to the following:

Deborah Connors	
259 Adams Avenue	\$30.00
River Edge, NJ 07661	

NOW, THEREFORE, BE IT RESOLVED that a total of \$30.00 be refunded from the Recreation Dedicated Account to the above listed resident.

November 19, 2012

#12-396 Authorize Tax Collector to Refund Duplicate 3rd Quarter 2012 Tax Payment

WHEREAS, a 3rd Quarter 2012 overpayment was received on 115 Valley Road from Ardent Title Group, LLC representing the buyer, Angela Reyes; and

WHEREAS, the tax office has received a written request to refund the overpaid amount to Ardent Title Group, LLC.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
1202/7	Lila Cohen 115 Valley Road	\$968.98

Make check payable to:

Ardent Title Group, LLC
24 Sheridan Avenue
Suite 2
Ho-Ho-Kus, NJ 07423

November 19, 2012

#12-397 Authorize Refund of 2011 Taxes Due to NJ Tax Court Judgment

WHEREAS, a Tax Court Judgment was entered 9/28/12 and the same was received by the tax office reducing the Assessed Value on the property known as Block 306 Lot 11, owned by Raju & Anuradha Thadani, 775 Oak Avenue River Edge, New Jersey; and

WHEREAS, the 2011 taxes are paid in full.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor to 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	649,000	615,000	\$908.14
		Total Refund:	\$908.14

Make check payable to: Thomas L. Murphy/Raju & Anuradha Thadani
Mail to: 113 W. White Horse Road
Suite 4
Voorhees, NJ 08043

November 19, 2012

#12-398 Resolution to Authorize Tax Collector to Adjust 2012 Taxes Due to a County Board Judgment

WHEREAS, County Board Judgments were received for the year 2012 by the tax office on November 7, 2012 entered on 8/23/12 reducing the Assessed Value on the following properties; and

WHEREAS, the reductions were not reflected in the 2012 Tax Duplicate.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector apply the tax credits to the 4th Quarter 2012 taxes and adjust and her records accordingly.

<u>BL/Lot</u>	<u>Name/Address</u>	<u>Old Value</u>	<u>New Value</u>	<u>Adjusted Taxes</u>
408/3	Silla 133 Continental Avenue	391,600	374,300	530.25
703/6	McGee 237 Monroe Avenue	450,400	425,400	766.25

November 19, 2012

#12-399 Authorize Tax Collector to Refund 2012 Tax Overpayments

WHEREAS, the tax office has received a duplicate tax payment and/or tax overpayment due to a homestead rebate credit for the 2012 taxes on the following properties,

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

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Tax Qtr.</u>	<u>Refund Amount</u>
312/24	Audrius Juskelis 736 Elm Avenue River Edge, NJ 07661	4 th	2,446.70
1406/5/C0001	C&S Malki (Etal) 2 Tracy Lane Morris Plains, NJ 07950	4 th	279.98

November 19, 2012

#12-400 Amend 2012 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services may approve 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 for an equal amount; and

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for Nursing Services for Nonpublic Schools Grant in the amount of \$12,203.00.

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:

4. Miscellaneous Revenue - Section F

Unappropriated Reserve for Nursing Services
Public & Private Programs Offset by Revenues.....\$12,203.00

BE IT FURTHER RESOLVED that the like sum of \$12,203.00 and the same is hereby appropriated under the caption of:

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

Unappropriated Reserve for Nursing Services
Public & Private Programs Offset by Revenues.....\$12,203.00

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

November 19, 2012

#12-401 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services for the Soil Erosion and Sediment Control Certification for the Compost Site

WHEREAS, there exists a need for expert professional engineering services for the Soil Erosion and Sediment Control Certification for the compost site; 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 #01-2010-20-1652-167 of the Current Fund not to exceed \$550.00; 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 \$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.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

November 19, 2012

#12-402 Under 3% Emergency Resolution (N.J.S.A. 40A:4-48)

WHEREAS, an emergency has arisen with respect to Hurricane Sandy and the subsequent declarations of emergency by the Borough of River Edge and Governor Christie (Executive Order #104) and no adequate provision was made in the 2012 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation(s) created including this appropriation to be created by this resolution is \$271,000.00 and three percent (3%) of the total operations in the budget for the year 2012 is \$325,145.88.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge in the County of Bergen (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for:

Hurricane Sandy 40A:4-45.3(bb) - Salaries & Wages	\$ 76,000.00
Hurricane Sandy 40A:4-45.3(bb) - Other Expenses	\$100,000.00

2. That said emergency appropriation shall be provided in full in the 2013 budget.
3. That the Chief Financial Office has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of Local Government Services.

November 19, 2012

#12-403 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	\$439,423.35
CAPITAL ACCOUNT	\$ 3,021.60
RECREATION ACCOUNT	\$ 1,616.61
ANIMAL WELFARE ACCOUNT	\$ 3.60
TRUST OTHER ACCOUNT	\$ 472.31
OPEN SPACE ACCOUNT	\$ 335.81
TRUST OTHER DEVELOPERS ACCOUNT	\$ 4,935.00

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.

November 19, 2012

#12-404 Change Order #2 Approval and Amendatory Contract for Vanore Electric, Inc., 375 North Street, Unit Q, Teterboro, New Jersey for the Acquisition and Installation of the Public Safety Building Generator and Appurtenances Thereto

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 August 6, 2012 via resolution #12-272 to Vanore Electric, Inc., 375 North Street, Unit Q, Teterboro, New Jersey 07608 the amount of \$188,509.00; amended via resolution #12-356 dated October 1, 2012 in the amount of 20,650.00; and

WHEREAS, Change Order #2 reflects the removal of a plywood sheet and posts previously installed, furnish and install concrete masonry unit wall and foundation both approximately eight (8) feet long, eight (8) feet high and finish the CMU wall with brick facing to match the building's existing brick color to the extent possible; furnish and install concrete pad for the new ATS in the amount not to exceed \$6,600.00 and

WHEREAS, the Mayor and Council have reviewed this matter at their work session of November 19, 2012; and

WHEREAS, the Borough Administrator and Consulting Engineer have recommended the above change.

WHEREAS, The Chief Financial Office has certified that funds are available from Account #04-2150-55-1534-500 of the Capital Fund in the amount not to exceed \$6,600.00.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with Vanore Electric, Inc. for Change Order #2 in the amount not to exceed \$6,600.00.

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 #2.

November 19, 2012

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 Cordts, Councilman Cappola, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Peggy White -741 Center Avenue- applauded the Fire Department for helping others out around the County and State and also thanked our Police, DPW, and Ambulance for doing a wonderful job as well. Mrs. White thanked the Mayor for speaking up against the Blue Law as she feels it's important to keep things as they are. She commented on the Council's consideration of repairing the sidewalks and feels that if you change the rule now, it will upset the residents who had already repaired the damaged sidewalks from Hurricane Irene. Although she feels that the town should be responsible for town trees, she thinks it might be a bad precedent moving forward.

Tom Smith-288 Manning Avenue-stated that he spoke with Liz Stewart from the Shade Tree Commission with regard to the problems that the town has experienced during recent storms. Two things that came of that conversation; one, was that the Commission is starting to look into planting trees that are smaller than the ones we have now; and two, the subject of sidewalk repairs and the fact that many contractors cut the roots instead of paving around the root system. His recommendation to the Building Department would be to see if there is anything in the ordinance that says when an Inspector goes out they should be checking for that before the sidewalk is poured. He stated that the Library had been closed during the storm due to power outages and feels that the Library by far, is the best building to provide cooling or heating centers and temporary shelter for our residents. He suggested that as part of the upcoming budget, the Mayor and Council consider a portable generator as an option for the Library so that this doesn't happen again. Another problem that they did encounter during the storm was that many of the emergency radios didn't have the frequencies for the DPW and that is something that he will work on this year.

CLOSE HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

COUNCIL COMMENTS -

Councilman Cappola-stated that he attended the 40th Anniversary Celebration for SCORE today and thanked them for putting together a wonderful and enjoyable event.

Councilman Bartelloni-wished everyone a Happy Thanksgiving.

Mayor Moscaritolo-also wished everyone a Happy Thanksgiving.

ADJOURNMENT - 8:30 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to adjourn the meeting at 8:30 p.m.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk

Dated: