M I N U T E S
Meeting of the Mayor and Council
Monday, September 15, 2008
8:00 P.M.

CALL THE MEETING TO ORDER -

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

SILENT PRAYER - FLAG SALUTE

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

STATEMENT -

Mayor Watkins read the statement under the Sunshine Law and asked the Clerk to put it into the minutes. "Adequate Notice of this meeting has been made by sending notice on December 21, 2007 to the RIDGEWOOD NEWSPAPER and December 21, 2007 to THE RECORD, by positioning on the bulletin board in the lobby of the Borough Hall, and filing a Notice of the same with the Municipal Clerk".

ROLL CALL: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice, Councilwoman Fletcher and Mayor Watkins were present, Councilman Smith was absent.

APPROVAL OF MINUTES - By Consent

Motion by Councilwoman Fletcher, seconded by Councilman Lau to approve the minutes of the Mayor and Council work session and regular meeting of September 2, 2008.

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

PROCLAMATION & AWARDS - NONE

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilman Higgins, seconded by Councilwoman Fletcher to approve the hire of Joseph Zemaites, , as a Patrolman in the River Edge Police Department, at an annual salary of $34,111.00, with a six month probationary period, effective September 16, 2008.

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

Motion by Councilman Higgins, seconded by Councilwoman Walker to approve the re-appointment of Mary Donohue, 542 Fifth Avenue, River Edge, to the Historic New Bridge Landing Park Commission for a three-year term which will expire on September 30, 2011.

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

Motion by Councilwoman Walker, seconded by Councilwoman Fletcher to approve the salary increase of Scott Ader, Department of Public Works, from an annual salary of $48,401.00 to $49,428.00 due to the Union Contract Appendix "A", effective September 15, 2008.

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

Mayor Watkins administered the Oath of Office to Joseph Zemaites

CORRESPONDENCE -

Letter	-	Ideal Service Center - 8/27/08 Re: Thank You to Police Department
Notice	-	Ottavia McLaughlin-Zoning Board - 8/29/08 Re: Hearing for In Ground Pool
Letter	-	Water Works Conservatory - 8/28/08 Re: Invitation to Annual Meeting
Letter	-	Borough of Emerson - 9/4/08 Re: Redevelopment Planning Board Hearing
Letter	-	County of Bergen - 9/5/08 Re: Addition to Yeshiva
Notice	-	Transit Committee of Bergen County-9/8/08 Re: Meeting September 22, 2008
Notice	-	United Water - 9/5/08 Re: Rate Requests
Letter	-	Board of Chosen Freeholders - 9/8/08

Notice - Re: Ordinances Passed
PSE&G - 9/10/08
Re: Notice of Filing & Public Hearings for Basic Generation Service Charges

MONTHLY REPORTS -

Code Enforcement	-	August 2008
Tax Collector	-	July 2008
Building Department	-	July 2008

ORDINANCES - 1ST Reading - NONE

ORDINANCES - 2nd Reading

Judy O'Connell, Deputy Borough Clerk read the title of Ordinance #1630 as follows:

Ordinance #1630 - ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

Ordinance #1630 was introduced by Councilman Lau, seconded by Councilman Felice at the September 2, 2008 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1630

ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

WHEREAS, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and

WHEREAS, N.J.S. 43:15C-2 requires the Governing Body of each county, municipality and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and

WHEREAS, the Governing Body of the Borough of River Edge has considered the guidelines issued by the Local Finance Board.

THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that:

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

   a. Statutory-based, untenured chief administrative officer and or Borough Administrator.
   b. Code Enforcement Officer, Fire Prevention Officer, Emergency Management Coordinator, Public Safety Director, Social Services Director, Recreation Director, Sewer Operator, Redevelopment Executive Director, Court Administrator, Principal Public Works Manager
   c. Borough Attorney
   d. Borough Engineer
   e. Borough Municipal Prosecutor
   f. Borough Municipal Court Judge

2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2:

   a. Certified Health Officer
   b. Tax Collector
   c. Chief Financial Officer
   d. Construction Code Official
   e. Qualified Purchasing Agent
   f. Tax Assessor
   g. Municipal Planner
   h. Registered Municipal Clerk
   i. Licensed Uniform Subcode Inspector

j. Certified Principal Public Works Manager

3. If an individual is appointed to one of the positions listed in Section 1 and the individual is not serving in a position as described in S Section 2 above, the Pension Certifying Officer of the municipality may determine that the individual is not required to join the Defined Contribution Retirement Program if that individual; 1. was an active participant in the Public Employee Retirement System on July 1, 2007 and continuously since that time; or 2. has been appointed pursuant to a valid promotional process; or 3. is appointed on a temporary, interim, or "acting" basis to a position requiring State Certification as set forth in Section 2 herein, and is in pursuit of the required certification; or 4. meets such other exceptions that may be approved by the Local Finance Board or the Division of Pensions and Benefits.

4. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pension and Benefits.

5. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

6. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

This ordinance shall take effect at the time and in the manner provided by law.

Margaret Falahee Watkins, Mayor

Attest:

Denise Dondiego, Borough Clerk

Dated:

OPEN HEARING OF PUBLIC - Ordinance #1630

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

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

CLOSE HEARING OF PUBLIC - Ordinance #1630

Motion by Councilman Lau, seconded by Councilwoman Fletcher to close hearing of the public.

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

ADOPTION - Ordinance #1630

Motion by Councilwoman Walker, seconded by Councilman Higgins to adopt Ordinance #1630.

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

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RESOLUTIONS - By Consent

Motion by Councilman Felice seconded by Councilwoman Fletcher to approve resolution #08-363 through #08-377.

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

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Motion by Councilman Felice, seconded by Councilman Higgins to approve resolution #08-362.

ROLL CALL VOTE: Councilman Higgins, Councilwoman Walker, Councilman Felice voted yes, Councilman Lau voted no, Councilwoman Fletcher abstained and Councilman Smith was absent.

#08-362 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development Grant of $63,000.00 has been proposed by the Borough of River Edge for River Dell Regional Board of Education for barrier free improvements in the Borough of River Edge; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Mayor and Council; and

WHEREAS, the aforesaid project is in the best interest of the people of River Edge; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of River Edge hereby confirm endorsement for the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

September 15, 2008

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#08-363 Resolution Supporting the Certificate of Need Application by Hackensack University Medical Center to Reestablish a Hospital at the Former Pascack Valley Hospital Site

WHEREAS, prompt and efficient delivery of medical services is a vital component of our society; and

WHEREAS, for over fifty (50) years this need was met, in substantial part, by Pascack Valley Hospital and the subordinate medical offices and facilities which were located in the neighborhood and communities surrounding the Hospital; and

WHEREAS, the unexpected closure of Pascack Valley Hospital in November of 2007 struck a sever blow to the region which completely disrupted the long standing system of delivering emergency and non-emergency medical care; and

WHEREAS, the remaining hospital in the region, by reason of distance, travel time, lack of public transportation and case law, have been unable to fill the void left by Pascack Valley Hospital; and

WHEREAS, the extra travel time associated wit the distance to the surrounding hospital facilities has placed an unbearable burden on the Volunteer Ambulance Corps. In surrounding communities and upon the citizens, particularly senior citizens, residing in the area and needing to travel to the hospitals for treatment or assistance of family members at said facilities for treatment; and

WHEREAS, it has been determined that Hackensack University Medical Center has made application to the State Department of Health for a Certificate of Need in order to permit it to reestablish a hospital at the location of the former Pascack Valley Hospital; and

WHEREAS, the Mayor and Council of the Borough of River Edge wish to express their sentiment and support for the application of Hackensack University Medical Center.

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

1. On behalf of its thousands of residents, the Mayor and Council of the Borough of River Edge petitions the State of New Jersey Department of Health to expeditiously approve the application of Hackensack University Medical Center as a matter of extreme urgency and with the very realistic potential to be a life and death decision.
2. The Governing Body of the Borough of River Edge specifically rejects the situation that existing hospital can adequately fill the void left

by Pascack Valley Hospital. In the several months following the closure of Pascack Valley Hospital it has been observed, experienced and learned, by the Governing Body, its emergency services and citizens, that our communities lack the resources to transport patients over the distances said alternative arrangements necessitate and, moreover, in the case of medical emergency, the survival, opportunities for critically ill patients decline in direct proportion to the length of travel to remote locations.

3. Waiting times at the remaining hospitals in the region are excessive and unacceptable. Many residents report instances of hallways clogged with gurneys filled with patients awaiting attention and admission.
4. A system of medical care delivery, including physicians' offices, clinics and off-site medical facilities has grown up around the Pascack Valley Hospital over the last fifty (50) years. The disruption of that system, which would inevitably result from the permanent closure of the former Pascack Valley Hospital, will have, over time, an even greater negative impact on medical care and quality of life in the surrounding communities than has already been experienced.

THEREFORE, for all of the reasons mentioned above, the Governing Body of the Borough of River Edge does hereby urge the State of new Jersey Department of Health to expedite the Certificate of need application of Hackensack University Medical Center.

September 15, 2008

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#08-364 Resolution to Go Into Closed Session and Exclude Public on October 6, 2008 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 October 6, 2008 meeting and discussion of the hereinafter specified subject matter:

Closed Session Docket #	Item Title or Description	Statutory Reference
08-10/6-1	Colin Quinn, Esq. - Crossroads Potential Litigation	N.J.S.A. 10:4-12(7)

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

3. This resolution shall take effect immediately.

September 15, 2008

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#08-365 Cancel Unexpended and Dedicated Balances

WHEREAS, a certain Current Fund Account Receivable Grant Fund balance remains dedicated to a program now completed; and

WHEREAS, an over collection of the Accounts Receivable was made by 72 cents; and

WHEREAS, it is necessary to formally cancel said balance so that the Accounts Receivable over collection may be removed from the records of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that the following Accounts Receivable of the Grant Fund be canceled to Operations:

AMOUNT CANCELED

ACCOUNTS RECEIVABLE
MUNICIPAL ALLIANCE ON ALCOHOLISM
AND DRUG ABUSE

Municipal Alliance on Alcoholism

and Drug Abuse $ .72

September 15, 2008

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#08-366 Amend 2008 Budget

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

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

WHEREAS, the Borough has received a grant for Obey the Signs in the amount of $3,700.00.

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:

3. Miscellaneous Revenue - Section F

Unappropriated Reserve for Obey the Signs Grant.....$3,700.00

BE IT FURTHER RESOLVED that the like sum of $3,700.00 and the same is hereby appropriated under the caption of:

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

Unappropriated Reserve for Obey the Signs Grant.....$3,700.00

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

September 15, 2008

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#08-367 Resolution to Refund Developer Escrow Money (Soil Movement)

WHEREAS, the following application(s) have been made to the Borough Engineer for approval and they have since received such approval; and

WHEREAS, the applicant submitted an escrow deposit at the time of the application; and

WHEREAS, all professionals have been paid.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to refund the following to:

Block/Lot	Name & Address	Amount
902/25	N.J. North Properties, LLC 250 Berkeley Road River Edge, NJ 07661	$750.00

Make Check Payable to:

N.J. North Properties
Adel Michael
241 Beech Court
River Edge, NJ 07661

September 15, 2008

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#08-368 Resolution to Refund Duplicate Payment for Women's Softball from Recreation Trust

WHEREAS, Tracy Levine had made a duplicate payment for Women's Softball in April and then again in May, 2008.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to refund the overpayment to:

Tracy Levine $45.00
535 Bogert Road
River Edge, NJ 07661

September 15, 2008

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#08-369 Authorize Refund of Escrow Deposit to Paul and Carey Sanchez, 684 Millbrook Road

WHEREAS, an agreement was entered into between the Borough and Paul and Carey Sanchez, 684 Millbrook Road for right-of-way on borough property to facilitate vehicles and/or equipment to remove a tree on their property; and

WHEREAS, a required $1,000.00 escrow deposit was received; and

WHEREAS, the Superintendent of Public Works and the Recreation Director examined the Borough property and has determined that everything is in order.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor refund $1,000.00 to 684 Millbrook Road, River Edge, New Jersey 07661.

September 15, 2008

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#08-370 Amend Agreement with Matthew Giacobbe, Esq., Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, New Jersey, 07071-3877 for Professional Services as Labor Attorney for the Borough

WHEREAS, there exists a need to retain legal services for the purpose of Labor and Employment Services; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Matthew Giacobbe, Esq., Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, New Jersey, 07071-3877 on January 1, 2008 via resolution #08-25 in the amount of $3,000.00 and amended via resolution #08-218 in the amount of $4,000.00 on May 19, 2008; and

WHEREAS, additional funding is required for legal services; 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, Matthew Giacobbe, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Matthew Giacobbe, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Matthew Giacobbe, Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on September 15, 2008; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-168 of the Current Fund in an amount not to exceed $7,000.00.

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

1. The Mayor an Clerk are hereby authorized to execute an amended agreement with Matthew Giacobbe, Esq., Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, New Jersey, 07071-3877 in the amount of $7,000.00.
2. The business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

September 15, 2008

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#08-371 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 September 15, 2008 meeting and discussion of the hereinafter specified subject matter:

Closed Session Docket #	Item Title or Description	Statutory Reference
08-9/15-1	Potential Acquisition of Land- 42 Lincoln Ave, Block 212, Lot 18	N.J.S.A. 10:4-12(5)

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.

September 15, 2008

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#08-372 Report Investments Pursuant to the Cash Management Plan

BE IT RESOLVED that the following investments and deposits made pursuant to the Cash Management Plan of the Borough of River Edge are hereby confirmed and accepted by the Governing Body.

Months of July and August 2008

Name of Institution	Amount	Type	Book Value	Earned Income	Market Value	Int. Rate
N.J. Cash Management Fund	$45,943.07*	CMF	$45,943.07	$ 45,943.07	$ 45,943.07	2.18
PNC	$ 200,000	CD	$ 200,000	$ 1,797.03	$201,797.03	2.63
PNC	$ 250,000	CD	$ 250,000	$ 4,072.42	$254,072.42	2.74

September 15, 2008

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#08-373 Amend 2008 Budget

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

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

WHEREAS, the Borough has received a grant for Recycling Tonnage in the amount of $7,798.55.

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 Recycling Tonnage Grant.....$7,798.55

BE IT FURTHER RESOLVED that the like sum of $7.798.55 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 Recycling Tonnage Grant.....$7,798.55

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

September 15, 2008

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#08-374 Amend Agreement with Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey for Professional Services for Expert Legal Services

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

WHEREAS, the Borough of River Edge has previously awarded a contract to Alan P. Spiniello, Esq. via resolution #08-93 dated February 7, 2008 in the amount of $10,000.00 and amended via resolution #08-298 dated July 7, 2008 in the amount of $5,000.00; and

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

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

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

WHEREAS, the Mayor and Council have reviewed this matter at a work session on September 15, 2008; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-174 of the Current Fund an amount not to exceed $10,000.00.

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

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

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

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

September 15, 2008

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#08-375 Rescind Resolution #08-347 to Enter Into Agreement with Morton Fridman, M.D.

WHEREAS, resolution #08-347 was approved by the Mayor and Council on September 2, 2008 to enter into an agreement with Morton Fridman, M.D. to perform psychological examination for the promotion to the position of Lieutenant in the Police Department; and

WHEREAS, Dr. Fridman will be performing a psychiatric examination for this promotion.

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is hereby instructed to rescind resolution #08-347 and issue a new resolution with the correct language.

September 15, 2008

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#08-376 Enter Into Agreement with Morton Fridman, M.D., 185 East Palisade Avenue, Apt. A6A, Englewood, New Jersey 07631

WHEREAS, there exists a need to retain professional services for the purpose of performing psychiatric examinations for the promotion to the position of Lieutenant in the Police Department; 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, Morton Fridman, M.D. meets the criteria for a professional service contract under N.J.S.A. 40A;11-1; and

WHEREAS, Morton Fridman, M.D. has completed and submitted a Business Entity Disclosure Certification which certifies that Morton Fridman, M.D. 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 Morton Fridman, M.D. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1002-028 of the Current Fund not to exceed $2,500.00; and

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Morton Fridman, M.D.; 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.

September 15, 2008

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#08-377 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development Grant of $255,000.00 has been proposed by the Borough of River Edge for River Edge Local Board of Education for barrier free improvements for Roosevelt School toilet facilities in the Borough of River Edge; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Mayor and Council; and

WHEREAS, the aforesaid project is in the best interest of the people of River Edge; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of River Edge hereby confirm endorsement for the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

September 15, 2008

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Councilwoman Fletcher read resolution #08-378 into the record.

Motion by Councilwoman Fletcher seconded by Councilwoman Walker to approve resolution #08-378.

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

#08-378 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; and

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

CURRENT ACCOUNT TOTAL	$ 2,341,099.23	*See Resolution #08-412
CAPITAL ACCOUNT	$ 104,323.00	
RECREATION ACCOUNT	$ 3,794.35	
TRUST OTHER DEVELOPERS ACCOUNT	$ 195.00	
ANIMAL WELFARE	$ 2.40	
TRUST OTHER ACCOUNT	$ 280.00	
OPEN SPACE ACCOUNT	$ 4,810.45	

September 15, 2008

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Motion by Councilman Higgins, seconded by Councilwoman Walker to approve resolution #08-379.

ROLL CALL VOTE: Councilman Higgins, Councilwoman Walker and Councilwoman Fletcher voted yes, Councilman Lau and Councilman Felice voted no and Councilman Smith was absent.

#08-379 Green Acres Enabling Resolution

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of River Edge desires to further the public interest by obtaining funding in the amount of $300,000.00 from the State to fund the following projects(s): acquire a portion of Block 1004, Lot 38.03 for the creation of a park at a cost of $600,000.00.

NOW, THEREFORE, BE IT RESOLVED the Governing Body resolves that Council President John Higgins or the successor to the office of the Mayor is hereby authorized to:

(a) make application for such a loan and/or such a grant,
(b) provide additional application information and furnish such documents as may be required, and
(c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project.

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

1. That the Council President of the above named body or board is hereby authorized to execute an agreement with any amendment thereto with the State known as Bogert Road Pocket Park;
2. That the applicant has its matching share of the project, if a match is required, in the amount of $300,000.00;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;

4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

September 15, 2008

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OPEN HEARING OF THE PUBLIC -

Motion by Councilman Higgins, seconded by Councilman Lau to open hearing of the public.

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

Jonathan Rockland-301 Wales Avenue-spoke on behalf of the River Edge Chamber of Commerce with regard to the Blue Laws in town. Mr. Rockland stated that the current laws are too restrictive for our businesses which will force them to close on Sundays losing revenues and long standing clients. He further stated that our property owners are already burdened by taxes and costs of running the town will only escalate, so restricting Sunday business will only drive business owners out and will not appeal to new commerce in River Edge. He continued by saying that times have changed and many people work longer hours and at times need to work six days a week. Residents will be forced to seek retailers outside of River Edge who are open on Sunday which will cause an undo burden on them. He asked that the Council do everything possible to promote harmonious business and residential relationships in our town and adhere to the less restrictive Bergen County Blue Laws.
Peggy White-741 Center Avenue-asked how many of the businesses are open during the week after 6 p.m.?
Mayor Watkins-stated that several of them are open but doesn't have an exact number.
Peggy White-stated that the business where you would be able to get a nail or screw on a Sunday, don't make themselves available for residents after 6 p.m. during weekdays where other businesses do.
Peter Cohen-243 Beech Court-asked why the original Blue Law was passed and how does the Mayor and Council feel about it right now.
Mayor Watkins-stated that she's guessing that it was done for Sabbath worship. The Mayor stated that her personal feeling is that we're in a different society today and the only way that we can reduce the tax burden on our residents is if we have ratables through retail and commercial properties. She further stated that if they start being restrictive on every single item, businesses will not be able to stay in town and we cannot afford to have that happen. She stated that she agrees with Mr. Rockland in that if we don't maintain some type of business community, this town will become a ghost town and we will not be able to afford the services to keep people here.
Peter Cohen-asked what the other Council members think.
Mayor Watkins-explained that her comments were her opinion only and the Council can give their opinions during council comments. The Mayor stated that if she had her way she would go to the less restrictive type of law and feels that in the next few years the Bergen Blue Laws may be gone because the world has changed.
David Bradley-52 Washington Avenue-spoke on behalf of the Greater River Dell Chamber of Commerce and asked that the Council take into consideration going to the less restrictive Blue Laws.
John Cannon-110 Madison Avenue-stated that he does agree with most of Mr. Rockland's comments as he is also a small business owner, but asked the Council not to make a rash decision and to take into consideration quality of life issues. He asked that some type of survey be done to get opinions from businesses and residents alike before making any decisions.
Paul Imbarrato-52 Ackerson Street-asked if the Mayor and Council could put on a moratorium for some of the businesses that had already been open on Sundays, such as the Laundromat so that they could stay in business until a final decision is made on these Blue Laws.
Joseph Dunsay-151 Concord Drive-stated that back when this area was part of New Amsterdam, it had a tradition of religious tolerance and in light of that, he asks that the Council repeal the municipal Blue Laws. He also spoke to Councilwoman Walker about the Green Acres Property and the two apartments that the Church rents to parishioners on an as needed basis. He suggested that the Council allow the Church to keep the development rights to the apartments and list it as a different lot so that they can still provide a similar service to the community.
Andy Jaffee-297 Concord Drive-stated that as a long time resident of River Edge, he agrees with both Chambers and is saddened by the fact that we have already lost businesses such as Shop Rite and Foodtown and hopes that the Council will want to keep River Edge competitive with surrounding towns.
Bill Watkins-918 Bogert Road-spoke on behalf of the Knights of Columbus and thanked Chief Cariddi for being very cooperative and helpful regarding the parking issues on Kinderkamack Road in front of the Knights. He understands that there is a safety problem there but wants everyone to understand that this will have a significant impact on the income they receive for the rental of the hall which they rely on to stay alive and help the community. He wants the Council to know that they may have to come to them for help in other areas to make up for what they're going to lose.

CLOSE HEARING OF THE PUBLIC -

Motion by Councilman Lau, seconded Councilman Felice to close hearing of the public.

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

COUNCIL COMMENTS -
Councilwoman Walker -reserved her comments to discuss the Blue Law issues when they go back into work session.
Councilman Felice-agreed with Mr. Rockland's comments and feels that we need to keep River Edge competitive in a business sense. He also stated that some of the concerns of our residents are well founded but by the same token a business owner has the right to pursue their happiness, provide for their families and provide needed services. He further stated that they need to look at the whole picture and what will benefit the entire community because if we don't, River Edge will become a ghost town in the business district. Councilman Felice has spoken in the past about his opposition to the Pocket Park and feels that whether it is state or local money, it is still taxpayer's money and once you take money from a state entity there are certain restrictions placed upon that. He feels that when you have a Pocket Park that is next to a school with a jungle gym and fields, it would seem that you would be able to take your small children there to utilize it. He doesn't feel the need to have another piece of property that will not generate any revenue for the community especially if you have something similar right next door on school property. Councilman Felice feels that it is a poor use of our money, even though it is state money it is still our money.
Councilwoman Fletcher-congratulated Joe Zemaites on his appointment to the Police Department and cannot think of a better example of youth coming forward to serve our community. Councilwoman Fletcher announced that the Library had a surprise celebration for Bill Lins who has served on the Library Board for 35 years. She also informed everyone that there is a resident from town who won fourth place in the Soap Box Derby and congratulated her for her achievement. Councilwoman Fletcher informed everyone that we received information and a petition of support from the Mayor of Westwood for the creation of another hospital on the Pascack Valley Hospital site and asked if anyone is interested in supporting this, she will leave the petition on the table for anyone to sign. She thanked everyone for sharing their thoughts on the Blue Laws this evening especially in a very cooperative and coherent manner. She understands that the recent chain of events certainly had the potential to create an inflammatory reaction and again thanked everyone for sharing their comments so respectively. She looks forward to the discussion on these Blue Laws as they look to the future since there are several sites in town that have a potential for retail impact. Councilwoman Fletcher congratulated Mary Donohue for her appointment to the Historic New Bridge Landing Park Commission.
Councilman Higgins-also congratulated Mary Donohue on her appointment and stated that Mary has been the driving force in this County to try to develop the New Bridge Landing Historic Site into something really meaningful. He also congratulated Joe Zemaites and feels that he will be a fine addition to our Police force and wished him all the best in the future. Councilman Higgins spoke about some of the issues and concerns regarding the Pocket Park and felt that Chief Cariddi addressed all of those concerns. He continued by saying that it would be a nice place to go for young children and their parents that wouldn't be available at Cherry Hill School. He further stated that the schools equipment is for use by their students during the course of the day and they're trying to provide something for the residents at the south end of town. Councilman Higgins agreed that there needs to be a balance when discussions take place and stated to Mr. Rockland that many people still consider River Edge as a Mayberry and he means that in a positive way. What Councilman Higgins means by that is that we're very proud of what happens here and would like to keep some controls on a day that basically is a quiet day. He feels that the sentiment at the time the Blue Laws were adopted was that there was so much busyness during the week there needed to be some quiet time and ease up some of the congestion on our streets. He also feels that if we choose to abide by the basic Blue Laws enacted by the State it wouldn't benefit River Edge because many of the items prohibited are not sold by many of our businesses. He stated that if they don't modify the existing ordinance and discard it, basically a Sunday in River Edge would mirror a Saturday in River Edge. He is open to having flexibility but he has not been persuaded one way or the other because he doesn't feel that he's heard from enough people in town. Councilman Higgins agrees that we don't want to force businesses out of town but feels that it's imperative to find a balance that will be beneficial to the entire community and also thinks that a survey would be a great way to get input.
Councilman Lau-spoke about the celebration that the Library had for Bill Lins honoring him for his dedication and years of service. Bill's daughter and son-in-law donated $10,000 for a media room in his honor. Councilman Lau spoke briefly about the Blue Laws and thanked everyone for their comments and assured everyone they will work very hard to do what's fair and right for the community. He announced that the Recreation Commission will be sponsoring a bus trip to Atlantic City on October 5th and River Edge Day will be held on October 12th. He also congratulated Mary Donohue on her re-appointment and also congratulated Joe Zemaites. Councilman Lau spoke about his mixed emotions regarding the Pocket Park and feels that we may have to share with the schools like we do for the ball

fields.

Mayor Watkins-thanked everyone for coming out this evening and congratulated Joe Zematies, Mary Donohue and Dr. Bill Lins. The Mayor announced that on October 8th Arlene Faustini will be having a flu clinic at the Library from 10a.m. - 1 p.m. She informed everyone that she has been stopped several times by residents asking why the Pocket Park couldn't be put on a referendum. The Mayor was informed by the County that in order for us to put it on a referendum it had to be in to the County by August 26th. She advised everyone that if they know of people who are not in favor of the park they need to let the Council know. The Mayor also voiced her concerns with security and the maintenance costs that the Borough will have to pay for that park. The Mayor feels that we have an ample amount of parks for our residents throughout the town. She again thanked everyone for their comments, phone calls and e-mails and welcomes everyone to continue contacting her.

ADJOURNMENT - 9:00 P.M.

Motion by Councilman Higgins, seconded by Councilman Lau to adjourn the meeting at 9:00 p.m.

ROLL CALL VOTE: Councilman Lau, Councilman Higgins, Councilwoman Walker, Councilman Felice and Councilwoman Fletcher voted yes, Councilman Smith was absent.

Margaret Falahee Watkins

Mayor Margaret Falahee Watkins

Attest:

Denise Dondiego

Denise Dondiego, Borough Clerk

10/4/08