

MINUTES

Special Meeting of the Mayor and Council
Monday, November 20, 2017
Immediately Following the Work Session

CALL THE MEETING TO ORDER –

Mayor Mignone called the meeting to order at 7:15 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER – FLAG SALUTE

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

SUNSHINE STATEMENT -

Mayor Mignone 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 23, 2016 to THE RECORD NEWSPAPER, by positioning on the bulletin board in the lobby of the Borough Hall and filing a Notice of the same with the Municipal Clerk”.

ROLL CALL – Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteded, Councilman Chinigo, Councilwoman Davis, Councilman Papaleo and Mayor Mignone were present were present.

APPROVAL OF MINUTES –

On Motion by Councilwoman Davis, seconded by Councilman Chinigo, the minutes of the Mayor and Council Regular Meeting of November 6, 2017 were unanimously approved.

PROCLAMATIONS & AWARDS – NONE

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA –

On motion by Councilman Chinigo, seconded by Councilman Bartelloni to open public comments on any issue on the agenda was unanimously approved.

Carlo Rebosio-201 Wayne Avenue- stated that they've had a chance to review the revised ordinance over the weekend and appreciate that the Mayor and Council took the opportunity to reconsider their original position from the last meeting and put forward another ordinance. He said for the most part they are in agreement with the revised ordinance except for a few items that need tweaking to make sure there are consistencies throughout.

Mayor Mignone-asked Mr. Rebosio to highlight the items to make sure that there would not be substantial changes.

Carlo Rebosio- stated that there were a few inconsistencies where it was said the Commission would “advise and recommend” and in other areas stated “advise and consent”. He felt that the wording should be consistent throughout the ordinance.

Mayor Mignone-thought that it might have been by design because there are certain things you want the Director to have authority to do without being overruled by another body.

Thomas Sarlo, Esq.-stated that by changing the wording to either advise and consent or advise and recommend would not substantially change the ordinance. You can do that at a later date before the second reading.

Carlo Rebosio-also questioned whether any fees that they would charge for different programs would need to be approved by the Mayor and Council or would it be decided by the Commission.

Councilwoman Busteded-stated that those are the types of things that the Commission works effectively on just doing amongst themselves based on the coordination of the Director and the historical knowledge of those things work. She asked if Mr. Rebosio's suggestion is to add an extra layer.....

Carlo Rebosio-said that it sounds like it's in their now saying that the Mayor and Council need to approve those fees and feels that it's an additional step that's probably not required and might slow things down. His opinion would be strike that so it's not part of it.

Tom Sarlo, Esq.-said that he has no problem with that.

Carlo Rebosio-said that they're in agreement with the Mayor and Council having the responsibility of hiring a Director and allowing the Commission to participate in the selection process. He asked what authority does the Commission have over its programs versus the Director? He asked if the Director has the authority to override the Commission's decisions? Today, the Commission makes the recommendation to the Director and the Director doesn't override the Commission. The language in this ordinance sounds like the Director has the authority to override the Commission even if the Commission is unanimous in their decision.

Councilman Bartelloni-feels that it's case by case, it's not universal one way or the other. There are certain instances where the Commission would have to give consent. For instance with a hire, they would have veto power on the person ultimately being hired and after the probationary period they would have to consent to the hire.

Carlo Rebosio-said that it's his understanding that you have to be a resident of the Borough to be on a committee and feels that it would eliminate people such as Dr. Ben Dov or Daragh O'Connor from the cultural side of it and asked if that was their intent.

Councilman Bartelloni-explained that the remaining members would have to be residents of the Borough and the other 3 categories are special.

Mayor Mignone-explained that it's similar to the Library Board which has a Mayor's representative and a school board representative along with residents.

Councilman Papaleo-referred to 79-7 A the last paragraph which states "the members shall be residents of the Borough of River Edge and shall not be employed by the Borough and shall not currently be serving on any other Borough Board, Committee or Commission". He said that he doesn't know whether they should leave "committee" in there because that would bar someone from belonging to the Budget Committee or Beautification Committee. Board or Commission sounds right to him but Committee does not.

Councilman Bartelloni-said to keep in clean, he would just end it at "not be employed by the Borough" and leave it at that.

Councilman Chinigo-suggested just taking out Committee and leave in Commission.

Councilman Bartelloni-said he was fine with that.

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA –

On motion by Councilman Chinigo, seconded by Councilman Bartelloni to close public comments on any issue on the agenda was unanimously approved.

APPOINTMENTS & PERSONNEL CHANGES –

On motion by Councilwoman Busted, seconded by Councilman Chinigo the separation of John Francin, part-time Police Dispatcher effective November 9, 2017 was unanimously approved.

On motion by Councilman Chinigo, seconded by Councilwoman Davis, the hire of John Pacifico as a part-time School Crossing Guard at an hourly probationary rate of \$16.00 with a six-month probationary period, effective date contingent upon training and medical examination was unanimously approved.

On motion by Councilwoman Busted, seconded by Councilwoman Davis, the hire of William Payne as a part-time School Crossing Guard at an hourly probationary rate of \$16.00 with a six-month probationary period, effective date contingent upon training and medical examination was unanimously approved.

On motion by Councilman Chinigo, seconded by Councilwoman Busted, the hire of Paul Insinga as a part-time School Crossing Guard at an hourly probationary rate of \$16.00 with a six-month probationary period, effective date contingent upon training and medical examination was unanimously approved.

On motion by Councilman Chinigo, seconded by Councilwoman Busted, the hire of Steve Schweitzer as a part-time School Crossing Guard at an hourly probationary rate of \$16.00 with a six-month probationary period, effective date contingent upon training and medical examination.

CORRESPONDENCE –

Report	-	Alan P. Negreann, Admin/CFO – 11/11/17 Re: Damage to Public Property
Letter	-	John Francin – 11/13/17

Re: Letter of Resignation

MONTHLY REPORTS –

Tax Collector - October 2017

ORDINANCES – 1ST READING –

Stephanie Evans, Borough Clerk read the title of Ordinance #17-30 into the record as follows:

Ordinance #17-30 AN ORDINANCE TO REPEAL CHAPTER 79 OF THE CODE OF THE BOROUGH OF RIVER EDGE, “BOARD OF RECREATION COMMISSIONERS,” AND REPLACE IT IN ITS ENTIRETY WITH CHAPTER 79, “DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS.”

On motion by Councilman Bartelloni, seconded by Councilman Papaleo, the first reading of Ordinance #17-30 was approved unanimously as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE NO. 17-30**

AN ORDINANCE TO REPEAL CHAPTER 79 OF THE CODE OF THE BOROUGH OF RIVER EDGE, “BOARD OF RECREATION COMMISSIONERS,” AND REPLACE IT IN ITS ENTIRETY WITH CHAPTER 79, “DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS.”

WHEREAS, it is the desire of the Mayor and Council of the Borough of River Edge to provide for the recreational needs of all citizens of the Borough; and

WHEREAS, the Mayor and Council has in the past entrusted that important task to the Board of Recreation Commissioners heretofore established pursuant to N.J.S.A. 40:12-1 *et seq.*; and

WHEREAS, the Mayor and Council has determined that the residents of the Borough of River Edge would be best served by amending Chapter 79 Of the Code of the Borough of River Edge “Board of Recreation Commissioners” and creating a Department of Recreation and Cultural Affairs under the supervision of the Mayor and Council and Borough Administrator with the assistance of a Recreation Commission and a Cultural Affairs Advisory Committee; and

WHEREAS, the power to abolish the Board of Recreation Commissioners is derived pursuant to the statutes of the State of New Jersey, and as affirmed by Board of Recreation Commissioners of the Borough of Rutherford v. Borough of Rutherford, 166 N.J. Super. 476 (App. Div. 1979); and

WHEREAS there shall now be a Recreation Commission that is not established pursuant to N.J.S.A. 40:12-1, *et seq.*; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of River Edge to provide access for all citizens of the Borough to various cultural events; and

WHEREAS, the Mayor and Council desires to have a Cultural Affairs Advisory Committee to assist the Borough in this regard; and

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

SECTION 1.

That Chapter 79, Recreation Commissioners, of the Revised Ordinances of the Borough of River Edge is hereby repealed, and the Board of Recreation Commissioners, created and continued thereby is hereby abolished and any all functions and duties of the Board of Recreation Commissioners are hereby transferred to the Department of Recreation and Cultural Affairs.

SECTION 2.

The existing Chapter 79, Board of Recreation Commissioners, of the Borough Code is repealed in

its entirety, and the following new Chapter 79 is adopted in its place and stead as follows:

CHAPTER 79, DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS.

79-1 Establishment

- A. There is hereby established in and for the Borough of River Edge a Department of Recreation and Cultural Affairs (The Department) to maintain, promote, operate and facilitate the use of Borough owned or leased park, playgrounds and recreational facilities. The Department shall design, provide, coordinate, and administer existing and new recreation and cultural programs with the assistance of the Recreation Commission and the Cultural Affairs Advisory Committee.

79-2 Powers and Duties of the Department of Recreation and Cultural Affairs

- A. Administer, operate, and have jurisdiction over the use of municipal parks, playgrounds and playfields, facilities for indoor and outdoor sports, recreational and cultural programs.
- B. Develop and administer recreational and cultural programs and related activities; regular and special public events in cooperation with other public and private agencies and organizations or as recommended by the Recreation Commission and/or Cultural Affairs Advisory Committee or at the direction of the Governing Body.
- C. Maintain and repair the playfields, playgrounds and recreational areas. The exception being the regulation, planting and care of shade and ornamental trees and shrubbery now located, or which may hereafter be planted, including trimming, spraying, care and protection thereof is subject to the requirements of Chapter 384-6(A)(C).

No tree or shrubbery shall be planted in or removed from any Borough park, playground, recreational area, or other area under the jurisdiction of the Borough or Department without the consent of the Director and the River Edge Shade Tree Commission. Should the Director and Shade Tree Commission not be able to agree on a planting or removal, the final determination shall be made by the Governing Body in accordance with Chapter 384-6(A).

The Department of Public Works Superintendent, or his designee, may direct the removal of a tree, or part thereof, if the Superintendent or designee determines that there is an imminent danger to public safety in accordance with Chapter 384-6(C).

The Department is not responsible for the maintenance and/or repair of any physical structure.

- D. Enforce Borough ordinances, rules, regulations and policies pertaining to the use of recreational/cultural facilities and programs.
- E. Authority to establish, charge and collect a reasonable fee for use of the Borough's recreational and cultural facilities and programs or activities subject to the favorable recommendation of the Recreation Commission and /or Cultural Affairs Advisory Committee and approval by the Mayor and Council.
- F. Authority to solicit sponsorships and accept donations in strict accordance with Borough standards, procedures and applicable statutes.
- G. Determine, in consultation with other Borough Departments, scope, description, manpower and materials costs necessary for the proper maintenance of the Borough's parks, playgrounds, playfields and other facilities and prepare an annual schedule relating to same.

The Department of Public Works shall have the authority to determine the schedule and assignment of manpower for any work conducted on behalf of the Department.

- H. Provide advisory opinions to the Governing Body and Borough Departments.

79-3 Director of Recreation and Cultural Affairs

The office of Director of Recreation and Cultural Affairs (Director) is hereby created.

- A. The Director shall serve as Department head and be responsible for the overall efficient administration, maintenance, direction and development of the Department. The Director may recommend that the Mayor and Council create subordinate offices and positions that may be necessary and if such funds are appropriated by the Governing Body.
- B. Subject to the general oversight by the Mayor and Council, the Director shall be supervised by and report to the Borough Administrator and operate the Department under the auspices of same. Compensation shall be in accordance with policies and procedures for all non-contractual personnel.
- C. The Director shall be appointed by the Mayor with the advice and consent of the Council for a probationary term of two (2) years from the first day of active employment with the Borough. The Recreation Commission shall participate in the selection of the Director and shall advise the Governing Body of its recommendation. Prior to appointment, the Director shall be qualified by training and experience in the field of public recreation.

Within thirty (30) days prior to the close of the probationary period, the Borough Administrator, with the advice and consent of the Recreation Commission, shall determine whether the Director be hired on a permanent basis.

- D. After favorable completion of the probationary period set herein, the Director shall maintain that position in accordance with Borough personnel rules and policies and all applicable local, state, and federal statutes

Any vacancy in this office shall be filled by appointment of the Mayor and Council for the balance of any unexpired term and is eligible for reappointment in accordance with this section.

- E. The Director shall collaborate with the Recreation Commission and the Cultural Affairs Advisory Committee and shall seek the advice and consent of same as may be required in this Chapter.

79-4 Powers and Duties of the Director of Recreation and Cultural Affairs

- A. Administer, plan, supervise, inspect and conduct programs and activities of the Borough's public playgrounds, athletic fields, recreation, cultural facilities and other recreational facilities, regular and special public events.
- B. In fulfillment of these duties the Director may consult with and cooperate with other public and private agencies and organizations as necessary.

If another public or private agency or organization is to assist the Director in the completion of any duty, it shall be done with the consent of the Recreation Commission or at the direction of the Governing Body.

- C. Manage, inspect, maintain all recreational facilities, recreational equipment and services for any properties owned, leased or controlled by the Borough.
- D. Develop routine maintenance needs for all playfields, playgrounds and other recreational areas; and a schedule thereof.
- E. Work with the Superintendent of Public Works to determine the scope of work that is to be conducted by the Department of Public Works and personnel and manpower; materials or outside services and required schedule of tasks. The Department must request sufficient funding in the Department's budget to ensure adequate operating funds are available.
- F. Supervise and manage any subordinate offices or positions employed under the auspices of the Department. Prepare proposals for additional personnel, said proposals shall include a job description, rationale, recommended work hours and recommended compensation for the position(s) sought to the Borough Administrator. The employment request will be subject to the Borough's personnel hiring procedure.

- G. Establish rules and regulations applicable in the programming and use of parks and recreational facilities with the advice and consent of the Recreation Commission; subject to the approval of the Mayor and Council if so required by law.
- H. Develop, implement and oversee a master schedule, in consultation with and in consideration of recommendations of the Recreation Commission and the Cultural Affairs Advisory Committee, to apportion available time for use of Borough recreational facilities, parks or other Borough properties, including leased property or property subject to an inter-local agreement with the River Edge Board of Education, RiverDell Board of Education or other entity.
- I. In consultation with the Recreation Commission, determine specific criteria, as to which sports organizations are deemed as being under the auspices of the Department. In accordance with those criteria and with the consent of the Recreation Commission determine which sports organizations are under the auspices of the Department. Those organizations that are deemed under the auspices of the Department shall be given priority use of any facility.
- J. Expend departmental funds in accordance with budget appropriations and ordinances.
- K. Authorize with the advice and consent of the Recreation Commission and/or the Cultural Affairs Advisory Committee to arrange and provide for the giving of exhibitions, plays, concerts, games and contests, and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, plays, concerts, games and contests to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under the Department's control.
- L. Authority to charge and collect a reasonable admission fee for each person entering such playground or recreation place as a spectator during the time or times when the same is being used or employed for such purposes.
- M. Authority to charge and collect a reasonable service charge from persons using, as participants, special areas and facilities, which require special maintenance and the use of which is restricted to relatively few people, in order to assist in the meeting of the operating costs thereof in whole or in part.
- N. Pay over all moneys received by the Department to the Chief Financial Officer. These monies will be kept in a dedicated fund used only for the purpose of defraying the expenses of improving, maintaining or policing the playground and recreation places.
- O. With the advice and consent of the Recreation Commission recommend and request allocations of monies that may be available through the Borough's Open Space tax, for the term if and when authorized. Final allocations are at the discretion of the Governing Body.
- P. In consultation with the Recreation Commission and/or the Cultural Affairs Advisory Committee, establish and collection fees and/or other admission or entry charges for registration, enrollment or admission to the recreation or cultural programs, courses of instruction and activities of the Borough.
- Q. In consultation with the Recreation Commission and the Cultural Affairs Advisory Committee, prepare and submit a proposed operating and capital budget annually to the Governing Body. The budget may include recommended salary budgets for the proper and efficient operation of the Department for each calendar year.
- R. Investigate and report on any recreational grant opportunities from private, non-profit and/or public sources and prepare applications regarding same. With the consent of the Recreation Commission, forward a copy of the grant application to the Governing Body and request their endorsement thereof.
- S. Upon direction by the Governing Body, prepare all grant applications and provide for any supporting documentation or deliverables as needed.
- T. The Director shall be the administrator of any grant received by the Department. This shall

include any grant monitoring, reporting, and ensuring the timely submission of same as required by the grantor and in accordance with an executed grant agreement.

- U. Apply for and maintain membership in the New Jersey Recreation and Parks Association.
- V. Develop and disseminate promotional materials and inform residents of all available programs.
- W. Recommend and screen all potential program directors, league directors and coaches for the approval by the Recreation Commission. Ensure all programs and volunteers are in compliance with background checks, credential programs and required training as required by law or in accordance promulgated rules and procedures of the Department.
- X. Attend all regular meetings of the Recreation Commission and the Cultural Affairs Advisory Board, unless excused for cause. In consult with the Chair of the Recreation Commission and/or Cultural Affairs Advisory Board, prepare the agenda and minutes.
- Y. Attend meetings of the Governing Body from time-to-time to provide periodic reports regarding the activities of the Department or upon request.
- Z. Prepare, with the assistance of the Recreation Commission and the Cultural Affairs Advisory Committee and submit an annual report to the Mayor and Council in accordance with Chapter 79-5.
- AA. Any other duty as directed by the Governing Body, Borough Administrator or as recommended by the Recreation Commission, subject to the approval of the Governing Body.

79-5 Recreation Commission

A. Creation and Composition

There shall be a Recreation Commission which shall be comprised of the Director of Recreation and Cultural Affairs and seven (7) regular voting members and two (2) alternate members in accordance with the following:

79-6 Appointment of members

The Mayor shall nominate and, by and with the advice and consent of the Council, shall appoint all members of the Recreation Commission, including two alternate members of the Recreation Commission, in the manner provided by law for the appointment of Borough personnel.

§ 79-7 Terms of members and alternate member: vacancies.

A. Terms of Members and Alternate Members

All voting members of the Commission, including alternate members shall be appointed for a period of three years, and until their successors are duly appointed and qualified.

Upon adoption of this Chapter, the terms for initially appointed regular voting members shall be staggered; three members shall be appointed for a period of three (3) years; two (2) members shall be appointed for a period of two (2) years; and three (2) members shall be appointed for one year to establish rotating vacancies.

The terms of the initially appointed alternate members shall likewise be staggered. One alternate shall initially be appointed for one (1) year and one alternate shall initially be appointed for two (2) years. Alternates shall be designated as Alternate #1 and Alternate #2.

Subsequent terms for all regular members shall be three (3) years and three (3) years for alternate members.

Upon the adoption of this Chapter and for the initial appointments to the Recreation Commission, the terms of the seven (7) at-large voting members and two (2) alternates of the Recreation Commission are to be offered to the sitting members and designated alternates of

the previous River Edge Board of Recreation Commissioners. The length of terms for the re-appointments shall be staggered in accordance with the requirements.

The members shall be residents of the Borough of River Edge and shall not be employed by the Borough and shall not currently be serving on any other Borough Board, Committee or Commission.

B. Vacancies

Should a vacancy occur otherwise than by expiration of term for either a regular voting member or an alternate member, the Mayor shall appoint subject to the advice and consent of the Council a qualified successor to serve for the balance of the unexpired term only.

D. The Commissioners shall serve with no compensation for their services.

E. Alternate members of the Recreation Commission shall vote in the absence of a regular member of the Recreation Commission. Alternate members of the Recreation Commission shall attend all meetings along with the seven members of the Board of Recreation Commissioners and be permitted to participate in all discussions and matters affecting the Recreation Commission

79-7 Organization of the Recreation Commission

1. The Commission shall develop and adopt bylaws annually. Bylaws may be amended subject to the approval of 2/3 of the regular voting membership.

The bylaws must include: definition of the number of members required for a quorum; a schedule of regular meetings for each calendar year; and an attendance policy no stricter than what is permitted by State Statute or Borough requirement, whichever is more restrictive.

2. The Commission shall meet on a monthly basis. At least 30 days prior to the end of a calendar year, the Commission shall provide the Borough Clerk with a calendar of meetings for the next year.
3. Meetings shall be held in accordance with the Open Public Meetings Act (OPMA) and the requirements of the Open Public Records Act (OPRA).
4. The Commission shall annually elect a chairperson; a vice chairperson and recording secretary, as well as, other such officers it deems necessary to carry out its powers and duties. The chairperson, vice chairperson and recording secretary shall be selected by and from the seven (7) regular voting members. Alternates may vote if consistent with the requirements of this Chapter.
5. The Director shall not be responsible for the administration of the Recreation Commission.

79-8 Powers and Duties of the Recreation Commission

- A. Advise the Director in the coordination of recreation programs, the development of new initiatives, and the management of existing programs and events.
- B. Recommend to the Director guidelines for the recreational use of playgrounds and recreational facilities in the Borough, consistent with rules governing the use thereof. Such guidelines shall be reviewed on a periodic basis and updated as necessary.
- C. Advise and give consent to any guidelines or policies developed by the Director.
- D. Advise and/or assist the Director as requested to formulate policies; codes of conduct; and rules and regulations for the purpose of carrying out the objectives of the Borough's recreation programming. Prior to implementation, any such policies, codes, rules and/or regulations, the Director must have the consent of the Recreation Commission
- E. Advise the Director in the preparation of the annual operating and capital budgets for the Department.

- F. Advise the Director and consent to allocation of trust funds.
- G. Advise and give consent to the Director to arrange and provide for the giving of exhibitions, plays, concerts, games and contests, and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, plays, concerts, games and contests to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under the Department's control.
- H. Advise and recommend to the Director reasonable admission fees for each person entering such playground or recreation place as a spectator during the time or times when the same is being used or employed for such purposes.
- I. Advise and recommend to the Director a reasonable service charge from persons using, as participants, special areas and facilities, which require special maintenance and the use of which is restricted to relatively few people, in order to assist in the meeting of the operating costs thereof in whole or in part.
- J. Assist the Director in the identification and prioritization of short- intermediate and long-term capital improvements.
- K. Make recommendations to the Director as to the establishment of new staff positions if deemed necessary or review requests of same from the Director. The responsibility for authorizing hiring and appropriating funds for such employees is with the approval of the Mayor and Council.
- L. Conduct studies or provide recommendations to the Mayor and Council and/or to the Director regarding any such matters referred to the Commission and report in writing findings and conclusions as soon as reasonably possible.
- M. Recommend to the Director recreation and/or cultural programs, activities, functions and improvements which will economically and effectively promote the cause of recreation and for all residents of all age groups in the Borough including special needs programs and programs for seniors, teens and families.
- N. Recommend to and/or assist the Director as requested to formulate policies; codes of conduct; and rules and regulations for the purpose of carrying out the objectives of the Borough's recreation programming.
- O. Promote volunteerism for recreation and park programs.
- P. Assist the Director in disseminating information to the public to advertise existing or new programs or activities and soliciting public comments and feedback in return.
- Q. Assist the Director in determining specific criteria for designating an organization, league or program as a "youth sports organization."
- R. Create any subcommittee of the Commission members or an advisory committee consisting of representatives from each of the Borough's youth sports organizations or league; said organization must operate under the auspices and authority of the Department.
- S. Provide input and provide assistance to the Director as requested to the preparation of Recreation and Cultural Affairs Department's annual report to the Governing Body in accordance with Section 79-10 Annual Report

§ 79-9 Annual Report

- A. The Director shall submit, not less than annually, a report to the Governing Body as to the activities of the Department. The Recreation Commission may assist in the development and preparation of the report and/or any element required therein. The Director shall submit the report to the Recreation Commission for their approval prior to

submitting same to the Governing Body.

B. The report shall include, but not limited to:

1. A summary of recreational and cultural programs offered under the auspices of the Department that should also include number of participants.
2. A summary of routine or special maintenance activities undertaken and the cost(s) thereof for Borough recreation facilities or equipment and replacement for the calendar year.
3. A summary table of revenue and expenditures for events, programs and events sponsored or conducted under the auspices of the Department.
4. A program of routine and periodic maintenance necessary to physically maintain the recreational facilities and improvements located within the Borough of River Edge and subject to the jurisdiction thereto.
5. Recommendations to expand modify or eliminate existing recreational and/or cultural programming or recommendations for new programming.
6. An inventory of all Borough property owned, leased or subject of an inter-local agreement with the River Edge Board of Education or any other entity and equipment as well as detail of the state thereof.
7. An assessment by the Director of the adequacy of the facilities and to what extent the needs of the public are being met.
8. Should it be determined that a leased property or property subject of an inter-local agreement with the River Edge Board of Education is determined to no longer adequately meet the needs of the public provide alternatives and cost estimates for consideration by the Mayor and Council shall be included.
9. An assessment of the effectiveness of maintenance programs to maintain and care for the recreational facilities and parks of the Borough of River Edge and recommendations and cost estimates for consideration by the Mayor and Council.
10. 5-year capital plan with recommendations for improvements of recreational facilities and the cost(s) thereof.

79-11: Cultural Affairs Advisory Committee

There shall herein be a Cultural Affairs Advisory Committee.

79-12 Establishment; membership; liaison.

A Cultural Affairs Advisory Committee consisting of a minimum of seven members is hereby established by the Borough of River Edge. A member of the Borough Council shall serve as a liaison to the Cultural Affairs Advisory Committee. The membership should to the extent possible consist of :

- a. A representative of the River Edge School District, Board of Education and/or Parent-Teacher Organization.
- b. The Director of River Edge Library or his/her designee.
- c. A representative of the River Edge Cultural Center or any successor organization or local organization dedicated to cultural activities.
- d. The remaining member shall be appointed by the Mayor with the advice and consent of the Council. They shall be residents of the Borough and should have some background, either through education or experience, associated with cultural and/or performing arts. In the event that such persons are not available or willing to serve, then any residents of the Township deemed qualified by the governing body may be appointed to serve.

79-13 Purpose.

The intent and purpose of the Committee is to coordinate and/or conduct cultural and performing arts programs, such as but not limited to art exhibits, plays, operas, concerts, dance recitals and other similar activities and programs, for the benefit of the residents of the Borough of River Edge.

79-14 Powers and duties.

With the advice and consent of the Governing Body, and the Director of Recreation and Cultural

Affairs, the Cultural Affairs Advisory Committee may be granted the following powers and duties in discharging its intent and purpose:

A.

The Committee may be empowered to advertise, prepare, print and distribute pamphlets, brochures, maps, books or other reading material which are necessary for the promotion of any programs, projects or activities under its authority.

B.

The Committee shall have the power to appoint subcommittees of the general citizenry in specific areas of the cultural and performing arts, such as dance, art, music, and theater, for the purpose of assisting the Committee in developing and offering specific programs and activities.

C.

The Committee shall keep records of its meetings and activities and shall file an annual report of its activities and budgetary expenditures with the Governing Body on or before December 31 of every calendar year.

D.

In cooperation with the Director of Recreation and Cultural Affairs, the Committee may apply for any state, federal or private grants for the purpose of advancing the arts within the Borough. Upon consent from the Governing Body, the Director shall prepare all grant applications and provide for any supporting documentation or deliverables as needed.

E. The Director shall be the administrator of any grant received by the Department. This shall include any grant monitoring, reporting, and ensuring the timely submission of same as required by the grantor and in accordance with an executed grant agreement.

79-15 Terms; qualifications; remuneration.

A.

Upon enactment of this chapter, the members of the Committee shall be appointed to initial terms of two years expiring on December 31, 2020. All subsequent terms thereafter shall be for a period of three years and until the appointment of qualified successors.

B. The members of the Committee shall serve without remuneration.

79-16 Vacancies.

In the event of a vacancy occurring on the Committee other than by expiration of a term, such vacancy shall be filled by the Mayor with the consent of the Council for the unexpired term.

79-17 Organization.

The Committee shall meet immediately after January 1 of each year for the purpose of reorganization. The agenda at this meeting should include the election of officers, establishing dates and places of meetings, adoption of bylaws or rules of procedure and such other business as may properly come before the Committee at the annual reorganization meeting.

79- 18 Chairperson; officers.

The Committee shall designate one of its members to serve as its Chairperson and presiding officer and may designate such other officers, such as Secretary, Treasurer and any other officers, deemed necessary to conduct its affairs.

79-19 Funding; deposit and expenditure of funds.

The Governing Body may appropriate such sum in each year's current fund budget as may be determined by the governing body to be necessary for the purpose of the Committee. Should the Committee receive any gifts, donations or bequests, such funds shall be deposited in a trust fund account and shall not be utilized for any cultural or performing arts program, project or activity without the prior approval of the Governing Body. Dedicated funds shall be spent for the purpose for which the funds were received in accordance with the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

79-20 Continuance of Existing Regulations, Policies and Codes

Any rules, regulations, policies, code of conduct previously adopted and enforced by the Recreation

Commission and Director prior to the date of adoption of this chapter shall remain and continue in full force and effect until further order by the appropriate jurisdiction.

SECTION 3.

All references in the Revised Ordinances of the Borough of River Edge to the Recreation Commission or the Board of Recreation Commissioners shall be deemed to refer to the Department of Recreation and Cultural Affairs.

SECTION 4.

All ordinances or parts of ordinances which are inconsistent with any provisions of this Chapter are hereby repealed as to the extent of such inconsistencies.

SECTION 5.

If any provision of this Chapter, or the application, of any such provision to any person or circumstance, shall be held invalid, the remainder of this Chapter to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provision of this Chapter is severed.

SECTION 6.

The ordinance shall take effect immediately upon passage.

ATTEST:

BOROUGH OF RIVER EDGE

Stephanie Evans, Clerk

Edward Mignone, Mayor

Stephanie Evans, Borough Clerk read the title of Ordinance #17-31 into the record as follows:

Ordinance #17-31 – A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE KENNETH B. GEORGE PARK FIELD LIGHTING REPLACEMENT IN SAID BOROUGH AND APPROPRIATING THE SUM OF \$30,000.00 FROM BERGEN COUNTY’S 2016 OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, FARMLAND & HISTORIC PRESERVATION TRUST FUND

On motion by Councilwoman Busted, seconded by Councilman Bartelloni, the first reading of Ordinance #17-31 was unanimously approved as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #17-31**

A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE KENNETH B. GEORGE PARK FIELD LIGHTING REPLACEMENT IN SAID BOROUGH AND APPROPRIATING THE SUM OF \$30,000.00 FROM BERGEN COUNTY’S 2016 OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, FARMLAND & HISTORIC PRESERVATION TRUST FUND

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

Section 1. The Borough of River Edge shall undertake the Kenneth B. George Park Field Lighting Replacement. Such improvements shall include all work and appurtenances necessary and suitable for the use and purpose thereof. Such improvements shall be made in accordance with plans to be prepared thereof by the Borough herein authorized to be made.

Section 2. The Borough shall expend \$30,000.00 for the \$30,000.00 improvement authorized in Section 1. hereof. Said sum of \$30,000.00 is a grant from the Bergen County 2016 Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund.

Section 3. Such improvement is hereby determined and declared to be a Capital Improvement, which the Borough may lawfully make pursuant to law.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

Mayor Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk

Dated:

ORDINANCE – 2ND READING –

Stephanie Evans, Borough Clerk read the title of Ordinance #17-25 into the record as follows:

Ordinance #17-25 AN ORDINANCE APPROPRIATING \$257,000.00 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE SUPPLEMENTAL FUNDING FOR THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO THE RIVER EDGE SENIOR/COMMUNITY CENTER

Ordinance #17-25 was introduced by Councilman Acquafredda, seconded by Councilman Bartelloni and approved unanimously at the November 6, 2017 as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #17-25**

AN ORDINANCE APPROPRIATING \$257,000.00 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE SUPPLEMENTAL FUNDING FOR THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO THE RIVER EDGE SENIOR/COMMUNITY CENTER

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

SECTION 1. The supplemental funding for the undertaking of various improvements to the River Edge Senior/Community Center desired in Section 2 of this ordinance is hereby authorized as purchases to be made by the Borough of River Edge, New Jersey for the purpose of the purchase of said various improvements, there is hereby appropriated the sum of \$257,000.00 of which \$257,000.00 is from the General Capital Fund Balance.

SECTION 2. The purchases are authorized as follows:

- a. Supplemental funding for the undertaking of various improvements to the River Edge Senior/Community Center.

SECTION 3. The appropriation shall be made from the General Capital Fund and no debt is authorized.

SECTION 4. This ordinance shall take effect immediately after the first publication after final passage as provided by law.

Mayor Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-25

On motion by Councilman Bartelloni, seconded by Councilman Acquafredda to open public hearing on Ordinance #17-25 was approved unanimously.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-25

There being no comments by the public, the motion by Councilman Chinigo, seconded by Councilwoman Davis to close public hearing on Ordinance #17-25 was unanimously approved.

ADOPTION – Ordinance #17-25

On motion by Councilman Chinigo, seconded by Councilwoman Davis to adopt Ordinance #17-25 was unanimously approved.

Stephanie Evans, Borough Clerk read the title of Ordinance #17-26 into the record as follows:

Ordinance #17-26 BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF STORM AND SANITARY SEWER REPLACEMENT ON KINDERKAMACK ROAD (FROM WEBB AVENUE TO RIVER EDGE ROAD) IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$300,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Ordinance #17-26 was introduced by Councilwoman Busteded, seconded by Councilman Bartelloni and approved unanimously at the November 6, 2017 meeting as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #17-26**

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF STORM AND SANITARY SEWER REPLACEMENT ON KINDERKAMACK ROAD (FROM WEBB AVENUE TO RIVER EDGE ROAD) IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$300,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of River Edge, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake storm and sanitary sewer replacement on Kinderkamack Road (from Webb Avenue to River Edge Road) in, by and for the Borough. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$300,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of

said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$300,000, and (4) \$15,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$285,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$40,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$15,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$15,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$285,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$285,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$285,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Edward J. Mignone, Mayor

ATTEST

Stephanie Evans, Borough Clerk

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-26

On motion by Councilman Chinigo, seconded by Councilwoman Davis to open public hearing on Ordinance #17-26 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-26

There being no comments by the public, the motion by Councilman Acquafredda, seconded by Councilman Chinigo to close public hearing on Ordinance #17-26 was unanimously approved.

ADOPTION – Ordinance #17-26

On motion by Councilman Chinigo, seconded by Councilwoman Davis to adopt Ordinance #17-26 was unanimously approved.

Stephanie Evans, Borough Clerk read the title of Ordinance #17-27 into the records as follows:

ORDINANCE #17-27 AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 206, OF THE RIVER EDGE BOROUGH CODE ENTITLED “FEES”.

Ordinance #17-27 was introduced by Councilman Acquafredda, seconded by Councilman Bartelloni and unanimously approved at the November 6, 2017 meeting as follows:

**AN ORDINANCE OF
THE BOROUGH OF RIVER EDGE**

ORDINANCE #17-27

AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 206, OF THE RIVER EDGE BOROUGH CODE ENTITLED “FEES”.

BE IT RESOLVED by the Mayor and Council of the Borough of River Edge, County of Bergen and State of New Jersey that Chapter 206 of the Code of the Borough of River Edge, entitled “Fees” shall be amended and supplemented as follows:

SECTION 1. §206, “Fees” is hereby amended and supplemented by the addition of the following, which shall be added to the list of fees on file with the Borough Clerk.

Secondhand Dealers.

Initial Application and License	\$300.00
Annual Renewal Fee	\$300.00

SECTION 2. Except as set forth in Section 1, the balance of Chapter 206 shall not be affected by this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective immediately upon adoption and publication according to law.

ATTEST:

APPROVED:

Stephanie Evans
Borough Clerk

Edward Mignone
Mayor

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-27

On motion by Councilman Chinigo, seconded by Councilman Bartelloni to open the public hearing on Ordinance #17-27 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-27

There being no comments by the public, the motion by Councilwoman Busted, seconded by Councilman Chinigo to close the public hearing on Ordinance #17-27 was unanimously approved.

ADOPTION – Ordinance #17-27

On motion by Councilman Bartelloni, seconded by Councilman Chinigo to adopt Ordinance #17-27 was unanimously approved.

Stephanie Evans, Borough Clerk read the title of Ordinance #17-28 into the record as follows:

ORDINANCE #17-28 A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF STREET, CURB AND SIDEWALK IMPROVEMENTS PHASE III IN SAID BOROUGH, AND APPROPRIATING THE SUM OF \$65,000.00 FROM BERGEN COUNTY COMMUNITY DEVELOPMENT GRANT PROGRAM FUNDS TO PAY THE COST THEREOF

Ordinance #17-28 was introduced by Councilwoman Busted, seconded by Councilman Bartelloni and unanimously approved at the November 6, 2017 meeting as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #17-28**

A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF STREET, CURB AND SIDEWALK IMPROVEMENTS PHASE III IN SAID BOROUGH, AND APPROPRIATING THE SUM OF \$65,000.00 FROM BERGEN COUNTY COMMUNITY DEVELOPMENT GRANT PROGRAM FUNDS TO PAY THE COST THEREOF

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

SECTION 1. The Borough of River Edge shall construct street, curb and sidewalk improvements on Oxford Terrace and Rutgers Place. Such improvements shall include all work and appurtenances necessary and suitable for the use and purpose thereof. Such improvements shall be made in accordance with plans to be prepared thereof by the Borough and herein authorized to be made.

SECTION 2. The Borough shall expend \$65,000.00 for the improvement authorized in Section 1. hereof. Said sum of \$65,000.00 is a grant from the 2017 Community Development Block Grant Funds, County of Bergen and is appropriated by the Borough by special rider in budgets hereinbefore authorized.

SECTION 3. Such improvement is hereby determined and declared to be a capital improvement which the Borough may lawfully make pursuant to law.

SECTION 4. This ordinance shall take effect at the time and in the manner provided by law.

Mayor Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-28

On motion by Councilman Bartelloni, seconded by Councilman Chinigo to open the public hearing on Ordinance #17-28 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-28

There being no comments by the public, the motion by Councilman Chinigo, seconded by Councilwoman Davis to close the public hearing on Ordinance #17-28 was unanimously approved.

ADOPTION – Ordinance #17-28

On motion by Councilman Acquafredda, seconded by Councilman Bartelloni to adopt Ordinance #17-28 was unanimously approved.

Stephanie Evans, Borough Clerk read the title of Ordinance #17-29 into the record as follows:

Ordinance #17-29 AN ORDINANCE TO REPEAL CHAPTER 79 OF THE CODE OF THE BOROUGH OF RIVER EDGE, “BOARD OF RECREATION COMMISSIONERS,” AND REPLACE IT IN ITS ENTIRETY WITH CHAPTER 79, “DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS.”

Ordinance #17-29 was introduced by Councilman Acquafredda, seconded by Councilwoman Davis and approved by a majority vote at the November 6, 2017 meeting as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #17-29**

AN ORDINANCE TO REPEAL CHAPTER 79 OF THE CODE OF THE BOROUGH OF RIVER EDGE, “BOARD OF RECREATION COMMISSIONERS,” AND REPLACE IT IN ITS ENTIRETY WITH CHAPTER 79, “DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS.”

WHEREAS, it is the desire of the Mayor and Council of the Borough of River Edge to provide for the recreational needs of all citizens of the Borough; and

WHEREAS, the Mayor and Council has in the past entrusted that important task to the Board of Recreation Commissioners heretofore established pursuant to N.J.S.A. 40_12-1 *et seq*; and

WHEREAS, the Mayor and Council has determined that the residents of the Borough of River Edge would be best served by abolishing the Board of Recreation Commissioners and by transferring its duties and responsibilities to Department of Recreation and Cultural Affairs under the supervision of the Mayor and Council and Borough Administrator; and

WHEREAS, the power to abolish the Board of Recreation Commissioners is derived pursuant to the statutes of the State of New Jersey, and as affirmed by Board of Recreation Commissioners of the Borough of Rutherford v. Borough of Rutherford, 166 N.J. Super. 476 (App. Div. 1979); now, therefore,

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

SECTION 1.

That Chapter 79, Recreation Commissioners, of the Revised Ordinances of the Borough of River Edge is hereby repealed, and the Recreation Commission, created and continued thereby is hereby abolished and any all functions and duties of the Board of Recreation Commissioners are hereby transferred to the Department of Recreation and Cultural Affairs.

SECTION 2.

The existing Chapter 79, Board of Recreation Commissioners, of the Borough Code is repealed in its entirety, and the following new Chapter 79 is adopted in its place and stead as follows:

CHAPTER 79, DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS.

79-1 Establishment

- B. There is hereby established in and for the Borough of River Edge a Department of Recreation and Cultural Affairs (The Department) to maintain, promote, operate and facilitate the use of Borough owned or leased park, playgrounds and recreational facilities. The Department shall design, provide, coordinate, and administer existing and new recreation and cultural programs with the assistance of the Recreation and Cultural Affairs Advisory Committee (The Committee).

79-2 Powers and Duties of the Department of Recreation and Cultural Affairs Department

- I. Administer, operate, and have jurisdiction over the use of municipal parks, playgrounds and playfields, facilities for indoor and outdoor sports, recreational and cultural programs.
- J. Develop and administer recreational and cultural programs and related activities; regular and special public events in cooperation with other public and private agencies and organizations or as recommended by the Recreation and Cultural Affairs Advisory Committee or at the direction of the Governing Body.
- K. Maintain and repair the playfields, playgrounds and recreational areas. The exception being the regulation, planting and care of shade and ornamental trees and shrubbery now located, or which may hereafter be planted, including trimming, spraying, care and protection thereof is subject to the requirements of Chapter 384-6(A)(C).

No tree or shrubbery shall be planted in or removed from any Borough park, playground, recreational area, or other area under the jurisdiction of the Borough or Department without the consent of the Director and the River Edge Shade Tree Commission. Should the Director and Shade Tree Commission not be able to agree on a planting or removal, the final determination shall be made by the Governing Body in accordance with Chapter 384-6(A).

The Department of Public Works Superintendent, or his designee, may direct the removal of a tree, or part thereof, if the Superintendent or designee determines that there is an imminent

danger to public safety in accordance with Chapter 384-6(C).

The Department is not responsible for the maintenance and/or repair of any physical structure.

- L. Enforce Borough ordinances, rules, regulations and policies pertaining to the use of recreational/cultural facilities and programs.
- M. Authority to establish, charge and collect a reasonable fee for use of the Borough's recreational and cultural facilities and programs or activities subject to favorable recommendation of the Recreation and Cultural Affairs Advisory Committee and approval by the Mayor and Council.
- N. Authority to solicit sponsorships and accept donations in strict accordance with Borough standards, procedures and applicable statutes.
- O. Determine, in consultation other Borough Departments, scope, description, manpower and materials costs necessary for the proper maintenance of the Borough's parks, playgrounds, playfields and other facilities.

The Department of Public Works shall have the authority to determine the schedule and assignment of manpower for any work conducted on behalf of the Department.

- P. Provide advisory opinions to governing body and Borough departments.

79-6 Director of Recreation and Cultural Affairs

The office of Director of Recreation and Cultural Affairs (Director) is hereby created.

- F. The Director shall serve as Department head and be responsible for the overall efficient administration, maintenance, direction and development of the Departments. The Director may recommend that the Mayor and Council create ordinate offices and positions that may be necessary and if such funds area appropriated.
- G. Subject to the general oversight by the Mayor and Council, the Director shall be supervised by the Borough Administrator and operate the Department under the auspices of same. Compensation shall be in accordance with policies and procedures for all non-contractual personnel.
- H. The Director shall be appointed by the Mayor with the advice and consent of the Council for a term of for one, two or three years ending on December 31 of any year. At the end of an initial term, a duly appointed Director shall be eligible for succeeding terms subject to the recommendation of the Borough Administrator with due consideration of the recommendation of the Committee. Prior to appointment, the Director shall be qualified by training and experience in the field of public recreation.

Any vacancy in this office shall be filled by appointment of the Mayor and Council for the balance of any unexpired term and is eligible for reappointment in accordance with this section.

- I. The Director shall collaborate with the Recreation and Cultural Affairs Advisory Committee and seek the advice and consent of same as may be required in this Chapter.

79-7 Powers and Duties of the Director of Recreation and Cultural Affairs

- AA. Administer, plan, supervise, inspect and conduct program and activities of the Borough's public playgrounds, athletic fields, recreation, cultural facilities and other recreational facilities, regular and special public events, in consult and cooperation with other public and private agencies and organizations if necessary and or as recommended by the Recreation and Cultural Affairs Advisory Committee or at the direction of the Governing Body.
- BB. Manage, inspect, maintain all recreational facilities, recreational equipment and services for any properties owned, leased or controlled by the Borough.

- CC. Develop routine maintenance needs for all playfields, playgrounds and other recreational areas; and a schedule thereof.
- DD. Work with the Superintendent of Public Works to determine the scope of work that be conducted by the Department of Public Works and personnel and manpower; materials or outside services and required schedule of tasks. The Department must request sufficient funding in the Department's budget to ensure adequately operating funds are available.
- EE. Supervise and manage any subordinate offices or positions employed under the auspices of the Department.
- FF. Responsible for the development, implementation and oversight of a master schedule, in consultation with and consideration of recommendations of the Committee, to apportion available time for use of Borough recreational facilities, parks or other Borough properties, including leased property or property subject of an inter-local agreement with the River Edge Board of Education or other entity.
- GG. Determine specific criteria, in consultation with the Committee, to which sports organizations are deemed as being under the auspices of the Department; similarly for any other group, organization or program.
- HH. Expend departmental funds in accordance with budget appropriations and ordinances.
- II. Authority with the advice and consent of the Committee to arrange and provide for the giving of exhibitions, plays, concerts, games and contests, and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, plays, concerts, games and contests to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under the Department's control.
- JJ. Authority to charge and collect a reasonable admission fee for each person entering such playground or recreation place as a spectator during the time or times when the same is being used or employed for such purposes.
- KK. Authority to charge and collect a reasonable service charge from persons using, as participants, special areas and facilities, which require special maintenance and the use of which is restricted to relatively few people, in order to assist in the meeting of the operating costs thereof in whole or in part.
- LL. Pay over all moneys received by the Department to the Chief Financial Officer. These monies will be kept in a dedicated fund used only for the purpose of defraying the expenses of improving, maintaining or policing the playground and recreation places. In order to expend the funding for any of these purposes, the Director, subject to the advice and consent of the Committee, may expend funds from the dedicated account. Any such funds authorized shall be expended in accordance with applicable state and local rules and regulations for public purchasing.
- MM. Recommend with the advice and consent of the Committee and request allocations of available monies that may be available through the Borough's Open Space tax, for the term if and when authorized.
- NN. Recommend to the Governing Body in consultation with the Committee, establishment and collection of fees and/or other admission or entry charges for registration, enrollment or admission to the recreation or cultural programs, courses of instruction and activities of the Borough.
- OO. Prepare and submit a proposed operating and capital budget annually to the Governing Body. The budget may include recommended salary budgets for the proper and efficient operation of the Department for each calendar year.
- PP. Request for appropriation for professional services, vendors and on-going maintenance contracts must also be included.
- QQ. Prepare proposals for additional personnel should provide a job description, rationale, recommended work hours and recommended compensation for the position(s) sought to the Borough Administrator. The employment request will be subject to the Borough's personnel hiring procedure.
- RR. Prepare a recommended 5-year capital improvement plan in consultation with the Committee identifying replacement or upgrades to existing outdoor/recreation areas/facilities and/or purchase of new equipment and respective estimated costs.
- SS. Investigate and report on any recreational grant opportunities from private, non-profit and/or public sources and prepare applications regarding same.
- TT. Apply for and maintain membership in the New Jersey Recreation and Parks Association.
- UU. Develop and disseminate promotional materials and inform residents of all available programs.
- VV. Recommend and screen all potential program directors, league directors and coaches for the approval by the Committee.
- WW. Prepare agenda, prepare minutes and unless excused for cause, attend all meeting of the

Committee.

- XX. Establish rules and regulations applicable in programming and use of parks and recreational facilities in consultation and with the advice and consent of the Committee; and furthermore subject to the approval of the Mayor and Council if so required by law.
- YY. Ensure all program and volunteers are in compliance with background checks, credential programs and required training.
- ZZ. Attend meetings of the Governing Body from time-to-time to provide periodic reports regarding the activities of the Department or upon request.
- AAA. Prepare with the assistance of the Committee and submit an annual report to the Mayor and Council in accordance with Chapter 79-5.
- BBB. Any other duty as directed by the Governing Body or recommended duties as recommended by the Committee, subject to the approval of the Governing Body.

79-8 Recreation and Cultural Affairs Advisory Committee

B. Creation and Composition

There shall be a Recreation and Cultural Affairs Advisory Committee shall be comprised of the Director of Recreation and Cultural Affairs; three (3) mandatory non-voting members; and nine (9) voting members in accordance with the following:

1. Non-Voting Members:

- a. The Director of River Edge Library or his/her designee
- b. A representative of the River Edge School District, Board of Education and/or Parent-Teacher Organization
- c. A representative of a River Edge Cultural Center or any successor organization or local organization dedicated to cultural activities or someone with expressed knowledge and interest in same.
 - i. Non-voting members shall serve one (1) calendar year and eligible for successive reappointment.
 - ii. Non-Voting members need not be residents of the Borough
 - iii. Any or all three (3) designated non-voting members may be changed by Resolution of the Mayor and Council on an annual basis.

2. Voting Members:

- a. No less than one (1) senior citizen who may or may not be a member of a recognized local senior citizens organization
- b. No less than one (1) member who will represent the authorized youth sports leagues under the auspices of the Department
- c. Seven (7) at-large members

All voting members shall be residents of the Borough of River Edge, not employed by the Borough and currently not serving on any other Borough Board, Committee or Commission.

All members shall serve with no compensation.

3. Two (2) Alternates who shall be eligible as voting members.

Alternates may attend and participate in all regular meetings or subcommittees.

Upon appointment one alternate will be designated as Alternate No. 1 and one alternate will be designated as Alternate No 2

At the start of the meeting the Chair shall announce if there are any absent members and that Alternate 1 shall be seated as a voting member. In case of two absences or disqualifications Alternate 2 shall be seated in place if there is a second absence or disqualification at the start of the same meeting.

A vote may not be delayed in order that a regular member is available to vote instead of an alternate member.

4. The Mayor or/his designee and one member of the Council, so chosen by a majority of the

full membership of the Council, shall serve as liaisons for each calendar year.

C. Appointment of Members

The Mayor shall nominate and appoint, with the advice and consent of the Council, all regular voting and alternate members of the Recreation and Cultural Affairs Advisory Committee.

D. Terms of Members and Alternate Members

All voting members of the Committee, including alternate members shall be appointed for a period of three years, and until their successors are duly appointed and qualified.

Upon adoption of this Chapter, the terms for initially appointed regular voting members shall be staggered; three members shall be appointed for a period of three years; three members shall be appointed for a period of two years; and three members shall be appointed for one year to establish rotating vacancies.

The terms of the initially appointed alternate members shall likewise be staggered. One alternate shall initially be appointed for one year and one alternate shall initially be appointed for two years. Alternates shall be designated as Alternate #1 and Alternate #2.

Subsequent terms for all regular members shall be three years and three years for alternate members. Regular members shall no more than two consecutive terms unless otherwise approved by the Governing Body.

Upon the adoption of this Chapter and for the initial appointments to the Committee, the terms of the 7 at-large voting members and 2 alternates of the Committee are to be offered to the sitting members and designated alternates of the previous River Edge Recreation Commission. The length of terms for the re-appointments shall be staggered in accordance with the requirements.

E. Vacancies

Should a vacancy occur otherwise than by expiration of term for either a regular voting member or an alternate member, the Mayor shall appoint subject to the advice and consent of the Council a qualified successor to serve for the balance of the unexpired term only.

79-9 Organization of the Recreation and Cultural Affairs Advisory Committee

6. The Committee shall develop and adopt bylaws annually. Bylaws can be amended subject to the approval of 2/3 of the regular voting membership.

The bylaws must include: definition of the number of members required for a quorum; a schedule of regular meetings for each calendar year; and an attendance policy no stricter than what is permitted by State Statute or Borough requirement, whichever is more restrictive.

6. The Committee shall meet no less than a quarterly basis. At least 30 days prior to the end of a calendar year, the Committee shall provide the Borough Clerk with a calendar of meetings for the next year.

7. Meetings shall be in accordance with the Open Public Meetings Act (OPMA) and the Committee shall comply with the requirements of the Open Public Records Act (OPRA).

8. The Committee shall annually elect a chairperson; a vice chairperson and recording secretary as well as other such officers it deems necessary to carry out its powers and duties.

9. The Director shall not be responsible for the administration of the Recreation and Cultural Affairs Advisory Committee.

79-10 Powers and Duties of the Recreation and Cultural Affairs Advisory Committee

T. Advise the Director in the coordination of recreation programs, the development of new initiatives, and the management of existing programs and events.

U. Advise the Director in the preparation of the annual operating and capital budgets for the Department.

- V. Advise the Director and consent to allocation of trust funds.
- W. Recommendations to the Director as to the establishment of new staff positions if deemed necessary or review requests of same from the Director. The responsibility for authorizing hiring and appropriating funds for such employees is with the approval of the Mayor and Council.
- X. Advise and give consents to the Director to arrange and provide for the giving of exhibitions, plays, concerts, games and contests, and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, plays, concerts, games and contests to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under the Department's control.
- Y. Advise and recommend to the Director reasonable admission fees for each person entering such playground or recreation place as a spectator during the time or times when the same is being used or employed for such purposes.
- Z. Advise and recommend to the Director a reasonable service charge from persons using, as participants, special areas and facilities, which require special maintenance and the use of which is restricted to relatively few people, in order to assist in the meeting of the operating costs thereof in whole or in part.
- AA. Assist the Director in the identification and prioritization of short-intermediate and long-term capital improvements.
- BB. Conduct studies or provide recommendations to the Mayor and Council or to the Director regarding any such matters referred to the Committee and report in writing findings and conclusions as soon as reasonably possible.
- CC. Recommend to the Director guidelines for the recreational use of playgrounds and recreational facilities in the Borough, consistent with rules governing the use thereof. Such guidelines shall be reviewed on a periodic basis and updated as necessary.
- DD. Advise and give consent to any guidelines or policies developed by the Director.
- EE. Recommend to the Director recreation and/or cultural programs, activities, functions and improvements which will economically and effectively promote the cause of recreation and for all residents of all age groups in the Borough including special needs programs and programs for seniors, teens and families
- FF. Recommend to and/or assist the Director as requested to formulate policies; codes of conduct; and rules and regulations for the purpose of carrying out the objectives of the Borough's recreation and cultural affairs programming.
- GG. Promote volunteerism for recreation and park programs
- HH. Assist the Director in disseminating information to the public to advertise existing or new programs or activities and soliciting public comments and feedback in return.
- II. Assist the Director in determining specific criteria for designating an organization, league or program as a "youth sports organization."
- JJ. Create any subcommittee of Committee members or an advisory committee consisting of representatives from each of the Borough's youth sports organizations or league; organization must operate under the auspices and authority of the Department.
- KK. Provide input and provide assistance to the Director as requested to the preparation of Recreation and Cultural Affairs Department's annual report to the Governing Body in accordance with Section 79-10 Annual Report

§ 79-8 Annual Report

- C. The Director shall submit, not less than annually, a report to the Governing Body as to the activities of the Department. The Committee shall assist to any reasonable request from the Director, and subject to the approval of a majority of the Committee, to assist in the development and preparation of the report and/or any element required therein.
- D. The report shall include, but not limited to:
 - 11. A summary of recreational and cultural programs offered under the auspices of the Department that should also include number of participants.
 - 12. A summary of routine or special maintenance activities undertaken and the cost(s) thereof for Borough recreation facilities or equipment and replacement for the calendar year.
 - 13. A summary table of revenue and expenditures for events, programs and events

sponsored or conducted under the auspices of the Department.

14. A program of routine and periodic maintenance necessary to physically maintain the recreational facilities and improvements located within the Borough of River Edge and subject to the jurisdiction thereto.
15. Recommendations to expand modify or eliminate existing recreational and/or cultural programming or recommendations for new programming.
16. An inventory of all Borough property owned, leased or subject of an inter-local agreement with the River Edge Board of Education or any other entity and equipment as well as detail of the state thereof.
17. An assessment by the Director of the adequacy of the facilities and to what extent the needs of the public are being met.
18. Should it be determined that a leased property or property subject of an inter-local agreement with the River Edge Board of Education is determined to no longer adequately meet the needs of the public provide alternatives and cost estimates for consideration by the Mayor and Council shall be included.
19. An assessment of the effectiveness of maintenance programs to maintain and care for the recreational facilities and parks of the Borough of River Edge and recommendations and cost estimates for consideration by the Mayor and Council.
20. 5-year capital plan with recommendations for improvements of recreational facilities and the cost(s) thereof.

79-9 Continuance of Existing Regulations, Policies and Codes

Any rules, regulations, policies, code of conduct previously adopted and enforced by the Recreation Commission and Director prior to the date of adoption of this chapter shall remain and continue in full force and effect until further order by the appropriate jurisdiction.

SECTION 3.

All references in the Revised Ordinances of the Borough of River Edge to the Recreation Commission or the Board of Recreation Commissioners shall be deemed to refer to the refer to the Department of Recreation and Cultural Affairs.

SECTION 4.

All ordinances or parts of ordinances which are inconsistent with any provisions of this Chapter are hereby repealed as to the extent of such inconsistencies.

SECTION 5.

If any provision of this Chapter, or the application, of any such provision to any person or circumstance, shall be held invalid, the remainder of this Chapter to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provision of this Chapter is severed.

SECTION 6.

The ordinance shall take effect immediately upon passage.

ATTEST:

BOROUGH OF RIVER EDGE

Stephanie Evans, Clerk

Edward Mignone, Mayor

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-29

On motion by Councilman Chinigo, seconded by Councilwoman Davis to open the public hearing on Ordinance #17-29 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-29

There being no comments by the public, the motion by Councilman Chinigo, seconded by

Councilwoman Davis to close the public hearing on Ordinance #17-29 was unanimously approved.

ADOPTION – Ordinance #17-29

On motion by Councilman Bartelloni, seconded by Councilman Acquafredda to **defeat** Ordinance #17-29 was unanimously approved. Ordinance #17-29 was defeated.

RESOLUTIONS - By Consent

On motion by Councilman Chinigo, seconded by Councilman Acquafredda to approved resolution #17-382 through #17-388 and #17-390 and #17-391 were unanimously approved.

#17-382 Authorize Mayor and Clerk to Sign a Shared Services Agreement with the River Edge Local Board of Education to Share the Benefits and Responsibilities of the Clearing of Snow and Ice Control on the River Edge Local Board of Education Property

WHEREAS, the Borough of River Edge wishes to enter into a Shared Services Agreement with the River Edge Local Board of Education pursuant to the provisions of the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.); and

WHEREAS, the purpose of said agreement, a copy of which is on file with the Borough Clerk, is to share the benefits and responsibilities of the clearing of snow and ice control on the River Edge Local Board of Education Property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the Borough of River Edge shall enter into a Shared Services Agreement with the River Edge Local Board of Education for the shared benefits and responsibilities of the cleaning of snow and ice control on the River Edge Local Board of Education property.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the Shared Services Agreement pursuant to the Uniform Shared Services and Consolidation Act, subject to the approval and review of the agreement by the Borough Attorney.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the River Edge Local Board of Education.

November 20, 2017

#17-383 Amend Agreement with Robert Costa, Borough Engineer for Professional Services Related to the County Sanitary & Storm Sewer Improvement Project on River Edge Road

WHEREAS, there exists a need for expert professional engineering services related to the County Sanitary & Storm Sewer Improvement Project on River Edge Road; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Robert Costa, Borough Engineer via resolution #17-153 dated April 3, 2017 in the amount of \$5,000.00; and

WHEREAS, additional funding and an amendment in the contract to add Design & Inspection to the scope of services is required for professional services related to the County Sanitary & Storm Sewer Improvement Project on River Edge Road; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1726-100 of the Capital Fund in the amount not to exceed \$30,000.00; and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the

resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

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

WHEREAS, the Mayor and Council have examined resumes, biographies, work experience; and

WHEREAS, the Mayor and Council have reviewed price and other factors when considering supporting reasons for awarding this contract; and

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

Principal/Project Engineer.....	\$ 65.00
Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting	\$ 75.00
Technical/Administrative Assistant	\$ 65.00
Field Inspector.....	\$ 80.00

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 \$30,000.00; 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(l)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

November 20, 2017

#17-384 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 cancelled.

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 cancelled:

<u>ORDINANCE</u>	<u>UNFUNDED</u>	<u>CAPITAL</u>	<u>CAPITAL</u>
<u>FUND</u>	<u>DEFERRED CHARGES</u>	<u>FUND BALANCE</u>	<u>IMPROVEMENT</u>
1804		\$857.00	

November 20, 2017

#17-385 Authorize Tax Collector to Refund a 2017 4th Quarter Tax Overpayment

WHEREAS, the tax office has received a tax overpayment for the 2017 4th Quarter taxes on the following property; and

WHEREAS, a written request was received from the Title Company, Town Title Agency, to refund the overpaid amount directly to the 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 & Address</u>	<u>Tax Qtr.</u>	<u>Refund Amount</u>
901/5	Riley, Jacqueline & Christopher 255 Dorchester Road River Edge, NJ 07661	4 th	250.00

November 20, 2017

#17-386 Authorize Tax Collector to Refund a Duplicate 4th Quarter 2017 Tax Payment

WHEREAS, the tax office has received a duplicate and/or tax overpayment for the 4th Quarter 2017 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.

<u>BLOCK/LOT</u>	<u>HOMEOWNER/ADDRESS</u>	<u>AMOUNT</u>
409/24	Clark, William & Theresa 689 Center Avenue	64.72
1104/18	Laluf, Julio (Etal) 183 Oak Avenue	3,262.78

Total: 3,327.50

Make check payable to:

Wells Fargo Home Mortgage
MAC X2302-04D
1 Home Campus
Des Moines, IA 50328
Attn: Tax Refunds

November 20, 2017

#17-387 Amend Agreement with Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 955 State Route 34, Suite 200, Matawan, New Jersey 07747 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., Cleary Giacobbe Alfieri Jacobs, LLC, 69 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436 on January 2, 2017 via resolution #17-04 in the amount of \$3,000.00; amended via resolution #17-294 dated August 15, 2017 in the amount of \$3,000.00 and amended via resolution #17-355 dated November 6, 2017 in the amount of \$3,000.00; 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 November 20, 2017; 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 \$4,000.00.

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 to execute an amended agreement with Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 955 State Route 34, Suite 200, Matawan, New Jersey 07747 in the amount not to exceed \$4,000.00.
2. 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.

November 20, 2017

#17-388 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: Code Enforcer S/W	01-2010-22-2001-011	\$4,500.00
TO: Recreation Commission S/W	01-2010-28-3701-011	\$4,500.00

November 20, 2017

Councilman Bartelloni read resolution #17-389 into the record.

Motion by Councilman Bartelloni, seconded by Councilman Acquafredda to approve the Payment of Bills was unanimously approved.

#17-389 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	\$2,714,923.11
CAPITAL ACCOUNT	\$4,538,672.64
RECREATION ACCOUNT	\$ 10,846.02
TRUST OTHER ACCOUNT	\$ 1,965.94
OPEN SPACE ACCOUNT	\$ 3,313.64
TRUST OTHER DEVELOPERS ACCOUNT	\$ 1,981.25

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 20, 2017

#17-390 Authorize the Release of a Performance Bond for 10 Route 4, LLC, block 1403, Lot 9

WHEREAS, the Borough of River Edge received a performance surety bond from 10 Route 4, LLC for the property located at 10 Route 4 West, River Edge, New Jersey; and

WHEREAS, the Performance Bond was dated March 27, 2017 in the amount of \$22,000.00; and

WHEREAS, the Borough Engineer has certified that the final inspection has been made and approval is given with regard to the project located at 10 Route 4 West, Block 1403, Lot 9 and recommends that the Performance Bond be released; and

WHEREAS, the Borough Clerk has received a Maintenance Surety Bond in the amount of \$3,300.00 which will run for a one (1) year period; and

NOW, THEREFORE, BE IT RESOLVED that the Performance Surety Bond for 10 Route 4 LLC, on file with the Borough of River Edge be released in the amount of \$22,000.00.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to send a copy of this resolution to 10 Route 4 LLC, c/o Joseph Puccio, 390 Wyckoff Avenue, Wyckoff, New Jersey 07481 and The Western Surety Company.

November 20, 2017

#17-391 Resolution Authorizing the Borough of River Edge to Enter into a Bergen County Trust Fund Project Contract with the County of Bergen for the Purpose of Using a Matching Grant Award from the 2016 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund for the Project Entitled "Kenneth B. George Park Field Lighting Replacement Project"

BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge wish to enter into a Bergen County Trust Fund Project ("Contract") with the County of Bergen for the purpose of using a \$30,000.00 matching grant award from the 2016 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic

Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled “Kenneth B. George Lighting Project” located in Kenneth B. George Park at 550 Riverside Way, in Block 620, Lot 1 on the tax maps of the Borough of River Edge; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize the Mayor and Clerk to be signatories for the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about August 9, 2019; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirements.

BE IT FURTHER RESOLVED, that should there be an unexpended balance at the completion of the project, Professional Services Costs will be reimbursed from grant award’s unexpended balance in accordance with the Municipal Park Improvement Program Rules & Procedures Manual.

November 20, 2017

On motion by Councilman Papaleo, seconded by Councilman Bartelloni to **table** resolution #17-392 was unanimously approved.

Tabled

Tabled

Tabled

#17-392 RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION ENTITLED 7-ELEVEN, INC. v. BOROUGH OF RIVER EDGE AND THE MAYOR AND COUNCIL OF THE BOROUGH OF RIVER EDGE, DOCKET NO.: BER-L-9220-15 AND 584 KINDERKAMACK ROAD ASSOCIATES, LLC v. BOROUGH OF RIVER EDGE, et. al., DOCKET NO.: BER-L-9807-15

WHEREAS, the Borough of River Edge (“Borough”) is a defendant in lawsuits entitled 7-Eleven, Inc. v. Borough of River Edge and the Mayor and Council of the Borough of River Edge, BER-L-9220-15 and in the companion matter of 584 Kinderkamack Road Associates, LLC v. Borough of River Edge, et. al., BER-L-9807-15; and

WHEREAS, Plaintiffs sought a Court Order declaring (i) Ordinance 1840 to be improper, invalid, unlawful, arbitrary, capricious, null and void, unconstitutional, and of no force and effect; (ii) rescinding the Ordinance; and (iii) awarding injunctive and such other appropriate relief pursuant to 42 U.S.C. § 1983 and N.J.S.A. 10-6.2; and

WHEREAS, the Borough has denied the allegations contained in said Complaints and have steadfastly maintained that its actions and the adoption of Ordinance 1840 fully comply with all legal and constitutional requirements as determined by law and court decisions; and

WHEREAS, the parties have engaged in settlement negotiations and said negotiations resulted in a comprehensive Settlement Agreement between the parties, which upon the advice and recommendation of counsel, resolved all litigation between the parties and resolved and settled all allegations as set forth in the lawsuit; and

WHEREAS, the settlement of said litigation is intended to resolve all claims against the Borough without the expense of a trial and potential exposure that the Borough could incur if subjected to a trial before the Court; and

WHEREAS, said settlement is not an admission of fault or wrongdoing by the Borough, but

is intended to fully resolve any and all disputed claims between the parties; and

WHEREAS, The Mayor and Council has had an opportunity to review said Settlement Agreement and discuss the terms and conditions of said Settlement Agreement with its counsel; and

WHEREAS, the Council desires to approve the attached Settlement Agreement.

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

1. The Settlement Agreement attached hereto is hereby approved. The Borough is authorized to execute the Agreement and to take all other necessary and appropriate action to effectuate the Settlement Agreement.

ADOPTED, at the public meeting of the Mayor and Council of the Borough of River Edge, held on Monday, November 20, 2017.

November 20, 2017

Mayor Mignone-stated that given where we are on the calendar, he's asked whether a motion would be warranted to authorize Alan to begin the preliminary process to search for a Rec Director contingent on the ordinance passing.

Councilwoman Busted-asked what that would entail?

Mayor Mignone-replied, getting a job description together.

Alan Negreann-asked if that included advertising?

Mayor Mignone-doesn't think we should advertise yet but would like to have all of our ducks in a row instead of starting two weeks from now.

Councilwoman Busted-asked that the Recreation Commission be given the opportunity of looking at the job description.

Mayor Mignone-stated that it's just to start the process.

Councilwoman Busted-asked "to start the preparation of a job description".

Mayor Mignone-again stated that he doesn't want to lose two weeks.

Councilwoman Busted – agreed.

Mayor Mignone-explained that a job description is not meant for filling the job, the job description was meant for salary surveys to see what other directors make in the county based on a level of experience, years of experience and what type of programming they manage.

On motion by Councilman Acquafredda, seconded by Councilman Papaleo to authorize Alan Negreann to start the process of putting a job description together for the Recreation Director was unanimously approved.

OPEN HEARING OF THE PUBLIC –

On motion by Councilman Chinigo, seconded by Councilman Bartelloni to open hearing of the public was unanimously approved.

CLOSE HEARING OF THE PUBLIC –

There being no comments by the public, the motion Councilman Acquafredda, seconded by Councilman Bartelloni was unanimously approved.

COUNCIL COMMENTS –

Councilwoman Busted-reminded everyone of the Rec Commission's Annual Tree Lighting Ceremony which will be held on December 2nd at 4 p.m. Councilwoman Busted introduced her son who was in the audience and stated that he's working towards his communications badge for the Boy Scouts.

Councilman Bartelloni-congratulated Councilman Chinigo and Councilman Papaleo for being re-elected and wished everyone a Happy Thanksgiving. He encouraged everyone to go to our website and look at the Moody's report to see how our surplus has grown and what an impact it has had on the Borough financially. It's very impressive. He saw many poster boards lined up in Alan's office and felt that he was a huge advocate for the Borough and he thanked him for all of his work in securing this bond rating

for us. He said again that it is very impressive to see how far the Borough has come in such a short period of time.

Councilman Papaleo- wished everyone a Happy Thanksgiving and also thanked Alan for everything that he's done for the Borough. He's not sure that the public realizes what a gem he is for the Borough and commended Alan and the Finance Committee for making this possible.

Councilwoman Davis-left the meeting at 7:30 p.m.

Councilman Acquafredda-also wished everyone a Happy Thanksgiving.

Councilman Chinigo-wished everyone a Happy Thanksgiving and thanked the Council for all of the hard work that they've done over the past few weeks.

Mayor Mignone-congratulated his dais mates, Councilman Papaleo and Councilman Chinigo and feels continuity is sometimes very helpful and looks forward to good things next year. The Mayor brought up the Sustainable Jersey Program and said that Green Team leads it. He explained that by doing certain action items, you accumulate points and the points go towards levels such as Bronze, Silver & Gold. One thing the program does is highlight someone monthly, called a Sustainability Hero. In July, the Mayor nominated someone and that person has been accepted. He announced that it's our Chairperson, Bonnie Stewart. The Mayor said that they wrote a three page article and everyone felt that it's well deserved. The Mayor said that it's a really big deal because it recognizes all of the work that she's done and gives her statewide recognition. The Mayor also wished everyone a blessed Thanksgiving.

ADJOURNMENT –7:47 P.M.

On motion by Councilman Acquafredda, seconded by Councilman Bartelloni to adjourn the meeting at 7:47 p.m. was unanimously approved.

Attest:

Mayor Edward J. Mignone

Stephanie Evans, Borough Clerk

Dated: