

MINUTES

Regular Meeting of the Mayor and Council
Tuesday, February 21, 2017
7:00 P.M.

****Reference Video on Borough website for more detailed comments.**

CALL THE MEETING TO ORDER –

Mayor Mignone called the meeting to order at 7:00 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 everyone to remember Leona Fox, the sister of Fire Department Lieutenant Len Coyman and Aunt to firefighter Mallory Coyman and Lieutenant Brian Coyman. Mayor Mignone asked Councilman Chinigo 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 Bartelloni, Councilwoman Busted, Councilman Chinigo, Councilwoman Davis, Councilman Papaleo and Mayor Mignone were present; Councilman Acquafredda was absent.

APPROVAL OF MINUTES –

Motion by Councilwoman Davis, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council Regular Meeting of January 17, 2017 was approved unanimously.

Motion by Councilwoman Davis, seconded by Councilman Bartelloni to approve the minutes of the Work Session meeting of February 6, 2017 was approved on the following roll call:

Councilman Bartelloni, Councilman Chinigo, Councilwoman Davis and Councilman Papaleo voted yes; Councilwoman Busted abstained and Councilman Acquafredda was absent.

PROCLAMATIONS & AWARDS –

Mayor Mignone read the proclamation declaring the Month of March 2017 as “Women’s History Month” into the record as follows:

PROCLAMATION

Whereas, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

Whereas, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

Whereas, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

Whereas, American women were particularly important in the establishment of early

charitable, philanthropic, and cultural institutions in our Nation; and

Whereas, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

Whereas, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history.

*Now, Therefore, Be It Resolved that I, Edward J. Mignone, Mayor of the Borough of River Edge, in recognition thereof, do hereby proclaim the month of **March 2017** as:*

“Women’s History Month”

In Witness Thereof, I have hereunto set my hand and caused the Seal of the Borough of River Edge to be affixed this February 21, 2017.

Mayor Edward J. Mignone

Dated: February 21, 2017

Mayor Mignone presented the proclamation to Councilwoman Busteded and Councilwoman Davis.

Mayor Mignone read the Proclamation Declaring March 12 - 18, 2017 as Girl Scout Week into the record as follows:

PROCLAMATION

WHEREAS, throughout the long history of Girl Scouts, certain traditions remain meaningful and important and are still practiced today; and

WHEREAS, every year the week containing Girl Scout Birthday (March 12th) is bookended by celebrating the connection between Girl Scouts and their faith; and

WHEREAS, Girl Scout Week begins the Sunday before March 12th (a day known as “Girl Scout Sunday”) and extends through the Saturday following March 12th (a day known as “Girl Scout Sabbath”); and

WHEREAS, the Girl Scout Birthday on March 12th commemorates the day in 1912 when Juliette Gordon Low officially registered the organization’s first 18 girl members in Savannah, Georgia and this year represents the 105th birthday; and

WHEREAS, since its founding in 1912, Girl Scouts has enjoyed the support of religious organizations and together they have enriched the spiritual lives of Girl Scout members, each of whom strives from the perspective of their own personal belief to live up to the Girl Scout Promise and Law.

NOW, THEREFORE, BE IT RESOLVED that I, Edward J. Mignone, Mayor of the Borough of River Edge, in recognition thereof, do hereby proclaim:

March 12 - 18, 2017 as:

Girl Scout Week

Mayor Edward J. Mignone

Dated: February 21, 2017

Mayor Mignone presented the proclamation to representatives from Daisy, Brownie, Junior and Cadet troops. He stated that he and the Council are very big supporters of all of their endeavors and would appreciate receiving notice for any of their events. He feels that they are a crucial organization and will support them any way that they can.

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.

Joseph Zemaites, PBA President- read a statement on behalf of the members Local 201 and explained the reasons why they oppose Ordinance #17-4 as it is currently drafted. Statement on file in the Police Department.

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA –

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

MAYOR'S APPOINTMENT

The Mayor appoints Nancy Chiang as Alternate #2 to the **Shade Tree Commission** to fill the unexpired term of Elizabeth Anievas through 12/31/18.

The Mayor appoints Laura Hoogstrate as Chair of the **Environmental Protection Commission**, effective February 15, 2017.

The Mayor appoints Pamela Gould as Alternate #1 to the **Environmental Protection Commission** to fill the unexpired term of Brian Mitchell through 12/31/17.

APPOINTMENTS & PERSONNEL CHANGES –

On motion by Councilman Papaleo, seconded by Councilwoman Davis to approve the resignation of Elizabeth Anievas, Alternate #2 of the Shade Tree Commission, effective January 25, 2017 was unanimously approved.

On motion by Councilwoman Davis, seconded by Councilman Chinigo to approve the salary increase of Renata Sanches, Patrol Officer from an annual salary of \$71,597.00 to Patrol Officer 14th grade - \$79,858.00, effective February 7, 2017 was unanimously approved.

On motion by Councilman Chinigo, seconded by Councilwoman Davis to approve the salary increase of Anthony Roman, Patrol Officer from an annual salary of \$71,597.00 to Patrol Officer 14th grade - \$79,858.00, effective February 7, 2017 was unanimously approved.

On motion by Councilwoman Davis, seconded by Councilman Chinigo to approve the salary increase of Daniel Lee, Patrol Officer from an annual salary of \$122,008.62 to \$124,400.95 due to an increase in longevity from 2% to 4%, effective February 3, 2017 was unanimously approved.

CORRESPONDENCE –

- Notice - River Edge Board of Education – 1/17/17
Re: Meeting 1/18/17
- Letter - S & P Global Ratings – 1/23/17
Re: Credit Rating
- Report - Phoenix Advisors, LLC – 1/25/17
Re: Secondary market Disclosure Compliance Report – December 31, 2016
- Letter - Elizabeth Anievas – 1/25/17
Re: Letter of Resignation – Shade Tree Commission
- Notice - River Edge Board of Education – 1/30/17
Re: Meeting Notice – February 1, 2017
- Letter - Richard Mehrman, P.E. – 2/2/17
Re: Recommendation for Final Certificate of Occupancy – 7 Eleven, 125 Kinderkamack
- Notice - Borough of New Milford – 2/6/17
Re: Notice of Hearing on Amendment to Land Use Regulations
- Letter - State of New Jersey, DEP – 2/14/17
Re: Hazardous Substance Notification-536 Kinderkamack
- Notice - River Edge Board of Education – 2/14/17
Re: Meeting Notice – 2/15/17
- Report - Alan P. Negreann, BA/CFO – 2/13/17
Re: Damage to Public Property
- Letter - Gregory Ogden – 2/7/17
Re: Resignation as Chair of the Environmental Commission

MONTHLY REPORTS –

- Historic Commission - November 2016
- Annual Debt Statement - 2016
- Farmer’s Market Committee - January 2017
- Recreation Commission - November 2016
- Shade Tree Commission - December 2016
- Board of Health - January 2017
- Annual Financial Statement - 2016
- Beautification Committee - January 2017
- Tax Collector - December 2016
- Zoning Board of Adjustment - January 2017, October 2016 & July 2016
- Environmental Commission - February 2017
- Shade Tree Commission - January 2017

OPEN PUBLIC HEARING – OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND ALLOCATION OF MONIES

The Motion by Councilman Chinigo, seconded by Councilman Papaleo to open the Public Hearing on Open Space, Recreation, Farmland and Historic Preservation Trust Fund Allocation of Monies was unanimously approved.

Alan Negreann, Administrator/CFO-stated that the Borough of River Edge adopted Municipal Open Space tax in 2012 which is a five year tax. Each year we hold a public hearing where we send out invitations to interested parties who would be eligible to have funding supplied under this Open Space tax. In addition, we have a second hearing to hear public comment on whether this tax should be renewed for another five years in which case we would place a question on the ballot in November for the public to vote on. This portion of the hearing is to talk about the allocations monies that are available this year from the tax. Mr. Negreann has put together a spreadsheet on the existing funding over the last several years. For instance, the Recreation Commission has a total amount of funding for several years of \$220,271.63, the majority of which is going towards the Kenneth B. George lighting improvement. Some of the other entities that have received funding in prior years are 9/11 Memorial Committee - \$4,050.00, DPW - \$120.00, Shade Tree - \$25,257.00 most of which will be spent this year on plantings. In addition, Beautification has \$241.00, Cherry Blossom Park - \$36.00, Historic Commission-

\$750.00 and Green Team - \$1,906.00. He explained that that's funding from prior years Municipal Open Space Fund which are still active and eligible to be spent. He stated that this year the amount of money available is \$145,689.87, a few hundred dollars in unallocated funds bringing the total to \$146,455.00. We have received requests from various groups which was forwarded to the Mayor and Council prior to the meeting. The only request that was put in front of them this evening was from 9/11 Memorial Committee. All of the requests total \$120,371.00 leaving a balance of \$26,084.00. He stated that the budget process does require that we list the award amounts and encouraged the Mayor and Council to make decisions as soon as possible. He said that tonight is the opportunity for clarification of the requests and there are many representatives present to answer questions.

Requests for Open Space Funding are as follows:

9/11 Memorial Gardens – Total request - \$3,750.00

The motion by Councilman Bartelloni, seconded by Councilman Papaleo to grant the total request of \$3,750 to 9/11 Memorial Gardens was unanimously approved.

Alan Negreann-stated that the 9/11 Memorial Garden still have \$4,050 remaining and they still have about \$3,800 in the Trust Fund from the original solicitation and asked if they have anything in mind for these funds.

Jim Conway-explained that the main thing that they haven't completed is an entry way marking into the gardens. Although he doesn't believe that it will cost anywhere near that amount, he's not willing to give the money up until they've completed that project. He thanked the Mayor and Council for their continued support.

Shade Tree Commission – Total request - \$19,285.00 Breakdown: \$10,585.00 for Tree Planting/Replacement in Arboretum and Parks; \$5,000.00 for part-time summer help to water plants; \$3,500.00 to mulch arboretum trees and \$200.00 for gypsum.

Councilman Bartelloni-was curious about the Emerald Ash Borer and asked if there has been an inventory taken as to where those trees are in town whether it be in the parks or on the streets?

Liz Stewart-Shade Tree Commission-said that we don't have as many in the parks but they have a street tree inventory. She went on the state calculator and figured out what it would cost the town to start the process would be approximately \$43,000 to treat initially. She said that experts have recommended that treating is more cost efficient. She has provided the Mayor and Council and DPW with information on a seminar which will be held on March 17th and encourages DPW employees to attend because they will be the first to spot it. She said that the seminar is free and open to anyone and she thinks that they will discussing sharing services as well.

Councilman Papaleo-asked Liz if she was aware that the Council reduced their operating budget?

Liz Stewart-said that she hadn't received anything.

Councilman Papaleo-asked Alan Negreann to explain the reduction in Shade Tree's operating budget.

Alan Negreann-said that he would have to refresh his memory because he doesn't recall the specifics right now.

Mayor Mignone-said that he thought they kept all of the money in for the ash borer.

Councilman Papaleo-agreed.

Councilman Bartelloni-thought they reduced for plantings.

Liz Stewart-said that they're probably not going to be able to plant street trees this year at all.

Councilman Papaleo-explained that because the ash borer amount was so high he wanted her to be aware of the reduction so that they could modify anything since there is a little extra in Open Space.

Councilman Bartelloni-stated that he doesn't understand some of the regulations of Open Space where you can't use the money for street trees.

Alan Negreann-stated that the reduction was \$22,000 and he feels that there is room for flexibility.

Liz Stewart-asked about the stumps?

Councilman Papaleo-said that they left the stumps in. He wanted her to be aware of the reduction in case they want to change anything at this point.

On motion by Councilman Papaleo, seconded by Councilman Bartelloni to approve the Shade Tree Commission's Open Space request for \$19,285.00 was unanimously approved.

Mayor Mignone asked Alan Negreann to summarize the DPW's request.

Alan Negreann-explained that the Department of Public Works provides certain services in the parks and John Lynch had made a request through his operating budget but since the services and materials are all used in the parks, these items may be allocated to Open Space.

Department of Public Works – \$9,500.00 for maintenance on mowers and trimmers, etc.; \$5,000.00 for a hot box for electrical and plumbing at 140 Kinderkamack and \$2,500.00 for a hot box at Kenneth B. George for the same services.

On motion by Councilman Papaleo, seconded by Councilman to approve the Department of Public Works Open Space request of \$17,000.00 was unanimously approved.

Beautification Committee – Total request - \$3,500.00 Breakdown: \$2,500.00 for Planting of Annuals and Perennials at Borough buildings; \$1,000.00 to start new gardens/plantings at Cherry Blossom Park.

On motion by Councilman Papaleo, seconded by Councilwoman Davis to approve the total Open Space request in the amount of \$3,500.00 was unanimously approved.

Jim Teehan, Chairperson of the Recreation Commission-introduced himself and stated that the Commission has asked Bobbi Conway to be their spokesperson in presenting their requests.

Recreation Commission – Bobbi Conway explained in detail the breakdown as follows: \$11,820.00 for Park Maintenance; \$24,509.00 for Field Maintenance; \$27,907.00 for Maintenance and Field Project and \$12,600.00 for Park Projects (Cherry Blossom).

Councilwoman Busted-asked with regard to Cherry Hill fields, by bringing it to a 50 foot radius without a mound could be available for play aside from Little League?

Councilman Bartelloni-responded, correct.

Councilman Papaleo-asked if weed problem in the grassy area would be taken care of?

Bobbi Conway-asked if he was referring to Cherry Hill?

Councilman Papaleo-replied yes.

Bobbi Conway-explained that they don't utilize that area, it's only used by the school for recess and the maintenance for that would be quite extensive because there is no water and they don't allow you to put fertilizer on it. She continued to say that the Rec programs do not use the outer portion of the fields.

Mayor Mignone-stated that the Board of Education has a different opinion on that. This is why we're in the midst in trying to renegotiate our interlocal agreement with them because our agreement says that we're responsible for field maintenance. It is their contention that if we use the infield then obviously we use the outfield and if we use the outfield, we should be responsible for maintaining the grass. The Board is looking to us to improve the condition of the grass field presently. The Mayor said that they're working with the Board of Education to come to a better understanding as to what the expectations and obligations of both parties are going forward not only at Cherry Hill but as Roosevelt as well.

Councilman Papaleo-commented that since there is a sub-committee and the Council is not privy to this information, is there a recommendation to put aside Open Space funding if that is the resolution of the sub-committee?

Mayor Mignone-replied that he's doesn't know if they are at a point to come up with a dollar amount. He stated that there will be some remaining unallocated funding and it is something that they will have to keep in mind.

Councilman Papaleo-stated that since the law requires that we itemize where we're going to spend the money, would we need to state that or would the unallocated funds be sufficient for use later on for Cherry Hill.

Alan Negreann-explained that not everything needs to be allocated tonight. You can have unallocated funds during the year and make decisions later on. There is a section of the budget that asks us to describe in 2017 how much we're putting into development of lands and maintenance of lands. We've done a significant amount tonight which is more than enough for him to complete the requirement for the budget document and will leave some unallocated funding for decisions that they may make during the year.

Mayor Mignone-feels that they should keep unallocated funding for final costs for the lighting project at KBG and the Rec Commission has engaged an engineer to come up with an assessment of all of our facilities so there may be recommendations that we might be able to go forward with. The Mayor feels that keeping unallocated funds would be prudent this year.

Councilman Papaleo-agreed.

Councilman Bartelloni-commented that what the Board of Education is willing to allocate towards the field project at Cherry Hill seems to be conditional on our taking an active role in

maintaining the outfield as well. With regard to the sprinkler system at Cherry Blossom Park, although he doesn't want to see Mrs. Cariddi watering everything herself, he is concerned that the Borough's water bill keeps going up. This year alone we allocated over \$40,000 for the Borough which is quite significant and by adding additional sprinklers it's going to keep driving up the water bill. He asked if they could plant things that are drought tolerant and native plants that don't need to be watered quite extensively as opposed to installing a sprinkler system. Councilman Papaleo-suggested that they let Rec finish and then bring Michele Cariddi back up for that.

Mayor Mignone-stated that Rec is asking for the allocation.

Councilman Bartelloni-stated that to a certain extent, Cherry Blossom has become nobody's land in a sense because it's supposed to be under the auspices of Rec, the trees are under the auspices of Shade Tree and it doesn't seem like anyone wants to take full ownership of it. His main concern is a water bill that keeps going up and as far as he knows, the state is still in a drought and he's not sure that putting a sprinkler system in would be prudent at this time. Open Space is up for referendum this year and it may not be reauthorized so it may be in our best interest to leave money in those lines for 2018.

Councilman Papaleo-stated that Cherry Blossom Park had become a political hot potato.

Although he agrees that it might be a good idea to plant drought resistant plants, it may not work with the current design of the park. He stated that the park needs water now but does concede that the tree farm was greatly over watered and that could be a reason for the increase in water usage. He agrees that they've spent a lot of money for water and feels that they need to get a handle on how much water the tree farm and park area uses. At this point, he would like to see a sprinkler system installed because he doesn't think it's sustainable to have Greg & Michele Cariddi lugging water and hoses during hot summer days. Councilman Papaleo feels that we need to maintain borough property and there needs to be a minimum amount of watering in a reasonable and sustainable fashion and thinks the sprinkler system would allow us to do that.

Councilwoman Busted-reminded the Council and members of the public that the Recreation Commission this year working with Michele Cariddi has done a tremendous job in maintaining that property for the Borough. They've rolled up their sleeves, they were out there with wheel barrows moving dirt and rocks and feels it's important to remind everyone that we have a volunteer organization that has met the needs of that park up to this point and should be thanked for that. She echoes Councilman Papaleo's comment that it is our property and we should maintain it, and yes, we should look for drought resistant plants whenever we can but totally supports the sprinkler system as well.

Councilman Bartelloni-stated that he doesn't want to take anything away from our volunteers and as he said before, doesn't want to see Michele and her husband watering plants manually. In other areas in other parks, our DPW goes around and waters things which is one of the things that they talked about with summer help for Shade Tree, having a watering truck to go around and water things. He again stated that in some ways if Michele hadn't adopted it, this park had become an orphan because nobody wanted it. His major concern is that we keep investing money in it and if you add the state, local and county, there's at least \$1,000,000 invested into this property. He stated that this Council wants to keep adding money to it when residents want to use it for parking. He's not sure that a sprinkler system is the right expenditure at this point especially since our other parks are not operating that way.

Mayor Mignone-agreed with Councilman Papaleo that the tree farm is overwatered and he believes that the Borough spent over \$19,000 one year watering it. As he has said at budget meetings, his goal is to make sure that every dollar that is spent, we're getting value for that money. To spend \$5,000 to water a handful of trees at Cherry Blossom Park is the highest and best use of that money particularly when there are other priorities which have not been explored yet. There are issues with the basketball courts at Memorial and Brookside, we will need money to offset some of the debt we're accruing for the lights so we have to ask ourselves as a Council if this is the highest and best use of the money and are we getting value for the money. He feels if we had a better handle of how much water is being used, we can explore it at a future time. When we're in a situation of a potential drought watch, he's not sure it makes sense to put the money in for a sprinkler system right now.

Councilman Papaleo-feels that everyone has made excellent points. He said that five years ago when he was first elected to Council he stated on the record that he didn't agree with the purchase of Cherry Blossom Park and would not have voted for it. He has also stated on the record that if this is our property, we need to take care of it. It was his understanding that we could not sell or change the usage of the park because of the grants we got and to turn it into a parking lot is not an option.

Councilman Bartelloni-said that that is correct and the only reason he brought it up to make the point that many residents are not looking to use it as a park.

Councilman Papaleo-stated that we don't have the authority or ability to change the usage and if

that were possible, he would have moved to sell it. He thinks personally the reason why the public feels that way that they do is because we haven't finished it because of the expense. He feels that the public isn't using it because it's a dry park and again feels that to not provide sprinklers would continue to leave it in poor condition.

Councilwoman Davis-asked if the watering truck that they spoke about, is that a possibility for that park? She's been a resident in town for many years and was unaware of where the park was located so she found it and walked it. She agrees that people are not interested in using the park because it's not appealing but she would also be interested in looking into other options for watering instead of Michele doing it.

Councilman Papaleo-explained that John Lynch has not planned or budgeted for that and if it's something they are thinking about, they need to revisit the budget to add the extra hours, for the men and vehicles. Because it's not a small park and it would require weekly or biweekly watering over a 5 week period. Councilwoman Papaleo thinks that the sprinkler system is a better use of the money and is not sure that the offset year in and year out of DPW sending a truck up there is a good use. He feels that we're robbing from Peter to pay Paul.

Mayor Mignone-stated that we didn't allocate any increase in the water budget either and we don't know how much water this system will use so we would have to go back and amend the budget line because it was not included.

Councilman Papaleo-said that if we do what the Mayor had suggested by sending John and his men up with the water truck, one way or another we would have to amend that water line. He asked the Mayor if would prepare not to water it at all?

Mayor Mignone-replied, no it's not a priority especially since we still have issues with the KBG playing fields where groups are saying that they're not playable and we have broken tennis courts. He feels that there are other things that they should be prioritizing on and doesn't think that the sprinkler system is a priority this year.

Councilman Papaleo-said he respectfully disagrees but understands his point.

Mayor Mignone-stated with regard to the fence, the Borough repaired the section that the Board of Ed has asked that we repair. The Mayor said that after speaking with them, they are completely content with the status of the way the fence is now so he would not be in favor of replacing any fencing at this time.

Councilman Papaleo-asked which fencing are they talking about, the one by the baseball field or the one by the park?

Mayor Mignone-replied, the park fence on the north side. The Board of Ed has asked that we repair one section which we did.

Councilman Papaleo-stated that he has no problem with that if it's safe. He asked how much the fence costs in the overall request?

Councilwoman Davis-replied \$7,285.

Councilman Papaleo-asked Bobbi Conway for her opinion on whether she felt the fence was safe.

Bobbi Conway-explained that it's an old farm fence that has cross wires across the top railing which can be a hazard to children who may try and climb over it. They've been saying that from the very beginning that it's an old farm fence to keep crows off of it.

Councilman Papaleo-said that it doesn't sound safe at all.

Bobbi Conway- said that it is not safe. She understands that the section that was repaired was done so because it was open so that DPW could get their equipment in. She feels that the rest of the fence is a safety hazard.

Mayor Mignone-feels that the Commission should state that because when this first came up that the Board of Education was concerned about the safety of the fence. When he asked them what the concern was they asked him to close that one section. He asked if that was all that they wanted, they said that's all the Board of Ed wanted. The Mayor said that if the Rec Commission wants to do that separately, they can certainly say that it's a priority of the Commission. He feels that with all the other pressing issues in our other parks, he doesn't understand why this particular park always seems to rise to the top when Open Space comes around. If the Commission considers this park a priority over the other parks, that's their decision but he doesn't want to hear that there's problems that groups can't play at KBG because it's slanted or doesn't drain or we have issues with broken basketball courts. Basically they're saying that the \$5,000 for sprinklers and \$10,000 for fencing is the number one priority of the Recreation Commission. If that's how the Commission feels then the Council will have to take that under advisement.

Councilman Chinigo-asked if there is a way we could fix it without replacing the entire fence?

Bobbi Conway-explained that the entire fence is old and rusty and she is not sure how you would repair that.

Councilman Chinigo-asked if the danger comes from the spikes on top that keep the birds away?

Bobbi Conway-replied, yes but it's also very rusty. The company that provided the quote told

her that the fence was probably older than the school. Besides being unsightly, she feels that it's a danger to the children because of the wires on top.

Mayor Mignone-stated that when the Commission had the opportunity to include that in an improvement project, they took it out of the Phase 1 improvements because the budget was too high. The Mayor feels that if it was a priority then, it would have been addressed at that point. We bought this property in 2008 or 2009 and is not saying that it won't need to be repaired at some point and still feels that it is not the highest and best use of our taxpayer money.

Councilman Chinigo-asked if any child has gotten hurt in the past ten years?

Bobbi Conway-stated that as far as the Commission is concerned, it's something that should be replaced because not only is it unsightly but unsafe.

Mayor Mignone-suggested that it be removed instead of being replaced.

Bobbi Conway-said that it would be an issue with the school board because they may want a fence there.

Mayor Mignone-stated that they can put a fence on their property but we're not obligated to put one up on our property.

Bobbi Conway-agreed that that would be an option to take it down, take the stumps out and keep in open.

Mayor Mignone-doesn't think that's what the school wants because they don't want anyone crossing over.

Councilman Papaleo-stated that the school has their own budget so he agrees that if they want to put up a fence, they can put up a fence. He feels that it's acceptable to leave money in to have the fence removed. If they chose to put up a fence he doesn't think anyone would object.

Mayor Mignone-said that he doesn't have an objection to that but we would have to have a condition that we would have to be in consult with the school. He's not looking to get into an argument with them if we take it down and they don't want it down, etc. We're in the midst of working with them on a host of various improvements at both fields and he's not looking to make anything adversarial over a fence.

Councilman Papaleo-since the Council is not privy to these conversations, he suggested that they leave the Rec budget as is with the understanding that the Council would prefer the fence come down. If it becomes an issue with the Board of Education, the Mayor as one of the negotiators with the Board wants to put that up, then you would have flexibility whether it would come from Rec or the Board. He feels that the fence should come down immediately if it's unsafe and then whether we're going to replace it or the Board is going to replace it might be something that the Mayor and committee can negotiate before the summer is over. He recommends that they leave Rec's budget as is with the hope that someone will put a fence there but if not, better to remove a dangerous eyesore than leave it up.

Councilwoman Busted-wants to make sure for the benefit of the Council and public as well that the Rec Commission is not ignoring any improvements or repairs that are needed to the basketball courts or hockey fields. She feels that the impression that the Mayor is leaving with some people is that they are not considering those projects, and is not on their radar or they don't have a plan for those improvements because they do. Whether it's happening now or it's happening down the road, they certainly are not ignoring those projects.

Mayor Mignone-stated that his point is about priority setting.

Bobbi Conway-explained that they have funding for the basketball court repair in Open Space in 2015. They set it aside for the repair and they're looking at a total renovation which they are working on. She said that they are not ignoring other projects because of the \$7,500 fence removal and sprinkler system.

Mayor Mignone-said that Councilman Bartelloni's point is that when this goes to referendum again and the general public is looking at what we're funding through this, there was a lot of discussion, debate and misinformation the first time around about how the money was allocated. He feels that it's a good thing to have because it's a good source of revenue which enables us to do things that we wouldn't be able to fund normally. The Mayor feels that when he has to explain to the public what the money is being allocated to, he'll have a hard time arguing some of the projects that have been deemed priorities.

Councilman Bartelloni-said that the Mayor is correct in that we're operating in the blind and they're anxiously awaiting the annual report which will explain the Commission's plans and long term goals and where they're going to prioritize. He said that now we have our Rec Commission and Director stating that this is a dangerous condition that exists and God forbid someone get hurt, some attorney will get a hold of these minutes and say that we were aware of a dangerous condition and failed to deal with the problem. With that on record, he feels that they have to take action whether it's removed or replaced.

Councilman Papaleo-said that the Rec Commission is not an expert on public safety and they are making subjective not an objective determination as an expert witness.

Councilman Bartelloni-understands that but he feels it's important to allocate the money to at

least the removal of the fencing.

Mayor Mignone-stated that John Lynch will remove the fence if they so direct him to.

Jim Teehan-stated that as far as long term goals, they have contracted with Mazur Engineering for that. He, Bobbi and representatives from Mazur Engineering have spent many hours going around to all of the parks. They just had a meeting this week with them and they're putting together plans to go over with them and Mayor and Council for safety issues and all other projects. He wanted the Council to know that they are moving forward with other projects and aren't just focused on what was brought before them tonight. He understands that no one wants Cherry Blossom Park and they're taking care of it as best as they can because we have it. He, Bobbi, Michele and Greg Cariddi have all been down there moving rocks, etc. because it's part of our town and we care it. He would hate to see all of the work that has been put into it already disappear. He doesn't feel that a water truck would work well because the ground is not meant for vehicle traffic and may damage the surface. He feels that it's important that they find common ground because they're stuck with it and they want to make it look the best that they can. He agreed that the fence is an absolute eyesore and looks horrible and needs to either come down or be replaced. He is disappointed that this keeps going back and forth but feels that they have to preserve what they've already done there.

Mayor Mignone-said that we've spent \$177,000 on Phase 1 and the fence should have been replaced at that time and the broken macadam wasn't fixed either. The Mayor said that he was against the project but when the plan came before them and they started making cuts, those were the things that shouldn't have gotten cut. To come back now, 2 years later and say that these things are priorities and we have to fix them because their safety issues, because it should have been done then. To keep putting more money, hand over fist into the park, which no matter how many plants and trees will not attract more people to go there. He understands that we don't want it to be an overgrown vacant lot but it just needs to look nice. The Mayor said that right now we're looking at \$12,000 which shouldn't be a priority at this point.

Councilman Bartelloni-said that they've been having discussions with the Board of Education about the replacement of the shed at Roosevelt and some batting cages. They've gotten somewhat tacit approval from the board for those two items pending receipt of a final location as to where the shed will be. The shed project originated with a request from REGAL but the Board of Ed has made it very clear that if a shed is allowed, they do not want it used exclusively for REGAL, it should be a Borough item. The shed as proposed will come at a cost of about \$10,000 and the batting cage at an additional cost of \$2,500. He would like to see these items added to the Open Space because he thinks they are worthwhile projects.

Councilwoman Busted-wanted to clarify that the REGAL organization had agreed to participate in the funding of that item and she believes that Councilman Bartelloni is suggesting is to not have them participate in the funding of that item but to have it solely funded by Open Space.

Councilman Bartelloni-replied, yes.

Councilman Papalei-asked "why is that?"

Councilman Bartelloni-explained that the Board of Ed has made it very clear that it cannot be made exclusively for REGAL and that any other borough organization has to be able to use it.

Mayor Mignone-said that the Board of Ed can enter into a separate agreement with REGAL but that's not what they want to do. He continued to say that the borough has an agreement with the school board any asset would be a borough asset and to their point if it's going to be a borough asset it should be open to any borough league or participant who wants to use it not limited to one specific league. He has said in the past to the Rec Commission that they need to get away from saying this is REGAL's, this is Little League's, it's all the Borough of River Edge's. We use Cherry Hill and Roosevelt fields we ask for specific permission to use them for Rec activities and the Board of Ed lets us use them. He thinks that we have to heed their request that they think any improvements made are by and of the Borough and not by third parties.

Councilman Papaleo-said that part of the problem is, it's very hard for himself as a Councilman, to be dealing with this sort of issue when it's part of a negotiation when he and other members of the Council are not privy too. He feels that we're putting the cart before the horse. Here we have REGAL offering to give us money for such an improvement, and the Mayor has spoken rightly that our taxpayers should get the most from their money, and now they're saying we're going to refuse the money and put the burden on the taxpayer. He said that it might be the perfect solution but he can't make an objective decision because he was not part of any of the discussions. In addition to that, the Board of Ed is a co-municipal entity we are also subsidizing their budget to some degree by plowing their school lot. His frustration is that he doesn't know how to vote on something like this because he doesn't know all of the pieces because the pieces are mostly hidden. He has the greatest confidence in the Mayor and Councilman Bartelloni but is expressing frustration because as stated, the fence at Cherry Blossom Park is too much of a burden on the public but putting in a \$12,000 shed because the Board wants it and the Board should get what it wants, is okay for us to do with taxpayer dollars. He's not saying that it's a wrong decision but

feels that if he was privy to the conversations he might be saying it's a phenomenal idea but it's hard to vote in good conscience about how one thing is highly inappropriate and the other is highly appropriate when he's in the dark. He would greatly appreciate having his frustration alleviated.

Mayor Mignone-didn't say that REGAL shouldn't contribute if they didn't want to. What he is saying is that the Board of Ed does not want an asset owned by the third party on their property. If it were in theory purchased by REGAL for REGAL's exclusive use, any other Rec group who uses that field would not be able to store or have access to the equipment that's in there.

Councilman Papaleo-asked "doesn't REGAL use the field 90% of the time?"

Bobbi Conway-said that it's exclusive to REGAL, except Black Hawks Soccer, which is not part of our Recreation program utilizes the field in the fall.

Councilman Papaleo- asked if that is River Dell?

Bobbi Conway-replied, yes it's River Dell Black Hawks Club Soccer which is not under our CAC youth organization.

Mayor Mignone-stated that River Dell Black Hawks are under the auspices of the River Dell Soccer Association.

Bobbi Conway-said that they're not part of the CAC.

Mayor Mignone-said "but they are under the auspices of the River Dell Soccer Association, are they not?"

Bobbi Conway-replied, yes they are.

Mayor Mignone-stated that that is part of the CAC.

Someone asked that question whether the coaches are fingerprinted?

Bobbi Conway-stated that they do not cover their insurance, they do not use our Borough fields, we do not get their coach lists with their requirements, they are a separate entity and are not part of our CAC at this point. She said that REGAL does use it from April through August.

Councilman Bartelloni-said that he's racked his head on this for just over a year and it just seems he always comes up against opposition when you ask for money for REGAL. He doesn't understand it. He said that there were two proclamations on this evening, one for Women's History Month and one for the Girl Scouts, but when it comes to our girls and their sports they keep getting opposition. He thinks that this is a no brainer and doesn't understand why you wouldn't want to do something for our girls and has come to find that it's just the opposite. He said that it's perfectly fine to ask for \$7,600 for bathroom doors and perfectly acceptable last year in Open Space to ask for \$6,000 for fence repair, \$10,000 for dugouts and \$7,200 for benches for the Little League. Councilman Bartelloni said that if you ask for any money for REGAL, you're told no, let REGAL pay for it. He doesn't understand it.

Councilman Papaleo-said that it's not that he's against it but he doesn't get it because he's missing information as to why we are paying for it. He said that if REGAL wishes to donate to that shed, he has no problem with it, but that wasn't the way it was presented.

Mayor Mignone-said he didn't get a chance to articulate that.

Councilman Papaleo-asked if River Dell who is not covered under our insurance and we don't have any evidence that they've gone through the proper training, would they be given keys to the shed and if so, how would the equipment that REGAL is keeping in the shed be secured?

Mayor Mignone-said that we're talking about rakes, shovels and clay that would be stored in the shed.

Councilwoman Busted-asked "can't we come to some type of a compromise with a donation from REGAL if they wish to make one?"

Councilman Papaleo-said that would be great.

Mayor Mignone- agreed and but said that at the end of the day, the Borough has to be the proactive actor in this according to the Board of Education.

Councilman Papaleo- said that that's because the Board of Education doesn't want to enter into an agreement with REGAL, they only want to enter into an agreement with us.

Mayor Mignone-said yes, because that's the way the agreements have always been.

Councilwoman Busted-said that we still have an Open Space discussion here that we can move forward with. The proposal that the Board of Education has come to us with is a separate sub-committee issue. She asked if they can move on this?

Mayor Mignone-said let's address Rec first because we can always add that. He doesn't think that the Commission has any authority over the school fields anyway. If the Borough is going to make any improvement, the Borough has to make the improvements.

Councilwoman Busted-asked "so do we need a motion?"

Councilman Papaleo-yes, Alan wants some kind of a motion for the four current items.

Mayor Mignone-suggested that they vote on them individually.

Motion by Councilman Bartelloni, seconded by Councilwoman Busted to allocate \$11,820 for Park Maintenance was unanimously approved.

Motion by Councilwoman Busted, seconded by Councilman Papaleo to allocate \$24,509 for Field Maintenance was unanimously approved.

Motion by Councilwoman Busted, seconded by Councilman Papaleo to allocate \$27,907 for Maintenance and Field Projects was unanimously approved.

Councilman Papaleo-said that he would agree to removing the fence if the Council would give some sort of consent to ask John Lynch to do so. He would agree to reduce that item by the amount of the replacement fence if it is the Council's desire and intention to direct John to remove the old fence.

Mayor Mignone-said that unless there is something unforeseen, if doesn't see any reason why John wouldn't do it.

Councilman Papaleo-asked what the new amount would be?

Alan Negreann-said, \$5,315.

Motion by Councilman Papaleo, seconded by Councilwoman Busted to modify the Park Project request to \$5,315 which includes \$315 for stump removal and \$5,000 for a sprinkler system was approved on the following roll call:

Councilwoman Busted, Councilman Chinigo, Councilman Papaleo voted yes; Councilman Bartelloni and Councilwoman Davis voted no and Councilman Acquafredda was absent.

Councilman Bartelloni-requested that \$10,000 in Open Space for purposes of a shed and leave the batting cage alone. He said that if REGAL want to do that then let them do that because it would have usage only by them.

Councilman Chinigo-asked "wouldn't you have the same problem then?"

Mayor Mignone-said that we would have to purchase it.

Councilman Chinigo-asked how that would work since the Board of Education needs to approve it?

Councilman Bartelloni-said that they already have approved it. Their main concern was the shed and the fact that other groups would come along and each want their own shed.

Councilman Chinigo-asked "what precisely will the shed encompass?" Is it just a storage shed, will there be a place for the girl's to sell candy and soft drinks?

Councilman Bartelloni-said that the Board would not okay that usage.

Councilman Chinigo-said that the whole purpose of the shed is for the storage of clay and rakes?

Councilman Bartelloni-said that largely it would also store materials that are currently stored in Memorial Park. In the future, they would also like a tractor to rake their own fields and they would need some place to store that.

Councilman Chinigo-asked if there was any mention as to adding a snack stand over there?

Councilman Bartelloni-replied yes there was but the Board of Ed would not okay food being sold out of a snack stand because they were worried about garbage and neighbors complaints.

Councilman Chinigo-said that his issue is that it seems that the boys sports in town have ways of making generating money from snack sales which is quite substantial and the girls don't have any chance to do that. He asked how is that just, fair and equal?

Councilman Bartelloni-replied, it's not. He explained that their proposal did include a snack stand for goods to be sold and Councilman Chinigo is right, Little League has had the benefit of raising revenue from the snack stand and advertising along the outfield walls. The Board of Ed has approved the concept of a shed that was originally proposed but at this point they don't want sales going out of the shed, but they have said that REGAL could set up a temporary tent to sell food out of.

Jim Teehan-explained that during their meeting with REGAL and the Board of Ed, REGAL presented a proposal which included a snack stand but not the same as Little League with hot dogs, running water, etc. It would be food that could be brought in and out during the day which seemed like a great idea. His opinion as the Recreation Chair is that we shouldn't agree to anything right now because we're not getting what we want. We should try and negotiate with them to try and get a snack stand.

Mayor Mignone-explained that the initial request did not include the snack stand. When they started discussions with the Board of Ed it was the shed and batting cages. They responded in good faith to let them do this. We're not in the position to change conditions at this point because this is what the Board has said to us because it is not our field. As the Mayor has said in the past, we have a field at KBG that no one seems to want to use that has snack stand ability that

REGAL would be entitled to use. He's been told that there's no field time or that the field isn't level. The Mayor feels that if there are improvements to be made, that's where they should be made because it's a Borough field. After whatever term we come up with on this current agreement, the Board of Ed can say okay we don't want you hear anymore, we want to use it for something else. We shouldn't be thinking of it as our property to use forever. Whatever accommodation from the Board now we should respectfully appreciate and accept what they offered at this time. If they are amenable to allowing a snack stand in the future, that would be subject to discussions with the Board. The Mayor feels that we have acted in good faith and so have they.

Councilman Chinigo-asked if we go back and ask something else is there a danger that they will pull out of the shed?

Mayor Mignone-replied yes, they have already said that they do not want a snack stand.

Councilman Bartelloni-stated that maybe if they realize that REGAL has been a good tenant, which they have been for many years, if we sell food out of tents as proposed, then perhaps they will change their position and the structure will be able to accommodate that.

Councilman Chinigo-said that REGAL has sold food in the past at these fields on numerous occasions and afterwards volunteers have cleaned everything up leaving the area spic & span. It would seem that there would be more of a danger that garbage is left when there is a temporary situation and people are not used to the clean-up versus a permanent situation and part of the duties of whoever is opening and closing up the snack stand is to make sure that the garbage is taken care of, there's nothing in the field and everything is clean. He feels that this is something that would be beneficial to the town of River Edge, the Board of Education and everyone involved so he's not sure where the opposition is coming from.

Councilman Bartelloni-said that he's preaching to the choir. As of right now that is their position although he doesn't fully understand it but at this point he wouldn't want to re-open negotiations on the issue but rather leave it alone and move forward on a more global scale to continue negotiations on other proposed projects.

Mayor Mignone-said that for the six years that he's been here, they have not had the level of cooperation with the Board of Education that they've had this year. To establish a good relationship, takes a lot of patience and time and you have to build good faith on both sides because it hadn't been there in the past. The Mayor said that Councilwoman Busted and Councilman Bartelloni's efforts have been well documented and respected but asked them to remember that we're asking to be guests on their property. He is happy with the progress that they've made so far.

Motion by Councilman Bartelloni, seconded by Councilman Chinigo to allocate \$10,000 of Open Space funding for a shed at the Cherry Hill School field was unanimously approved.

Mayor Mignone-asked Alan what the total is?

Alan Negreann-stated the total award is \$123,086 and a little over \$23,369 in unallocated.

Mayor Mignone – said that it looks fairly certain that we will be getting that \$30,000 allocation from the Bergen County Open Space towards KBG also. We had the match already set aside for in last years budget.

Councilman Bartelloni-asked how the light project is going?

Bobbi Conway-reported that the old lights are down, the 31 pilings were put in place, they're excavating around the pilings to put in concrete platforms and 2 are done and working on the 3rd with 5 more to go. They're moving right along and Bobbi commended the company that we're working with for being very professional and are very pleased with them. She said the project should be complete by mid-March.

Councilman Bartelloni-asked if they have requested any change orders?

Bobbi Conway – said no, nothing.

Michele Cariddi, 193 Wayne Avenue-stated a questions was put on a referendum whether the residents wanted the school to purchase the parcel of land next door, which is now Cherry Blossom Park, for a parking lot. That referendum failed. She said that decisions that are made tonight will affect the park in the future because 30 years from now when we're not here, there will be an area fully of beauty for residents to enjoy. As far as the sprinkler system, Michele said that yes they could do without it but it will save time and energy. She said that last summer, the DPW would water a patch of ground with flowers on it by Route 4 three or four times a week and no one questioned that. All that she is saying now is that the trees and bushes at Cherry Blossom Park that are there now are still at a phase because they are small, where they need to be watered in order to survive. She said that they do intend to plant things that won't need a lot of water. She feels that we should grab any piece of open space that we can.

Councilman Papaleo-thanked Michele for reminding them that the residents voted down the referendum.

Mayor Mignone-stated that if everyone recalls, the price that they wanted to sell it to the school district was close to \$900,000 and we bought it for \$450,000 so had the \$450,000 been offered as the referendum, we don't know how that would have went. The Mayor feel that it should have never been sub-divided in the first place but the church wanted to sell the property and that was it. If we told the taxpayers that we're already put almost \$1,000,000 into that park already he's not sure that would sit well either so we have it, we don't want to see it become a waste land and it's our responsibility forever. The Mayor said that because it's Green Acres, it restricts all of our parcels making it difficult for us to do anything with regard to all of our parks.

Councilwoman Davis-told Michele that this arguing over the park has nothing to do with what she has done for the town.

Mayor Mignone-said that since the sprinkler system was approved, he would hope that they would put a meter on it to keep better track of water usage.

Councilman Papaleo-commented that the water bill encompasses everything that DPW uses.

Mayor Mignone-said that the water bill went up \$19,000 after the tree farm was put in and feels that nothing has changed and there will be the same amount of water there.

Councilman Papaleo-said that he will speak with John about that but he assumed that it's on a timer and they would have a more reasonable watering. Because they're not saplings anymore, so they don't need the same amount of water.

CLOSE PUBLIC HEARING – OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND ALLOCATION OF MONIES

The motion by Councilman Bartelloni, seconded by Councilwoman Busted to close the Public Hearing on Open Space, Recreation, Farmland and Historic Preservation Trust Fund Allocation of Monies was unanimously approved.

OPEN PUBLIC HEARING – RENEWAL OF THE MUNICIPAL OPEN SPACE AND HISTORIC TRUST

The motion by Councilman Papaleo, seconded by Councilwoman Davis to open the Public Hearing on the renewal of the Municipal Open Space and Historic Trust was unanimously approved.

CLOSE PUBLIC HEARING – RENEWAL OF THE MUNICIPAL OPEN SPACE AND HISTORIC TRUST

There being no comments by the public, the motion by Councilman Bartelloni, seconded by Councilman Papaleo to close the Public Hearing on the renewal of the Municipal Open Space and Historic Trust was unanimously approved.

ORDINANCES – 1ST READING –

Stephanie Evans, Borough Clerk read the title of Ordinance #17-7 into the record as follows:

Ordinance #17-7 AN ORDINANCE AMENDING ORDINANCE #1454 CREATING AND ESTABLISHING THE RIVER EDGE BEAUTIFICATION COMMITTEE

On motion by Councilman Papaleo seconded by Councilman Chinigo the first reading of Ordinance #17-7 was approved unanimously as follows:

BOROUGH OF RIVER EDGE ORDINANCE #17-7

AN ORDINANCE AMENDING ORDINANCE #1454 CREATING AND ESTABLISHING THE RIVER EDGE BEAUTIFICATION COMMITTEE

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, State of New Jersey that Chapter 15-1 Establishment; membership of the Beautification Committee of the Code of the Borough of River Edge shall be amended as follows:

SECTION I:

Delete:

Eight members shall constitute a quorum.

Add:

Five members shall constitute a quorum.

SECTION II:

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

SECTION III:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

SECTION IV:

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

Edward J. Mignone, Mayor

Attest:

Stephanie Evans, Borough Clerk

Dated:

Stephanie Evans, Borough Clerk read the title of Ordinance #17-8 into the record.

Ordinance #17-8 AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION
N.J.S.A. 40A:4-53

On motion by Councilwoman Davis, seconded by Councilman Bartelloni the first reading of Ordinance #17-8 was unanimously approved as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #17-8

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

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen and State of New Jersey, that pursuant to N.J.S.A. 40A:4-53 (Chapter 48, P.L. 1956 and Chapter 38, P.L. 1969) the sum of \$3,400.00 is hereby appropriated for the

A. Preparation of a revision and codification of ordinances.

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

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

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

Mayor Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk

Dated:

Stephanie Evans, Borough Clerk read the title of Ordinance #17-9 as follows:

Ordinance #17-9 AN ORDINANCE TO AMEND ORDINANCE #17-2 TO FIX THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY FOR THE YEAR 2017

On motion by Councilman Chinigo, seconded by Councilman Bartelloni the first reading of Ordinance #17-9 was approved unanimously as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #17-9

AN ORDINANCE TO AMEND ORDINANCE #17-2 TO FIX THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY FOR THE YEAR 2017

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

Section 1: The compensation for the part-time positions and officers of the Borough of River Edge for the year 2017 shall be as follows:

	<u>2017</u>	
	<u>Hourly</u>	<u>Annually</u>
Library Page	\$8.44 - \$12.25	

Section 2: This ordinance shall take effect immediately after the first publication after final passage as provided by law.

Edward J. Mignone, Mayor

Attest:

Stephanie Evans, Borough Clerk

Dated:

ORDINANCE – 2ND READING –

Mayor Mignone recused himself for Ordinance #17-4.
Council President Papaleo called for a five minute recess at 9:01 p.m.
Council President Papaleo re-opened the public meeting at 9:06 p.m. and asked Stephanie Evans, Borough Clerk to take a roll call.

ROLL CALL: Councilman Bartelloni, Councilwoman Busted, Councilman Chinigo and Councilman Papaleo were present; Councilwoman Davis and Mayor Mignone recused themselves and Councilman Acquafredda was absent.

Stephanie Evans, Borough Clerk read the title of Ordinance #17-4 into the record as follows:

Ordinance #17-4 AN ORDINANCE AMENDING AN ORDINANCE ENTITLED ‘POLICE DEPARTMENT’ OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY

Ordinance #17-4 was introduced by Councilman Bartelloni, seconded by Councilman Acquafredda and unanimously approved at the January 17, 2017 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #17-4

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED ‘POLICE DEPARTMENT’ OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY

BE IT ORDAINED, by the Mayor and Council of the Borough of River Edge, that Chapter 71 Section 1 Subsection B.1 entitles “Police Department: of the Ordinances of the Borough of River Edge, is hereby amended and that those portions of the aforesaid set forth below and are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged:

71-1 Establishment; composition; Table of Organization

B. Table of Organization

(1) Table.

Rank/Position	Number
Police Chief	1
Police Captains	0
Police Lieutenants	3
Police Sergeants	6
Police Officers	17

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

Edward J. Mignone, Mayor

Attest:

Stephanie Evans, Borough Clerk
Dated:

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-4

Motion by Councilman Bartelloni, seconded by Councilman Chinigo to open public hearing on Ordinance #17-4 was unanimously approved.

Joseph Zemaites, PBA President-read a letter from Robert Smith of Lakeview Street expressing his support for the officers of the Police Department in their efforts to fill the position of Captain.

He wrote that he's lived in River Edge for 19 years, has great respect for the Police Department as they've always performed their duties in an exemplary manner. Mr. Smith has been a federal officer with 26 years of service and serves as Lieutenant/Tour Commander. He explained his own responsibilities and the reason why he would recommend keeping the Captain's position in our Police Department. Joe received an email of support from Michael Barry who resides on Bogert Road which explained his reasons for supporting PBA Local 201's endeavor to fill the currently vacant position of Captain in the Police Department. Letter and email on file in the Police Department.

Peggy White-741 Center Avenue-stated that most people in the community don't realize that we haven't had a Captain in the Police Department and she supports the Police Department totally. Police Chief Tom Cariddi-addressed the three points that have been brought up by the PBA since this issue first came to the attention of the Mayor and Council in 2016. The Chief met with the PBA after presenting the proposal to the Mayor and Council. He had several conversations with Officers Zemaite and Diamond outlining his proposal which added an Administrative Sergeants position to the Table of Organization and provided them with copies. He said that he would like to address some of the misinformation that has been presented. The notion that without a Captain, no one knows who to answer to is simply not true. He continued to say that at one time, the River Edge Police Department had 3 Captains and another time there was 1 Captain and 1 Lieutenant. One Captain was in charge of the Detective Bureau and the Lieutenant was in charge of Patrol. Those positions later, alternated and the rank itself had no bearing which division they were in charge of and in no circumstance did the Lieutenant answer to the Captain in a line of authority. Both individuals answered to the Chief. The Chief said that right now, one Lieutenant is in charge of patrol and the other is in charge of investigations. In his absence, chain of command dictates that the next ranking officer is in charge. If they are of the same rank, the senior most officer of the two is in charge. This doesn't just exist in the River Edge Police, it exists in the military of our nation and all over the world, Police departments are patterned after the military structure. All military personnel know this, all police personnel in this department know this, the dispatchers and civilian employees in the department know this too. To suggest that there's any confusion simply cannot be supported. The Chief gave a few examples of situations where the chain of command may not involve a Lieutenant but a Sergeant, Tour Commander or Senior Patrol officer depending on the time of day. If there is a situation where the Chief is unavailable or out on a given day, there are many things that govern the function of the Police Department. He doesn't want to leave anyone with the idea that in the absence of himself or a Lieutenant being there, that everyone is looking for someone to provide them with immediate direction. There are absolutely circumstances that are going to necessitate additional supervisory personnel being notified and involved. The Chief wants everyone to understand that in his absence and the absence of the Lieutenants being there, the department is not directionless. They're still governed by the federal constitution, the Attorney General's directives, laws of the State of New Jersey and the Bergen County Prosecutor's office directives and the department's SOPS. All of those stay in place whether the Chief is in another country or another state and there is always someone in the station house while another senior officer is away. He's not diminishing the command but putting it in perspective. He said that if you have one Captain and believe this person will provide an umbrella of supervision that has been offered to you, it simply is not true unless you're going to have a Captain working five days a week and four shifts. The Chief said that there's one thing for sure and that there's always that the officers can call and they know who that is. Chief Cariddi told the Council about an instance where he was away in Arizona and how he was notified about an accident that had happened and while he wasn't directing the operation, he did weigh in on press releases and insured that certain steps were taken care of on his absence. Chief Cariddi said that he is in charge of the department even if he's not here and a senior officer would be in charge of the station house and that exists whether they're working on the same schedule or not. Other than the Captain having to serve as the designated officer in charge while the Chief is away, what is this Captain supposed to do in the situations when he is here? The question of chain of command has come up repeatedly and very little has touched on the span of control. The span of control is a number of personnel that can reasonably, directly be supervised by an individual. This command structure that is being offered by the PBA that the Chief will speak to the Captain who in turn will supervise two Lieutenants. Not only have they offered that the position be filled, but they're offering that it should be a daytime position and they're setting hours for the position. The Chief feels that that's the closest that he's seen in any of the examples to actually violate the chain of command. The designation of those assignments and what those officers fulfill in those assignments, is entirely within the purview of the Chief of Police. It doesn't only happen in River Edge and is not only supported by our ordinances, it's the state law and he cited the state statute. Under that law, the Police Chief has the right of assignment and duties for all of his personnel and members of his organization. If there were a case where he actually had the structure that has been proposed where there is a Captain

underneath him in the chain of command and that he only dealt with that one Captain who in turn supervised two Lieutenants, his span of control is one officer and the Captain's span of control is two. The higher you go in the organization, the span of control does diminish because the complexity of the work and the support that's directly under you has become more complex. The first line of supervision, a first line Sergeant in a patrol setting could supervise 3 officers or as many as 8 or 9. There have been many times that they've called in officers for special events such as July 4th, where a Sergeant may be responsible for overseeing 8 or 9 patrolmen. To narrow his span of control down to one subordinate and essentially bottlenecking communications between he and other subordinates would be tremendous managerial step backwards. Chief Cariddi said that he meets with his Lieutenants every day whether formally or informally and is brought up to speed on the days events and everything that they are working on. He will never allow a situation where he is divorced from that first line supervision of those command staff officers. To add another level of supervision into that mix to further separate him from those individuals would be a mistake. The Chief feels that what a Captain would be left doing is taking care of the functions and tasks that would otherwise be prescribed to a Sergeant and doesn't understand what the benefit would be. The Chief said that there have been many comparisons of a Captains position to the Lieutenant Governor or Borough Administrator but there hasn't been any examples from other Police organizations. The reason for that is that the bulk of departments don't have a designated second in command who acts as Deputy Chief especially if they're our size. When you see departments between 50 and 100 officers you're dealing with multiple layers of Captains and an expanded amount of Lieutenants because the overall manpower in those departments are much greater than what we have. That is not the circumstance that we're facing. Our Lieutenants have a manageable span of control right now. The Chief gave examples of the different ways he's changed the operational function of the department that falls under the traffic and investigation divisions and different tasks that he's assigned and feels that they are working very well. The Chief said that he is lacking the ability to draw an officer from the department and separate him or her from their primary law enforcement responsibilities and allow them during daytime position to focus on tasks. He agrees with the PBA that most of the tasks take place during daytime hours, it's the same reason why these tasks presently divided up between the two Lieutenants because they primarily working days. If he had a Sergeant that was working the same hours he could provide tasks to that officer. He addressed the point of what this will actually do by taking tasks off the Lieutenants desk where they don't need to be. It provides greater supervision for the department because they don't have to divide their time amongst their primary responsibility of supervising their subordinates and dealing with administration functions that are not based on policy making decisions. For a Lieutenant today to be contacting a computer company or vendors that are working on our tasks, they're not doing Lieutenant's work at that time and what they're doing is administrative tasks that are not policy level tasks. They are taking away from the time that that Lieutenant could otherwise be creating additional and innovative assignments for his subordinates and concentrate on tasks that are their primary responsibility. Not only has the Captains position has not been filled in 21 years, the same time during which some of the residents have commented that how wonderfully the Police Department has responded to their needs, which he agrees with. In 1988 it was decided that the position would not be filled and be done away with by attrition when the Captain retired which happened in 1996. The job was done by a civilian for 13 years and the Chief feels that the PBA can't have their argument both ways. They can't say that the position was vacant for 21 years and then argue that it was filled by a civilian for 13. The civilian taking that position did take away some of the tasks away from a Lieutenants desk but starting in 2001 when he was a Lieutenant, the tasks and functions of that administrator coordinator were so diminished because they couldn't supervisor patrol officers as a civilian and all of the functions were given to the Lieutenants. He doesn't feel there is any justification for a Captain in the department. He understands that his position isn't shared by the PBA. However, as he has said before as officers have risen through the ranks they've come to understand more that where you sit greatly effects where you stand. The Chief said that his positions don't always agree with the PBA but they have kept a dialogue through this process and all of the members have been respectful and professional including when he addressed them at PBA meetings. He greatly respects and admires the men and women of the River Edge Police department and feels that they are one of the best Police Departments around. The Chief said that he is still obligated to manage the police department based on what he believes is in the best interest of the department and service to the community, and not necessarily in the interests that additional ranks are filled. The Chief will always go out of his way to make himself available to address any issues that the PBA has and has always sought a fair and just solution, but they don't always agree. The Chief again said that he assigns what job functions are and he assigns individuals to the positions. He explained that how he utilizes personnel within the ranks described in the chart of the table of organization is for the Chief to decide. As the Chief he is responsible to manage the day to day and overall

operations of the department and the table of organization that he has proposed will allow him to meet all obligations to increase efficiency, provide greater supervision and to do it with one promotion. He welcomes any questions.

Sergeant Curt Wilhelm-said that one thing that was brought up briefly but not been addressed was the Sergeants and Lieutenants test.

Council President Papaleo-asked if he was speaking about the possible promotion of Administrative Sergeant or is the question of whether we should extend the Sergeants list. If so, that would not pertain to this conversation.

Sergeant Curt Wilhelm-felt that one is interconnected to the other with re-adjusting the table of organization and making a promotion.

Council President Papaleo-disagreed and said that there is no obligation for the Council to make a promotion. The Council would have to decide whether they wish to do that which would be discussed at another meeting, depending on whether this ordinance passes or fails.

Tom Sarlo, Esq.-stated that we're only open for discussion on this issue.

John Hyland-545 Fifth Avenue-disagrees with the Chief's comment that the Police Department being paramilitary and having strong ties to military chain of command. He doesn't see the military eliminating a major rank and doesn't feel that eliminating a position is correct.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-4

Motion by Councilman Bartelloni, seconded by Councilwoman Busted to close hearing on Ordinance #17-4 was unanimously approved.

Councilman Papaleo-said that when this ordinance first came about, it appeared that both the PBA and Chief felt that 3 Lieutenants was an appropriate structure. After having met with the Chief and PBA and listening to both sides, he doesn't think he can vote for this ordinance. He feels that removing the Captains position is a mistake, but made clear that he doesn't believe they should fill the position. At this time he doesn't believe they need the Captains position but thinks it would be a mistake to remove the position because at some point in time the position may be well needed. He sees no harm in leaving the position and is not sure that we need 3 Lieutenants or is convinced that we need an Administrative Sergeant. This ordinance as currently written is flawed and he will be voting no and hopes that others will vote the same so that they can return to discussions. He said that they are under absolutely no obligation to fill this and although this allows flexibility in hiring, there is no promise to hire to these levels. We as the Council should consider the needs of the town as they present themselves year to year.

Councilman Bartelloni-said that it's not often that you're presented with an ordinance that has this much importance and how it affects people. He's had the opportunity to speak with Chief and PBA President and feels that both sides make a compelling case. He gave a history of the ordinance and why it included the 3rd Lieutenant. As a measure of compromise, if the Administrative Sergeants position turned out to be more administrative than proposed, you could eliminate that position and move someone up to a Lieutenants position. The elimination of the Captains position coincides with his sense of fiscal responsibility because he feels that if the position is listed in the table of organization, it should be filled. He doesn't see the need to keep it there and not filled. His reservation with the Administrative Sergeants position is are we taking an officer off the road to put behind the desk and does that best serve the public. If you do have the administrative position as well as a Captain, what are we doing to the municipal budget because then we're getting into a proposition that is exceedingly expensive. When you're trying to manage expenses, adding personnel is not the way to go. This is a unique situation in that usually it's the supervisors that come before them asking for positions and now they have a union coming up asking for positions to be filled. Councilman Bartelloni stated that because he's not an expert, he has to rely on the person they've entrusted to be the expert and head of the department and rely on his recommendation. Again, he said that both sides make compelling cases but he has to go with the person who is in charge of the department and has 30+ years of expertise.

Councilman Chinigo-has given this a lot of thought and thanked the Chief and Joe Zemaite for taking time out to meet with him. After much thought, his decision is rendered having given thought with specificity to the language of the ordinance and to the goals that it ceased to accomplish. His question from the beginning has been whether it is reason to still accomplish those goals.

Councilwoman Busted-similarly she thanked Joe Zemaite of the PBA for organizing his members and being so passionate and eloquent about their needs and similarly with Chief Cariddi for doing the same. She has thought long and hard about this and has listened to everyone's comments during discussions both in open and closed and stated that she doesn't have a law enforcement background except for the wonderful things that she's seen in her own community. She said that they will always have her full support regardless of how she votes. Councilwoman Busted has to listen to Chief Cariddi and what he expresses his needs as the Chief Executive Officer of the department are and

when she votes, she hopes they will understand her decision.

ADOPTION – Ordinance #17-4

Motion by Councilman Chinigo, seconded by Councilman Bartelloni to adopt Ordinance #17-4 **failed** on the following roll call:

Councilman Bartelloni and Councilwoman Busted voted yes; Councilman Chinigo and Councilman Papaleo voted no; Councilwoman Davis recused herself and Councilman Acquafredda was absent.

Councilman Papaleo-would like to make a motion, since the Mayor and Councilwoman Davis will not be included in future discussions for the ordinance, to restore the Captain’s position and if the Council is so inclined...

Tom Sarlo, Esq.-said that the Table of Organization stays as is.

Councilman Papaleo-asked what if we want a new ordinance?

Tom Sarlo, Esq.-suggested that they revisit it at the next work session for a full discussion.

Mayor Mignone and Councilwoman Davis returned to the meeting.

Stephanie Evans, Borough clerk read the title of Ordinance #17-5 into the record as follows:

Ordinance #17-5 BOND ORDINANCE TO AMEND SECTION 4. OF BOND ORDINANCE #1787 ENTITLED “BOND ORDINANCE TO AUTHORIZE THE MAKING OF A PUBLIC IMPROVEMENT AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$350,000 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 #17-5 was introduced by Councilman Bartelloni, seconded by Councilman Papaleo and unanimously approved at the January 17, 2017 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #17-5

BOND ORDINANCE TO AMEND SECTION 4. OF BOND ORDINANCE #1787 ENTITLED “BOND ORDINANCE TO AUTHORIZE THE MAKING OF A PUBLIC IMPROVEMENT AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$350,000 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. Section 4e. of Ordinance #1787 entitled: ENTITLED “BOND ORDINANCE TO AUTHORIZE THE MAKING OF A PUBLIC IMPROVEMENT AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF

\$350,000 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” adopted by the Borough Council of the Borough of River Edge, in the County of Bergen, State of New Jersey on May 6, 2013 is hereby amended to add the purchase and installation of software, hardware and equipment for the implementation of e-ticketing in the Police Department.

Section 4 is further amended to decrease the Appropriation and Estimated Cost of Section 4a, \$2,000.00, 4c, \$3,000.00 and Section 5, \$5,000.00 and increase Section 4e, \$10,000.00.

Section 2. The capital budget is hereby amended to conform with the provisions of this amendatory bond 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 3. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Edward J. Mignone

Stephanie Evans, Borough Clerk
Dated:

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-5

Motion by Councilman Papaleo, seconded by Councilman Bartelloni to open public hearing on Ordinance #17-5 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-5

There being no comments by the public, the motion by Councilman Papaleo, seconded by Councilman Bartelloni to close public hearing on Ordinance #17-5 was unanimously approved.

ADOPTION – Ordinance #17-5

Motion by Councilwoman Busted, seconded by Councilman Bartelloni to adopt Ordinance #17-5 was unanimously approved.

Stephanie Evans, Borough Clerk read the title of Ordinance #17-6 into the record as follows:

Ordinance #17-6 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) FOR THE CALENDAR YEAR 2017

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

**BOROUGH OF RIVER EDGE
ORDINANCE #17-6**

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) FOR THE CALENDAR YEAR 2017

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized

by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Governing Body of the Borough of River Edge in the County of Bergen finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$380,580.68 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by Governing Body of the Borough of River Edge, in the County of Bergen, a majority of the full authorized membership of this Governing Body affirmatively concurring that, in the CY 2017 budget year, the final appropriations of the Borough of River Edge shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$380,580.68 and that the CY 2017 municipal budget for the Borough of River Edge be approved and adopted in accordance with this ordinance.

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced by filed with the Director of the division of Local Government Services within 5 days of introduction.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest:

Stephanie Evans, Borough Clerk

Dated:

Edward J. Mignone, Mayor

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-6

Motion by Councilman Chinigo, seconded by Councilman Bartelloni to open public hearing on Ordinance #17-6 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-6

There being no comments by the public, the motion by Councilman Bartelloni, seconded by Councilman Papaleo to close public hearing on Ordinance #17-6 was unanimously approved.

ADOPTION – Ordinance #17-6

Motion by Councilman Bartelloni, seconded by Councilman Papaleo to adopt Ordinance #17-6 was unanimously approved.

RESOLUTIONS - By Consent

Motion by Councilman Bartelloni, seconded by Councilman Papaleo to approve resolution #17-74 through #17-79; #17-81 through #17-87; #17-89 through #17-100 and #17-102 was approved unanimously.

#17-74 Resolution to Go Into Closed Session and Exclude Public

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

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

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

1. That the public shall be excluded from the March 6, 2017 regular session meeting and discussion of the hereinafter specified subject matter:

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

To be determined by reference to the Borough Clerk’s Agenda for the above meeting.

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

3. This resolution shall take effect immediately.

February 21, 2017

#17-75 REA Tax Identification Statement

WHEREAS, the Recycling Enhancement Act., P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that River Edge hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2016 in the amount of \$9,287.10. Documentation supporting this submission is available at 705 Kinderkamack Road, River Edge, New Jersey and shall be maintained for no less than five years from this date.

REA Tax Identification Statement Certified by:

Name of Official:

Administrator/CFO

Title of Official:

Date:

February 21, 2017

#17-76 Enter into Agreement with Robert Costa, Borough Engineer for Professional Services Related to the 2017 Riverside Road Resurfacing Program – Inspection

WHEREAS, there exists a need for expert professional engineering services related to the 2017 Riverside Road Resurfacing Program - Inspection; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-166 of the Current Fund not to exceed \$10,000.00; and

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

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

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

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

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$10,000.00; 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(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

February 21, 2017

#17-77 Resolution Authorizing Chief Financial Officer to Cancel Grant Fund Receivable and Appropriated Reserve for the Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown Grant

WHEREAS, the Borough of River Edge in 2016 did not receive approval for a grant through the New Jersey Division of Highway Traffic Safety for a grant entitled “Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown”; and

WHEREAS, the Borough of River Edge has on its books and records an account receivable of \$5,000.00 and an appropriated reserve of \$5,000.00; and

WHEREAS, the Chief Financial Officer has investigated the account receivable and appropriated reserve balance and has recommended that they be cancelled.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is authorized to cancel the grant fund account receivable in the amount of \$5,000.00 and appropriated reserve for the grant entitled: "Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown" in the amount of \$5,000.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby instructed to adjust the records accordingly.

February 21, 2017

#17-78 Extend Current Solid Waste Service Contract with BCUA for an Additional Year

WHEREAS, the Borough of River Edge is in need of a facility to dispose of its solid waste; and

WHEREAS, the BCUA has developed a cooperative marketing program for the processing, transport, and disposal of solid waste; and

WHEREAS, the Borough of River Edge had entered into a three (3) year agreement with the BCUA in 2013 which terminated on May 31, 2016 and entered into a one (1) year contract extension through May 31, 2017 via resolution #16-102 dated March 7, 2016; and

WHEREAS, the BCUA Commissioners adopted a resolution extending its existing solid waste disposal contract with Covanta Sustainable Solutions, LLC for an additional year commencing June 1, 2017 terminating May 31, 2018, which has enabled Bergen County Municipalities to take advantage of cost savings that have resulted from the collective marketing of solid waste; and

WHEREAS, the Borough of River Edge and the BCUA are desirous of entering into a First Amendment to Solid Waste Service Agreement, a copy of which is on file with the Borough Clerk; and

WHEREAS, the New Jersey Local Public Contracts Law {N.J.S.A. 40A:11-1 et seq.) authorizes and permits contracting units, such as the BCUA, and the Borough of River Edge to enter into contracts for the services contemplated herein without competitive bidding for same, pursuant to and in accordance with N.J.S.A. 40A:11-5(2); and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized to enter into a one-year contract extension with the BCUA, for the disposal of the Borough of River Edge's solid waste for a term of one (1) year from June 1, 2017 through May 31, 2018.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to forward a copy of this resolution to the BCUA.

February 21, 2017

#17-79 Authorize Mayor to Sign the Equitable Sharing Agreement and Certification

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign the Equitable Sharing Agreement and Certification from the U. S. Department of Justice, Asset Forfeiture and Money Laundering Section for the River Edge Police Department.

February 21, 2017

Councilman Bartelloni-felt that the resolution deserves a little more fanfare than it gets because many residents aren't aware of the countless hours that go on at meetings on Saturdays because all they see the adoption of a resolution.

Mayor Mignone-stated that the overall budget was up 3/4% and tax levy went up 1.6% and if you look at the inflation rate from last year it started tailing up at the end of the year so the total inflation for 2016 was 2%. He feels that we are on the right track again we're below the caps substantially and kept the cap increase below inflation. For the Council to introduce a budget which is only .7% more than last year took a tremendous effort and if we didn't have some decreases in the revenue side and we still weren't adhering to a very conservative use of surplus we certainly would be looking at a tax decrease this year. He feels hopeful that we will be able to reap the benefits of that going forward. He feels that this is a budget that they all should be proud of.

On motion by Councilman Bartelloni, seconded by Councilman Papaleo to approve #17-80 was unanimously approved.

#17-80 Introduce 2017 Budget

BE IT RESOLVED, that the Local Municipal Budget of the Borough of River Edge, Bergen County, New Jersey for the fiscal year 2017 be approved by the Mayor and Council of the Borough of River Edge, and the Clerk be and she is hereby instructed to advertise it in THE RIDGEWOOD NEWS on March 3, 2017 and that a final public hearing before passage will be held on April 3, 2017 at 7:00 p.m. in the Council Chambers and that said budget shall authorize total general appropriations of \$15,385,802.06 and the anticipated revenues of \$2,508,588.06 leaving an amount to be raised by taxes for municipal purposes of \$12,877,214.00.

February 21, 2017

#17-81 Authorize Increase in Deferral of School Taxes

WHEREAS, under the provisions of statute the unpaid portion of the year of levy of school tax may be deferred to the extent of not more than 50% of the levy; and

WHEREAS, the annual increase in deferred school tax results in a corresponding increase in surplus; and

WHEREAS, the Local River Edge School Tax Deferred at 1/1/16 was \$7,668,963.00 and at 12/31/16 was \$7,887,202.00; and

WHEREAS, the River Dell School Tax Deferred at 1/1/16 was \$7,199,954.00 and at 12/31/16 was \$7,430,372.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge do hereby confirm their desire to increase the deferral of the Local River Edge and River Dell School taxes.

February 21, 2017

#17-82 Introduce Capital Budget 2017 and Capital Plan for 2017 – 2022

BE IT HEREBY RESOLVED that the Capital Budget for 2017 and the Capital Plan for 2017-2022 are hereby approved; and

BE IT FURTHER RESOLVED that this Capital Budget and Plan be published as part of the Municipal Budget for 2017 in THE RIDGEWOOD NEWS on March 3, 2017

February 21, 2017

#17-83 Include Item of Revenue in 2017 Budget

WHEREAS, the Borough Council of the Borough of River Edge desires to anticipate as

an item of General Revenue in the 2017 budget with prior written consent of the Director of Local Government Services:

Parking Lot Fees.....\$29,500.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge, that the prior written consent of the Director of Local Government Services be requested to include as an item of General Revenue in the 2017 budget under the following caption:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Parking Lot Fees.....\$29,500.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

February 21, 2017

#17-84 Include Item of Revenue in 2017 Budget

WHEREAS, the Borough Council of the Borough of River Edge desires to anticipate as an item of General Revenue in the 2017 budget with prior written consent of the Director of Local Government Services:

County of Bergen Interlocal Snow Removal.....\$4,980.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge, that the prior written consent of the Director of Local Government Services be requested to include as an item of General Revenue in the 2017 budget under the following caption:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

County of Bergen Interlocal Snow Removal.....\$4,980.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

February 21, 2017

#17-85 Include Item of Revenue in 2017 Budget

WHEREAS, the Borough Council of the Borough of River Edge desires to anticipate as an item of General Revenue in the 2017 budget with prior written consent of the Director of Local Government Services:

Police Outside Duty.....\$60,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge, that the prior written consent of the Director of Local Government Services be requested to include as an item of General Revenue in the 2017 budget under the following caption:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Police Outside Duty.....\$60,000.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

February 21, 2017

#17-86 Include Item of Revenue in 2017 Budget

WHEREAS, the Borough Council of the Borough of River Edge desires to anticipate as an item of General Revenue in the 2017 budget with prior written consent of the Director of Local Government Services:

Reserve for Sale of Assets.....\$10,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge, that the prior written consent of the Director of Local Government Services be requested to include as an item of General Revenue in the 2017 budget under the following caption:

Special Items of General Revenue Anticipated with Prior
Written Consent of the Director of Local Government Services:

Reserve for Sale of Assets.....\$10,000.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

February 21, 2017

#17-87 Include Item of Revenue in 2017 Budget

WHEREAS, the Borough Council of the Borough of River Edge desires to anticipate as an item of General Revenue in the 2017 budget with prior written consent of the Director of Local Government Services:

Cable Television.....\$156,960.20

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge, that the prior written consent of the Director of Local Government Services be requested to include as an item of General Revenue in the 2017 budget under the following caption:

Special Items of General Revenue Anticipated with Prior
Written Consent of the Director of Local Government Services:

Cable Television.....\$156,960.20

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

February 21, 2017

Motion by Councilman Bartelloni, seconded by Councilman Chinigo to **Table** resolution #17-88 **failed** on the following roll call:

Councilman Bartelloni and Councilman Chinigo voted yes; Councilwoman Busteed and Councilman Papaleo voted no; Councilwoman Davis recused herself and Councilman Acquafredda was absent.

Tom Sarlo, Esq.-stated that the motion to table does not pass. You need a motion to approve or deny the resolution.

Motion by Councilman Papaleo, seconded by Councilwoman Busteed to approve resolution #17-88 was passed on the following roll call:

Councilwoman Busteed, Councilman Chinigo and Councilman Papaleo voted yes; Councilman Bartelloni voted no; Councilwoman Davis recused herself and Councilman Acquafredda

was absent.

#17-88 Resolution to Amend the Eligibility List for Promotion to the Police Department for the Rank of Sergeant

WHEREAS, the Governing Body of the Borough of River Edge established a Police Promotional and Recruitment Policy via Ordinance #1332 dated April 16, 2001; and

WHEREAS, the Mayor and Council of the Borough of River Edge established a promotional list for the position of Sergeant in the Police Department via resolution #15-125 dated March 16, 2015; and

WHEREAS, this promotional list was effective until March 16, 2017 midnight; and

WHEREAS, the Mayor and Council wish to amend this promotional list to extend the effective date to June 16, 2017; and

WHEREAS, this matter was discussed at the work session meeting of the Mayor and Council on February 6, 2017.

NOW, THEREFORE, BE IT RESOLVED that the promotional list for the position of Sergeant in the Police Department of the Borough of River Edge and is hereby established from the candidates who participated and passed the promotional procedures, and that this promotional list shall be effective until June 16, 2017 midnight.

BE IT FURTHER RESOLVED that the candidates shall be offered the position of Sergeant in the following order:

1. Patrol Officer Michael McGinty
2. Patrol Officer Dennis Griffith
3. Patrol Officer Joseph Zemaites

February 21, 2017

#17-89 Amendment to the By-Laws of the River Edge Mayor and Council

WHEREAS, the By-Laws of the Borough of River Edge were adopted at the January 1, 2017 Reorganization Meeting of the Mayor and Council via resolution #17-01; and

WHEREAS, the Mayor and Council desire to amend Article VI, Meetings; and

WHEREAS, this matter was discussed at a work session on February 6, 2017.

NOW, THEREFORE, BE IT RESOLVED that Article VI, Meetings be modified in the following manner:

Delete:

Section 2. That at the aforesaid meeting the Council shall fix the time and place for holding such other meetings during the ensuing year, which time and place shall not be changed except by resolution introduced and passed at a regular meeting. All regular meetings shall be held within the borough and shall occur on the third Tuesday of each month, except as set forth in Article VI, Section 3 and Section 4 herein. Regular meetings of the Mayor and Council shall begin at 7:00 p.m. and consist of a public meeting and executive session or closed session as needed.

All work session meetings shall be held within the borough and shall occur on the first Monday, except as set forth in Article VI, Section 3 and Section 4 therein. Work session meetings shall begin at 7:00 p.m. The work session meeting shall consist of a work session, executive session or closed session as needed.

All public meetings shall be recorded by tape recorder or other electronic means in order to preserve a record of the proceeding. All meetings of the Mayor and Council shall end by 10:00 p.m. unless a majority of the Council votes to extend the time of adjournment.

Add:

A new Section 2. to read as follows:

Section 2. That at the aforesaid meeting the Council shall fix the time and place for holding such other meetings during the ensuing year, which time and place shall not be changed except by resolution introduced and passed at a regular meeting. All regular meetings shall be held within the borough and shall occur on the 1st Monday of each month, except for July and August when they will be held on the 3rd Tuesday following the work session meeting, except as set forth in Article VI, Section 3 and Section 4 herein. Regular meetings of the Mayor and Council shall begin at 7:00 p.m. and consist of a public meeting and executive session or closed session as needed.

All work session meetings shall be held within the borough and shall occur on the 3rd Tuesday, except as set forth in Article VI, Section 3 and Section 4 therein. Work session meetings shall begin at 7:00 p.m. The work session meeting shall consist of a work session, executive session or closed session as needed.

All public meetings shall be recorded by tape recorder or other electronic means in order to preserve a record of the proceeding. All meetings of the Mayor and Council shall end by 10:00 p.m. unless a majority of the Council votes to extend the time of adjournment.

February 21, 2017

#17-90 Amend Resolution #17-52 to Set Time and Place for Mayor and Council Meetings

WHEREAS, the Mayor and Council adopted resolution #17-52 to set time and place for council meetings at their Reorganization Meeting on January 2, 2017; and

WHEREAS, the Mayor and Council desire to amend resolution #17-52; and

WHEREAS, this matter was discussed at a work session on February 6, 2017.

NOW, THEREFORE BE IT RESOLVED that the time and place of meetings of the Mayor and Council will be modified as follows: Third Tuesday of the month for work session meetings. Regular sessions will be held on the first Monday, except when the regular meeting date falls on a holiday, then the day following shall be designated. Regular session meetings for July and August will be held on the third Tuesday immediately following the work session meeting. The place is the Municipal Building, or any other place designated by the Mayor and the hour is 7:00 P.M., except for Monday, June 5th, November 6th, December 4th and December 19, 2017 the hour is 6:00 P.M. The meetings will be guided by Robert's Rules of Order; and

BE IT FURTHER RESOLVED that the Borough Administrator/Chief Financial Officer, is to make arrangements with school authorities to use River Dell Junior High School Auditorium, Cherry Hill School Gymnasium or Roosevelt School Gymnasium on a standing emergency basis whenever the audience in the Council Chamber exceeds the number limited by law, and/or in the judgment of the Mayor and Council, it is desirable to move the place of the meeting, effective January 1, 2017.

February 21, 2017

#17-91 Authorize the Release of a Maintenance Bond for Joseph Caleca, 561 Victory Place, River Vale, New Jersey for the Construction Project at 834 Park Avenue, Block 213, Lots 12 & 13

WHEREAS, the Borough of River Edge entered into a Developer's Agreement dated January 23, 2012 with Joseph Caleca, 561 Victory Place, River Vale, New Jersey for the property

located at Block 213, Lots 12 & 13; and

WHEREAS, the Developer's Agreement states that the developer agrees to provide the Borough with a Maintenance Bond to run for a period of two years from the date of acceptance, for all public improvements and facilities abutting the project; and

WHEREAS, the Borough currently has in its possession a Maintenance Bond in the amount of \$19,800.00 for the above subject property; and

WHEREAS, the Borough Engineer has recommended that the bond be released.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to release the cash portion of the maintenance bond in the amount of \$1,980.00 to Joseph Caleca, 561 Victory Place, River Vale, New Jersey 07675 for Block 213, Lots 12 & 13.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to release the Maintenance Bond on file with the Borough of River Edge in the amount of \$17,820.00 to Joseph Caleca.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to send a copy of this resolution to Joseph Caleca, 561 Victory Place, River Vale, New Jersey and The Service Insurance Company, 80 Main Street, Suite 330, West Orange, New Jersey 07052.

February 21, 2017

#17-92 Award Contract for the 2016 Curb Replacement Project at Oxford Terrace, Phase II to Consolidated Maintenance Solutions LLC, P.O. Box 809, Pine Brook, New Jersey 07058

WHEREAS, on February 8, 2017 twelve (12) sealed bids were received for the 2016 Curb Replacement Project at Oxford Terrace, Phase II; and

WHEREAS, the lowest was received from Consolidated Maintenance Solutions, LLC in the amount of \$45,600.00; and

WHEREAS, the bid has been reviewed by the Borough Engineer and the Borough Attorney; and

WHEREAS, Community Development Block Grant has awarded funding for the 2016 Curb Replacement Project at Oxford Terrace, Phase II; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1873-200 of the Capital Fund in an amount not to exceed \$45,600.00; and

NOW, THEREFORE, BE IT RESOLVED that the contract is hereby awarded to Consolidated Maintenance Solutions, LLC, P.O. Box 809, Pine Brook, New Jersey 07058 in the amount not to exceed \$45,600.00 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

February 21, 2017

#17-93 Award Contract to Reggio Construction Inc., for the 2016 Fifth Avenue Road Improvement Project, Section 4

WHEREAS, on February 8, 2017 eleven (11) sealed bids were received for the 2016 Fifth Avenue Road Improvement Project, Section 4; and

WHEREAS, the lowest bid was received from Reggio Construction, Inc., in the amount of \$166,552.04; and

WHEREAS, the bid documents have been reviewed by the Borough Engineer and the Borough Attorney; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1865-200 of the Capital Fund in the amount not to exceed \$166,552.04; and

NOW, THEREFORE, BE IT RESOLVED that the contract is hereby awarded to Reggio Construction, Inc., 1575 West Street, Fort Lee, New Jersey 07024 in the amount not to exceed \$166,552.04 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

February 21, 2017

#17-94 Transfer of Funds in the Budget Appropriation Reserve

WHEREAS, various 2016 bills have been presented for payment this year, which bills were not covered by a purchase order number and/or recorded at the time of transfer between the 2016 Budget Appropriation Reserve in the last two months of 2016; and

WHEREAS, N.J.S. 40A4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months on the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that the transfer in the amount of \$45,850.00 be made between the 2016 Budget Appropriation Reserves as follows:

FROM: Petroleum Products O/E	31-4472-168	\$ 1,200.00
TO: Vehicle Maintenance O/E	26-3152-173	\$ 1,200.00
FROM: Recycling S/W	26-3051-011	\$14,000.00
TO: Public Works Repair S/W	26-2901-011	\$14,000.00
FROM: Tax Assessment S/W	20-1501-011	\$ 150.00
TO: Planning Board S/W	21-1801-011	\$ 150.00
FROM: Tax Assessment S/W	20-1501-011	\$ 500.00
TO: Construction Official S/W	22-1951-011	\$ 500.00
FROM: Recycling S/W	26-3051-011	\$ 2,000.00
TO: Vehicle Maintenance S/W	26-3151-014	\$ 2,000.00
FROM: Revenue Administration S/W	20-1451-011	\$ 8,000.00
TO: Public Library S/W	29-3901-011	\$ 8,000.00
FROM: Building & Grounds S/W	26-3101-011	\$20,000.00
TO: Accumulated Absence O/E	27-3321-100	\$20,000.00

February 21, 2017

#17-95 Grant Raffle License to the Lions Club of River Edge

BE IT RESOLVED that the following license to conduct an Off Premise 50/50 Raffle to the Lions Club of River Edge, P.O. Box 33, New Jersey 07661 License #682, I.D. 423-8-26559 to take place at Veteran's Memorial Park, Continental Avenue, River Edge, New Jersey on July 9, 2017 at 12:01 p.m.

The Clerk reporting all in order.

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control of the State of New Jersey.

February 21, 2017

#17-96 Authorize Annual Payment for Animal Control and Services with the County of Bergen

WHEREAS, the Borough of River Edge entered into a five (5) year agreement from January 1, 2016 through December 31, 2020 with the County of Bergen for animal control services via resolution #16-54 dated January 1, 2016; and

WHEREAS, this is year two of the said agreement; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-27-3402-100 of the Current Fund in an amount not to exceed \$9,309.00 and from the Animal Welfare Account in an amount not to exceed \$6,000.00 for a total amount not to exceed \$15,309.00; and

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make payment for the annual fee in the amount of \$15,309.00 to the County of Bergen.

February 21, 2017

#17-97 Authorize Tax Collector to Reduce and Refund the 2016 Added Assessment Taxes Due to a County Board Judgment

WHEREAS, the Tax Office has received an Added Assessment County Board Judgment for the year 2016 reducing the assessed value on the following property; and

WHEREAS, the reduction in assessed value has also reduced the total tax amount billed and due for 2016; and

WHEREAS, the 2016 Added Assessment billed taxes have been paid.

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

<u>Block/Lot</u>	<u>Owner</u>	<u>AA Assessed</u>	<u>Revised AA</u>	<u>Refunded Taxes</u>
615/12	Guzman, Christian 572 Bogert Road	112,200	70,000	\$1,155.59

Please make check payable to: Guzman, Christian
572 Bogert Road
River Edge, NJ 07661

February 21, 2017

#17-98 Authorize Tax Collector to Cancel and Refund the Added Assessment 2016 Taxes Due to County Board Judgment

WHEREAS, the Tax Office has received an Added Assessment County Board Judgment for the year 2016 cancelling the Added Assessment billing on the following properties; and

WHEREAS, the reduction in assessed value has also reduced the total tax amount billed and due for 2016; and

WHEREAS, the 2016 Added Assessment billed amount has been paid.

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

<u>Block/Lot</u>	<u>Owner</u>	<u>AA Assessed</u>	<u>Revised AA</u>	<u>Refunded Taxes</u>
------------------	--------------	--------------------	-------------------	-----------------------

614/20	Jameson, Jay & Jane 646 Bogert Road River Edge, NJ 07661	3,000	0	\$32.86
702/12	Rozentsvayg, Mark & Abriana 536 Monroe Court River Edge, NJ 07661	6,200	0	\$67.92
1004/32.02	Nasser Eddin, Ammar & Alargha 8 Cherry Mews River Edge, NJ 07661	8,300	0	\$227.29
1004/32.02	Nasser Eddin, Ammar & Alargha 8 Cherry Mews River Edge, NJ 07661	2,700	0	\$ 88.72

February 21, 2017

#17-99 Authorize Tax Collector to Cancel the 2016 Added Assessment Taxes Due to a County Board Judgment

WHEREAS, the tax office has received an Added Assessment County Board Judgment for the year 2016 cancelling the Added Assessment billed on the following properties; and

WHEREAS, the reduction in assessed value has also reduced the total tax amount billed and due for 2016; and

WHEREAS, the Added Assessment billed taxes for 2015 was not paid.

NOW, THEREFORE BE IT RESOLVED, that the Tax Collector cancel the following taxes and adjust her records accordingly.

<u>Block/Lot</u>	<u>Owner</u>	<u>Old Value</u>	<u>New Value</u>	<u>Cancelled Taxes</u>
204/21	Nasser, Ahmad & Rola 868 Bogert Road	10,000	0	\$ 109.52
812/5	Liddell, Patricia A. 171 Manchester Road	62,500	0	\$1,198.01

February 21, 2017

#17-100 Resolution Approving the Certification List of Volunteer Members of the River Edge Volunteer Ambulance Service, Inc. Qualifying for Credit Under the Length of Service Awards Program (LOSAP) for 2016

WHEREAS, the Borough of River Edge adopted Ordinance #1289 on May 7, 2000 which created the Length of Service Awards Program (LOSAP); and

WHEREAS, N.J.S.A. 40A:14-191 requires that the River Edge Volunteer Ambulance Service, Inc. furnish the Mayor and Council with an annual certification list of all members who have qualified for credit under the award program for the previous year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the Mayor and Council hereby approves the list of the members of the River Edge Volunteer Ambulance Service, Inc. certified by the Captain for the year 2016, a copy of which is on file with the Borough Clerk.

BE IT FURTHER RESOLVED that a copy of this resolution be posted by the Captain of the Ambulance Service.

February 21, 2017

Councilman Bartelloni read resolution #17-101 into the record.

On motion by Councilman Bartelloni, seconded by Councilman Papaleo to approve resolution #17-101 was unanimously approved.

#17-101 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	\$3,345,742.46
CAPITAL ACCOUNT	\$ 27,846.16
RECREATION ACCOUNT	\$ 2,933.00
ANIMAL WELFARE ACCOUNT	\$ 187.20
TRUST OTHER DEVELOPERS ACCOUNT	\$ 2,960.00
TRUST OTHER ACCOUNT	\$ 1,014.69
OPEN SPACE ACCOUNT	\$ 540.00

BE IT FURTHER RESOLVED, that claims read and approved by the Governing Body at a Council meeting will be dated the day after the reading of those claims and will appear on the following bill list at the next public meeting of the Mayor and Council at which time claims would be paid.

February 21, 2017

#17-102 Resolution Approving the Certification List of Volunteer Members of the River Edge Volunteer Fire Department Qualifying for Credit Under the Length of Service Awards Program (LOSAP) for 2016

WHEREAS, the Borough of River Edge adopted Ordinance #1289 on May 7, 2000 which created the Length of Service Awards Program (LOSAP); and

WHEREAS, N.J.S.A. 40A:14-191 requires that the River Edge Volunteer Fire Department furnish the Mayor and Council with an annual certification list of all volunteer members who have qualified for credit under the award program for the previous year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the Mayor and Council hereby approves the list of the volunteer members of the River Edge Volunteer Fire Department certified by the Chief of the Fire Department for the year 2016, a copy of which is on file with the Borough Clerk; and

BE IT FURTHER RESOLVED that a copy of this resolution be posted by the Chief of the Fire Department.

February 21, 2017

OPEN HEARING OF THE PUBLIC –

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

CLOSE HEARING OF THE PUBLIC –

There being no comments by the public, motion by Councilwoman Davis, seconded by Councilman Papaleo to close hearing of the public was unanimously approved.

COUNCIL COMMENTS –

Councilman Chinigo-feels that they've accomplished a lot this evening with regard to the high profile ordinance and although some may be disappointed, he is confident that they can all work together to find language that will make everyone happy. He commended everyone for all of their hard work on the budget.

Councilwoman Davis-congratulated Sergeant Abate for his two CPR saves in two weeks and secondly, she reported that the Farmer's Market Committee had their first meeting on January 24th. The market will be on Tuesday's starting June 6th and run through mid-October and they are reaching out to new vendors, using social media and printing out advertisements to get the word out. Councilwoman Davis reported that she met with the officers of the Fire Department on the 18th regarding their budget requests and on 26th she attended their department meeting where she introduced herself and gave out her contact information in case anyone wants to get a hold of her. Neal Carroll had looked into grant information that came from Josh Gottheimer but it turns out that the grant was for paid fire departments so it didn't really apply to us. She reported that she attended the Board of Health meeting on January 30th where they discussed the high activity of the flu right now. She commended everyone in the Health Department for staying on top of things and always doing a great job. Councilwoman Davis also commended the DPW because a neighbor of hers came over and said what a great job they did in repairing the grass from damage that was done during snow plowing.

Councilman Papaleo-said that he agreed with Councilman Bartelloni to vote separately on the introduction of the budget and commended the citizens for giving up their time on evenings and Saturdays, he thanked everyone on the Council and Alan Negreann for their hard work in getting this budget to where it is. He stated that he has gone through the budget process during the 5 years that he's been in the Council and feels that they've done a good job and hopes that the residents appreciate it. He appreciates the Citizen Budget Committee, the Council and everyone involved for their hard work. He reported that the Emerald Ash Bore issue that they've budgeted for is a serious problem that he knows Shade Tree is working on. At their last meeting in January, Councilman Papaleo was told that if the trees are not treated, they become very brittle and actually collapses which it turn becomes a hazard. He also reported that he had spoken with Steve Tanelli who is charge of our parks and Councilwoman Busted had spoken with Freeholder Tracy Zur to discuss this issue hoping to get some help which would bring our costs down. Alan Negreann has also brought the subject up at the Riverside Cooperative. He again stated that they have budgeted for the entire amount but with any luck we might not need to use all of the funds. He reported that Beautification Committee did not meet last month due to bad weather. He commended John Lynch and his department for again doing a great job during the last storm with snow removal and clearing our roads. He asked the Council if they would like to discuss at the next work session the topic of the snow flakes and whether they were left up too long. He congratulated Nancy Chiang on her appointment to the Shade Tree Commission and thanked Elizabeth Anievas for her past service on the commission.

Councilman Bartelloni-said that one thing that he is particularly proud of was back in 2013 at the Sine Die meeting, they adopted a fund balance policy. At that time, there was a little over a million dollars in the surplus fund and after adopting the policy, they thought it would take forever to get it to the target goal. Four years later, our surplus is over 3.8 million dollars and they reached our target. That being said, he feels that it's important that we don't repeat mistakes of the past because back in 2005, there was 9 million dollars in the surplus and over years it kept getting reduced. He and Mayor Mignone both came on to the Council and both have a depression era mentality when it comes to the budget because you can see how quickly, over the course of several years, how things can rapidly deteriorate to a position where you may have furloughs and layoffs. That does guide his thoughts on staffing and expenses and how we spend taxpayers money and this year the increase is about \$50 for the average which encompasses 73% of the town are at or below that level of the average home. He feels that they've done a great job but that being said, when you're talking about positions and promotions, we also have to look at what the debt position will be in a year or two. Had not the bill from the BCUA come in lower than expected, we may have seen a different result. In the past few years when we've gone out for bid for garbage contracts to see if we could do something better, those

numbers came in significantly higher than what we're currently paying. He feels that you have to balance all of these things because things can go so wrong so quick. As a Council they have to look carefully at all of the departments requests and look at the bigger picture which sometimes that puts them into conflict with what people want but hopes that they understand that they have to balance the interests of all parties and residents of the town. In terms of the Open Space allocation, he is happy how it turned out. As a father of two daughters he is passionate about REGAL and girls athletics which shades how he thinks and what he would like to see in the future. A little known fact about him that no one would suspect, is in law school he was editor on the women's rights law report which is an issue that he is passionate about. In terms of the table of organization, he appreciates the passion on both sides and understands the positions of both parties but in the end, he felt that the prudent course of measure was to go with the person who has the most experience and the person that we charged to run the department. That being said, he doesn't believe in half measures. If you're going to leave a position in you should fill it. If you're not willing to fill it, why leave it?

Councilman Bartelloni said if your position is to fill that, then he encourages whoever wants to see that position filled, to come up with the money for the Sergeants testing, the Lieutenants testing and salary of that Captains position. Then you'll have to look to see if you need to fill an additional patrol officers position because the Captain is not going to be out on the streets. So when you start adding up all of those costs, you should be prepared to add an extra \$100,000 to \$120,000 into this year's budget. He feels that if you're not prepared to do that, then don't put that Captains position in.

Councilwoman Busted reported that for the first time in a long time the Environmental Commission had a meeting last week and thanked Greg Ogden who stepped down as Chairperson for his many, many years of service. She wished Laura Hoogstrate good luck as the new Chairperson and knows that she will do a great job. Bobbi Conway had updated them on the KBG lighting project which seems to be moving forward very well. With regard to the AED's, she understands that the Board of Education has prepared a shared services agreement and asked Alan Negreann if he has received it. Pending budget approval, which she thinks they have, the Recreation Commission with Alan's help is looking to lease 4 AED units to be placed at Cherry Hill, Roosevelt, Memorial and KBG. The outside company will conduct training and handle maintenance and protocol and feels that it's progress that the Council wanted to see and is happy that the Commission has been able to achieve that this year. She announced that the Rec Commission has a Facebook and are using the social media policy and encouraged everyone to check it out and be kept up to speed on all the events. Councilwoman Busted said the budget process can be intense, grueling and often competitive but thanked all of her colleagues, Alan, Geeta and the entire Finance Committee for helping to steer the ship and is very proud of what they've introduced tonight.

Mayor Mignone said that he's pleased to hear about the AED's which is something that they've been talking about for a while and hopes that they will be ready for springtime sports. He appreciates everyone's hard work on the budget and agrees with Councilman Bartelloni's point that we see where we're going with our debt service and we know what the salary pressures are bringing us so every year it gets to be more and more of a challenge. His goal is that we never get back to the days where we've had furloughs and layoffs and to be prudent in prioritizing what we're spending our money on and making sure that we get value for every dollar. After some spirited debate, at the end of the day they all come back together and he hopes that continues because he would hate to see minor disagreements undo the good work that they've accomplished so far. The Mayor reported that he and OEM Coordinator Ron Starace had a meeting with the Local Emergency Management Council last week and was pleased with the turnout. He said that Ron Starace had given an update on the at risk individual initiative. When they started there were 4 or 5 individuals and right now there are upwards of 40 that have been identified through the Health Department. The Police will have the information for those individuals when emergency services are needed. They're continuing to advertise this initiative and he hopes that it will continue. Councilwoman Busted mentioned the Environmental Commission and the Mayor also thanked Greg Ogden for the many years that he served as Chairperson and for sticking with the Commission through the worst times. He was there when it started when there was a lot of interest and as years went by and enthusiasm waned and had a very hard time getting a quorum, Greg was always there as a great advocate for it. The Mayor is pleased that he will stay on as a member because his insight and talents are still needed. The Mayor feels that they're breathing new life into the Commission with Laura taking over because she has great enthusiasm and has already come up with some great ideas. The Mayor said that he would speak with Arlene Faustini about expanding the mission of an at risk resident theory to times when it's not an emergency, whether it's a resident in need of snow shoveling, raking leaves or picking up a prescription. Before the recent snow storm, a resident had called Borough Hall asking for help with snow shoveling and the Mayor was notified and asked if he knew of anyone that could help. The Mayor put his feelers out to the Boy Scouts and thanked Assistant Scout Master, Mike Ginch, of Troop 2295 where he and his two sons went to this resident's home and shoveled her out. The Mayor said that at the meeting, Ron and Superintendent Fletcher were talking about how to utilize some of the High School students to come up with some type of network going forward. The Mayor asked the

Chief to address postings on social media regarding perceived, alleged or possibly elaborated incidents that not only have no basis and fact but are completely untrue. He thinks that it's one of those things where people here a rumor and it gets exaggerated as it goes from person to person. There was some concern about a rash of burglaries in the last month and the Mayor asked the Chief to comment on that.

Chief Cariddi-said that in 2017 there was a home burglary in the last week in January and several days later there was an attempted burglary. On February 5th there was another burglary. So in a span of two weeks, there were two burglaries and one attempted burglary. The Chief said that in the preceding months of 2016, there was one residential burglary in December and three in November, one in October, none in September and three commercial burglaries in August which consisted of 1 burglary and 2 attempted. The Chief said that on average over the course of the year they may have as few as 10 and what he would consider a rash of burglaries would be around the number that they had in 2010 which was 42. Although the Chief would never make light on any burglary, he doesn't consider the activity that has happened from late 2016 to now a rash or a spree.

Mayor Mignone- said that one of the things that makes people scared is the fact that when things are posted on social media they categorize it as home invasions. When he hears home invasions, he thinks that someone is busting through the door, tying people up in chairs and putting gags in their mouths. He asked the Chief if that was the case with these burglaries.

Chief Cariddi- replied no, absolutely not.

Mayor Mignone-asked if there was an incident where an elderly couple walked in on a robbery and a person was beaten with a gun?

Chief Cariddi-replied, no.

Mayor Mignone-again said that he thinks that sometimes things get exaggerated and people pick up on it and get very fearful and rightly so.

Chief Cariddi-explained that in 2016 there was an armed robbery that took place, it was reported and in the paper and it had to do with two individuals arriving home and by all indicators, it was a targeted robbery. There was a minor injury which happened when the wife came to her husband's aid and tripped on a portion of the steps. The Chief said that there was no invasion of the home and no one was beaten with a gun.

Mayor Mignone-said that several years ago there was an incident where there was the thought that there was an attempted kidnapping and they're claiming now that "they played it off as if he was playing hooky". He asked the Chief if he recalls the circumstances of that incident and whether that was an actual kidnapping?

Chief Cariddi-said that he can say that most assuredly that we have not had a kidnapping, thankfully. In as much as trying to make sense of rumors on Facebook.....

Mayor Mignone-stated that he's not ridiculing but he's trying to make the point that some of the things that are being said and profited as being true. The Mayor is very concerned that this is a point that we're getting to where things take on a life of their own and people need to know that our Police Department is protecting us.

Chief Cariddi-said that he's not disparaging anyone because they may be writing that in good faith but what he's getting to is that he can't account for how something like that could've gotten started. The Chief said that if you had given him a timeframe, about 7 years ago there was an incident where there was a child about 12 years of age who ran away from home. They immediately called in resources from every available officer in the Police Department, County Agencies and even the State as they do for a missing child. Part of the investigation wound up determining his whereabouts and they determined that he left on his own and was found in a park about 5 miles from River Edge and was returned to his family. Whether this incident has anything to do with what's been posted, he doesn't know but it's the closest thing he can think of.

Mayor Mignone-also said that another posting had said that there was a boy that came into the Middle School with a gun and waived it around and was quote unquote "swept under the rug".

Chief Cariddi-said he can't even speculate why that would come up.

Mayor Mignone-said that he's hates to go there, but in some of the comments, they're thanking Kathleen for the feedback. He said that we've had this problem in the past and would hope that anyone who engages in these Facebook pages would try and get factual and realistic information out. He doesn't know what the best way to do this is and is aware that the Chief has tried to do public service announcements through the Town News advertising home security checks and the Mayor said that they're open to more ideas on how we can get people more comfortable in knowing the Police are doing their best to protect us. The Mayor is not disputing that there have been some serious incidents but sometimes rumors escalate where people are afraid to let their kids walk home from school.

Chief Cariddi-said that in terms of burglaries for example, they have programs where they do home security surveys for residents where they check lighting, door locks, alarms systems to make it less attractive to burglars. They also put out information and placed articles in the newspaper advising residents to leave lights on in their home so that the house doesn't look unoccupied. The Chief said

that there are things that do happen and are not swept under the rug but there are also incidents that happen that are sensitive in nature where particulars can't be released but again that's standard procedure with ongoing investigations. The Chief said that he can't go on Facebook and respond to these statements.

Councilman Papaleo-suggested that the Chief reach out to the PTO's explaining that we've heard of these issues and that they are untrue.

Chief Cariddi-said that another thing that he's put out there is encouraging residents to call him directly if they have concerns instead of getting into a dialogue with people on Facebook. The Chief said that he does have a dialogue with the schools and PTO.

Mayor Mignone-said that it may be timely again to put information out there letting people know what they offer and ways that they can protect their homes and also encouraged them to call the Police Department directly instead of going on Facebook.

Chief Cariddi-again stated that bad things happen everywhere including in River Edge and his officers are prepared to deal with them. People shouldn't be concerned that there is ramped street crime happening but doesn't mean that people shouldn't take reasonable and necessary precautions all the time.

Councilman Papaleo-asked Alan if it is his understanding that John will be removing the fence?

Alan Negreann-said that he would write John a memo tomorrow.

ADJOURNMENT – 10:44 P.M.

Motion by Councilman Bartelloni, seconded by Councilman Papaleo to adjourn the meeting at 10:44 p.m. was unanimously approved.

Edward J. Mignone, Mayor

Stephanie Evans, Borough Clerk

Dated: