

MINUTES

Regular Meeting of the Mayor and Council

Monday, April 3, 2017

7:00 P.M.

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 keep in their thoughts Bob Mancuso, longtime Court Officer, Mary Kirk, mother of former Mayor James Kirk and Bob Aljian, father of former Zoning Board Attorney Lisa Aljian and father-in-law to former Mayor Sandy Moscaritolo who recently passed away. The Mayor asked Councilwoman Busteded to lead the salute to the flag.

STATEMENT -

Mayor Mignone read the statement under the Sunshine Law and asked the Clerk to put it into the minutes. “Adequate Notice of this meeting has been made by sending notice on December 23, 2016 to THE RECORD NEWSPAPER, by positioning on the bulletin board in the lobby of the Borough Hall and filing a Notice of the same with the Municipal Clerk”.

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

APPROVAL OF MINUTES –

On motion by Councilwoman Busteded, seconded by Councilman Chinigo to approve the minutes of the Mayor and Council Regular Meeting of March 6, 2017 and the Work Session meeting of March 20, 2017 was unanimously approved.

PROCLAMATIONS & AWARDS –

Mayor Mignone read the Proclamation Declaring April 9 – 15, 2017 as National Library Week as follows:

PROCLAMATION

WHEREAS, our nation’s school, academic, public and special libraries make a difference in the lives of millions of Americans, today, more than ever; and

WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and

WHEREAS, library use is up nationwide among all types of library users, continuing a decade-long trend; and

WHEREAS, libraries play a vital role in supporting the quality of life in their communities; and

WHEREAS, libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it; and

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week with the theme:

“Libraries Transform”

NOW, THEREFORE, BE IT RESOLVED that I, Mayor Edward J. Mignone, hereby proclaim:

April 9 - 15, 2017

as

National Library Week

I encourage all residents to visit the library this week to take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library's doors. Worlds connect @ your library.

Mayor Edward J. Mignone

Dated: April 3, 2017

Mayor Mignone presented the proclamation to Library Director, Daragh O'Connor and thanked members of the Library Board for coming out this evening.

Daragh O'Connor said that he couldn't agree more with the statement that library's transform because they make communities stronger and River Edge is a thriving community. He is happy to announce that this Wednesday, they will be extending their hours of operation for the first time in several years. They are now back to 58 hours a week and will stay open until 9 p.m. on Wednesday evenings and hope to continue doing it for many years to come. He said that one of the reasons this is important is access to the meeting rooms because more and more people are using the library as a place to meet. He has already booked one of the rooms for a dance group practicing for a talent show which is just one aspect of the service that they provide. He looks forward to 2017 and thanked the Mayor and Council for taking the time to do this.

Mayor Mignone thanked Daragh and members of the Board of Trustees and said that they all appreciate the time and effort that is put in.

Mayor Mignone read the Proclamation Declaring April as National Autism Awareness Month as follows:

PROCLAMATION

WHEREAS, autism is a pervasive development disorder affecting the social, learning and behavioral skills of those affected by it; and

WHEREAS, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autistic spectrum, resulting in rates as high as 1 in 68 children nationally and 1 in 41 in New Jersey; and

WHEREAS, while there is no cure for autism, it is well-documented that if an individual with autism receives treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS, individuals with autism often require a lifetime of specialized and

community support serviced to ensure their health and safety and to support families' resilience as they manage the psychological and financial burdens autism presents; and

WHEREAS, Autism New Jersey, is spearheading an awareness effort in order to educate parents, professionals and the general public about autism and its effects.

NOW, THEREFORE, I, Edward J. Mignone, Mayor of the Borough of River Edge do hereby proclaim:

April 2017

as

National Autism Awareness Month

in the Borough of River Edge and urge all employees and residents to participate in our Autism Awareness Month activities, in order to become better educated on the subject of autistic spectrum disorders.

Edward J. Mignone, Mayor

Dated: April 3, 2017

Mayor Mignone stated that usually River Edge resident Barbara Christiansen who is a big supporter of this cause accepts this award, but was unable to attend the meeting this evening. The Mayor read the Proclamation Declaring the Month of April as Donate Life Month as follows:

PROCLAMATION

WHEREAS, those who dedicate their time, effort and skills to help others are among the most valued members of any community; and

WHEREAS, there is a great shortage of organ and tissue donors and thousands of people on the organ transplant waiting lists will not live to receive one; and

WHEREAS, each day 3 people die while on the waiting lists and in New Jersey, over 5,000 residents are waiting for organs or tissue; and

WHEREAS, the New Jersey Motor Vehicle Commission is cooperating with the New Jersey Sharing Network (NJSN) so that you need only to designate on your driver's license that you want to be a donor and that information will also go into the NJSN computers; and

WHEREAS, if you are not a driver, you may designate your wish to be a donor on your legal I.D. card; and

WHEREAS, the NJSN has a new information brochure which contains a temporary Donor Card to be filled out and kept in your wallet until you have the opportunity to register this information on your driver's license or I.D. card.

WHEREAS, the science of matching and performing organ transplant surgery has become more advanced; and

WHEREAS, last year over 613 transplants were performed in New Jersey and over 189,000 were performed nationally; and

WHEREAS, it is possible for one donor to save up to 8 lives and enhance the lives of up to 50 others through tissue donation.

NOW, THEREFORE, I, Edward J. Mignone, Mayor of the Borough of River Edge, do hereby proclaim:

APRIL 2017

As

Donate Life Month

Dated: April 3, 2017

Edward J. Mignone, Mayor

APPOINTMENTS & PERSONNEL CHANGES –

On motion by Councilman Papaleo, seconded by Councilman Bartelloni to approve the salary increase of Jason Milito, Foreperson in the Department of Public Works from an annual Step II salary of \$80,639.16 to Step III - \$84,829.32 effective April 1, 2017 was unanimously approved.

On motion by Councilman Papaleo, seconded by Councilman Chinigo to approve the salary increase of Eric Schultz, Equipment Operator in the Department of Public Works from an annual Step II salary of \$63,178.00 to Step III - \$64,351.00, effective April 6, 2017 was unanimously approved.

CORRESPONDENCE –

Email	-	LeeAnn Ghazil Gaunt – 3/6/17 Re: Municipalities Continuing Disclosure Cooperation Initiative
Letter	-	Bergen County Joint Insurance Fund – 3/7/17 Re: Receipt of Bronze Award -\$1,000 for 2016 Safety Management Program
Notice	-	PSE&G – 3/9/17 Re: Costs Re: “Energy Efficient 2017 Program”
Notice	-	River Edge Board of Education – 3/13/17 Re: Meeting Notice – 3/15/17
Letter	-	County of Bergen – 3/13/17 Re: Resolution Passed by Freeholders Increasing County Open Space Tax Rate to .01/\$100
Report	-	Alan P. Negreann, Admin/CFO – 3/23/17 Re: Damage to Public Property
Letter	-	Board of Chosen Freeholders – 3/23/17 Re: Introduction of Ordinance #17-03
Letter	-	Patrick Fletcher, River Dell Superintendent – 3/24/17 Re: Thank you to DPW
Letter	-	Maureen Murphy, Tax Collector – 3/28/17 Re: Certification of Mailing Adjusted Tax Bills Due to Homestead Benefit Credit

MONTHLY REPORTS –

Beautification Committee	-	March 2017
Historic Commission	-	February 2017
Library Board	-	March 2017
Recreation Commission	-	Director’s Annual Report – 2016
Recreation Commission	-	January & February 2017
Shade Tree Commission	-	February 2017
Tax Collector	-	February 2017

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA –

On Motion by Councilman Chinigo, seconded by Councilman Acquafredda to open

public comments on any issue on the agenda was approved unanimously.

Jemour Maddux-191 Zabriskie Place –thanked the Mayor and Council for granting him time to comment as he considers all of them neighbors and he’s not here to be critical but would like to offer a unique perspective as a resident. He read the following letter:

Dear Mayor and Council,

Mayor and Council, thank you for granting me time to comment. I consider you all to be neighbors. I'm not here to criticize. I'm here to offer my unique perspective.

As a resident, I follow the activities of local government and I help to keep my neighbors informed. However, when I tried to obtain information regarding the proposed 2017 Municipal Budget, I encountered challenges. I'm here today to share these challenges and to draw attention to the potential for improvement in this process.

I appreciate the opportunity to offer comment on the proposed 2017 Municipal Budget. However, for a resident to offer an informed and meaningful comment, the resident first requires a reasonable level of understanding concerning the information set forth in the proposed budget. For a resident to gain this reasonable level of understanding, the resident first requires sufficient opportunities to engage in a question and answer (or Q&A) with Mayor and Council members, either individually or collectively. I do not believe the residents of River Edge, and certainly myself, have been able to gain this reasonable level of understanding of the proposed budget, because the residents of River Edge, and certainly myself, haven't been provided with sufficient opportunities, if any at all, to engage in a question and answer (or Q&A) with Mayor and Council, either individually or collectively, before the day that this proposed budget is to be voted upon. Therefore, residents, such as myself, are unable to offer an informed or meaningful comment on this proposed budget that will raise our taxes, which undermines the legitimacy of this public hearing.

Mayor and Council, I'm only aware of four ways that Mayor and Council members have attempted to make information available to River Edge residents regarding this budget so that residents could offer informed and meaningful comments at this hearing. For one, the proposed budget was posted online. Secondly, Mayor and Council's contact information is located online. Thirdly, we have a Citizen's Budget Committee. Finally, Mayor and Council may argue that this purpose of this hearing is to engage in the Q&A I mentioned. However, all of the above have either failed, or are insufficient in my opinion.

Yes, the proposed budget was posted on the borough's website. However, the document contains technical information that obstructs a resident's ability to interpret it without an opportunity for Q&A with Mayor and Council members. Also, seeing where there is increased spending within this budget doesn't inform the resident of why there's increased spending or the consequences of not spending. Simply being able to read the proposed budget doesn't position residents to offer informed or meaningful comments at this hearing.

Yes, Mayor and Council's contact information is posted online. For me to gain a reasonable level of understanding in regards to this proposed budget. I used the "Contact All Mayor and Council" webpage to start a question and answer (or Q&A) with all of you concerning this proposed budget. After I did not receive a response. I tried again a week later by individually contacting each Mayor and Council member. On neither occasion, did I receive a response or confirmation of receipt.

I don't have pre-existing relationships with any Mayor and Council members, and I have no prior history of requesting anything from Mayor and Council. Therefore, I have no reason to believe that this lack of responsiveness to my requests was personal, or that other residents would have stood a better chance of hearing back from Mayor and Council regarding questions about this proposed budget and its tax increase.

Councilman Bartelloni made himself available by phone for Q&A regarding the budget when myself and others publicly voiced our concerns about this tax increase via social media, in the River Edge Community Group. I believe my questions were reasonable. I asked: 1. was there a path to avoid this tax increase; 2. if there was a path, what obstructed it; 3. if there wasn't a path, please explain why this increase was necessary; 4. did anything else guide your support for this increase; and 5. do I have your permission to share this information with others. I think the councilman found my questions to be reasonable; given, he answered all of them from his

perspective. He also gave me permission to share his answers with other residents.

Weeks later, when I publicly voiced concerns about Mayor and Council's lack of responsiveness to my online inquires via the River Edge website, another member of Mayor and Council replied to the same set of questions I submitted to Councilman Bartelloni. Here's what I received:

The mayor and council take the budget process very seriously. There is no simple or short way for me to respond to the questions you pose; they are complex, and the answers are intricate and have been debated and discussed by the mayor, council and citizens budget committee for many months, and for months before I was part of tills council. Nevertheless, I do not mean to put you or your questions off, so I'd like to suggest that you come tomorrow night at 7 and attend the regularly scheduled Council Meeting, which is held at Borough Hall, 705 Kinderkamack Road. There you will be given an opportunity to ask all of these questions to the whole governing body, and to address any issues you may have with the budget or with the municipality, in general. I urge you to come, ask your questions and to voice any objections, you may have to the process and the outcome.

Now, this email was not a response, which, is alluded to in the email. While I'm sensitive to the fact that this Council member indicates he or she joined the budget process after it was already underway, I don't believe he or she plans to abstain from voting upon, it for that reason.

Collectively, one of seven Mayor and Council members responded to a resident's questions about this budget, which the resident (meaning me) posed to prepare himself to offer a meaningful and informed comment in support or in opposition to this proposed tax increase. Only one out of the seven replied; however, there's seven publicly-elected officials here today, and I believe that each official should be individually making him or herself available to give his or her account to residents for his or her position on this budget; in addition to taking residents* questions, so residents can offer informed and meaningful comments during these public hearings about their money.

When that doesn't occur, the legitimacy of these hearings is questionable. Perhaps Mayor and Council can offer a trove of website inquiries concerning the proposed budget that they've responded to in a timely manner. However, if that's the case, then please make it in writing, and send it to my home address, and include your explanation for why I'm an outlier.

Yes, we have a Citizens Budget Committee. However, neither this committee nor its members can be found on the River Edge website. Also, residents on the committee are not elected representatives and cannot speak for me. Finally, the existence of a Citizens Budget Committee; ultimately, does not effect my main point, which is when Mayor and Council members have not taken residents' questions, so residents can offer informed and meaningful comments during these public hearings, then the validity of the public hearing becomes questionable.

If there were Q&A sessions for the public to meet with Mayor and Council members regarding this proposed budget and tax increase, then it's my position that any such sessions weren't reasonably announced. Any opportunities to meet with our elected officials regarding a tax increase should be announced and publicized with the same vigor as issues concerning snow removal and the DPW, which have nothing to do with our liberties.

Yes. Mayor and Council has made itself available tonight for questions and answers. However, like the Council Member indicated in his or her email, "the answers are intricate and have been debated and discussed by the mayor, council and citizens budget committee for many months".

Therefore, I believe it is unreasonable and not in good faith to provide the residents of River Edge with only a Q&A on the same night that Mayor and Council will be voting on this budget and tax increase.

For one, residents should be provided with more than one opportunity for this Q&A regarding the proposed budget because some residents were unable to be here due to scheduling conflicts. Also, residents should be given the chance to take the answers they receive from

various council members, regarding this budget mid tax increase, in order to: 1. discuss it with others; 2. generate follow-up questions; 3. Suggest or explore alternatives with Mayor and Council members; 4. organize and 5. Come to a hearing like this, with informed comments of support or opposition to the budget.

In summary, if you vote to pass this budget today, my taxes will increase; and the path for residents, at large, to competently weigh-in (either tonight or later in a poll booth) hasn't been sufficiently developed. I ask for Mayor and Council to carefully weigh my feedback and to pursue improvements in this process for future budget votes: especially, those pertaining to tax increases and our liberties.

Warm regards,
J.A. Maddux

Addendum. As of 53 minutes before the start of this 7:00pm session, this hearing regarding the residents' proposed tax increase didn't appear on the borough's calendar featured on the borough's website. Past Mayor and Council meetings have appeared there, but not this one. At least one person looking for verification of tonight's hearing reached out to the online River Edge Community Group, and she received a prompt response from me. However, it is questionable if Mayor and Council has done its fair share to even notice residents about tonight's opportunity for Q&A concerning this proposed tax increase.

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA –

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

OPEN HEARING ON 2017 BUDGET AMENDMENT

On motion by Councilman Papaleo, seconded by Councilman Bartelloni to open hearing on the 2017 Budget Amendment was unanimously approved.

Alan Negreann-Administrator/CFO – explained that we received a reimbursement from the County of Bergen for snow removal and ice control services relative to the last storm that we had in mid-March for \$2,860.00. We are amending the revenue side of the budget for that reimbursement as well as the spending side. We are shifting \$22,733.00 in expenses related to the snow and ice control emergency and reducing the Public Works line both salaries and wages and other expenses as well as the petroleum line and increasing an emergency line. All of these changes will have no effect on the tax levy for the introduced budget but making these amendments are necessary to update our records on the budget.

CLOSE HEARING ON 2017 BUDGET AMENDMENT

There being no comments by the public, the motion by Councilman Papaleo, seconded by councilman Bartelloni to close the hearing on the 2017 Budget Amendment was unanimously approved.

Motion by Councilman Bartelloni, seconded by Councilman Papaleo to approve resolution #17-128 was unanimously approved.

#17-128 Resolution to Read the Budget by Title

WHEREAS, N.J.S.A. 40A:4-8 as amended provides that the budget be read by title at the time of the public hearing if a resolution is passed by not less than a majority of the full membership of the Governing Body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been made available for public inspection and copies have been made available by the Borough Clerk to persons requesting them; and

WHEREAS, these conditions have been met.

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

April 3, 2017

OPEN HEARING ON 2017 MUNICIPAL BUDGET

On motion by Councilman Papaleo, seconded by Councilman Bartelloni to open the hearing on the 2017 Municipal Budget was approved unanimously.

CLOSE HEARING ON 2017 MUNICIPAL BUDGET

There being no comments by the public, the motion by Councilman Chinigo, seconded by Councilman Bartelloni to close the hearing on the 2017 Municipal Budget was approved unanimously.

On motion by Councilman Papaleo, seconded by Councilman Bartelloni to approve resolution #17-129 was approved unanimously.

#17-129 Approval of Local Budget Review 2017 Budget

WHEREAS, N.J.S.A. 40A:78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the borough of River Edge has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2017 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to the law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on the Property Tax Levy, Chapter 62, Public Laws of 2007 and to a limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and the appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth,
 - c. In itemization, form, arrangement and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

April 3, 2017

On motion by Councilman Acquafredda, seconded by Councilman Chinigo to approve resolution #17-130 was approved unanimously.

#17-130 Adopting 2017 Municipal Budget

WHEREAS, the 2017 Municipal Budget was approved by resolution #17-80 on February 21, 2017; and

WHEREAS, in accordance with N.J.S.A. 40A:4-6, was advertised in THE RIDGEWOOD NEWSPAPER on March 3, 2017; and

WHEREAS, the 2017 Municipal Budget was amended on March 21, 2017 via resolution #17-127; and

WHEREAS, the amending resolution was published in THE RIDGEWOOD NEWS on March 24, 2017; and

WHEREAS, a public hearing was held on April 3, 2017 on the budget amendment; and

WHEREAS, a public hearing on the budget was held on April 3, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Local Municipal Budget appropriating \$15,388,662.06 be hereby adopted for the fiscal year 2017.

April 3, 2017

Mayor Mignone-stated unfortunately Mr. Maddux left, because he would like to address some of his questions. The Mayor did respond to him last night and feels that the topics and detail does not lend itself to a simple email response and he doesn't think that some of these things should be Facebook friendly. He thinks that what Mr. Maddux has done with a Facebook page is great in getting general information out. We know as a Council when we adopted our own social media policy, they thought social media was best used to disseminate information. It should not be used to try to illicit information from the Borough that would normally go through the OPRA process, it should not be a way to short circuit contacting elected officials through the website so we can actually have concerns documented properly. When he receives an email from a resident, if the Clerk wasn't copied, he makes sure she gets a copy and makes sure that the Liaison to the appropriate department gets a copy and generally includes the Council President. From that point, it's up to them to bring it to the department heads attention and he or the individual liaison may follow-up and see what the resolution is. There needs to be a process so there is an actual trail to make sure residents are getting the information that they've asked for. There are times when we can't do what they're asking us to do but at least we have a process. The Mayor took the same position with regard to the budget. He said that Mr. Maddux asked a lot of questions and does not think that the Council has been, for a lack of a better term, deficient in allowing public access during the budget process. Maybe Mr. Maddux wasn't aware but there were at least 5 Saturdays where they've been here and they've had budget hearings prior to regular Council meetings where they were opportunities for public comment. He is correct that the Citizen's Budget Committee may not speak for him specifically, but it is representative of community and we do take that process very seriously and is sure that members of the committee

would think that they provided a valuable and insightful service on behalf of their fellow residents. The Mayor would like to invite Mr. Maddux to participate next year because he's right, it is very difficult for the public to know the intricacies of the budget process. The Mayor had prepared a statement to go over some of the budget issues for the record. His point to Mr. Maddux was that by doing so at a public meeting, it gets recorded and the Mayor's and Mr. Maddux's comments will be actually incorporated into the minutes and be done completely and in context.

Mayor Mignone made the following statement into the record:

Tonight we approved the seventh municipal budget since I was elected to council in 2010. Once again we've worked very diligently to craft a budget that provides essential services, prioritizes routine and non-routine infrastructure improvements, prioritizes routine and non-routine equipment purchases, evaluates wants versus needs, providing "quality of life" services such as the library, recreation programs, senior services, and unanimously included funding to be able to construct a community space; providing necessary funding for professional services with regard to ongoing issues with COAH and the ongoing River Dell funding dispute, and to guide the Borough to develop reasonable and economically beneficial redevelopment plans all while following responsible, financial and fiscal practices to ensure that we continue to replenish depleted cash reserves and all this done with an appreciation and great deference with regard to impact of our decisions on the taxpayers of this Borough, obviously the seven are us are among.

This year the overall budget increase was \$115,900 (0.7%). There was a decrease in anticipated revenues of about \$10,500. This combination resulted in a tax levy increase of about 0.9% which equates to a \$54 increase for the typical home assessed at \$385,000 (noting that 73% of all homes are assessed at this level or lower). None of budget allocations are taken lightly; they are based on actual history of costs incurred; they are scrutinized year to year and they are based entirely on publicly available information.

Budgeting is actually careful and realistic estimating. I can assure everyone that myself and each member of Council takes our financial stewardship of our collective tax dollars extremely seriously and I know that I personally invested many hours towards budget analysis/preparation (and have continued as Mayor, though the Budget preparation is technically and statutorily vested in the Council) to ensure that every line item is necessary, allocation reasonable and documentable and that the Borough gets the most value from each tax dollar spent.

It may surprise some that salaries and wages do not represent a majority of the budget but about 40%. While salary pressures are a real and annual concern as our workforce ages and increases in years of service and experience, the Borough conducts fair and competitive negotiations with our unions and increases have been between 1.5-2%. We are comprised predominantly part-time employees that are not eligible for health benefits. We have eliminated longevity and the Borough and credit to our current CFO/Administrator who advocated eliminating payment for accrued sick time and capping payments way before it was the norm. I would hasten to say that River Edge probably has one of the lowest, if not the lowest, retirement liabilities in the county.

Residents should know that there are reasonable recurrent capital expenditures including infrastructure upkeep/repair; equipment for Police, Fire and DPW. And though there may be some, I am probably in agreement with most people who would rather have no increase at all. Some may say that \$50 is not significant. But I recognize that our increase is not in a vacuum. Even if the local schools and regional school increases were \$50 each, the county adds another \$10 but to a person on a fixed income, paying another \$160 in taxes may well be tipping point of whether someone can stay in their home or not. But just as this current budget cannot be viewed in a vacuum, this budget also needs to be evaluated in its historical context.

Maybe most people have forgotten where this town was just a few short years ago. When Councilman Bartelloni and I were first elected in 2010, the Borough's financial situation was in "dire straits," a phrase used incessantly in print and by former members of Council. Increases in spending, unanticipated decreases in state aid, signs of decreasing revenues, and in my judgment poor fiscal decisions such as accepting a pension payment "holiday" and over-reliance of use of cash reserves (a/k/a/ "surplus") to balance the budget led to a severe crisis. This forced significant reductions in services, up to three week unpaid furloughs across the board, complete depletion of our cash reserves, not having sufficient cash flow to pay our bills and the single largest year over year municipal tax increase in our history, 15% or \$350+ on the typical house at that time.

We've made great strides in improving our financial footing and will continue to do so. Unseen is that we continue to balance continuing essential services, providing "discretionary/desired" services and we also refrain from using a significant portion of "surplus" as anticipated revenue (for the past 5 years we've only used \$425,000). Prior to 2011, previous councils used at times used more than \$3,000,000 surplus per year, nearly of the budget. Through a policy that Councilman Bartelloni and I drafted with the finance committee and our CFO, we have come back from a cash surplus as low as \$500,000 to a balance of \$3.85 Million at the end of 2016. Standard & Poors has recognized our efforts by citing our fund balance policies and fiscal prudence when they increased our bond rating to AA+. And I know there are people listening who are thinking why shouldn't we use more of the surplus to reduce taxes – the answer is two-fold – our policy sets forth definite criteria for surplus levels before we can increase the amount used as anticipated revenue and we need to build up and maintain a certain level of cash reserves to ensure that we encounter no cash flow problems where we can't pay our bills on time or have to resort to short term borrowing to pay our bills – situations that have happened due to our previous poor financial situation.

If we were just to increase the amount of surplus anticipated to \$1,000,000 (a level which would not necessarily be considered excessive), the average resident would have seen a municipal tax DECREASE of \$110.00. However, while this may have been politically popular, it is not the prudent and fiscally responsible action. Spending year over year has been below inflation and often less than 1%. If we are able to control the spending side and in the absence of downturns in the economy and no "shock" costs from Trenton in terms of pension payment obligations, health care premiums, sewage processing costs, utilities, etc., we will get to what I've been calling a sustainable budget where it would be proper and responsible to use surplus funds to offset and marginally decrease municipal taxes. Hopefully next year we may be able deliver a real "zero" increase but there are always unforeseen issues - unexpected pension increases like I mentioned, anyone who makes iron-clad promises either doesn't understand or doesn't want to understand the realities of municipal budgeting.

I am proud of the work we've done over the last six years especially if you recognize the conditions from which we started. The general public doesn't know all these details and it is very difficult to distill this type of information even when there may be interest. I know most people just react that there is just an increase and what they read in the newspaper. To this example, these are recent headlines from the Bergen Record:

\$37.4 million Bergenfield municipal budget up for approval;
Norwood council introduces budget with slight increase;
Closter council introduces \$15.9 million budget;
Glen Rock introduces \$19 million municipal budget;
Fort Lee introduces \$77.5 million budget;
Taxes to rise in proposed River Edge municipal budget;

So just based on the headlines, is a skewed understanding of what's going on. Just for the record, those other towns increased their budgets 1.2%, 1.4%, 2.6%, 3.2% and 3.9% - we were 0.7%, lower than all of them.

For the record, the other towns increased their tax levies 1.6%, 1.3%, 1.2%, 2%, and 3.9% and I think we were about 1.5% so on the low end of that too.

I relay this not for comparison sake, I don't know the specifics of these towns and what drove their financial budgets. I encourage everyone to read the articles and if you are inclined like I am, I actually read the budget summaries that are printed in the legal notices, I look at the "anticipated surplus", look what they use and see what the actual increase in their assessments are. The articles never paint a complete picture and two sets of numbers, while seemingly similar, actually tell quite a different story when you look more than superficially.

In the end, we only control 25% of each homeowner's tax burden. This is not an excuse, but a point of fact and demonstrates the relativity of municipal taxes to overall property taxes. In 2016, the average assessed house of \$385,000 paid a total property tax bill of about \$13,000. Of this, \$3,200 was municipal tax, \$146.00 mandatory minimum library tax and \$38.50 local open space tax. The balance of \$9,400 is local school tax, regional school tax, county tax and county open space. Even if we were to eliminate municipal government completely, there are fundamental operating costs each resident would be forced to pay regardless if it was provided through the Borough or if we prescription services: items such as sewage collection/processing; recycling (state mandated), garbage collection/disposal, fire hydrants fee (set by BPU), street

lighting. This accounts for about 20% of the municipal tax bill and adds up to about \$45/month of the \$266 average amount people pay. This amount does not include snowplowing or street repairs/paving, Police services or anything else.

Hypothetically, whether through shared services or municipal consolidation, it is unrealistic to expect that municipal cost would be zero. That's not to say that there are some economies of scale, but unless total number of personnel is reduced (and no matter how well organized, a reduction in employees will result in a decrease in level of service, some minor, some marginal, some that will be seen, others will be unseen (for example decreased sewer jetting/catch basin cleaning) which is something people wouldn't even notice until there was an actual problem. Even assuming we can reduce the municipal tax burden 50% or 60% the average house would see a reduction of \$1,600 to \$1,900 per year. I know from personal professional experience that towns that have prescription services just for garbage can be \$50.00 a month itself and that's not the answer. Municipal budgets are not the same as a private company. They are a mix of basic services, essential services and discretionary services that define the quality of life and identity of a town. The paradox remains that there are calls to lower property taxes but at no decrease in services. Dollar for dollar, I still maintain that we get the most value for our dollar and the most efficient delivery of services on the local level (just look at the county, state or the federal government).

The progress we made didn't just happen, it isn't because the overall economy has improved, it wasn't magic – We need to look back to see how far we have come and not to fall into the same patterns. We can go forward with the knowledge that we've done the hard work to get the fundamentals of our budget in its strongest position arguably in decades. Mr. Maddux asked if there was a "path to avoid the tax increase," and whether there was "obstruction," to that path or whether there was "no path to begin with." To me, comments like this reveal that the governing body needs to perhaps be able to better explain the complexities and realities of the municipal budget and processes, but also demonstrate that most residents probably do not have a frame of reference to know what "the numbers mean."

There are truly fixed and uncontrollable costs such as utilities, landfill tipping fees, pension payments, insurance, contractual obligations, debt service that are part of any budget. Like any deliberative body, there will be differences of opinions with setting priorities and what are projects, programs or positions are necessary and to be funded and what levels. This usually is more common when setting a capital budget and there are times when a simple majority can include a spending item. While an individual councilperson can withhold a vote from introducing and adopting the budget, most often, the mayor and council as a whole (at least during my tenure) eventually come to a final consensus – and perhaps surprising to some, this is not always along political party lines.

I recognize that making difficult decisions does have political consequences. When Al Bartelloni and I were elected, we were the first republican majority with a sitting republican Mayor for the first time in a decade. We felt we had an obligation to make the difficult choices to get our finances back on the right path – decisions like paying the pension deferment, cutting costs, implementing furloughs and even a layoff. The political result was that for each subsequent election we lost seats. Despite policy issues I had with the previous Mayor, it was he and my democratic colleagues who appointed me as finance chair and we worked together to get our budget on a firm and sustainable path forward.

There is one other aspect that could take another hour to write about is that "we need more rateables." No one discounts or argues the premise; however, it is not the panacea that politicians claim. Again for example, the TOTAL tax base of the Borough is \$1,456,898,719. Assessing taxes is straightforward; each property pays proportionally to its percent of the total. Assuming that budget remains flat from one year to the next, the tax base would have to increase by 10% to get a 10% reduction in the following year. This would be the equivalent of adding \$145,689,871 in new assessed construction. Again, for comparison purposes, the New Bridge Landing complex in its entirety is assessed around \$14,000,000, 1/10th of that. Notwithstanding that that at its peak, the property with was assessed in excess of \$10-11 million. Again, this is part of a solution, not the solution.

The unanswered question is what is the answer to controlling property taxes? Without changes on the state or federal level, we need to keep doing what we've been doing. Keep expenses down, be cognizant of budgetary pressures from increasing salaries and debt service, pursue shared services where reasonable and actually cost beneficial, encourage upgrades to our housing

stock and thoughtful and responsible new development. You need to make sure that the seven people who sit up here understand how this budget is comprised and how it works, and elected officials that can make difficult decisions even when politically unpopular. As Mayor, I need to work with whomever the voters elect to this Council. I didn't run for Mayor to sit here and argue with the council for four years. I have worked to move many issues forward by finding common ground and leading by example – by understanding the issues, being prepared and know my number one obligation to the people of this Borough is to bring honest, open and effective government. If good governance doesn't translate to good politics, at least I know that I always did what I thought was best for all of us.

I didn't intend and I don't think I'm able to cover everything but I hope this is a useful overview and at least a basic primer into the municipal budget. If anyone wants to discuss any of these matters further, don't hesitate to ask. I'm glad to talk about it at any time. Anyone listening who is interested in being on the citizens' budget committee we'd be glad to have you. We'll be planning again for 2018 at the end of the year. I'm sorry for taking up so much time but I thought it was important to get a lot of this information out and I hope it does provide some clear understanding of what this all means. It's understandable that people don't know all the intricacies of it but the Council deserves their due credit for the time and effort that is put into the budget process and maybe it is our collective effort to try and get more people to understand it and then maybe they would have a better appreciation and understanding of how and why we make the decisions we do.

Thank you again for bearing with me.

Councilman Papaleo- "well said".

ORDINANCES – 1ST READING –

Stephanie Evans, Borough Clerk read the title of Ordinance #17-11 into the record as follows:

Ordinance #17-11 AN ORDINANCE APPROPRIATING \$56,300.00 FROM THE GENERAL CAPITAL FUND – CAPITAL IMPROVEMENT FUND FOR PURCHASE OF EQUIPMENT

On motion by Councilman Acquafredda, seconded by Councilman Bartelloni the first reading of Ordinance #17-11 was approved unanimously as follows:

BOROUGH OF RIVER EDGE ORDINANCE #17-11

AN ORDINANCE APPROPRIATING \$56,300.00 FROM THE GENERAL CAPITAL FUND – CAPITAL IMPROVEMENT FUND FOR PURCHASE OF EQUIPMENT

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

SECTION 1. The purchase of equipment desired in Section 2 of this ordinance are hereby authorized as purchases to be made by the Borough of River Edge, New Jersey for the purpose of the purchase of said equipment there are hereby appropriated the sum of \$56,300.00 of which \$56,300.00 is from the Capital Improvement Fund.

SECTION 2. The purchases are authorized as follows:

- a. Repairs and improvements to public buildings and grounds.
- b. Purchase of equipment for the Departments of: Public Works, Fire Borough Clerk, Health and Construction.

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

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

Mayor Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk

Dated:

Stephanie Evans, Borough Clerk read the title of Ordinance #17-12 into the record as follows:

Ordinance #17-12 BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS 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 \$1,243,000 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

Councilwoman Busteed asked that for the record that this center be called a community center not a senior center.

On motion by Councilman Chinigo, seconded by Councilman Bartelloni the first reading of Ordinance #17-12 was unanimously approved as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #17-12

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS 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 \$1,243,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The Borough of River Edge, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire 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 said Borough, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said

obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery consisting of civic decorations.

Appropriation and Estimated Cost	\$ 10,600
Down Payment Appropriated	\$ 600
Bonds and Notes Authorized	\$ 10,000
Period of Usefulness	5 years

B. Supplemental funding for the undertaking of various improvements to the River Edge Senior/Community Center. It is hereby determined and stated that the Borough has heretofore appropriated the aggregate sum of \$516,500 for such improvement pursuant to the following four ordinances: Ord. No. 1789 adopted on May 6, 2013; Ord. No. 1806 adopted on April 21, 2014 (as amended by Ord. No. 1825 adopted on March 16, 2015); Ord. No. 1829 adopted on May 4, 2015; and Ord. No. 1859 adopted on April 18, 2016.

Appropriation and Estimated Cost	\$530,600
Down Payment Appropriated	\$ 25,270
Bonds and Notes Authorized	\$505,330
Period of Usefulness	15 years

C. Acquisition of new automotive vehicles, including original apparatus and equipment, for the use of the Department of Public Works consisting of (i) a hook lift truck and (ii) a utility truck.

Appropriation and Estimated Cost	\$233,200
Down Payment Appropriated	\$ 11,700
Bonds and Notes Authorized	\$221,500
Period of Usefulness	5 years

D. (i) Replacement of lighting in the truck bay and locker room at Fire Company No. 1 and (ii) acquisition of new additional or replacement equipment and machinery for the use of the Fire Department consisting of (a) turnout gear, (b) fire hose, (c) wet suits and (d) self-contained breathing apparatus equipment.

Appropriation and Estimated Cost	\$ 70,490
Down Payment Appropriated	\$ 3,490
Bonds and Notes Authorized	\$ 67,000
Period of Usefulness	5 years

E. Undertaking of the 2017 Road Resurfacing and Improvement Program (including curbing and sidewalk improvements, where necessary) in, by and for the Borough, as set forth on a list prepared by the Borough Engineer and approved by the Borough Council and directed to be placed on file in the Office of the Borough Clerk and made available for public inspection during normal business hours. It is hereby determined and stated that (i) the Borough Council may, by resolution, amend such list from time to time within the appropriation made hereby and (ii) such roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$212,000
Down Payment Appropriated	\$ 10,100
Bonds and Notes Authorized	\$201,900
Period of Usefulness	10 years

F. Undertaking of storm water drainage and sanitary sewer improvements at various

locations in the Borough.

Appropriation and Estimated Cost	\$132,500
Down Payment Appropriated	\$ 6,310
Bonds and Notes Authorized	\$126,190
Period of Usefulness	40 years

G. Acquisition of new communication and signal systems equipment and new information technology equipment for the use of the Police Department consisting of (i) radios and (ii) computer equipment.

Appropriation and Estimated Cost	\$ 15,370
Down Payment Appropriated	\$ 2,630
Bonds and Notes Authorized	\$ 12,740
Period of Usefulness	5 years

H. Acquisition of new information technology equipment consisting of a budget and accounting computer system for the use of the Finance Department.

Appropriation and Estimated Cost	\$ 38,240
Down Payment Appropriated	\$ 1,900
Bonds and Notes Authorized	\$ 36,340
Period of Usefulness	7 years

Aggregate Appropriation and Estimated Cost	\$1,243,000
Aggregate Down Payment Appropriated	\$ 62,000
Aggregate Amount of Bonds and Notes Authorized	\$1,181,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$71,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$62,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$62,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$1,181,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,181,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with

respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 13.93 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,181,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Edward J. Mignone, Mayor

Stephanie Evans, Borough Clerk
Dated:

Stephanie Evans, Borough Clerk read the title of Ordinance #17-13 into the record as follows:

Ordinance #17-13 - AN ORDINANCE OF THE BOROUGH OF RIVER EDGE AMENDING CHAPTER 330 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE AND ADDING A NEW CHAPTER TO BE ENTITLED "ABANDONED PROPERTIES" PROVIDING FOR REGISTRATION REQUIREMENTS, REGISTRATION FEES, INSPECTION, MAINTENANCE AND CREDITOR RESPONSIBILITIES OF ABANDONED PROPERTIES

On motion by Councilman Bartelloni, seconded by Councilwoman Busted the first reading of Ordinance #17-13 was unanimously approved as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #17-13

AN ORDINANCE OF THE BOROUGH OF RIVER EDGE AMENDING CHAPTER 330 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE AND ADDING A NEW CHAPTER TO BE ENTITLED “ABANDONED PROPERTIES” PROVIDING FOR REGISTRATION REQUIREMENTS, REGISTRATION FEES, INSPECTION, MAINTENANCE AND CREDITOR RESPONSIBILITIES OF ABANDONED PROPERTIES

WHEREAS, the Borough of River Edge contains structures that are abandoned; and

WHEREAS, in many cases the owners or other responsible parties of these structures (lenders, lien holders) are neglectful of them, and are failing to maintain them or secure them to adequate standards, or restore them to productive use; and

WHEREAS, many of these structures are in violation of State and local fire, housing and property maintenance codes; and

WHEREAS, it has been established that abandoned structures cause severe harm to the public health, safety and general welfare of the community, including diminution of neighboring property values, loss of property tax revenues, accumulation of trash and debris, overgrowth of grass, weeds, and other vegetation that is inhabited by insects and rodents, increased risk of fire, and potential increases in criminal activity and public health risk; and

WHEREAS, the resident taxpayers of the Borough of River Edge incur unnecessary and disproportionate costs in order to deal with the problems caused by vacant structures, including but not limited to police calls, fire calls, public works calls, property inspections and related tasks associated with these calls; and

WHEREAS, N.J.S.A. 46:10B-51, et seq., requires every creditor that has initiated a foreclosure proceeding to provide the Municipal Clerk of the municipality with a listing of all residential properties in the municipality for which the creditor has foreclosure actions pending, and the Municipal Clerk shall forward a copy of said Notice to the public officer who shall be responsible for administration of any property maintenance or public nuisance code; and

WHEREAS, it is in the public interest for the Borough of River Edge to establish standards of accountability on the owners or other responsible parties (to include lenders and lien holders) of abandoned structures in order to protect the health, safety and general welfare of the residents of the Borough of River Edge; and

WHEREAS, it is the purpose of this Ordinance to impose a fee in conjunction with a registration ordinance for abandoned properties in light of the disproportionate and unnecessary costs imposed on the Borough by the presence of these properties;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Committee of the Borough of River Edge, that Chapter 330 of the Code of the Borough of River Edge is hereby amended to create and supplement Chapter 330 entitled “Abandoned Properties” as set forth below:

ARTICLE 1: ABANDONED PROPERTIES

SECTION 1. Definitions.

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

ABANDONED PROPERTY – Any property that is determined to be abandoned pursuant to N.J.S.A. 55:19-78 et. al.

ENFORCEMENT OFFICER – As defined in §330-29.

OWNER - shall include the title holder, any agent of the title holder having authority to act with respect to an abandoned property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of N.J.S.A. 46:10B-51, or any other entity determined by the Borough of River Edge to have authority to act with respect to the property.

SECTION 2. Criteria for Determination as Abandoned.

Except as provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Enforcement Officer that:

a. The property is in need of rehabilitation in the reasonable judgment of the Enforcement Officer, and no rehabilitation has taken place during that six-month period;

b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Enforcement Officer pursuant to this section;

c. At least one installment of property tax remains unpaid and delinquent on that property of the date of the determination by the Enforcement Officer pursuant to this section;

d. The property has been determined to be a nuisance by the Enforcement Officer in accordance with N.J.S.A. 55:19-82 for one or more of the following reasons:

- (i) The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;
- (ii) The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
- (iii) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the Borough has secured the property in order to prevent such hazards after the owner has failed to do so;
- (iv) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds has created potential health and safety hazards, and the owner has failed to take reasonable and necessary measures to remove the hazards;
- (v) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions;

e. A property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78, et seq. so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential or commercial space and none of the residential or commercial space has been legally occupied for at least six months at the time of the determination of abandonment by the Enforcement Officer and the property meets the criteria of either subsection a. or subsection d. of this section.

f. The enforcement officer must comply with the notice provisions of N.J.S.A. 40:48-2.3 et. seq. after making the determination that the property is a nuisance.

SECTION 3. Evidence of Vacancy.

Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been abandoned for six or more months. Such evidence would include, but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged

or continuously unlocked; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.

SECTION 4. Registration Requirements.

1. The owner of any abandoned property as defined herein shall within 30 calendar days after the building becomes abandoned or within 30 calendar days after assuming ownership of the abandoned property, whichever is later; or within 30 calendar days of receipt of notice by the Borough of River Edge, file a registration statement for such property with the Code Enforcement Office on forms provided by the Borough for such purposes. Failure to receive notice by the Borough shall not constitute grounds for failing to register the property.

a. Each property having a separate block and lot number as designated in official records of the borough shall be registered separately.

b. The registration statement shall include the name, street address, telephone number, and e-mail address of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and e-mail address of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the state of New Jersey.

c. The registration shall remain valid for one year. The owner shall be required to renew the registration annually as long as the property remains abandoned and shall pay the fee prescribed in Section 8 for each property registered.

d. Any owner that meets the definition of abandoned property prior to the date of adoption of this chapter shall file a registration statement for that property no later than forty-five days following the adoption of this Ordinance.

e. If the registration fee is not paid within thirty (30) days of notification, a lien will be placed on the property for the amount prescribed in Section 8.

f. The owner shall notify the Code Enforcement Office within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Borough for such purpose.

g. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the property.

h. The registration statement may include any additional information that the Enforcement Officer may reasonably require.

SECTION 5. Responsible Owner or Agent.

1. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

2. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Borough of River Edge in writing of a change of authorized agent or until the owner files a new annual registration statement.

3. Any owner who fails to register a property under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service notice at the last known address of the owner of the property on record with the Borough of River Edge by regular and certified mail, any and all notices of code violations and all process in administrative proceeding brought to enforce code provisions concerning the building.

SECTION 6. Requirements for Owners and Other Persons as to Abandoned Property.

The owner of any structure that has become abandoned property, and any person responsible for maintaining any such building that has become abandoned shall, within thirty (30) calendar days of the structure becoming abandoned, or within thirty (30) calendar days of the owner taking title to the property, do the following:

1. Any abandoned residential or nonresidential property must comply with the following minimum standards for basic equipment and facilities:

(a) Plumbing. All plumbing fixtures shall be properly installed and be in sound condition and good repair.

(b) Electricity. Every existing outlet and fixture shall be properly connected. Wiring and service lines shall be maintained in good and safe working condition.

(c) Heating plant. The heating plant shall be maintained in a safe condition.

(d) Cooking equipment. All cooking equipment shall be maintained in a safe condition.

2. Safety from fire. All owners or operators of unoccupied or vacant buildings shall comply with the provisions of the Borough Fire Prevention Code and the following additional standards for safety from fire:

(a) No unoccupied or vacant building shall contain any space utilized for the storage of flammable liquids.

(b) No room within any vacant or unoccupied building shall be used for storage of junk, rubbish or wastes, furniture or building materials not intended to be used in the existing building.

(c) The early detection and containment of fire being a valid municipal concern, the boarding up of doors or windows shall not be permitted except with the permission of the Building Official in emergency situations. When doors and windows are boarded up, they shall be covered with no less than one-half-inch exterior plywood or equivalent which shall be the same color as the building exterior. In no case shall boarding up of buildings and windows be permitted in excess of 60 days without a waiver from the Mayor and Council.

3. Safe and sanitary maintenance. All unoccupied or vacant buildings shall comply with the following minimum standards for safety and sanitary maintenance.

(a) Every foundation, exterior wall or exterior roof shall be weather-tight, water-tight and rodent-proof and shall be kept in sound condition and good repair and shall be safe to use and capable of supporting a load which normal use may cause to be placed thereon.

(b) Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting a load which normal use may cause to be placed thereon.

(c) Every window, exterior door and basement or cellar door and hatchway shall be weather-tight, water-tight and rodent-proof and locked and shall be kept in sound working condition and good repair.

(d) Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting a load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

(e) Every yard shall be properly graded so as to prevent the accumulation of stagnant water.

(f) There shall be a control method of disposing of water from roofs by use of gutters and downspouts which shall be installed and maintained in sound condition, free of leaks and obstructions.

(g) Every dwelling, cellar, basement and crawlspace shall be maintained reasonably free from dampness.

(h) The exterior of every structure or accessory structure shall be maintained free of broken windows, loose shingles, crumbling stone or brick or excess peeling paint.

(i) The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereof shall reflect the level of maintenance in keeping with the standards of the neighborhood in such that the appearance of the premises and structure shall not constitute a blighting factor for adjoining property owners leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.

(j) Any yard area (front, side and rear) shall be cleared and maintained free of trash, solid debris or other materials that cause litter to accumulate to unhealthy and blighting proportions.

(k) Grass, weeds and vegetation shall not be permitted to grow or remain on the side, front or rear yards of any unoccupied or vacant building to exceed a height of 10 inches. Any edible vegetation for useful or ornamental purpose shall not be governed by this provision.

(l) Unoccupied or vacant buildings shall not be utilized for storage of any materials, whether solid or liquid, including the yard portion of that building.

(m) When a vacant building is found to be infested with rats, termites, roaches or any other insects or vermin, the owner or operator shall undertake and excavate means of extermination of such nuisances.

(n) All doors and/or lids on appliances, furniture utilized for storage or on heating furnaces shall be locked in order to deny entry to any individuals where the potential for physical harm or death may result should said door close to prevent the individual's escape.

4. The standards and requirements of this section shall apply as long as any building remains abandoned. Upon occupancy, the other appropriate sections of this chapter shall apply.

SECTION 7. Access to Properties.

The owner of any property registered under this Article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Borough.

SECTION 8. Fees.

The registration fee for each property shall be as follows:

- Initial registration fee: \$100.00. If not paid within six (6) months of notification by the Borough of River Edge, the registration fee shall increase to \$500.00.
- The fee for each renewal year shall be \$250.00.

SECTION 9. Actively Marketed Properties

Owners of properties meeting the definition of abandoned properties that are being actively

marketed for sale shall file a Registration Statement with the Borough in accordance with the terms and conditions of this Chapter, but shall be exempt from the payment of a registration fee. The owner or any such property in order to be exempt from the payment of a registration fee shall provide adequate proof to the Borough of active marketing activities of the property for sale by providing such evidence of such bonafide marketing activities as shall be reasonably required by the Borough, including but not limited to, copies of listing agreements and/or pending contracts of sale or other advertising or marketing efforts being made by the property owner directly to promote the sale of the property. Although exempt from the payment of any registration fee, in all other respects, the property owner of any abandoned property that is being actively marketed for sale shall be required to maintain the property while it is being actively marketed in accordance with this Chapter and all other ordinances of the Borough of River Edge.

SECTION 10. Violations.

1. Any person who violates any provision of this Article or of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$2,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this Article shall be recoverable from the owner and shall be a lien on the property as described in N.J.S.A. 55:19-100.

b. For purposes of this Article, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later; or within thirty (30) calendar days of receipt of notice by the borough, and failure to provide correct information on the registration statement, failure to comply with the provisions of Section 1 or such provisions contained herein shall be deemed to be violations of this ordinance.

ARTICLE 2: PROPERTIES PENDING FORECLOSURE

SECTION 11. Purpose.

The intent of this Article is to provide for the enforcement of Borough property maintenance standards and the State Housing Code against properties pending foreclosure, and to provide for responsibility on the part of foreclosing creditors for the care, maintenance, security and upkeep of residential properties.

SECTION 12. Service of Notice, Contents.

1. Any creditor serving a summons and complaint in an action to foreclose on a mortgage on property located with the Borough of River Edge shall serve the Borough Clerk with a notice indicating that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice may contain information about more than one property and shall be provided by mail or electronic communication at the discretion of the Borough Clerk.

2. The notice shall be served within ten (10) days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

3. Within forty-five days following adoption of this Ordinance, any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide the Borough Clerk with a notice as described below for all residential properties in the Borough for which the creditor has pending foreclosure actions.

4. The notice shall contain:

a. The name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations;

b. Whether the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act";

c. The street address, lot and block number of the property; and

d. The full name and contact information of an individual located within the state

authorized to accept service on behalf of the creditor.

e. In the event the creditor that has served a summons and complaint in an action to foreclose on a residential property is located out-of-state, the notice shall also contain the full name and contact information of an in-state representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned.

SECTION 13. Creditor Responsibility

Pursuant to the provisions of N.J.S.A. 40:48-2.12 and N.J.S.A. 46:10B-51, a creditor filing a summons and complaint to foreclose a lien on a residential property that is abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property.

SECTION 14. Notification of Violation.

In the event of a violation of State law or a local ordinance, the Borough shall serve the creditor with a notice that shall include a description of the condition(s) that gave rise to the violation and the State law or local ordinance that has been violated, and shall provide a period of not less than thirty (30) days from the creditor's receipt of the notice for the creditor to remedy the violation, provided that in the event that the violation presents an imminent threat to public health and safety, the notice may, in the discretion of the Borough, provide that the violation shall be remedied within ten (10) days of the creditor's receipt of the notice.

SECTION 15. Repair by Borough.

1. If the Borough expends public funds in order to abate a nuisance or correct a violation at a property in which the creditor was given notice pursuant to notice provisions of this Chapter, but failed to abate the nuisance or correct the violation as directed, the Borough shall have the same recourse against the creditor as it would have had against the title owner of the property, including but not limited to the recourse provided at N.J.S.A. 55:19-100.

SECTION 16. Violations and Penalties.

1. An out-of-State creditor subject to this Article found by the Municipal Court, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Article shall be subject to a fine not less than \$100.00 and not more than \$1,000.00 for each day of the violation.

2. A creditor subject to this Article found by the Municipal Court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Article shall be subject to a fine of fine not less than \$100.00 and not more than \$1,000.00 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence thirty-one (31) days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.

SECTION 17. Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 18. Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 19. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ATTEST:

APPROVED:

Stephanie Evans
Borough Clerk

Edward Mignone
Mayor

Dated:

Stephanie Evans, Borough Clerk read the title of Ordinance #17-14 as follows:

Ordinance #17-14 AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN AND STATE OF NEW JERSEY TO AMEND CHAPTER 222, "GAMES OF CHANCE", TO ADD SECTION 222-4 ENTITLED "ISSUING AUTHORITY"

On motion by Councilman Bartelloni, seconded by Councilman Chinigo the first reading of Ordinance #17-14 was unanimously approved.

BOROUGH OF RIVER EDGE
ORDINANCE #17-14

AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN AND STATE OF NEW JERSEY TO AMEND CHAPTER 222, "GAMES OF CHANCE", TO ADD SECTION 222-4 ENTITLED "ISSUING AUTHORITY"

WHEREAS, the Borough regulates games of chance and the issuance of bingo and raffle licenses pursuant to Chapter 222 of the Borough Code; and

WHEREAS, pursuant to N.J.A.C. 13:47-4.1(a) "issuing authority" reviews and determines whether to approve or deny a bingo or raffle license application; and

WHEREAS, N.J.A.C. 13:47-1.1 defines "issuing authority" to mean "the governing body of a municipality or a person to whom a municipal governing body has delegated by ordinance the authority to approve the granting of raffle and bingo license"; and

WHEREAS, the Mayor and Council wishes to supplement and amend Chapter 222 to delegate the authority to issue such "games of chance" to the Borough Clerk; and

WHEREAS, the Mayor and Council finds that it is in the best interest of the residents of the Borough of River Edge to supplement and amend Chapter 222 to delegate authority to issue "games of chance" to the Borough Clerk.

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

Section 1. Chapter 222 "GAMES OF CHANCE" is hereby amended to add:

§ 222-4. Issuing Authority. The issuing authority for the Borough responsible for approving all licensed legalized games of chance shall be the Municipal Clerk. The Clerk shall report all licenses granted pursuant to this Chapter at the next meeting thereafter of the Mayor and Council.

Section 2. All Ordinance or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 3. 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.

Section 4. This ordinance shall take effect upon passage and publication as provided by law.

Attest:

BOROUGH OF RIVER EDGE

Stephanie Evans, Borough Clerk

Edward Mignone, Mayor

Stephanie Evans, Borough Clerk read the title of Ordinance #17-15 into the record as follows:

Ordinance #17-15 AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY TO AMEND CHAPTER 49 OF THE BOROUGH CODE ENTITLED, "LAND USE PROCEDURES" TO DISSOLVE THE BOROUGH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT AND TO ESTABLISH A MUNICIPAL LAND USE BOARD.

Mayor Mignone- explained that under the Land Use Law, municipalities that have under 15,000 residents are allowed by ordinance to transfer the power of the Zoning Board to the Planning Board. As was discussed at the last meeting, there will be modest savings in terms of cost, but overall will result in a better ability for the Borough to long term plan and to address planning and zoning issues concurrently.

Tom Sarlo, Esq.-stated that he will make a change to the title for the second reading to reflect the body of the actual ordinance.

Mayor Mignone-explained that essentially the powers get transferred from one board to another and doesn't dissolve either one.

Tom Sarlo, Esq.-replied, that's correct.

On motion by Councilman Acquafredda, seconded by Councilman Papaleo the first reading of Ordinance #17-15 was unanimously approved as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #17-15

AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY TO AMEND CHAPTER 49 OF THE BOROUGH CODE ENTITLED, "LAND USE PROCEDURES" TO DISSOLVE THE BOROUGH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT AND TO ESTABLISH A MUNICIPAL LAND USE BOARD.

WHEREAS, the Municipal Land Use Law ("MLUL"), specifically, N.J.S.A. 40:55D-25c(1) permits the governing body of a municipality with fewer than 15,000 residents, to dissolve its existing zoning board of adjustment and transfer its statutory power to the planning board exercising the powers of the board of adjustment through the establishment that is empowered to act pursuant to N.J.S.A. 40:55D-25 and N.J.S.A. 40:55D-70; and

WHEREAS, the level of activity before the Zoning Board of Adjustment and before the Planning Board has decreased substantially over the past several years and is not anticipated to increase to a level which would require the existence of two separate and distinct Boards; and

WHEREAS, the dissolution of the Zoning Board of Adjustment and transferring its powers to the planning board which shall be designated as the Municipal Land Use Board will reduce the expenses incurred by the Borough in maintaining two separate and distinct Boards, create efficiencies, improve productivity and provide for more cohesive and comprehensive land use planning in the Borough and adoption for a single Municipal Land Use Board is in the best interest of the Borough ; and

BE IT ORDAINED by the Borough Council of the Borough of River Edge that Chapter 49 is amended as follows:

SECTION 1. Dissolution of the Zoning Board of Adjustment

Article II of the Code, entitled, Zoning Board of Adjustment, § 49-13 through § 49 – 23, is hereby deleted in its entirety and the Zoning Board of Adjustment is hereby dissolved.

SECTION 2. Article I is hereby amended as follows: Municipal Land Use Board

49-1 Establishment; classes of membership.

Pursuant to N.J.S.A. 40:55D-25c(1) (New Jersey Municipal Land Use Law” the planning Board initially established pursuant to c. 291, P.L. 1975[1] shall be known as the Borough of River Edge Municipal Land Use Board and exercise all the powers previously delegated to the Zoning Board of Adjustment.

The Municipal Land Use Board shall be composed of nine members consisting of the following four classes:

- A. Class I. The Mayor, or the Mayor's designee in the absence of the Mayor.
- B. Class II. One of the officials of the municipality other than a member of the governing body to be appointed by the Mayor; provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Municipal Land Use Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Municipal Land Use Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members.
- C. Class III. A member of the governing body to be appointed by it.
- D. Class IV. Six other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one member may be a member of the Board of Education.

§ 49-2 Terms.

- A. The term of the member composing Class I shall correspond with his official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or a Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever comes first.
- B. The term of a Class IV member who is also a member of the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.
- C. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that to the greatest practicable extent the expiration of such term shall be evenly distributed over the first four years after their appointment as determined by resolution of the governing body; provided, however, that no term of any member shall exceed four years, and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter all Class IV members shall be appointed for terms of four years except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.
- D. The appointment and terms of members duly seated as members of the River Edge Planning Board at the time of the adoption shall not be affected by the planning board assuming the powers of the former zoning board of adjustment.

§ 49-3 Vacancies.

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

§ 49-4 Officers.

The Municipal Land Use Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary who may be either a member of the Municipal Land Use Board or

a municipal employee designated by it.

§ 49-5 Municipal Land Use Board Attorney.

There is hereby created the office of Municipal Land Use Board Attorney. The Municipal Land Use Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Municipal Land Use Board Attorney, who shall be an attorney other than the Municipal Attorney.

§ 49-6 Experts and staff.

The Municipal Land Use Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 49-7 Powers and duties.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply. It shall also have the following powers and duties:

- A. To act, pursuant to the powers granted to planning boards by NJSA 40:55D-25
- B. To make and adopt and from time to time amend a master plan for the physical development of the municipality, including any areas outside its boundaries which in the Board's judgment bear essential relation to the planning of the municipality, in accordance with the provisions of N.J.S.A. 40:55D-28.
- C. To administer the provisions of the Land Subdivision Ordinance and Site Plan Review Ordinance of the municipality[1] in accordance with the provisions of said ordinances and the Municipal Land Use Law, Chapter 291, P.L. 1975, N.J.S.A. 40:55D-1 et seq.
- D. To approve conditional use applications in accordance with the provisions of the Zoning Ordinance pursuant to N.J.S.A. 40:55D-67.
- E. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- F. To assemble data on a continuing basis as part of a continuous planning process.
- G. To annually prepare a program of municipal capital improvement projects, projected over a term of six years, and amendments thereto, and recommend the same to the governing body.
- H. To consider and make report to the governing body within 35 days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26a, and also pass upon other matters specifically referred to the Planning Board by the governing body, pursuant to the provisions of N.J.S.A. 40:55D-26b.
- I. When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment.
- J. To grant variances pursuant to Subsection 57c of Chapter 291, P.L. 1975,[3] from lot area, lot dimensional setback and yard requirements; provided that such relief from lot area requirements shall not be granted for more than one lot. Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance.
- K. To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.
- L. To administer the provisions of Part 7, Soil Removal.
- M. To administer the provisions of ordinances and laws related to planned unit developments.
- N. To act, pursuant to the powers granted to boards of adjustment by N.J.S.A. 40:55D-70,

except that Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of N.J.S.A. 40:55D-70.

O. To exercise such powers and duties as the Joint Planning Board may be given under Part 9, Zoning.

P. To administer the provisions of such other ordinances and laws as may require review, report or other action.

§ 49-8 Schedule of approval and denial procedures.

A. Minor subdivisions.

(1) Minor subdivision approvals shall be granted or denied within 45 days of the date of submission of the complete application to the Municipal Land Use Board or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire 190 days from the date of Municipal Land Use Board approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law,[1] or a deed clearly describing the approved minor subdivision, is filed by the developer with the County Recording Officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed must be signed by the Chairman and Secretary of the Municipal Land Use Board before it will be accepted for filing by the County Recording Officer.

(2) The Municipal Land Use Board may extend the one-hundred-ninety-day period for filing a minor subdivision plat or deed pursuant to Subsection A(1) if the developer proves to the reasonable satisfaction of the Municipal Land Use Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Municipal Land Use Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.

(3) The Municipal Land Use Board shall grant an extension of minor subdivision approval for a period determined by the Board, but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before what would otherwise be the expiration date of minor subdivision approval or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.

B. Preliminary approval of major subdivisions.

Upon submission of a complete application for a subdivision of 10 or fewer lots, the Municipal Land Use Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than 10 lots, the Municipal Land Use Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Municipal Land Use Board shall be deemed to have granted preliminary approval for the subdivision.

C. Ancillary powers.

Whenever the Municipal Land Use Board is called upon to exercise its ancillary powers before the granting of a variance as set forth in Article I, § 49-7G of this chapter, the Municipal Land Use Board shall grant or deny approval of the application within 95 days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Municipal Land Use Board to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Municipal Land Use Board to act shall be issued on request of the applicant.

D. Final approval.

Final approval of a major subdivision shall expire 95 days from the date of signing of the plat

unless within such period the plat shall have been duly filed by the developer with the County Recording Officer. The Municipal Land Use Board may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat. The Municipal Land Use Board may extend the ninety-five or one-hundred-ninety-day period if the developer proves to the reasonable satisfaction of the Municipal Land Use Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Municipal Land Use Board. The developer may apply for an extension either before or after the original expiration date.

§ 49-9 Applications; procedure for filing.

Applications for development within the jurisdiction of the Municipal Land Use Board pursuant to the provisions of c. 291, P.L. 1975 shall be filed with the Secretary of the Municipal Land Use Board. The applicant shall file at least 14 days before the date of the monthly meeting of the Board 12 copies of a sketch plat; three copies of applications for minor subdivision approval; three copies of application for major subdivision approval or three copies of an application for site plan review, conditional use approval or planned development. At the time of filing the application but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Municipal Land Use Board. The applicant shall obtain all necessary forms from the Secretary of the P Municipal Land Use Board. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.

§ 49-10 Advisory Committee.

The Mayor may appoint one or more persons as a Citizens Advisory Committee to assist or collaborate with the Municipal Land Use Board and its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

§ 49-11 Environmental Commission.

The Municipal Land Use Board shall make available to the Environmental Commission an informational copy of every application for development to Municipal Land Use Board. Failure of the Municipal Land Use Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

§ 49-12 Alternate members.

In addition to the membership of the Board as set forth in § 49-1 and NJSA 40:55-23.1 the Municipal Land Use Board shall also consist of two alternative Class IV members. Alternate members shall serve for terms of two years; provided, however, that in the event that two alternate members of Class IV are appointed, the initial terms of such members shall be one and two years, respectively. Such alternate Class IV members shall be designated by the Appointing Authority as "Alternate Number I" "Alternate Number II" and shall serve in rotation during the absence or disqualification of any regular member or members of Class IV, except in the case where the Board is exercising authority under NJSA:40:55D-70 where the Class I and Class III members shall not participate.

In accordance with the NJ Municipal Land Use Law ("MLUL"), specifically, N.J.S.A. 40:55D 23.1, a planning board exercising the powers of the Board of Adjustment may have up to four (4) alternate members and will be designated by the Appointing Authority as "Alternate 3" and "Alternate 4." Initial terms shall be established so that the terms of Alternate 1 and 3 will expire concurrently and the terms of Alternate 2 and Alternate 4 shall expire concurrently.

§49-13. By-laws, rules and regulations.

In accordance with NJSA 40:55D-8, The Municipal Land Use Board is hereby authorized to adopt and may amend reasonable rules and regulations not inconsistent with the New Jersey Municipal Land Use Law (MLUL) NJSA 40:55D. for the administration of its functions, powers, duties and to carry into effect the provisions and purposes of this Chapter.

§49-14. Administrative officer.

For purposes of administration of this Part 1, the following officer is designated as administrative officer to the Municipal Land Use Board: the Secretary of the Municipal Land Use Board. Such

officer shall have the powers and duties provided by N.J.S.A. 40:55D-1 et seq. and by the ordinances of the Borough of River Edge adopted pursuant thereto.

SECTION 3. References to Planning Board and Zoning Board of Adjustment.

All references to the Township Planning Board or the Zoning Board of Adjustment throughout this Chapter 49 are hereby amended to reference the Municipal Land Use Board.

SECTION 4. Severability.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date.

This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ATTEST:

Stephanie Evans, Borough Clerk

Edward Mignone, Mayor

ORDINANCE – 2ND READING –

Stephanie Evans, Borough Clerk read the title of Ordinance #17-10 into the record as follows:

Ordinance #17-10 AN ORDINANCE APPROPRIATING \$20,000.00 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE PURCHASE OF EQUIPMENT, IMPROVEMENT OF BOROUGH BUILDINGS AND GROUNDS

Ordinance #17-10 was introduced by Councilman Papaleo, seconded by Councilwoman Davis at the March 6, 2017 meeting as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #17-10**

AN ORDINANCE APPROPRIATING \$20,000.00 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE PURCHASE OF EQUIPMENT, IMPROVEMENT OF BOROUGH BUILDINGS AND GROUNDS

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

SECTION 1. The purchase of equipment for improvements desired in Section 2 of this ordinance are hereby authorized as improvements and purchases to be made by the Borough of River Edge, New Jersey for the purpose of the purchase of said equipment and the making of said improvements, there are hereby appropriated the sum of \$20,000.00 of which \$20,000.00 is from the General Capital Fund Balance.

SECTION 2. The improvement and purchases are authorized as follows:

- a. Repairs and improvement to public buildings and grounds.
- b. Purchase of equipment for the Department of: Fire.

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

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

Mayor Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING – ORDINANCE #17-10

On motion by Councilman Chinigo, seconded by Councilman Bartelloni to open public hearing on Ordinance #17-10 was unanimously approved.

CLOSE PUBLIC HEARING – ORDINANCE #17-10

There being no comments by the public, the motion by Councilman Chinigo, seconded by Councilwoman Busted to close public hearing on Ordinance #17-10 was unanimously approved.

ADOPTION – ORDINANCE #17-10

On motion by Councilman Bartelloni, seconded by Councilman Papaleo to adopt Ordinance #17-10 was unanimously approved.

RESOLUTIONS - By Consent

On motion by Councilwoman Busted, seconded by Councilman Papaleo to approve resolution #17-131 through #17-153 was unanimously approved.

#17-131 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 April 18, 2017 work session and May 1, 2017 regular session meeting and discussion of the hereinafter specified subject matter:

Closed Session

<u>Statutory Docket #</u>	<u>Item Title or Description</u>	<u>Reference</u>
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To be determined by reference to the Borough Clerk's Agenda for the above meetings.

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.

April 3, 2017

#17-132 Change in Personnel Policy & Procedure Manual – Section II, Employment, Subject 15, Separation

WHEREAS, THE Borough of River Edge adopted a personnel Policy and Procedure Manual on March 7, 1983 via resolution #83-58; and

WHEREAS, the Mayor and Council of the Borough of River Edge desire to change Section II, Employment, Subject 15 with regard to Separation; and

WHEREAS, the Mayor and Council considered this matter at their work session of March 20, 2017 making those changes to the Personnel Policy & Procedure Manual.

NOW, THEREFORE BE IT RESOLVED that the Personnel Policy & Procedure Manual of the Borough of River Edge shall be changed in the following manner:

1. **Delete** the following paragraph to Section II, Employment, Subject 15, Separation:

The mandatory retirement age for all full time regular employees is seventy (70). On the recommendation of the Borough Administrator, the Borough Council may extend the time for mandatory retirement for individual employees on an annual basis.

April 3, 2017

#17-133 Award Contract for the Leasing of Automatic External Defibrillators (AEDs)

WHEREAS, the Borough, through its Recreation Commission, is desirous of purchasing Automatic External Defibrillators (“hereinafter referred to as AEDs”) pursuant to N.J.S.A. 2A:62A-25; and

WHEREAS, the Borough is desirous of entering into an agreement to lease the AEDs through Cardiac Science Capital; and

WHEREAS, the Borough Attorney has reviewed the lease agreement and has approved its award; and

WHEREAS, the Mayor and Council have discussed this matter at their work session meeting of March 20, 2017; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-28-3702-176 of the Current Fund in the amount not to exceed \$972.84 and Account #04-2150-55-1855-550 of the Capital Fund in the amount not to exceed \$2,858.48 for a total of \$3,831.32 for the year 2017; and

WHEREAS, \$3,712.32 per year shall be paid for the years 2018 through 2020 contingent on the Governing Body passing and including an appropriation in those current fund budgets and subject to all of the requirements of N.J.A.C. 5:34-5.3 with respect to multi-year contracts.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract with Cardiac Science Capital, c/o Marlin Business Bank, 300 Fellowship Road, Mt. Laurel, New Jersey 08054.

April 3, 2017

#17-134 Enter Into Agreement with Nature’s Choice Corporation, 398 Lincoln Boulevard, Middlesex, New Jersey 08846 for Vegetation Disposal

WHEREAS, the Borough of River Edge has a contract for vegetation pickup which will expire in May, 2017; and

WHEREAS, the Superintendent of Public Works has received three (3) proposals for 3-year contracts for the disposal of vegetation with tipping fees; and

WHEREAS, the Superintendent of Public Works has recommended awarding a three (3) year contract to Nature’s Choice Corporation for the disposal of vegetation with tipping fees of \$14.00 per cubic yard for the year 2017; \$14.50 per cubic yard for the year 2018 and \$15.00 per cubic yard for the year 2019; and

WHEREAS, Nature’s Choice Corporation is a fully approved NJDEP Class C & Class B Recycling Center accepting commingled yard waste and grass; and

WHEREAS, N.J.S.A. 40A:11-5(1)(s) permits the award of a contract without a

public bid because the service is with regard to the marketing of recyclable materials recovered through a recycling program; and

WHEREAS, the Mayor and Council have reviewed this matter at their work session of March 20, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk be authorized to enter into an agreement with Nature's Choice Corporation, 398 Lincoln Boulevard, Middlesex, New Jersey 08846, for a three (3) year Vegetation Disposal agreement.

April 3, 2017

#17-135 Grant Raffle License to the Roosevelt School PTO

BE IT RESOLVED that the following license to conduct an On Premise 50/50 Raffle to the Roosevelt School PTO, 711 Summit Avenue, River Edge, New Jersey 07661 License #683, I.D. 423-5-28534 to take place at Roosevelt School, 711 Summit Avenue, River Edge, New Jersey on June 9, 2017 between 3:00 – 7:00 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.

April 3, 2017

#17-136 Authorize Cancellation of Accounts Payable

WHEREAS, there exists various accounts payable on the books of the Current Fund; and

WHEREAS, the various purchase orders and contracts creating these accounts payable have been investigated and it has been determined that these should be cancelled.

NOW, THEREFORE, BE IT RESOLVED that the following accounts payable in the following amounts are hereby cancelled.

<u>P.O. #</u>	<u>Vendor</u>	<u>Amount</u>	<u>Description</u>
29038	A C S Firehouse Software	\$1,799.00	Purchase of Proprietary Computer Software for the Fire Department
27699	Premier Product Development	\$2,511.80	Preparation of 2013 B.C. Open Space Application for Cherry Blossom Park

April 3, 2017

#17-137 Resolution Authorizing the Mayor to Execute a Developer's Agreement with McDonald's Real Estate Company for the Property Located at 1118 Main Street, Block 1408, Lot 1, 2 and 3, River Edge, New Jersey 07661 for Site Plan Approval

WHEREAS, by resolution dated August 16, 2012, the River Edge Planning Board granted site plan approval to McDonald's Real Estate Company for the property located on Block 1408, Lots 1, 2 and 3 of the Borough tax map and more commonly known as 1118 Main Street; and

WHEREAS, among the conditions of said approval was a requirement that the Developer enter into a Developer's Agreement with the Borough of River Edge to provide for among other things, a schedule of improvements, a time for completion of the development, performance guarantees and indemnification of the Borough; and

WHEREAS, the Developer's Agreement has been executed by McDonald's Real Estate Company and all other documentation required in accordance with the provisions

of the Developer's Agreement has been reviewed and approved by the Planning Board Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the Mayor be and hereby authorized to execute the Developer's Agreement on behalf of the Borough.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be provided to: (i) Borough of River Edge Chief Financial Officer; (ii) River Edge Construction Code Official; (iii) Jennifer M. Knarich, attorney for Developer; (iv) Brian M. Chewcaskie, Planning Board Attorney.

April 3, 2017

#17-138 Authorize Mayor and Clerk to Sign the LibraryLinkNJ "Powering Up: Library Charging Stations" Grant Application

WHEREAS, LibraryLinkNJ, a New Jersey Library Cooperative is making available grants to purchase a secure charging station to be placed in the River Edge Free Public Library; and

WHEREAS, the Mayor and Council of the Borough of River Edge have received the project information and award guidelines for the grant application; and

WHEREAS, they have discussed this matter at their work session of March 20, 2017.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Clerk are hereby authorized to sign the LibraryLinkNJ "Powering Up: Library Charging Stations" grant application.

April 3, 2017

#17-139 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to a Topographical Study of Block 503, Lots 2 & 3

WHEREAS, there exists a need for expert professional engineering services related to topographical study of Block 503, Lots 2 & 3; 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 #01-2010-20-1652-100 of the Current Fund in the amount of \$12,000.00; 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; and

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

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

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

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

Principal 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 \$12,000.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(l)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

April 3, 2017

#17-140 Enter Into an Agreement with Nixle for License as a Government User

BE IT RESOLVED, that the Mayor is hereby authorized to sign the agreement with Nixle for License as a Government User.

April 3, 2017

#17-141 Resolution Rescinding Resolution #15-96

WHEREAS, pursuant to Resolution #15-96, the Mayor and Council of the Borough of River Edge authorized the River Edge Planning Board to conduct a preliminary investigation to determine whether Lots 3 and 4 in Block 1303 on the official tax map of the Borough of River Edge qualifies as an area in need of redevelopment; and

WHEREAS, the Planning Board of the Borough of River Edge has not conducted any hearing to determine whether Block 1303, Lots 3 and 4 qualifies as an area in need of redevelopment; and

WHEREAS, the Mayor and Council has evaluated the status of this property and has determined that it is no longer necessary to have the Planning Board evaluate the property located at Block 1303, Lots 3 and 4 as an area in need of redevelopment; and

WHEREAS, it is the Mayor and Council's desire to rescind Resolution #15-96.

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

1. Resolution #15-96 entitled "Resolution Authorizing the River Edge Planning Board to Conduct a Preliminary Investigation to Determine Whether Lots 3 and 4 in Block 1303 on the Official Tax Map of the Borough of River Edge Qualifies as an Area in Need of Redevelopment" is hereby rescinded.
2. The Planning Board of the Borough of River Edge is hereby directed to cease any and all further action pursuant to Resolution #15-96.
3. A certified copy of this resolution shall be provided to the River Edge Planning Board and Construction Official.

April 3, 2017

#17-142 Amend Shared Services Agreement with the Borough of Bergenfield for an Acting Municipal Court Administrator

WHEREAS, the Borough of River Edge entered into a Shared Services Agreement with the Borough of Bergenfield pursuant to the provisions of the Uniformed Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.); and

WHEREAS, the purpose of said agreement is to appoint on a provisional basis an Acting Municipal Court Administrator to undertake court duties when the Municipal Court Administrator is out on a scheduled and/or unscheduled leave of absence; and

WHEREAS, the Borough of River Edge authorized the agreement via resolution #16-447 dated December 19, 2016 and a mutual indemnification agreement via resolution #16-463 dated January 2, 2017; and

WHEREAS, the Borough of River Edge and the Borough of Bergenfield desire to amend the agreement to include the amount of compensation paid to the Acting Municipal Court Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Shared Services Agreement between the Borough of River Edge and the Borough of Bergenfield for an Acting Municipal Court Administrator is hereby amended to provide that the amount of compensation when performing in an Acting Municipal Court Administrator capacity, shall be equal to that of their compensation as a Municipal Court Administrator in their respective municipality.

April 3, 2017

#17-143 Resolution of Support in Designating the Hackensack River as a Superfund Site

WHEREAS, the Borough of River Edge strongly supports the Hackensack Riverkeeper; and

WHEREAS, the Borough of River Edge strongly urges the Commissioner of the New Jersey Department of Environmental Protection, Bob Martin, to concur with the findings of the U.S. Environmental Protection Agency (USEPA) in regards to the proposed listing of the Hackensack River under the National Priorities List (NPL), commonly referred to as Superfund; and

WHEREAS, for well over a century, the Hackensack River was subjected to extreme pollution from multiple industrial sources and only since the 1970s has any sort of recovery commenced. Despite those improvements over time, time alone cannot bring the river back to a truly fishable and swimmable state as promised by the Clean Water Act. Only direct action through a Superfund listing can ensure a clean Hackensack River; and

WHEREAS, throughout 2016, multiple sediment samples were taken from the head of tide in Oradell, New Jersey to the mouth of the river at Kearny and Droyer's Points. The appropriate laboratories have analyzed all samples and the evidence is clear: the Hackensack River warrants being placed on the National Priorities List as soon as possible; and

WHEREAS, some will suggest that a piecemeal approach will ultimately have the same results for the river's recovery, but if the history of Berry's Creek is any indication (in which it has taken decades for a cleanup to begin), it is feared that many more years of inaction may be the approach taken.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby urges Commissioner Martin to concur with USEPA and immediately begin the cleanup of the Hackensack River.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to Commissioner Martin as well as James Tedesco, Bergen County Executive.

April 3, 2017

#17-144 Municipal Open Space, Recreation and Historic Preservation Trust

WHEREAS, N.J.S.A. 40:12-15.1 et seq. authorizes the Governing Body of any municipality to submit to the voters a proposition authorizing imposition of an annual tax levy for the following purposes:

- a. development of lands acquired for recreational and conservation purposes;
- b. maintenance of lands acquired for recreation and conservation purposes;
- c. historic preservation of historic properties, structures, facilities, sites, areas, or objects and the acquisition of such properties, structures, facilities, sites, areas or objects of historic preservation purposes; or
- d. payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraph (a), (b) or (c) of this paragraph.

WHEREAS, the amounts raised by such tax levy shall be deposited into a Municipal Open Space, Recreation and Historic Preservation Trust Fund to be used for designated purposes within the municipality, and may be disbursed for specific projects only after a public hearing is conducted.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of River Edge that the following question be submitted to the voters of the Borough at the general election to be held on November 7, 2017.

Shall the Borough of River Edge effective for the fiscal year 2018 establish a dedicated tax program and impose an annual tax levy at the rate of \$0.01 per \$100.00 of assessed value for a period not to exceed five(5) years unless at the time a proposition extending the same is approved by the voters and for any or all of the following purposes or any combination thereof, as determined by the Governing Body: development and maintenance of lands for recreation and conservation purposes; historic preservation; and debt service for any of these purposes?

INTERPRETATIVE STATEMENT

This proposition would authorize the Borough of River Edge effective for the fiscal year 2018 to establish a Municipal Trust Fund for the development, maintenance and preservation of lands for recreation and conservation purposes as well as historic preservation and for the payment of debt service for any of these purposes. Real property owners in the Borough would be taxed annually at the rate of \$0.01 per \$100.00 of assessed value not to exceed five (5) years to fund this program (which is equal to \$38.53 for a property assessed at \$385,336.49). Interested parties who have submitted funding requests in the past for use of the funds have included but not limited to the following: Recreation Commission, River Edge 9/11 Memorial Fund, Beautification Committee, Department of Public Works, Shade Tree Commission, Historic Commission and Environmental Commission.

“The Open Space Trust Fund” shall be funded for a period not to exceed five (5) years unless at that time a proposition extending the same is approved by the voters.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward this binding referendum question to the County Clerk for the submission to the Borough voters at the November 7, 2017 election.

April 3, 2017

#17-145 Enter Into Agreement with DMR Architects, 777 Terrace Avenue, Hasbrouck Heights, New Jersey 07604 for Architectural and Engineering Services for the River Edge Community Center

WHEREAS, there exists a need for professional architectural and engineering services for the River Edge Community Center; 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 Trust Other Fund – Senior/Community Center in the amount not to exceed \$32,000.00; 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; and

WHEREAS, DMR Architects has completed and submitted a Business Entity Disclosure Certification which certifies that DMR Architects 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 DMR Architects from making any reportable contributions through the term of the contract; and

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

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

WHEREAS, the Mayor and Council have discussed this matter at their work session of March 20, 2017; and

WHEREAS, the rate of pay shall not exceed the following:

President and CEO	\$175.00 per hour
VP/General Counsel	\$165.00 per hour
Principal/Vice President	\$155.00 per hour
Senior Designer	\$150.00 per hour
Senior Project Manager	\$145.00 per hour
Project Manager	\$140.00 per hour
Project Architect	\$130.00 per hour
Draftsperson	\$100.00 per hour
Interior Designer	\$125.00 per hour
Clerical	\$ 75.00 per hour

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with DMR Architects, 777 Terrace Avenue, Hasbrouck Heights, New Jersey 07604 in the amount not to exceed \$32,000.00; 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.

April 3, 2017

#17-146 Temporary Capital Budget

WHEREAS, the Borough of River Edge, New Jersey desires to establish the Temporary 2017 Capital Budget of said municipality by inserting thereon or correcting the items therein as shown on such budget for the following reasons:

The Purchase of Equipment for the Fire Department, Police Department, DPW and Borough Hall; Various Repairs and Public Improvements for Buildings and Grounds, Storm/Sewer and Road Resurfacing; Construct a Community Center.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of River Edge as follows:

Section 1. The 2017 Temporary Capital Budget of the Borough of River Edge is hereby established by adding thereto a Schedule to read as follows:

Project #17-2				
CAPITAL BUDGET OF THE BOROUGH OF RIVER EDGE				
Projects Scheduled for 2017				
Method of Financing				
<u>Project</u>	<u>Estimated</u>	<u>Capital</u>	<u>Capital</u>	<u>General</u>
	<u>Costs</u>	<u>Improvement</u>	<u>Surplus</u>	<u>Bonds</u>
Purchase Fire Equipment	\$ 87,173.00	\$11,833.00	\$ 2,500.00	\$ 72,840.00
Purchase Police Equipment	\$ 32,070.00	\$17,469.00		\$ 14,601.00
Road Resurfacing	\$212,000.00	\$10,600.00		\$201,400.00
Construct Community Center	\$530,000.00	\$26,500.00		\$503,500.00
Purchase DPW Vehicles	\$233,200.00	\$11,660.00		\$221,540.00
Improve Public Bldgs & Grounds	\$ 59,890.00	\$15,705.00	\$17,500.00	\$ 26,685.00
Purchase DPW Equipment	\$ 13,800.00	\$13,800.00		0.00
Purchase Borough Hall Equipment	\$ 41,660.00	\$ 5,408.00		\$ 36,252.00
Storm/Sewer Improvements	\$132,500.00	\$ 6,625.00		\$125,875.00

Section 2. The Borough Clerk is instructed to advertise this resolution as required by law.

April 3, 2017

#17-147 Refund of Construction Bond for Shade Trees to Ashley Lane Properties, LLC for the Property Located at 186 Reservoir Avenue

WHEREAS, Ashley Lane Properties LLC, deposited a cash construction bond for shade trees adjacent to the property located at 186 Reservoir Avenue in the amount of \$4,182.14 on October 29, 2013; and

WHEREAS, the Shade Tree Commission has performed an inspection and has determined that the tree is in a greater state of stress and decline that was amplified by construction activity and has a minimal life expectancy; and

WHEREAS, the Shade Tree Commission recommends that \$500.00 of the original bond amount be used to remove and replace the tree.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund of \$3,682.14 from the Trust Other Account to:

Matthew Freeman
Ashley Lane Properties, LLC
180 West 20th Street, #10V
New York, NY 10011

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to transfer \$500.00 from the Trust Other-Performance Bonds-Shade Tree Account to the Trust Other-Donations Shade Tree Commission Account.

April 3, 2017

#17-148 Refund of Construction Bond for Shade Trees to Quality Construction Services, LLC for the Property Located at 250 Wayne Avenue

WHEREAS, Quality Construction Services, LLC deposited a cash construction bond for shade trees adjacent to the property located at 250 Wayne Avenue in the amount of \$1,919.62 on

May, 29, 2014; and

WHEREAS, the Shade Tree Commission has performed an inspection and has determined that the trees at this location were not affected by construction activity; and

WHEREAS, the Shade Tree Commission recommends that the bond in the amount of \$1,919.62 be released.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund of \$1,919.62 from the Trust Other Account to:

Mr. Ira Erlichman
c/o Quality Construction Services, LLC
146 Lynette Drive
Fort Lee, NJ 07024

April 3, 2017

#17-149 Refund of Construction Bond for Shade Trees to Omar Construction for the Property Located at 386 Windsor Road

WHEREAS, Omar Construction deposited a cash construction bond for shade trees adjacent to the property located at 386 Windsor Road in the amount of \$3,000.00 on March 4, 2014; and

WHEREAS, the Shade Tree Commission has performed an inspection and has determined that the trees at this location were not affected by construction activity; and

WHEREAS, the Shade Tree Commission recommends that the bond in the amount of \$3,000.00 be released.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund of \$3,000.00 from the Trust Other Account to:

Omar Construction
186 Livingston Street
Clifton, NJ 07013

April 3, 2017

#17-150 Report Investments Pursuant to the Cash Management Plan

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

Months of January, February and March 2017.

<u>Name of Institution</u>	<u>Amount</u>	<u>Type</u>	<u>Book Value</u>	<u>Earned Income</u>	<u>Market Value</u>	<u>Int. Rate</u>
N.J. Cash Management Fund	\$3,000,000.00	CMF	\$3,000,000.00	\$2,578.18	\$3,002,578.18	\$.70

April 3, 2017

#17-151 Authorize Tax Collector to Refund a 2017 1st Quarter Tax Overpayment

WHEREAS, the Tax Office has received a duplicate and/or tax overpayment for the 1st Quarter 2017 taxes on the following property; and

WHEREAS, a written request was received from their mortgage company to refund the overpaid amount directly to the mortgage company.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
306/3	Lucey 185 Wales Avenue River Edge, NJ 07661	72.87
	Total:	72.87

Make check payable to: United Northern Mortgage Bankers, Ltd.
3601 Hempstead Turnpike
Suite 300
Levittown, NY 11756

April 3, 2017

#17-152 Authorize Refund of Construction Permit to Schlomac, LLC for the Property Located at 800 Sixth Avenue, Block 303, Lot 24

WHEREAS, Schlomac, LLC was issued construction permit #17-0115 on March 10, 2017 in the amount of \$3,459.00 for the property located at 800 Sixth Avenue, Block 303, Lot 24; and

WHEREAS, the proposed work has been cancelled and the owner is requesting reimbursement for fees paid.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to issue a check in the amount of \$3,459.00 to Schlomac, LLC, 37 Richard Court, River Edge, New Jersey, 07661.

April 3, 2017

#17-153 Enter into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the County Sanitary & Storm Sewer Improvement Project on River Edge Road

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

WHEREAS, the 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 #01-2010-20-1652-100 of the Current Fund in the amount of \$5,000.00; 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; and

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

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

WHEREAS, the Mayor and Council have reviewed price and other factors when

considering supporting reasons for awarding this contract; and

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

Principal 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 \$5,000.00; 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.

April 3, 2017

Councilman Bartelloni read resolution #17-154 into the record.

The motion by Councilman Bartelloni, seconded by Councilman Papaleo to approve resolution #17-154 was unanimously approved.

#17-154 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	\$1,670,946.64
CAPITAL ACCOUNT	\$ 2,090.82
RECREATION ACCOUNT	\$ 3,342.10
TRUST OTHER ACCOUNT	\$ 4,243.86
OPEN SPACE ACCOUNT	\$ 95.00
TRUST OTHER DEVELOPERS ACCOUNT	\$ 12,674.53

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.

April 3, 2017

OPEN HEARING OF THE PUBLIC –

On motion by Councilman Acquafredda, 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, the motion by Councilman Bartelloni, seconded by Councilman Papaleo to close hearing of the public was unanimously approved.

COUNCIL COMMENTS –

Councilman Chinigo-attended the Historic Commission meeting where he learned that they are currently working on an oral history of River Edge. Most recently they interviewed 97 year old Barbara Christiansen, who was a Marine in World War II and wife of a former Mayor. Her likeness was used by the United States on propaganda posters during the war and she had some fascinating stories to tell. Councilman Chinigo was asked again by the Commission to find out what the status of the Master Plan is because there are some irregularities and they would like to know what's going on. There are currently two homes in River Edge that are on the Federal and State Historic Registry's but not on the municipal registry which is the only registry that can affect the homeowner's ability to demolish the outside of his or her home. The Commission is currently evaluating this matter and taking the appropriate steps to determine whether these homes should be placed on the registry. As we all know the local historian just passed away and the Commission has proposed that Eric Model be appointed to take over as Town Historian. They put forth his name and haven't heard back from anyone. They've asked him to find out the status.

Mayor Mignone-stated that after they made their request, they were told that he will be making a separate appointment. He also stated that the Commission does not appoint the Town Historian, the Mayor and Council do.

Councilman Chinigo-reported that the 100th Anniversary of Roosevelt School is coming up and the Commission will begin discussions on how to commemorate this momentous event. They will continue discussions in the coming weeks and months. He reported that a mural is being worked on at the Library bringing to life in pictures and words the story of River Edge. The last pictorial tile is currently being worked on. The mural will be mounted later on this year and at that time, the Library will be taking orders for non-pictorial tiles. The Library Director has left brochures for anyone who is interested. The Library has reported that circulation was up in January 2017, about 3,000 over last year for the same period of time. The Friends of the Library are currently working on high tea events where there are currently two dates planned. There will be two seatings per day which is subject to change based on participation. The two dates are Saturday, May 20th and Saturday, June 10th. The cost per person is \$25.00 and all proceeds will help the Friends of the Library to support programs and make purchases to benefit River Edge. Councilman Chinigo stated that he did not receive any email from Mr. Maddux and doesn't know if it's an issue with our system. The first time he heard of Mr. Maddux was over the Facebook feed where he called the Mayor and Council out. Councilman Chinigo responded to Mr. Maddux through Facebook and offered his personal email to him. He will not comment this evening on Mr. Maddux's statement as he feels there were accuracies, there were also a few inaccuracies but he did respond to him on Facebook. He understands where he's coming from and is glad that he appeared in person to ask questions but wishes that he had stayed so that they could've discussed it a little more and he could have heard the Mayor's statement as well as the Council's response.

Councilman Acquafredda-asked if the next work session could be re-scheduled to Monday, April 17th instead of Tuesday, April 18th?

Mayor Mignone-said that he also has a conflict on the 18th and has asked the Clerk to re-schedule.

Councilman Acquafredda-spoke about the hearing that will take place on Thursday regarding the fairness in taxation formula that has been going on between River Edge and Oradell for over ten years. Our attorney has sent briefs and emails explaining the ins and outs and feels that inevitably the case will end up in the Supreme Court. He said that today they approved the architectural and engineering contract to finally move forward with the Community Center. Unlike the previous architect that was strictly relegated to do a schematic initial design, this approval is for all of the phases of the project. He explained that this firm has more experience in community centers and projects of that sort and is confident that we are heading in the right direction. He will make sure that the Council stays informed on what is happening with the project through all of the phases. He feels that this is a worthwhile project that will enrich the lives of our residents.

Councilman Papaleo-met with the Beautification Committee on March 9th and the Shade Tree Commission on the 16th and mentioned briefly the good work that they are doing. The Beautification

Committee has started their preparation for spring plantings. The Shade Tree Commission is working towards finding the most cost effective way to remove stumps, they continue to catalog and assess Borough trees and will be moving forward with treatment of Emerald Ash Borer infestation that has already hit Bergen County. A resident came and spoke at their meeting and seemed happy with the resolution and that fact that he was heard. Councilman Papaleo commended the DPW for the great job that they do, and congratulated them for being awarded the Bronze Award at the JIF breakfast which acknowledges not only safety but their practices and procedures. Councilman Papaleo was glad that Mr. Maddux came and spoke at the meeting but also feels that there were many inaccuracies. In fact, he could have been present at the numerous meetings during January, February and March where he could have asked questions or made comments during those meetings. He feels that this Council goes out of their way to release information in so much as putting the videos of the budget meetings on YouTube and our website and we've made more than a good faith effort to reach out to the public. To demand a response by email or Facebook for something that is as complicated as this, is a bit disingenuous in claiming that they were not responsive especially since he only showed up at the last meeting and could've shown up at many meetings prior to this. Councilman Papaleo explained that the \$54.00 increase, is essentially \$2.50 per month and he doesn't think that this is unreasonable considering the services that we offer and how fiscally responsible we are. It would be better to have zero increase per month for the average home but again doesn't feel that \$2.50, which is less than a drink at Starbucks, is irresponsible on our part. He commends the Mayor and Council, the Citizens Budget Committee and our CFO Alan Negreann for doing a great job. Councilman Bartelloni-agrees with what everyone has said is especially the contracts that will be awarded to the architectural firm for the community center and to Costa Engineering for the topographical study. He said that it's been a long time coming and feels like we're taking a major step forward and hopes that it gets done sooner than later. In terms of the budget, everyone has talked at length but in terms of the Borough and Boards of Ed, we do the best out of the three in putting forth our budgetary information. We put our meetings on line for all to see and the meetings are open to everyone to come and listen or participate. If all you saw was the two council meetings where we adopt the budget, yes you would get a very inaccurate view of the budgetary process because you're not looking at everything that came before it. As he said, the information is on the website, it's there for you to see. He said that democracy is not always easy and requires involvement from citizenship to educate themselves and he thinks that we do provide the tools for the citizens to educate themselves. In terms of Facebook and social media, it's not the venue to have intricate discussions and that's what he explained on social media. He posted that if anyone would like to email him and talk about it, he is happy to do that. He, as well as anyone else on the dais, would be happy to sit with anyone who has a question about the budget, but doesn't feel that it's conducive to sound bites. If people have questions, they need to come here because you can't explain the budget in 40 characters. In terms of what Councilman Chinigo said, he also checked his emails and didn't find anything regarding the budget or from Mr. Maddux. He also said that there may be a problem with the emails because many times he doesn't receive things from the Clerk and the Mayor. He feels that they all worked very hard and diligent on the budget and thinks it's a solid and lean budget, while setting forth an agenda for the future. He stressed the importance of making sure the Borough has the resources it needs to function and serve the needs of the community. When you view it along side of our neighbors, he thinks that they've done pretty good and is proud of the work that they do here. Councilwoman Busted-also agreed with everyone's comments and thanked Mr. Maddux for coming. She thinks that this Council does an excellent job of setting a reasonable budget after tremendous deliberation and collaboration and thinks that they should commend themselves for being a collaborative body. Although they may not have agreed in the beginning, they came to a consensus to provide the best services at a reasonable cost to our taxpayers. Another thing she would like to talk about is stability. She feels that they've provided the residents with a stable expectation of what the budget is going to be and has been over the last couple of years and feels that the Citizens Budget Committee provides a valuable service to us. She wished more people would engage in that way and hopes that Mr. Maddux will do so as well. Councilwoman Busted thanked our CFO, Alan, Geeta and the entire Finance Department for providing great leadership year after year. She reminded everyone that today, they awarded a contract for AED's and is very proud of the work of the Rec Commission and the Council to make that happen. On April 5th there will be two training sessions with Cardiac Science and she was told by Bobbi Conway that there are 43 people signed up for each session. They can accommodate up to 68 so she encouraged anyone who is a volunteer coach to sign up or they can take the training online. She reported that on April 17th, the Mayor and Council will be invited to the first official game at KBG where they will use the new lighting system. She also reported that the River Edge Run will be held on April 22nd and encouraged anyone that is interested to sign up.

Councilman Chinigo-stated for the record, that he doesn't want anyone to get the wrong idea that he was unable to vote or didn't vote in good faith on the budget. He came in late and was sworn in on January 17th and since then he's worked very hard. He didn't want to give Mr. Maddux a short email

answer because it's a very involved process to answer the questions that he had. He feels very confident in his vote and all of the work that he put in to understand the budget and is comfortable with it.

Mayor Mignone-also thanked Mr. Maddux for coming and agrees with everyone that there are appropriate venues for different kinds of discussion. He commends him for his Facebook page which has been mostly positive in trying to get sources of information out but also feels that it's always better to go to the original source to get the correct information. The Mayor acknowledged that we know we have issues with our webpage and email server and hopes that it will be addressed in the very near future. He said that money was put in the Clerk's budget to get additional part-time help and is hopeful that one of the tasks will be to engage someone who will update the website in a more timely manner. He feels that the website is the most direct way to obtain information and should be up to date as much as possible. He appreciates that sometimes the information is not there, but the Clerk's number is there and there are always numbers to call so the information can always be found. As far as council meetings, we've had a long standing schedule where the meetings have been held on the first Monday of each month, except when there's a holiday so most people should be familiar with. He hopes by the next budget season they will have a live broadcast for meetings where people can watch them and judge for themselves. He said that the fact of the matter is, the meetings are boring. He stated that it's true, if you look at the budget as it's presented based on the state's documents, it's not very detailed and does not have a lot of back-up so that may give the impression that maybe there's less to it than it is. If people could see what was in the black binders and worksheets that go into every line item, they may understand it better. He doesn't necessarily feel that all of that information needs to be posted but possibly in the future, make it available so that if someone wants to come and look at it they can. He echoed Councilman Bartelloni and Councilman Acquafredda comments about the Community Center and he also looks forward to getting together with the new team and moving forward. He also echoed Councilwoman Busted's comments about the AED's which has been a long time coming and hopes that we'll never have to use them but at least we have peace of mind knowing that if it does happen, we'll have the ability to respond. With regard to Historic Commission, the Mayor mentioned to them that planning should begin for two items in 2018 which are the 125th Anniversary as a Borough and the 325th Anniversary of our founding based on 1693. He said that the Historic New Bridge Landing Historic Commission, which is on the county level, hope to break ground on their museum he feels that between our Commission and the County they should really promote that site going into next year with a possible celebration on July 4, 2018 to bring attention to the site. The Mayor spoke about the River Dell funding hearing and said that unfortunately he won't be able to attend and hopes that they don't decide to split it and give us this half-baked part evaluation, part per pupil which he knows the would statute allow for. The Mayor said that the Record didn't quote everything that he told them and feels that if you're going to have a regional school district, the only way to make it work is to consider it a borderless town. The only way to tax that is through valuation because school systems bring property values to residents in both towns. You can't say that just because a child is in school in Oradell that the property value is not positively affected by the fact that we have a well renowned school district. Maybe it's apples to oranges, but he doesn't think so, because he never hears the residents of Oradell making the argument that the people who don't have school children in Oradell schools should not pay Oradell school taxes. If you're not going to pay per pupil through your own district, you have to not consider it for us because we are considered one town for purposes of the school district. As Superintendent Fletcher has said, they don't look at the kids as Oradell kids or River Edge kids, they're River Dell students. The Mayor feels that it has to be considered one town and has to be valued accordingly. He hopes that will be the case because if not, it will greatly impact our budgets going forward.

ADJOURNMENT – 8:22 P.M.

The motion by Councilman Acquafredda, seconded by Councilman Bartelloni to adjourn the meeting at 8:22 p.m. was unanimously approved.

Edward J. Mignone, Mayor

Attest:

Stephanie Evans, Borough Clerk

Dated: