

Councilman Mignone went back to his point that when this was bid our Alternates 1, 2, and 2A are they alternates or not alternates. Mr. Miller said they were listed as alternates. Councilman Mignone said that \$20,000.00 would have to be added to the \$113,200.00 making it \$133,200.00, which we don't have allocated for this project. Mr. Miller stated that he didn't know if they would be needed. Councilman Mignone asked Mr. Negreann if we would need to allocate the full amount. Mr. Negreann stated "Subjected to availability of funds". Councilman Mignone stated that there were alternates there which are not really alternates, which was his point the first time, Mr. Miller stated that we may need them, so you have to assume that we need them, and add them into the budget, which is the problem. Mr. Negreann said to add them in there would have to be change orders, be allowed under the law, and subject to availability of funds at the time of the change order. Councilman Mignone said if they are not alternates, if and where directed, should have been included under the base bid, if they are alternate they can't be awarded and tell us we don't need them. Mayor Moscaritolo said Phase I it's not needed. Councilman Mignone said yes it does, it has to do with the drainage, you can't dig up the whole site and then add drainage later on. You either do it now or don't, you either need the extra drainage and the extra dj or you don't. Mayor Moscaritolo said no one knows what the site conditions are going to be, we only know that we are faced with these bids that were opened and we are here to accept the lowest responsible bid, reject them, or negotiate. Councilwoman Murphy asked if we could negotiate first and then (inaudible). Councilman Mignone said we couldn't negotiate because we changed the bid. Councilman Mignone wanted a legal opinion before any motions were made. A motion was made to accept the bid and the remaining balance come out of Open Space.

Motion by Councilwoman Murphy, second by Councilman Papaleo to approve.

Councilman Mignone asked could we knowingly a project could be awarded without the amount of funding that we know we need and back to do a change order claiming we need more money to pay for the project. Mr. Negreann explained that the change order has to meet the requirements of the laws. Councilman Mignone described a change order is based on an item in the contract. Mr. Negreann stated a change order is an unforeseen event, sometimes there are minor field modifications or accommodations to the adjourning homeowners. Councilman Mignone asked if adding an alternate later on isn't considered a changer order, Mr. Negreann agreed. Councilman Mignone asked how Do we award this, \$20,000.00 in expenses which may be needed as part of the base bid. Mr. Negreann answered by saying that we do have \$23,000.00 allocated in Open Space which give you \$127,000.00. Councilman Mignone said that doesn't cover what the requirements are of the project.

All in favor 4-1

Nay: Councilman Mignone

There was a discussion regarding resolutions that would need to be added onto the agenda regarding the bid, to reject, modify the plan and award contract. Mayor Moscaritolo stated that funds are available from the Capital Fund in the amount of \$26,000.00. Mr. Negreann explained that in the three accounts there is \$104,000.00, you are going to add another \$23,000.00, totaling \$127,000.00. The first one would be to modify the plan, Endorse Municipal Open Space Recreation Commission Modified Plan. Mayor Moscaritolo explained there are three resolutions, one is to reject the bid which isn't going to be used. The next is to accept the bid from the lowest responsible bidder and the other is a resolution to endorse a modified plan. Mr. Negreann explained that one was to add the Open Space money of \$23,000.00. Councilman Mignone asked how can

we have an Open Space hearing on allocating the funds, we have that all every other time. Mr. Negreann stated he believed the law permits the Mayor and Council may allocate funds based on at least one hearing we had this year. It's a matter of transparency if you want to have another public hearing on this allocation. A motion was made to approve endorsement of Municipal Open Space Recreation Commission Modified Plan. Resolution #15-308.

Motion by Councilwoman Murphy, second by Councilman Papaleo to approve.

All in favor 4-1

Nay: Mignone

A motion was made to award the contract to Downes Tree Service. Resolution #15-309.

Motion by Councilwoman Murphy, second by Councilman Papaleo to approve.

All in favor 4-1

Nay: Mignone

2. Hackensack Avenue Commuter Parking Lot -- Mr. Negreann mentioned that he sent a memo to the Mayor and Council explaining the details of turning this lot located on the corner of Grand and Hackensack Avenue into a commuter lot. It would have about 22 spots, the minimum cost would be \$17,800.00, taking about four years to recoup the cost, but then we would have a new revenue stream of about \$4,400.00 per year. The cost to pave the lot in full from Rob Costa would be around \$15,000.00 to extend out the time to recoup by another 3^{1/2} years. If the Mayor and Council are in agreement with putting a commuter lot there for our residents, he would take the approval tonight to just prepare a funding discussion as part of the 2016 budget process. If the funding is approved through an ordinance or by whatever other means we can move ahead with this. Mayor Moscaritolo asked if we wanted to pave the full lot could it be done through the Riverside Cooperative, Mr. Negreann wasn't sure at this point in time whether it would have to be a separate paving project or whether it could be included, it would depend on the timing. Councilman Mignone asked what the lot size was, Mr. Negreann answered it was 117 feet by 60 feet wide, with a 2 inch cover, 105 tons at \$150.00 per ton equaling \$15,000.00. Mr. Negreann explained that the \$17,800.00 number came from putting in two handicapped spots costing \$10,000.00, signage \$4,500.00, DPW preparation cost of \$2,500.00, and stone maintenance \$800.00. Mr. Negreann said it would be another \$15,000.00 to cover the rest of the lot. Councilman Mignone asked if Mr. Costa knew if the base could support the paving or do we have to add additional stone. Mr. Negreann said we weren't going to do that because we are looking at this as a temporary lot since it is subject to redevelopment. Councilman Mignone said that if there wasn't a good base there will be running and won't last. Mr. Negreann said that the lot next door is just a stone lot. Councilman Mignone said that was fine but once you put asphalt on moving stone it becomes soft. Mr. Negreann stated he wasn't suggesting doing the additional paving, his concept is a stone temporary lot making it comparable to the NJ Transit lot, doing it at a minimum cost, creating an additional low cost parking for the residents. Councilwoman Murphy asked Mr. Negreann about recouping the money in 4 years, the 22 spots what are you calculating them at. Mr. Negreann said \$200.00, the same as the other lots, but he may be making a recommendation to increase it slightly for the cost of living increases, there are maintenance and processing costs which are minor changes. The total cost to do the lot would be \$32,800.00. Mayor Moscaritolo felt that putting a postage stamp that was paved for handicapped parking and the rest of the lot is unpaved... Councilwoman Busteed asked how a person would navigate from a paved handicapped spot to the train station. Mr. Negreann said the parking is near the sidewalk

and there are handicapped facilities at the train station. The handicapped spots would be the first spots as you come into the lot, paved with access to the sidewalk. Councilman Papaleo asked what NJ Transit charges and if we could charge a comparable fee. Mr. Negreann didn't have that information available, but we always discounted our spots for residents. Mr. Negreann also mentioned that the Mayor and Council needed to discuss the River Edge train station lot and the commercial lot on Grove Street. Mayor Moscaritolo asked Councilman Acquafredda if he had any observations. Councilman Acquafredda felt the lot should be paved but in a way that doesn't leave tire marks after a season of parking, it would be difficult to pave only the handicapped spots. If a wheelchair misses the paving and runs into the gravel there may be some liability on our part. Councilwoman Murphy added that NJ Transit charges \$123.00 per quarter. Mr. Negreann stated that the fee structure will be discussed this is one area he wanted to talk about, these rates were stable during the economic downturn, but a change could be made now, that would be fine. Mayor Moscaritolo stated that Mr. Negreann was looking for direction, Mr. Negreann stated that if we are at looking at a paved lot, it would take about 10 years for a breakeven point. Councilwoman Murphy felt that if the fees were increased the time would be lower. Councilwoman Busted mentioned that this would be a discussion for the 2016 budget, Mr. Negreann agreed. Mr. Negreann said this was just conceptual approval to get this to move forward for a discussion. We go forward or just leave it as a vacant lot. Councilwoman Murphy's thought was to move forward with a fully paved lot, Councilwoman Busted, Councilman Papaleo, and Councilman Acquafredda all agreed. Councilman Mignone said it depended on the engineering aspect, if it became too cumbersome..(simultaneous talking).

3. "Bid Threshold" for the Borough of River Edge – Mr. Negreann said that the State of New Jersey every five years has the ability to change the bid threshold based on cost of living adjustments, they have increased the amount from \$36,000.00 to \$40,000.00, which means the quotation level would raise from \$5,400.00 to \$6,000.00 with Qualified Purchasing Agent. He recommended that the Mayor and Council do increase the threshold and in fact pass the resolution that was on for tonight, which was voted on during the Regular Meeting. Councilwoman Murphy had on comment that in going through the bills, which is something the Finance Committee should review, but three quotations are required, and it doesn't always seem to be done. She finds this to be problematic, she finds many times there is one quotation from someone in River Edge and two quotes from others that are two hours away. The process in getting quotations needs to be looked more closely. Mayor Moscaritolo asked if there was a question under the new quotation policy and you are a member of the Finance Committee and you are required to sign-off on an invoice or voucher, then don't sign off on it.

DISCUSSION ITEMS –

1. Grant Oversight Committee – Mr. Negreann said this is a concept that came back to the Council, he drafted a grant policy, listing the available grants that have been out there for the last of couple of years. Is Council's pleasure to refer this to the Finance Committee to refine it, or not do something like this. Councilwoman Murphy felt this wasn't necessary, it was more transparent to have this discussions in public with all members of Council. We don't have an overwhelming number of grants that it has to be taken into a back room where only a few people discuss it. This is something to be discussed with a full Council. Councilwoman Busted agreed and also felt there was often a time constraint to take action on some of these grants and by adding an extra layer it would just add more time to the process. Councilman Mignone disagreed, it isn't about being transparent or making decisions in a back room, it is about doing due diligence. For example, tonight

not one of you asked Mr. Miller how much cost he now put onto the Borough based on the changes he made. It's about \$20,000.00 that Grant Oversight Committee would have been able to come back to the Council and say we made these changes but you shifted \$20,000.00 more on to other areas of the budget, which we are going to have to pay for. We didn't look into what the O&M costs were going to be, these are things you need to vet out, that is what this is about, not about being transparent, it's about being more transparent and doing due diligence. If you are going to spend people's money make sure understand the full implication of what you are spending. Not one person asked that man a question, you didn't know what he changed on those plans tonight. You signed plans which he didn't change. It's outrageous that is how we operate this Council, we spend hundreds of thousands of dollars like this with no oversight at all. It is a Best Practice recommended by Finance Officers and it is something we should be doing in the interest of being more transparent and being really responsible with taxpayer money. Mayor Moscaritolo stated he recalled that when the first bid came in on Cherry Blossom Park, it was over the amount of funding that was available, Councilman Mignone asked Mr. Miller to change the specifications which cost the Borough \$3,800.00 because he charged us to change the specifications, and then the bids came back which we reviewed this evening which were still short so we had to allocate additional money. It's almost like sometimes your due diligence is costing the taxpayer's money. He went on to say we didn't have to \$3,800.00 to revise the specifications. Councilman Mignone stated that to be billed \$3,800.00 to pull the fence out is outrageous and even Councilman Acquafredda agree with that. Mayor Moscaritolo said it will be an issue for the Finance Committee when they get the bill. Councilman Mignone asked what the Mayor would have suggested the first time, spent more money and put more money towards the project. Mayor Moscaritolo said he thought there may have been, he didn't remember what the first numbers were that came in, but if there was available Open Space funding to cover the short fall I would have recommended it. Councilman Mignone said that didn't come from him this time so it would have been the same thing a month ago so why wasn't it recommended then. Mayor Moscaritolo stated he did make the recommendation then, but it was agreed by the majority of Council that we go out to re-bid which we did. Councilman Mignone said it cost more tonight with the re-bid then it did the first time. Councilman Acquafredda felt the Oversight Committee was a good idea but we need to have grants to review. So we create the Grant Oversight Committee, he wanted to know who was going to be out there pounding the streets and getting us to apply for grants in the sufficient time frame to come back to the Council and not say you have to approve this tonight or we are going to lose the grant. He then asked about what we are doing about the Grant Consultant before we move into a Grant Oversight Committee he felt a Grant Consultant was floating out there in a cloud, are we going to change direction and maybe look into hiring a Grant Consultant that gets paid on a retainer or some other way that he becomes a captive audience because he is getting paid to look for grants, making us apply for grants in a timely fashion. Or are we going to stay with consultants that get paid a percentage or fee when we are awarded the grant. Most of the time it seems to him that most of the grant all look like after thoughts. It looks as if it was stumbled upon, which they should be looking for. The worst thing was an \$800,000.00 that we had to vote on that night or lose it. In his opinion before moving onto a Grant Oversight Committee we have to make sure we know what we are doing as far as looking for grants and he didn't think we did. Councilman Mignone asked who was going to ask the question as to the \$800,000.00 grant and they don't tell you there is now \$100,000.00 in operating costs when we do the grant. Councilman Acquafredda said he would add \$100,000.00 to an \$800,000.00 every year. His point, if sitting on the Grant Oversight Committee, is there is no need for this committee if I am not clear on what we are doing

in looking for grants. Councilman Mignone replied that we should really understand what we are expecting from the grant and what our obligations would be. Councilman Papaleo said he didn't see us having the option of getting enough grants to form another layer of government. He thought that if we started having grants we can establish the committee, but until we have some work for them he didn't see any point to it, especially since Councilman Acquafredda said the way we currently get a grant and he didn't see there was a need right now. If we ever did have a channel of grants coming in he would certainly would endorse it, right now he didn't the point. Councilwoman Murphy said that in speaking with the grant writer we have been using she has had in the past she has had some difficulty working with the borough in getting the necessary paperwork in order to accomplish these grants. She believed that Marlene felt stonewalled in getting the proper paperwork in order to continue. Mayor Moscaritolo said he didn't know if that was 100% true, he knows she has voiced frustration and he thought Capital Alternatives has a certain expertise with the DOT grants with big numbers which results in them getting big commissions, so they focus on that. But as Councilwoman Busted has mentioned we don't have anyone looking for smaller grants and we need to investigate that and maybe if we can spend a little money finding out what other towns have done to look at \$50,000.00 or \$75,000.00 grants, even if we have to retain a grant consultant for a couple of thousand dollars a year, that would be his recommendation. Councilwoman Murphy made reference to Marlene spinning her wheels to get a grant and if we don't get the grant, they don't get paid. Councilman Papaleo said that was their business. Councilman Acquafredda said that the other issue is why doesn't Marlene come here and tell this to the entire Mayor and Council, why should Councilwoman Murphy be the one to take a hit. Let her come here and tell us about her frustration, Councilman Mignone also said he would like to know specifically what she is talking about. Councilwoman Busted said in moving the Mayor's comment forward she felt that maybe Mr. Negreann could prepare a presentation for other grant writing organizations that have a bigger breath with having success with these smaller types of grants that maybe work on retainer and start having those conversations so that when we are prepared for the budget in 2016 we have something to discuss. Mr. Negreann explained that the Bruno Group, Millennium, and a few other groups come in, we sent RFPs out and didn't get responses to, Millennium type of groups want \$30,000.00+ on a retainer basis. Capital Alternatives works on a percentage basis. Councilwoman Busted felt this option should be investigated to potentially work with an organization with a bigger breath then what Capital Alternatives has been presenting to us. She thought the DOT grants were great, that is their wheelhouse, she felt there were other opportunities that are being left on the table and we need to explore ways to bring in those types of dollars so the residents can benefit. Mr. Negreann said he would be happy to put together another RFP and get it out there. Councilwoman Busted said that these may be the same groups but there are people present on the Council that haven't seen those presentations before and it would be a worthwhile exercise. Councilwoman Murphy stated that in going through her papers she just found a memo from Mr. Negreann listing about 8-10 grant writers that had been contacted. It seems they either get an upfront fee with a luck of the draw if you get something, or it's a per grant payment. She believed Millennium was used and paid but she wasn't sure what grants were received and if we got our money's worth. Mayor Moscaritolo said that if Capital Alternatives has the expertise for DOT grants and get another grant consultant that has the ability to get us smaller grants and has a bigger breath that we could put on retainer, there is no reason why we can't have more than one grant consultant. Councilwoman Murphy said there was a third option where you can pay per grant application fee, the grant consultant prepares the application. Councilwoman Busted said that the Capital Alternatives is only bring DOT grant

applications to us, but maybe a bigger grant consultant can bring us bigger grant opportunities. Councilman Mignone said that the problem with grant consultants is rely on borough personnel, they do very little of the actual grant writing themselves, most of the work is done by the borough personnel, he knows because he does the day-to-day work himself, he's the one preparing plans, estimates, and doing all the research and they take and get the fee. Which is the same thing that happens here, you can criticize Mr. Negreann but he is one asked to get all the information and all they do is package it pretty and send it to people they know because you are paying them for their connections. That is something we need to consider. (Simultaneous talking) Councilwoman Busted said this wasn't a criticism of Mr. Negreann, Councilman Mignone said that was the reality of all the work comes from the borough side. Councilman Acquafredda said those are relevant questions that should be asked if someone shows up and sits at the table so we know exactly what we are getting ourselves into. Mayor Moscaritolo wanted make sure everyone knew of Councilman Mignone's comment that Fort Lee uses Millennium and they haven't had much success with them and they charge \$35,000.00 a year. Councilman Mignone said that they just shotgun you with grant proposals and the 99% aren't applicable to anything you have and then the one they find is a long shot. We were being pushed for Sandy money and we didn't have any damages from Sandy at all. We were spinning our wheels applying for grants that we probably won't get. They will get you a lot of the opportunities that are out there, but finding the ones that are applicable and worthwhile is the hard part. Councilwoman Busted said that there is no doubt that grant writing is a true skill and not a lot of people know how to do it and requires a lot of heavy lifting from a lot of people, she still believes we should be looking to increase the offerings that are given to us to make a decision on. Councilwoman Busted asked Mr. Negreann if the Riverside Cooperative ever discussed grant writers, who they use, or ever approached this topic, Mr. Negreann didn't think there was ever a discussion on this. Councilwoman Busted asked if it would worthwhile to hear what other boroughs are doing, see who they are using, what challenges they are facing. Mr. Negreann said he could reach out to other boroughs. Councilwoman Murphy said that they want to keep this information close to their chest keeping the money for their own town and not share. Mayor Moscaritolo asked Mr. Sarlo what Little Ferry if they did theirs in-house, Mr. Sarlo stated it was all done in-house. They sent a police officer to a grant writing workshop, which was very effective because the Police and OEM did their own grant writing. The K9 Unit and School Resource gets a lot of grants. A lot of the grants are for Community Development and Green Acres which you are getting. Mayor Moscaritolo stated he applied for a grant for a new senior bus online with Mr. Negreann's cooperation. Mr. Sarlo said there are small grants out there, even from private sources, just recently Little Ferry received \$15,000.00 for the Little League batting cages, they are out there you just have to identify them, narrow them down so you aren't wasting time applying and meeting the criteria. Mayor Moscaritolo said he received a letter from a company that was giving out grants for artificial turf fields and they wanted to know if we are interested which forwarded to Bobbi Conway for recreation to review. Councilwoman Busted wanted to confirm that Mr. Negreann would ask Riverside Cooperative what they and do and report back, and possible see what we can do to bring other groups in.

2. Sidewalk Sale Ordinance –
3. Recreation Commission & Recreation Director Report on Defibrillators for Use at Athletic Events – Mayor Moscaritolo stated that Bobbi will report on this in September due to items on tonight's agenda depending on Governor Christie signing the new law.

4. Endorsing Resolution for Trust Fud Application for Cherry Blossom Park, Phase 1 –
5. Draft Ordinance Prohibiting Parking on Front Lawns – Mr. Sarlo explained that he was requested to prepare a memorandum regarding prohibiting on parking on the front lawn. Currently the ordinance is silent regarding parking on front lawns, he provided everyone with a copy of the existing ordinance saying the location of parking spaces, and the Planning Board shall approve it. It also basically says that the subject of consideration is in the Zoning Code that parking shall not be in the front yard. There is a possibility that Planning and Zoning could possibly allow it, by changing your ordinance specially prohibiting it would take basically the discretion out of it. He thinks there has obviously some issues with people parking on their front lawns. There is nothing prohibiting it in your parking ordinance, the argument is they are allowed to do it right now. He presented a proposed ordinance and some alternative language prohibiting the parking. Councilman Acquafredda mentioned some concern about certain circumstances, which Mr. Sarlo provided alternate language to consider. This would be a start for the Mayor and Council to discuss. Councilwoman Murphy asked if there complaints, and Councilman Mignone stated he has gotten several complaints and has also seen 4 in the last two weeks. Councilman Mignone's intent is to make it as simple as possible, he thought Mr. Sarlo's alternate #2 covered it. Emergency conditions may be put in, it's almost one of these things that you shouldn't have to have in an ordinance, but look at the guy living next to the Mayor who had his Hummer parking on the front lawn selling it for a long time. There's another right across the street on the cliff is a safety issue. There is a house on Lincoln parked on a little strip of land between steps, the car is parallel to Fifth Ave., and another on Continental. This is something that is not isolated, but a handful of cases; we are not looking to punish anyone. It is basically to have an ordinance so that someone can go to them and say you can't do this. If it's an emergency condition we can have discretion if that is what everyone is concerned about. At lease there would be authority to say you shouldn't do it. Councilwoman Murphy stated she has received complaints about the doctor's office on Kinderkamack Road where people are parking half in the street and half on the sidewalk and the County has allowed it to happen. Councilman Mignone said that he spoke with Mr. Costa saying that when Kinderkamack was paved the center line should be moved westerly a little bit and may be put in some little indentation like a bus pull-out, to give street parking. Also you have the cars that park on the sidewalk on River Edge Rd. that's allowed also and that isn't a safe condition either. That is a different issue but it is along the same vein. Mr. Sarlo said that the ordinance he proposed B and C states that they can't park anywhere on any grass or non-paved area, which means that if there is a side yard or rear yard parking is prohibited. He didn't know if the Mayor and Council wanted to go that inclusive or not, he also included campers, trailers, and boats, he throw everything in there. He could certainly take out, leave in, or change any part, specifically regarding snow emergency circumstances. Mayor Moscaritolo said to put in a "Declared State of Emergency". Councilman Mignone said he wasn't looking for something punitive, just wanted to give someone the authority. Mayor Moscaritolo said that was an important point because right now the restriction of front yard parking is in the zoning code, which means we have someone who only works 10 hours a week and only reacts to complaints, it's not being enforced. If we make this a parking ordinance and codify in the parking section then the police will have authority to enforce it. Councilman Papaleo asked if this included containers, Mr. Sarlo answered no it didn't and that should be a separate ordinance for pods. (Simultaneous talking) Councilwoman Murphy mentioned that on Park Avenue that have been pods there for years. Mr. Sarlo parking becomes a problem and you allow front yard parking then it would have to be restrictive with hours that would be another

alternative. Councilman Papaleo felt the council should move forward with this. All Mr. Sarlo needed was direction if there were any changes to A putting in any alternative language, and do you want to keep B & C in there. Mayor Moscaritolo asked Mr. Sarlo to all it all but to make sure that Chapter 400 is in the parking section so it could be enforced by the police and removed from zoning. Mr. Sarlo stated he would change A to the language to "no person shall park or be allowed to be parked, alternate 2, "Declared State of Emergency". Councilman Papaleo asked to make a motion to ask Mr. Sarlo to research some language regarding pods. Mayor Moscaritolo said he would send what he prepared for Oradell to Mr. Sarlo.

A MOTION WAS MADE TO CONTINUE WITH THE WORK SESSION PAST 10:00 PM.

Motion by Councilman Papaleo, second by Councilwoman Murphy.

All in favor 5-0

6. Community Center – Mayor Moscaritolo stated he and Councilman Acquafredda had a meeting with Thomas and Chris Canzani tweaking the design program and everyone should have gotten a copy of it. Councilman Acquafredda stated that essentially the document constitutes the body of the RFP for architectural and engineering services purposes for the building. We don't have a site plan designed yet, there will also be site civil engineer part for this. The document begins to translate all the information we got, proposing space usage with square footage. He hoped everyone had a chance to look at it, because we need to tell Mr. Negreann to turn it into a formal RFP. Canzani will stay along to assist in the process. Councilman Mignone would have like to see more flexibility, this is a very ambitus program and there will be a lot of constraints, not just the financial constraints, there is going to be operating and other costs, sufficient parking demands, which will effect the site plan, and the amount of site work we will have to do, all he wants to see is that we have the flexibility, is one that we don't lock in one location it should be a blank slate. We have this whole parcel, where you can put it where ever you want, however you want to lay it out. The other thing is it should be built in as phase able, that way we could prioritize with doing only A, B, and C, we should make this our priority because we will have to live with a lessor building for several years before we can get funding for an addition. Right now we are talking about a three story building with an elevator, there may be a way to lay it out in one level and not need the elevator. That is why he would like flexibility without giving some much specification on the design, he is afraid that if you put a very fixed project out there it going to come back with a cost and we are going to say where are we. If we don't get that flexibility in our fee then we are going to wind up either re-RFPing or re-scoping it. A discussion continued regarding having one floor and then adding a second floor, but an elevator would have to be retrofitted. Councilman Acquafredda said there are always going to be pros and cons when you get into this type of detailing. It is also a known fact that when you design it is always easier to deduct from the original design then to add. That would be another way of approaching this project. This is what we would like to have but when we go out to bid after the design is done you have a list of deducts from the project. If we don't do the elevator what is the amount of money you deduct, you go down the list, these decisions are made the design stage. What Councilman Mignone is proposed is actually an improvement of this document but we really need to meet with Canzani and go over this list of comments and incorporate them into the proposals and then ask Mr. Negreann to turn it into an RFP. Mayor Moscaritolo wanted to confirm that another meeting with Canzani was being requested. Councilman Acquafredda stated that Councilman Mignone's comments were presented tonight and he was trying to be reasonable about this whole thing. Mayor Moscaritolo replied that he was always

reasonable. Councilman Acquafredda said that there was no deadline, but whatever he sends out he would like to see a reasonable degree of success. Mayor Moscaritolo felt all of Councilman Acquafredda's comments were reasonable especially regarding designing it with our wish list and then getting a quote and then saying we can't afford everything so let's not do a full kitchen, let's leave out this. Councilman Acquafredda said that to get to that point we have to go through the missing link which is some of the comments that Councilman Mignone made. Councilman Mignone said that you do have to come up with at least a preliminary basic site plan, you can't just do this in a vacuum, Councilman Acquafredda said the site plan will be part of the requirements, Councilman Mignone said there are other implications, are people going to scream if you take 30 trees down by the Cultural Center for parking, these are things you have to look at. Also there are grading issues over there..(Simultaneous talking) Councilman Mignone was only saying when you do your design you need to know what your constraints are. Councilman Acquafredda said that all design issues, the development of a site plan should be part of this RFP. Councilman Mignone said people responding the RFP need to know the constraints are going to be. Councilman Acquafredda said that was why this was for discussion and it was missing your comments which will begin another page to this document. We do need to have the site plan incorporated into this document. Mayor Moscaritolo said except the site plan will cost us money. Councilman Acquafredda answered by say no there is an RFP response. (Simultaneous talking) Councilman Acquafredda went on to say the RFP will also include civil engineering services. Councilman Mignone stated that if you go by our ordinances this will generate about 70 additional parking spaces, where are you going to put them. Mayor Moscaritolo said that if the building is done as proposed, a basement with two stories and an elevator, if you do it all on one floor the footprint will be bigger with less room for parking. Councilman Acquafredda stated that the architects may have to make the decision as to the size of the building. Clearly you limit the footprint you limit the foundation and you put up a second story with an elevator that is ADA compliant. If we are going to meet give me so dates that you are available. Mayor Moscaritolo stated that so far there has been three meetings Councilman Mignone only attended one. Councilman Mignone felt that Mayor Moscaritolo should assign someone else to the committee if he felt Councilman Mignone couldn't participate. Mayor Moscaritolo stated he wanted Councilman Mignone on the committee because his input was appreciated, but he needed to show-up. Councilman Mignone replied that he received the notes on Friday, reviewed them over the weekend, and is presenting his input now. Mayor Moscaritolo asked Councilman Mignone to put his comments in writing, which would be forwarded to Mr. Canzani, which he can incorporate into the document and go forward with the RFP. Councilman Mignone stated he would provide this comments in writing sometime this week. Mayor Moscaritolo asked that this be listed for a September meeting.

WORK SESSION CONSENT AGENDA – Resolutions voted at the Regular Meeting.

1. Award contract to Robert Costa, Borough Engineer, for CDBG Street/Curb/Sidewalk Improvements Phase II – Design & Inspect (Oxford/Rutgers) in the amount not to exceed \$2,000.00.
2. Amend Contract with Tom Miller, Premier Project Development LLC, for Professional Services Related to Planning and Design Work for Cherry Blossom Park, Phase II in the amount not to exceed \$5,800.00.
3. Amend Contract with Robert Costa, Borough Engineer for the 2015 Riverside Road Resurfacing Program in the amount not to exceed \$6,000.00.

4. Award Contract to Reggio Construction Inc., for the River Dell Middle School Safety Improvement Project in the amount not to exceed \$165,370.20.
5. Authorize Mayor to Sign Hazard Mitigation Grant Program Sub-Grant Agreement for the Firehouse #2 Generator Project.
6. Amend Contract with Robert Costa, Borough Engineer for Professional Services Related to the Design and Inspection of Catch Basin at 284 Kensington Road, Wayne Drive and Greenway Terrace in the amount not to exceed \$15,000.00.
7. Amend Agreement with Rogut McCarthy LLC, 27 Alden Street, Cranford, New Jersey 07016-2167 for Professional Services to Serve the Borough of River Edge as Bond Counsel in the amount not to exceed \$5,000.00.
8. Approve Change Order #1 for the 2015 Riverside Cooperative Road Improvement Program to J.A. Alexander, Inc. in the amount not to exceed \$6,200.00.

FOR YOUR INFORMATION

1. Homeowner Complaint – 58 Lakeview Street – Discussed during Regular Meeting.

UNFINISHED BUSINESS

1. Review of Historic Element in the Master Plan
2. Capital List – See Report
3. Grove Street –
4. Library Roof and HVAC
5. Complete Streets
6. Borough of River Edge Senior/Community Center
7. Townwide Communications/Notifications – Councilwoman Busted asked that her requested information regarding the number of people signed up for notifications be sent to the rest of Mayor and Council.
8. Generator – Fire Company # 2
9. Shade Tree Commission – Councilman Papaleo stated he hasn't had a chance to doing anything yet or reach out to the commission yet. The message still didn't satisfy the expectation and would like to keep it listed.
10. Social Media Policy

Mayor Moscaritolo felt there was an epidemic problem with Shade Tree roots uplifting sidewalk slabs and there isn't a coordinate policy to deal with the issue. The current ordinance places all the burden on the homeowner, even when the Borough created the problem by planting the tree. There is a memo that was received by everyone from Mr. Sarlo explaining the law, outlining our ordinance, and indicating to us that our public policy has to be formulated by this Council. There isn't a week that goes by that Mayor Moscaritolo doesn't get one or two emails from homeowners that are dealing with this issue, requesting that a perfectly health tree be removed because the roots are uplifting their sidewalk and they want to replace the sidewalk. It's become an epidemic and it's time to do something about it. Mayor Moscaritolo felt that Shade Tree, DPW, and Council should get together and formulate a policy. Possibly putting money into the capital budget as we did with the ADA sidewalk issue, putting money into the budget to begin to get putting a dent into it. The only thing Mr. Sarlo did mention was that went a shade tree dies the Borough should pay for the replacement of the sidewalk, that would take too long to fix the problem taking centuries. Other towns give a subsidiary to homeowners that have this problem, 50% or a 20% subsidiary, they just undertake the replacement themselves. We need to do something. Mr. Sarlo stated that he provided the law, without giving policy that is up to the

Mayor and Council. Once you come back with a policy, he can advise if it fits within the law or not. He also stated that his two memos need to be read together, you may send out a notice, he thought the current ordinance was sufficient with regards to the notices to the homeowner about a structural or deficient sidewalk, you are allowing the Construction Code Official to do that and the State Statute says it has to be done by resolution by Mayor and Council. Any homeowner can say you are in violation of State statute. If you were faced with this obvious potential issue going on and if you sent out notices to all these homeowners and they don't do anything, the law and your ordinance says right now you have the affirmative obligation to do it, and if you don't do it now you are on notice which opens up a liability issue. But if you are the homeowner and that sidewalk is uprooted by a Borough tree what do you do, you can't fix your sidewalk because you have a tree going underneath and you really can't touch it, there has to be some work with the homeowner. In other words if there is a root that is uprooting the sidewalk maybe you can shave it first, but that will be up to the Borough, you are not just going to replace the sidewalk. Councilman Papaleo asked if that was up to Shade Tree to grant. Mr. Sarlo agreed that you can't touch the root without Shade Tree's authority. (Simultaneous talking) Councilman Papaleo asked if a tree's root could be shaved without Shade Tree's authority, the common consensus was no. Mr. Sarlo commented that most of the sidewalks are uprooted because of tree roots, or if they are uprooted because of a tree on private property, that's easy, you can go after them also. This specifically deals with Shade Trees that the Borough owns and sidewalks that you are saying needs to be fixed. Right now your ordinance, which he thinks is sufficient since it isn't a resolution, you are putting an affirmative burden on you once you sent them notice and they don't fix it your ordinance says you shall fix it. You don't have the resources to fix it, you send out thirty notices you have a problem. Councilman Papaleo asked if this should be done in two steps, should we have you correct our current ordinance's two areas to be more proficient and the language we use makes us liable if we don't complete the work in a certain period of time. Then go back and meet with Shade Tree and DPW and figure out a permanent solution to a really big problem. Mr. Sarlo responded by say that was more of putting a policy in place, he would put in alternative language in for consideration. Councilman Papaleo felt the current language was acceptable. Mr. Sarlo stated that most towns use that language. Mayor Moscaritolo said that it may just be like dealing with the ADA compliance issues that we allocate a certain amount of money each year for sidewalks and have Mr. DeRosa go out and caves the town, and as we do with our street program to grade which are the worst ones, prioritize them and then begin with the worse ones. Once the money is done for that year it's gone, we allocate again for the next year. Councilman Papaleo stated he didn't have a problem with that but he was wondering if John Lynch should do that since he is already going through the entire town accessing the roads. Mr. DeRosa doesn't have that many hours, and if he is covering the entire town for this issue, he won't have time for enforcement. Mayor Moscaritolo said that was a good point and didn't know if John Lynch wanted the responsibility. Councilman Papaleo stated that if we address him to and if he needs more men we could address that in the budget. Mayor Moscaritolo said he was all for doing something including that as long as we get the ball moving. Mr. Sarlo wanted to state that in the law according to New Jersey is all over the map. Your Shade Tree Commission has complete immunity for what they do. In fact because you have a Shade Tree Commission a homeowner attaches to that immunity so if they do nothing to their sidewalk they have immunity. You have an ordinance that says they have to do this work, the law says, which I provided, the law say no the town can't force a property owner and doesn't impugn liability to them. Councilman Papaleo asked if Shade Tree should be switched to an advisory committee versus a commission, Mr. Sarlo replied by saying the only thing you could do if you are dissatisfied with their work is give the jurisdiction back to the town. Right now they are autonomous. Councilman Mignon said that was part of the problem, we have no jurisdiction. (Simultaneous talking) Councilman Papaleo made a motion that Mr. Sarlo should at least draft an ordinance for first reading in September that would correct the two problems we know of

while we work on a policy for a final solution.

Motion by Councilman Papaleo, second by Councilwoman Busted to approve.
All in favor 5-1

Mayor Moscaritolo asked Mr. Negreann to set-up a meeting with Liz from Shade Tree and John Lynch from DPW with Mr. Negreann and the Mayor. Mayor Moscaritolo felt that Mr. Negreann needed to be involve since it may involve budgeting for this just to get it started. Mr. Negreann stated that this would an assessment, to which the Mayor knew.

Mayor Moscaritolo wanted "Damage to Public Property" added to the list under "Unfinished Business" because he still have not seen one single claim that has ever been followed through.

NEW BUSINESS –

Councilman Papaleo thought there was a problem with closed session, we are either running into the wee hours of the night keeping our professionals here or keeping everyone outside, one possible solution to consider is, we went from three meetings a month to two, with the exception of emergency closed session issues if we put a closed session on either the second or fourth Monday and only do closed session so if we do have a closed session issue and not an emergency and we can do that business on a Monday that we don't normally meet, that would bring us back to some months three meetings, he felt that would be better than the current way we are doing it by either making the public wait an hour, and our professionals wait while we incur their cost. Mayor Moscaritolo stated that was one suggestion, another suggestion would be when we have a closed session agenda to simply do the closed session at 6:30PM, a sub-committee meetings at 6:00 PM and then hopefully open up our work session at 7:00 PM. Councilman Mignone stated that was the way Fort Lee does it, they start with open go into executive session allocating an hour and then opening up for the public session. We don't have stuff every month but at least if we had it at 6:30...Councilwoman Murphy preferred that suggestion. A motion was made to hold closed session at 6:30 PM on regularly scheduled meetings if there are closed session topics on the agenda.

Motion by Councilwoman Murphy, second by Councilwoman Busted to approve.
All in favor 5-0

Mayor Moscaritolo asked the Council to review the language on the First Responder's memorial which will be on Borough property. Councilwoman Busted questioned the placement of the comma, between "their communities, in any capacity", it looked unnecessary to her. Councilman Mignone agreed by saying "If in doubt, leave it out". Councilman Papaleo said it was a prepositional phrase and doesn't need a comma. Mayor Moscaritolo stated the plaque was already done. The plaque was approved by all members of the Council.

Mayor Moscaritolo wanted to inform the Council that he was contacted by Mr. Haggerty who offered to do a service project at the Tree Farm by the Boy Scouts. Mayor Moscaritolo is going to meet with him and see what the project is going to be, probably just maintenance.

MOTION TO ADJOURN AT 10:52 PM

Motion by Councilwoman Murphy, second by Councilman Mignone.
All in favor 5-0.

Stephanie Evans, RMC
Municipal Clerk