

M I N U T E S
Meeting of the Mayor and Council
December 17, 2012
8:00 P.M.

CALL THE MEETING TO ORDER -

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

SILENT PRAYER - FLAG SALUTE

Mayor Moscaritolo called for a moment of silent prayer and asked Arthur Neiss, Esq. to lead the salute to the flag.

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

Mayor Moscaritolo read the Mission Statement into the record as follows:

The New Jersey Open Public Meetings Law was enacted to ensure the right of the public to have advance notice of and attend any meetings of public bodies at which any business affecting their interest is discussed or acted upon.

In accordance with this act the Mayor and Council of the Borough of River Edge have caused notice of this meeting to be published by having the date, time and place thereof posted in the Borough Hall and notices have been sent to the Record and the Ridgewood News.

The mission of this governing body is to provide essential services through the establishment and implementation of public policy that will safeguard our infrastructure provide honest, courteous and professional services; and establish a sense of trust and accomplishment with our residents. Through research and prudent planning we seek to minimize risks while improving our services. We are sensitive to the needs of our taxpayers while realizing that this governing body cannot be all things to all people within the revenue constraints imposed by state mandates, economic conditions and prevailing attitudes about taxation.

ROLL CALL - Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni, Councilman Papaleo and Mayor Moscaritolo were present.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council work session and regular meeting of December 3, 2012.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

PROCLAMATIONS & AWARDS -

Virginia Korteweg, Founder and Chairman of the Beautification Foundation of River Edge presented awards for "Outstanding Gardeners of River Edge" to the following residents: Marianne Incitti, 360 Webb Avenue, Pat Cristian, 166 Woodland Avenue, Robert & Georgina Redding, 118 Manning Avenue, Robert Dondiego, 264 Continental Avenue and Robert & Evelyn Fialko, 260 Kensington Road.

Virginia also presented "Commercial Constancy Awards" to: Beaugard Funeral Home, 827 Kinderkamack Road and Thomas Barrett, Esq., 910 Kinderkamack Road.

Mayor Moscaritolo presented Virginia Korteweg a plaque which read as follows:

Presented To
VIRGINIA KORTEWEG
In Grateful Appreciation for Your Many Years of
Voluntary Dedication and Diligence to the
Beautification of the Borough of River Edge

Mayor and Council

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to amend the probationary periods from one (1) year to two (2) years, as per the contract, for the following Patrol Officers: Renata Sanches, Anthony Roman and Vincent Ariano.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the resignation of John Pampaloni, Sewer Operator, effective December 1, 2012.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the appointment of Brian Coyman, Justin Kearns, Walter Rios, Ben Silver and May Cotto as Police Reserves, effective December 18, 2012.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Mayor Moscaritolo administered the Oath of Office to the Police Reserves who were in attendance.

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the resignation of Vito Acquafredda from the Planning Board effective December 31, 2012.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Mayor Moscaritolo-stated for the record, that at the 7 p.m. work session they discussed a personnel matter involving Sergeant Cheevers which was listed for closed session but Sergeant Cheevers elected to waive his rice notice and the hearing was held in public.

CORRESPONDENCE -

Letter	-	Dynamic Engineering - 12/3/12 Re: Flood Hazard Verification - Block 1408, Lots 2 & 3
Notice	-	River Edge Board of Education - 11/30/12 Re: Meeting - 12/5/12
Letter	-	Joseph Rotolo, Esq. - 12/3/12 Re: Memorandum of Understanding-Rochelle Pk. PSE&G - 12/7/12
Letter	-	Re: Application for Modified Freshwater Wetlands for Maintenance and Installation of Electric Distribution Lines in Public Rights-of-Way
Letter	-	Saverio Cereste, Esq. - 12/10/12 Re: Hearing on Zoning Change, Block 213, Lots 1 - 22 on December 17, 2012
Letter	-	Cablevision - 12/11/12 Re: Launch of New Channel
Letter	-	John Pampaloni - 12/12/12 Re: Letter of Resignation

MONTHLY REPORTS -

Building Department	-	November 2012
Tax Collector	-	2012 Tax Sale
Tax Collector	-	November 2012
Police Department	-	October 2012
Library Cash Flow	-	November 2012

LIAISON REPORTS -

Councilwoman Murphy - Liaison to Shade Tree Commission, Library, Senior Citizens co-liaison, Technology Committee, Special Events Committee, New Milford/River Edge Shared Services Committee - thanked the Shade Tree Commission for planting over 100 replacement trees and making sure that the holiday tree was planted on time. She also reported that they will be meeting to discuss the removal and replacement of trees surrounding the tennis courts that have been depositing pine cones on the courts. Councilwoman Murphy attended the SCORE holiday party where they had a luncheon, a sing-a-long, Santa, Mrs. Claus and Frosty in attendance. She stated that approximately 50 people were in attendance and everyone had a great time.

Councilman Cordts - Liaison to DPW, Beautification Committee, New Milford/River Edge Shared Services Committee, Oradell/River Edge Shared Services Committee - had no report but he thanked the Mayor and Council for allowing him to be the liaison to the above departments and committees. He hopes that the Shared Service Committees will continue because he feels that the effort is worthwhile.

Councilman Cappola- Liaison to Historic Commission, Traffic & Safety Committee -

had no report.

Councilman Mignone - Liaison to Police Dept., Environmental Protection Commission, Green Team, Planning Board - reported that the Green Team updated the last two items that were needed for recertification and stated that the Sustainable New Jersey program has extended its deadline to the end of January because of the storm. Councilman Mignone reported that all of the information has been submitted and hopes that they will hear back before the end of January whether they will be recertified. Councilman Mignone announced that the Planning Board will be discussing the Historic Commission's recommendation for the designation of two properties to historical status.

Councilman Bartelloni - Liaison to Recreation Commission, River Edge and River Dell Schools, Special Events Committee, Senior Citizen co-liaison - reported that the Recreation Commission is currently working on the budget for capital requests for 2013 and again thanked them for doing a wonderful job on the tree lighting ceremony along with the Shade Tree Commission, Fire Department, DPW and Police Department. He reported that the Special Events Committee meeting was cancelled last month due to inclement weather.

Councilman Papaleo - Liaison to Fire/Fire Prevention, Construction Code Official, Property Maintenance, River Edge Alliance Against Alcohol & Drugs - reported that the River Edge Alliance at year-end, has used almost all of the funding that was given to us in the grant. He feels that many organizations have benefited from programs sponsored by the Alliance including the River Edge and River Dell Schools, our senior citizens and the Library. As the new year approaches, the Alliance Chairperson will be meeting with many organizations to look into new programs that will encourage our citizens to be drug free. He extended his thanks to the Fire Department for ferrying Santa around town and for continuing to bring Christmas cheer to our children.

Mayor Moscaritolo - stated that although he didn't have a report for the Ambulance Service, he commended them for continuing to be a valuable service to the residents of River Edge. He recognized the County of Bergen for having a ceremony in Mahwah for outstanding service during Hurricane Sandy and announced that John Lynch, Tom Smith and Councilwoman Kathleen Murphy were awarded certificates.

ORDINANCES - 1ST READING - NONE

ORDINANCE - 2ND READING -

Denise Dondiego, Borough Clerk read the title of Ordinance #1772 as follows:

TABLED

TABLED

TABLED

Ordinance #1772 - AN ORDINANCE AMENDING CHAPTER 416, ZONING, ARTICLES IV, DISTRICT REGULATIONS AND VIII, CONDITIONAL USES; PLANNED RESIDENTIAL DEVELOPMENT OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF RIVER EDGE

Ordinance #1772 was introduced by Councilwoman Murphy, seconded by Councilman Bartelloni as the November 5, 2012 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1772

AN ORDINANCE AMENDING CHAPTER 416, ZONING, ARTICLES IV AND VIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

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

Section I:

§ 416-4. titled "Definitions and Word Usage," paragraph B, is amended to add the following definition:

DWELLING - DUPLEX

A building designed for or intended to contain not more than two (2) dwelling units arranged side by side with a common party wall, with no dwelling units being above or below each other, and each dwelling unit having separate front and rear or side access to the outside.

Section II:

Schedule I of the Zoning Ordinance titled "Schedule of Zoning District Use Regulations" is amended to add "Duplex Residential Buildings" as a permitted conditional use only in Block 213, Lots 1 through 21.

Section III:

There shall be added a new § 416-36.2 as follows:

§ 416-36.2 Duplex Housing District.

A. Duplex residential development shall be a permitted conditional use in Block 213, Lots 1 through 21, provided that the proposed use complies with the conditions and standards contained herein and upon issuance of an authorization therefor from the appropriate approving authority.

B. Procedure. Pursuant to N.J.S.A. 40:55D-1 et seq., the Planning Board may grant conditional uses as herein permitted. Application for a conditional use site plan shall be made in accordance with procedures set forth in Chapter 350, and the Planning Board shall act on the application in accordance with said procedures. In reviewing an application for any conditional use as herein provided, the Board may impose such conditions and safeguards as it deems appropriate with respect to, among other matters, the minimizing of traffic congestion by appropriate arrangements of entrances and exits to assure public safety. Requirements for conditional uses shall take precedence over any regulations for the zone in which said use is located. Said conditional use requirements shall be as follows:

(1) Use. Any duplex residence proposed under this Section shall contain not more than two (2) dwelling units arranged side by side with a common party wall, with no dwelling units being above or below each other, and each dwelling unit having separate front and rear or side access to the outside.

(2) Bulk Requirements.

- (a) Minimum lot area shall be: 7,500 square feet.
- (b) Minimum lot width shall be: 70 feet.
- (c) Minimum lot depth shall be: 100 feet.
- (d) Minimum front yard shall be: 30 feet.
- (e) Minimum side yard shall be: 10 feet each.
- (f) Minimum rear yard shall be: 20 feet.
- (g) Maximum lot coverage shall be: 30% of total site area.
- (h) Maximum improved lot coverage shall be: 50% of total site area.

(3) Building Requirements.

(a) Maximum height shall be: 2 ½ stories and 30 feet inclusive of garage elevation which shall be treated as one story.

(4) The number of parking spaces shall be two (2) for each dwelling unit, including the garage.

(5) Driveways Requirements

(a) The curb cut or driveway depression shall not be greater than 32 feet in width.

(b) No more than one curb cut shall be permitted for servicing both duplex units.

(c) The paved driveway servicing each duplex unit shall not exceed 18 feet in width and shall terminate 8 feet or more from the side lot lines.

(d) The paved driveways shall be divided by a landscape median not less than 3.0 ft. in width and shall run the length of the driveways terminating at the front property line.

(6) Development subject to applicable Borough ordinances.

Any development in the **Zone District** shall be subject to all applicable ordinances of the Borough of River Edge. Where there is any conflict between the provisions of this section and the provisions of the Site Plan Ordinance and/or the Land Subdivision Ordinance, the provisions of this section shall prevail.

Section IV:

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

If any provision of this ordinance is found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portion shall not effect the remaining provisions of this

ordinance, which shall be severable therefrom.

Section V:

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

Sandy Moscaritolo, Mayor

ATTEST:
Denise Dondiego, RMC
Borough Clerk
Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1772

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to open hearing of the public.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Jose Saladin-841 Park Avenue-asked what the perceived benefits will be for this zoning change because he feels that the developer will be on the only one who benefits. He also asked if there was any study to determine the impact that this plan will have to the surrounding neighborhood, other communities, traffic patterns, schools, etc. He feels that this ordinance change should benefit everyone not just the builder.

Sheila-817 Park Avenue-feels that it is a beautiful area and that it would be a shame to build on that property.

Michael Krey-879 Park Avenue-feels that the Mayor and Council are in favor of this change and asked them to explain why they feel it would be beneficial. He also asked why the developer has asked for this change because he is assuming that he is not making the money on it that he thought he would.

Mayor Moscaritolo-explained that the Council will make their statement before they vote on this ordinance but right now they want to hear from the public.

Victor Vitale-42 Washington Avenue-stated that he's made many improvements to his home and feels that the investment that you make on your property is for yourself and should not be for what you can get out of it. He doesn't agree with building the duplex homes.

Charlie Keehn-855 Park Avenue-also doesn't agree with the duplex housing.

Jim Miller-885 Park Avenue-stated that he moved to the neighborhood because it was nice and quiet and doesn't want that to change. He doesn't feel the zoning should be changed just to accommodate the builder. He also feels that the residents who would be affected weren't given enough notice.

Karl Hartman-821 Park Avenue-concurs with his neighbors comments and voiced his concerns about dense housing.

Michael Grotle-880 Park Avenue-stated that he has a large lot and does want to live next to a duplex.

Barry Simon-812 Park Avenue-agrees with his neighbor's comments and also feels that this ordinance is only beneficial to the builder and will be a big negative to the neighborhood.

Thomas Barrett, Esq. - 912 Kinderkamack Road-answered everyone's questions in detail.

Joseph Caleca-561 Victory Place, River Vale-explained the reason why he chose to build duplex housing. He told the audience that although he has permission to build single family homes, he was told by the Tax Assessor that the taxes would be at least \$20,000.00 per year and feels that he would not be able to sell a home in that area if the taxes were that high.

Karl Hartman-stated that it seems that the main problem is that taxes in general are too high and asked how they came up with those numbers.

Mayor Moscaritolo-stated that the Tax Assessor determines the taxes after looking at the site plan, square footage, dimensions and the fact that it is new housing and then assesses it at the highest and best use. The Mayor explained that one of the problems during the reassessment was that residents who had newer or remodeled homes were assessed at these higher values. The Mayor hopes that the explanation that Mr. Caleca gave them will help satisfy some of the questions or concerns that they have.

Jose Saladin-voiced his concerns that many people won't want to make improvements to their homes in fear of a huge tax hike.

Wendy Walker-369 Windsor Road-stated that she grew up on Park Avenue and her mother still lives there and suggested that instead of doing this ordinance which will change the character of the neighborhood, a change in use variance should have gone through the Zoning Board.

Sam Cereste, Esq.-explained that legally, the use variance was not the way to go. Virginia Korteweg-800 Summit Avenue-suggested that the Mayor and Council hold off on a vote tonight because many residents did not know about this ordinance. She continued to say that River Edge is a beau colic single family home community and would hate to see this change for the Park Avenue section of town.

Jim Miller-885 Park Avenue-again stated that he doesn't think it's fair that the residents weren't given notice of this ordinance change.

Mayor Moscaritolo-asked Sam Cereste to address the notice issue.

Sam Cereste, Esq.-explained that this is not a trial and not a hearing in the sense that you would have before the Planning Board where you produce witnesses and have the right as the public, to cross examine and also speak in opposition to an application. This process is followed by statute and does require a notice

at the end stage of the process be published in the paper and notices have to be mailed ten days prior to the hearing date, which they were. It is not the same due process as if you came before the Planning or Zoning Boards. He continued to say that it was the opinion of the Mayor and Council that given the nature of this development and the fact that it would affect 22 houses that border the tracks, it would be an enhancement to the neighborhood and they also felt it would also stimulate development of other homes in the area. He stated that all of these recommendations were reviewed in detail by the Planning Board and their Planner and certain recommendations were made to enhance or improve the proposal that was set forth in the ordinance. He explained the process of first and second readings of an ordinance and reminded everyone that all of this is public information and that the public was possibly lax in not staying abreast of the meetings that were conducted over the last few months. He stated that the Governing Body and professionals of the Borough are very hard working, diligent and dedicated people who take everything into consideration for the betterment of the town and feels that it's unfortunate that people wait until the last minute to voice their concerns. Again, he stressed the importance for people to stay informed and come to meetings not just because it affects Park Avenue. Michael Krey-stated that he did check the website and did not find any information regarding this specific topic. He feels that the Council has an obligation to make sure residents who will be affected by certain decisions, are given enough notice.

Sam Cereste, Esq.-stated that they did comply with the statute.

Councilman Bartelloni-stated that the agendas for all of the meetings are posted on the Borough website and everything that is said is recorded and can also be viewed on the website. He noted that an article on this ordinance was in the Town News and on the Patch and feels that anyone can view the meetings if they care to take an interest in it. Councilman Bartelloni stated that he feels that they bend over backwards to make sure that the public is made aware of what goes on in town and unfortunately at most Mayor and Council meetings there are only 3 or 4 people in the audience. He stated that he doesn't think that anyone on the Council would ever make a decision on the economics of one individual and takes offense to that suggestion.

Liz Davis-291 Monroe Avenue-stated that she is a lifelong resident and realtor in River Edge and is very sensitive to what happens in town. She feels that this builder has taken an interest in the town and thinks that what he is proposing looks beautiful. She is very surprised that people are against this because she feels that he is looking to enhance the area as well as make a living.

Mary Sheehy-stated that she does not wish this variance to go through.

Sheila-817 Park Avenue-urged the Council to take their concerns into consideration before making any decisions on this ordinance.

Jose Saladin-asked if the Mayor and Council were considering this zoning change prior to the developer presenting his plan.

Councilman Mignone-explained that the previous Council did the exact same thing for the property on the east side of Kinderkamack, south of Howland Avenue by rezoning an area for multi family use. He explained that there was a precedent and this issue didn't come out of the blue.

CLOSE HEARING OF THE PUBLIC - Ordinance #1772

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to close hearing of the public.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Mayor Moscaritolo-thanked the public for commenting on this ordinance and assured everyone that will take their comments into consideration.

Councilman Cordts-stated that he understands that area very well and feels that the residents have very valid points. He feels that the Council put a lot of time and effort into this ordinance and feel that it would be beneficial to the town. Councilman Cordts stated that the Mayor and Council might want to consider postponing this ordinance to give residents more time to plead their case.

Councilwoman Murphy-feels that they should give the residents a little more time to become familiar with the project and possibly take a look at the plans.

Councilman Mignone-understands that the Council has had more of an opportunity to review the plans and ordinance and he would be open to postponing the vote this evening.

Councilman Bartelloni-stated that he is familiar with the area and always felt that it was an area that needed redevelopment. He feels that this plan is a good plan and also realizes that you have to listen to the people you represent. So although he feels that they did due diligence to get the information out there, he is willing to postpone the vote on this ordinance to allow additional time for residents to review the plans.

Councilman Cappola-stated that we all live in the same town, we all love this town and the Mayor and Council work very hard to do what's right for the community. He doesn't want anyone to feel that they are on opposite sides.

Councilman Papaleo-agrees that the vote should be postponed and is open to hearing additional arguments after the residents have had time to look at the documentation. He also mentioned that one of the reasons that he thought this was a good proposal is that he's lived in a duplex, in a beautiful community and people took pride in their homes. He agrees that they've made powerful arguments and read a section of the ordinance describing the duplex home. Councilman

Papaleo feels that if they do not approve this ordinance, most likely the lot will sit empty and that would be a blighted situation. He also feels that the Mayor and Council have spent a lot of time reviewing the facts and felt that this was not a situation where they were swayed by the builder. He stated that the builder came before them with a viable solution that would benefit River Edge and Park Avenue. He thanked the residents for coming out. Mayor Moscaritolo-also thanked everyone for coming and thanked the Council for their comments. He doesn't want the public to feel that the Council is trying to pull the wool over anyone's eyes and stated that he feels that among the Council, there is a lot of talent who truly base their decisions on what's best for the community. He feels that by putting residential housing on an empty lot will not only generate tax income, it will also fit in with the character of the neighborhood. He suggested that everyone take a look at the plans to see how nice these homes are and come to a realization that it may actually increase the value on their own properties.

ADOPTION - Ordinance #1772

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to **TABLE** Ordinance #1772.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve resolution #12-422 through #12-437 and #12-439 and #12-440.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

#12-422 Amend Agreement with Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 169 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey, 07436 for Professional Services as Labor Attorney for the Borough

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

WHEREAS, the Borough of River Edge has previously awarded a contract to Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 69 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436 on January 2, 2012 via resolution #12-03 in the amount of \$3,000.00 and amended on June 18, 2012 via resolution #12-219 in the amount of \$3,000.00; and

WHEREAS, additional funding is required for legal services; and

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

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

WHEREAS, the Mayor and Council have reviewed this matter at a work session on December 17, 2012; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-168 of the Current Fund in an amount not to exceed \$3,000.00.

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

1. The Mayor and Clerk are hereby authorized to execute an amended agreement with Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 169 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436 in the amount not to exceed \$3,000.00.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

December 17, 2012

#12-423 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>
10685	Costa Engineering	\$ 397.50	Eng. Svcs, Zoning Change NJ Transit
12734	Costa Engineering	\$4,762.59	Ground Study KK Rd, Rutgers Pl to Oradell
13927	Richard Mehrman	\$2,302.50	Redevelopment
16448	Richard Mehrman	\$ 82.50	Planner - Redevelopment
16547	Richard Mehrman	\$1,850.00	Res. Density Zoning Requirements
18156	Beitin Assocites	\$4,900.00	Emergency Generator, Eng. Services
19310	Robert Costa	\$2,500.00	Wayne Ave Pump Station, Design & Insp.
20882	Robert Costa	\$ 377.50	Riverside Way
21405	Mason Helmstetter	\$1,000.00	Prof. Svcs. for B 1413, L 2.01, 4 & 5
22058	Gainsborough Co-op	\$1,614.02	Reimbursement Garbage Services
22908	Galls, Inc.	\$ 59.98	Rain Suits

December 17, 2012

#12-424 Enter Into ADA Engineering Design Grant Agreement with the County of Bergen

WHEREAS, the County of Bergen ("County") is a body politic and corporate of the State of New Jersey with jurisdiction, pursuant to N.J.S.A. 27:16-1, over County roads; and

WHEREAS, the Borough of River Edge ("Municipality") is a Municipal Corporation of the State of New Jersey; and

WHEREAS, the Uniformed shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et. seq) promotes the broad use of shared services to reduce local expenses funded by property tax payers; and

WHEREAS, the New Jersey Department of Transportation (NJDOT), Federally funded programs and the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Public Right-of-Way Accessibility Guidelines (PROWAG) mandate, among other things, that public sidewalks at intersections provide, at a minimum: depressed curb cuts, detectable warning surfaces and a landing area at crosswalk locations, as designated by the County Engineer of his designee, on County roads; and

WHEREAS, public sidewalks are a municipal responsibility in as much as the County's road responsibility is limited to improved road areas from curb fact to curb face as set forth in N.J.S.A. 27:16-8; and

WHEREAS, the County seeks to assist municipalities with their obligation to comply with NJDOT and Federal ADA regulations through an ADA engineering Design Grant Agreement for intersections, as designated by the County Engineer, on County roads as further set forth in a separate Cooperative ADA Concrete Construction Grant Program; and

WHEREAS, ADA Engineering Design work shall not commence until the County Engineer, subject to budget considerations, authorizes same; and

WHEREAS, the County will, upon proper verification and pre-work authorization by the County Engineer, reimburse the municipality for the engineering costs as set forth provided that participating municipalities which desire design services over and above beyond the scope of work authorized by the County Engineer or in amounts in excess of those approved by the County Engineer, may do so provided that the municipality is solely responsible for the increased amounts; and

WHEREAS, Freeholder Resolution No. 676-12 adopted on May 16, 2012 authorized the establishment of an ADA Engineering Design Grant Program to provide grants to participating municipalities, as authorized by the County Engineer, to assist them with their obligation to comply with ADA

requirements.

WHEREAS, County Counsel has indicated that these agreements are grant agreements and not expenditure contracts which would require the certification of availability of funds at this time; and

WHEREAS, this matter was discussed at the Mayor and Council work session meeting on December 3, 2012; and

WHEREAS, the Governing Body has indicated that it is in the best interest of the Borough to participate in this grant agreement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are authorized to execute said agreement.

December 17, 2012

#12-425 Enter Into ADA Cooperative Concrete Construction Grant Program with the County of Bergen

WHEREAS, the County of Bergen ("County") is a body politic and corporate of the State of New Jersey with jurisdiction, pursuant to N.J.S.A. 27:16-1, over County roads; and

WHEREAS, the Borough of River Edge ("Municipality") is a Municipal Corporation of the State of New Jersey; and

WHEREAS, the New Jersey Department of Transportation (NJDOT), Federally funded programs and the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Public Right-of-Way Accessibility Guidelines (PROWAG) mandate, among other things, that public sidewalks at intersections provide, at a minimum: depressed curb cuts, detectable warning surfaces and a landing area at crosswalk locations, as designated by the County Engineer of his designee, on County roads; and

WHEREAS, public sidewalks are a municipal responsibility in as much as the County's road responsibility is limited to improved road areas from curb fact to curb face as set forth in N.J.S.A. 27:16-8; and

WHEREAS, the Uniformed shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et. seq) promotes the broad use of shared services to reduce local expenses funded by property tax payers; and

WHEREAS, the County seeks to assist municipalities with their obligation to comply with NJDOT and Federal ADA regulations on County roadways by dedicating a portion of the County's New Jersey Department of Transportation, Bureau of Local Aid funds for the installation of ADA improvements at intersections, as designated by the County Engineer or his designee, on County roads; and

WHEREAS, to achieve economies of scale and to insure consistent performance county wide participating municipalities will have the opportunity to enter into a Concrete Construction Contract with either the successful bidder of the County's ADA Cooperative Concrete construction bid or, if the municipality can obtain lower pricing hire its own contractor; and

WHEREAS, ADA Concrete Construction work shall not commence until the County Engineer, subject to budget considerations, authorizes the work recommended by the municipal engineer; and

WHEREAS, the County will, upon property verification and pre-construction authorization by the County Engineer, reimburse the municipality for the construction costs in connection with the county wide ADA Cooperative Concrete Construction contract provided that participating municipalities are responsible for all costs outside the scope of work; and

WHEREAS, Freeholder Resolution No. 677-12 adopted on May 16, 2012 authorized the establishment of an ADA Cooperative Concrete Construction Grant Program to assist municipalities, as further authorized by the County Engineer, with their obligation to comply with ADA requirements; and

WHEREAS, County Counsel has indicated that these agreements are grant agreements and not expenditure contracts which would require the certification of availability of funds at this time; and

WHEREAS, this matter was discussed at the Mayor and Council work session meeting on December 3, 2012; and

WHEREAS, the Governing Body has indicated that it is in the best interest of the Borough to participate in this grant agreement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are authorized to execute said agreement.

December 17, 2012

#12-426 Transfer of Funds

WHEREAS, N.J.S.A. 49:4-59 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budgeted appropriations.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be authorized:

FROM: ELECTRIC & NATURAL GAS O/E	31-4482-120	\$2,000.00
TO: PETROLEUM PRODUCTS O/E	31-4472-167	\$2,000.00
FROM: ELECTRIC & NATURAL GAS O/E	31-4482-120	\$8,000.00
TO: PETROLEUM PRODUCTS O/E	31-4472-168	\$8,000.00
FROM: PLANNING BOARD O/E	21-1802-021	\$ 300.00
TO: MUNICIPAL CLERK O/E	20-1202-036	\$ 300.00
FROM: TAX ASSESSOR S/W	20-1501-011	\$1,200.00
FROM: UNIFORM FIRE SAFETY O/E	25-2652-023	\$1,000.00
TO: UNIFORM FIRE SAFETY S/W	25-2651-011	\$2,200.00
FROM: LEGAL SERVICES O/E	20-1552-028	\$6,000.00
TO: ENGINEERING SERVICES	20-1652-100	\$6,000.00
FROM: MUNICIPAL CLERK S/W	20-1201-011	\$2,000.00
FROM: PUBLIC INFORMATION O/E	20-1012-130	\$ 300.00
FROM: ZONING BOARD O/E	21-1852-021	\$ 200.00
TO: ENGINEERING SERVICES O/E	20-1652-166	\$2,500.00
FROM: FINANCIAL ADMIN S/W	20-1301-011	\$3,000.00
FROM: REVENUE ADMIN S/W	20-1451-011	\$3,200.00
FROM: TAX ASSESSMENT S/W	20-1501-011	\$5,000.00
FROM: PLANNING BOARD O/E	21-1802-021	\$ 500.00
FROM: ZONING BOARD O/E	21-1852-021	\$ 300.00
FROM: CONSTRUCTION OFFICIAL S/W	22-1951-011	\$5,000.00
TO: POLICE DEPT S/W	25-2401-014	\$17,000.00
FROM: EMERGENCY MANAGEMENT SVS S/W	25-2521-011	\$1,500.00
TO: HEALTH DEPARTMENT S/W	27-3301-011	\$1,500.00
FROM: EMERGENCY MANAGEMENT SVS S/W	25-2521-011	\$ 500.00
TO: CODE ENFORCEMENT S/W	22-2001-011	\$ 500.00
FROM: BUS S/W	27-3311-011	\$ 400.00
TO: FIRE DEPARTMENT S/W	25-2551-011	\$ 400.00
FROM: BUS S/W	27-3311-011	\$1,500.00
TO: RECREATION COMMISSION S/W	28-3701-011	\$1,500.00
FROM: BUS S/W	27-3311-011	\$1,000.00
TO: MUNICIPAL CLERK O/E	20-1202-021	\$1,000.00
FROM: SANITATION LANDFILL O/E	32-4652-124	\$3,000.00
TO: ENGINEERING SERVICES O/E	20-1652-100	\$3,000.00

December 17, 2012

#12-427 Amend Agreement with Di Cara/Rubino Architects, 30 Galesi Drive, Wayne, New Jersey 07470 for Professional Services Related to the Modifications of Doors for the Borough Hall and Public Safety Building

WHEREAS, there exists a need for professional services related to the Modifications of Doors for the Borough Hall and Public Safety Building; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Di Cara/Rubino Architects via resolution #10-319 dated September 7, 2010 in the amount of \$3,000.00; and

WHEREAS, additional funding is required for additional hours for the bidding phase of this project; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-170 of the Current Account not to exceed \$2,600.00; and

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

WHEREAS, Di Cara/Rubino Architects has completed and submitted a Business Entity Disclosure Certification which certifies that Di Cara/Rubino 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 Di Cara/Rubino Architects from making any reportable contributions through the term of the contact; and

WHEREAS, the rate of pay shall not exceed \$170.00 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 Di Cara/Rubino Architects, 30 Galesi Drive, West Wing, Wayne, New Jersey 07470 in the amount not to exceed \$2,600.00.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "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.

December 17, 2012

#12-428 Resolution Requesting Dedication by Rider - Open Space

WHEREAS, the Open Space, Recreation, Farm Land and Historic Preservation Trust Fund Law, Public Laws of 1997 Chapter 24, was passed; and

WHEREAS, the Borough of River Edge adopted Resolution #12-200, dated June 4, 2012 authorizing the Governing Body to submit to the voters a proposition authorizing the imposition of an annual tax levy for the above referenced program; and

WHEREAS, the referendum was held on November 6, 2012; and

WHEREAS, the results of the referendum was 1,666 Yes and 1,618 No; and

WHEREAS, the Borough of River Edge desires to obtain approval under the Rider Statute (N.J.S.A. 40A:4-39) for the Dedication by Rider for Open Space money; and

WHEREAS, funds have been and will be received in accordance with Open Space, Recreation, Farm Land and Historic Preservation Trust Fund Law, Public Laws of 1997 Chapter 24 and therefore fit the criteria necessary for approval under the Rider Statute (N.J.S.A. 40A:4-39); and

WHEREAS, these revenues are not subject to a reasonable accurate estimate in advance; and

WHEREAS, the Borough of River Edge desires to include in its budget a Dedication by Rider Item entitled *Open Space, Recreation, Farm Land and Historic Preservation Trust*.

NOW, THEREFORE, BE IT RESOLVED that such income by the Borough to be placed in a specific Trust Fund and such Trust Fund shall be considered a "Dedication by Rider" to the Budget of the Local Unit per N.J.S.A. 40A:4-39 for the sole purpose stated above.

December 17, 2012

#12-429 Authorize Tax Collector to Refund a 2012 Duplicate Tax Payment

WHEREAS, the tax office has received a duplicate tax payment and/or tax overpayment for the 2012 taxes on the following property; and

WHEREAS, a written request was received from the homeowner to refund the overpaid amount directly to the homeowner.

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

Block/Lot	Name & Address	Tax Qtr.	Refund Amount
702/13	Eugene & Joan Hammerle 544 Monroe Court River Edge, NJ 07661	4 th	2,761.75

December 17, 2012

#12-430 Authorize Tax Collector to Refund 4th Quarter 2012 Tax Overpayments

WHEREAS, the tax office has received duplicate tax payments for the 4th Quarter 2012 taxes on the following properties; and

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

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

<u>BLOCK LOT</u>	<u>HOMEOWNER/ADDRESS</u>	<u>AMOUNT</u>
112	17 HOUGHTALIN, JAMES 300 Woodland Avenue	137.92
303	7 GIAMPIETRO, MICHAEL 795 5 th Avenue	122.60
411	2.01 DAIBES, ASSAD 749 Williams Avenue	2,102.59
509	7 BRUNI, FERNANDO 595 5 th Avenue	337.15
607	7 SYED, UWAIS 657 Bogert Road	153.25
616	16 ZWATSCHKA, UWE FRANZ 38 Madison Avenue	191.56
701	7 YANNITSADIS, ELIAS 547 Monroe Court	3,493.45
707	11 IBRAHIM, HASAN 219 Voorhis Avenue	1,824.12
813	4 MCGEE, ANN 501 The Fenway	2,212.12
1002	20 BORZA, MELISSA 396 Mercer Avenue	3,726.89

Total: \$14,301.65

Make check payable to:

CORE LOGIC TAX SERVICES
Mail Code: DFW 1-3
One Corelogic Drive
Westlake, TX 76262
Attn: Tax Refunds

December 17, 2012

#12-431 Authorize Tax Collector to Refund Duplicate 4th Quarter 2012 Tax Payments

WHEREAS, the tax office has received duplicate tax payments for the 4th Quarter 2012 taxes on the following properties; and

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

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

<u>BLOCK/LOT</u>	<u>HOMEOWNER/ADDRESS</u>	<u>AMOUNT</u>
207	21 OH 88 Gates Avenue	79.69
603	7 CARDENTY 166 Madison Avenue	1,535.56
613	12 BENCH 120 Jefferson Avenue	352.47
1004	23.01 CUBERO 335 Kinderkamack Rd.	1,753.18

TOTAL: \$3,720.90

Make check payable to:

BAC Tax Services Corporation
1757 Tapo Canyon Road
CA6-913-LB-01
Simi Valley, CA 93063
Attn: Cash Management

December 17, 2012

#12-432 Authorize Tax Collector to Refund a 2012 Duplicate Tax Payment

WHEREAS, the Tax Office has received a duplicate tax payment for the 4th Quarter 2012 taxes on the following property from Hudson City Savings Bank; and

WHEREAS, a written request, stating this account has been satisfied, was received from Hudson City Savings Bank to refund the overpaid amount directly to the homeowner.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Tax Qtr.</u>	<u>Refund Amount</u>
203/13.01	Vesey, Peter & Sheila 930 Summit Avenue River Edge, NJ 07661	4 th	3,273.19

December 17, 2012

#12-433 Amend Resolution #12-287 Authorize Refund of 2009 Taxes Due to a NJ Tax Court Judgment

WHEREAS, a Tax Court Judgment was entered 6/22/12 and the same was received by the tax office reducing the Assessed Value on the property known as Block 804, Lot 7.01, owned by Route 17 Essex Street, LLC, River Edge, New Jersey; and

WHEREAS, the Tax Collector calculated and refunded taxes for the tax year 2009 based on the tax rate of 2.442 totaling \$5,347.98 and sent to Bruce J. Stavitsky/Route 17 Essex Street, LLC; and

WHEREAS, said judgment was filed in the court for 2010 using the base year 2009 assessed value for 2010 "freeze act" purposes; and

WHEREAS, the Tax Collector has recalculated the amount of the Tax Court Judgment based on the correct tax rate of 2.565 for 2010 totaling \$5,617.35 and corrected the year of said judgment from 2009 to 2010 and confirmed said correction with Alan Spiniello, Tax Appeal Attorney.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Court Judgment processed and refunded by the Tax Collector in Resolution #12-287 totaling \$5,347.98 is hereby amended to a new total of \$5,617.35 and is based on the following change for Block 804, Lot 7.01 for the year 2010.

FROM

<u>Tax Year</u>	<u>Old Value</u>	<u>New Value</u>	<u>Refund</u>
2009	3,219,000	3,000,000	\$5,347.98

TO

<u>Tax Year</u>	<u>Old Value</u>	<u>New Value</u>	<u>Refund</u>
2010	3,219,000	3,000,000	\$5,617.35

Additional refund based on this amended resolution: \$ 269.37

BE, IT FURTHER RESOLVED, that the Accounts Supervisor issue a check for the amount of \$269.37 and the Tax Collector to adjust her records accordingly.

Make Check payable to: Bruce J. Stavitsky/Route 17 Essex Street, LLC
341 Broad Street
Clifton, NJ 07013

December 17, 2012

#12-434 Amend Agreement with Robert Costa, Borough Engineer, for Professional Services for the Design of the 2012 Howland Avenue Roadway Improvement Project, Phase 4, Section 6

WHEREAS, there exists a need for expert professional engineering services for the Design of the 2012 Howland Avenue Roadway Improvement Project, Phase 4, Section 6; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Robert Costa, Borough Engineer via resolution #12-257 dated August 6, 2012 in the amount of \$15,000.00 and

WHEREAS, additional funding is required for professional services for the Design of the 2012 Howland Avenue Roadway Improvement Project, Phase 4, Section 6; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1768-100 of the Capital Fund in the amount of \$1,000.00 and #01-2010-20-1652-168 in the Current Account in the amount of \$5,000.00 not to exceed \$6,000.00; and

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

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

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

WHEREAS, the 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 \$6,000.00; 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.

December 17, 2012

#12-435 Amend Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the Design-Voorhis Storm Rehabilitation

WHEREAS, there exists a need for expert professional engineering services for the Design-Voorhis Storm Rehabilitation; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Robert Costa, Borough Engineer via resolution #11-454 dated December 27, 2011 in the amount of \$15,000.00 and

WHEREAS, additional funding is required for professional services for the Inspection of the Voorhis Storm Rehabilitation; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account 04-2150-55-1763-100 of the Capital Fund in the amount not to exceed \$9,500.00; and

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

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

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

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

WHEREAS, the 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 \$9,500.00; 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.

December 17, 2012

#12-436 Emergency Appropriation

WHEREAS, an emergency condition has arisen with respect to Police Overtime in the Borough of River Edge and no adequate provision was made in the 2012 budget for the aforesaid purpose; and

WHEREAS, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total emergency appropriation(s) created including the appropriation to be created by this resolution is \$324,000.00 and 3% of the total operations in the budget for the year 2012 is \$325,145.88.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge, County of Bergen, State of New Jersey (not less than two thirds of all the members thereof affirmatively concurring) that in accordance with the N.J.S.A. 40A:4-48:

1. An emergency appropriation be and the same is hereby made for in the amount of \$53,000.00 to Police Overtime (01-2010-25-2401-14) line item.
2. That said emergency appropriation shall be provided in full in the 2013 budget.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
4. That two certified copies of this resolution be filed with the Director of Local Government Services.

December 17, 2012

Councilman Bartelloni-stated that he hopes that the cost to design the pad doesn't exceed the cost of the generator.

#12-437 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the Specifications for the Replacement of the Emergency Generator at Fire Company #2

WHEREAS, there exists a need for expert professional engineering services for Specifications for the Replacement of the Emergency Generator at Fire Company #2; 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 #04-2150-55-1762-100 in the amount of \$2,200.00 of the

Capital Account and from Account #01-2010-20-1652-168 in the amount of \$2,800.00 of the Current Fund not to exceed \$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.

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

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

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

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 327 South River Street, Suite 302, Hackensack, New Jersey 07601; 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.

December 17, 2012

Councilman Mignone read resolution #12-438 into the record.

Motion by Councilman Mignone, seconded by Councilman Bartelloni to approve resolution #12-438.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

#12-438 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	\$416,575.46
CAPITAL ACCOUNT	\$ 2,770.63
RECREATION ACCOUNT	\$ 25,939.77
ANIMAL WELFARE ACCOUNT	\$ 5.40
TRUST OTHER ACCOUNT	\$ 6,806.32
OPEN SPACE ACCOUNT	\$ 2,051.37
TRUST OTHER DEVELOPERS ACCOUNT	\$ 5,715.00

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

December 17, 2012

#12-439 Authorize Tax Collector to Refund a 4th Quarter 2012 Tax Overpayment

WHEREAS, the Tax Office has received a duplicate tax payment for the 4th quarter 2012 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 Account Supervisor is hereby authorized to issue a refund check in the following amount and the Tax Collector to adjust her records accordingly.

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
210/5	Aslanian, Stephen & Aimee 67 Bloomfield Avenue	\$2,568.32
TOTAL:		\$2,568.32

Make Check payable to: VISIONS FEDERAL CREDIT UNION
24 McKinley Avenue
Endicott, New York 13760-5491
ATT: K. Corby/Escrow

December 17, 2012

Councilman Bartelloni-has concerns regarding the cost of the project and suggested getting a second opinion before hiring him.
Alan Negreann-explained that on December 17th he received an invoice from the architect for \$2,250.00 for a budget estimate for services performed in 2012. This was a confirming order that was not expected because there wasn't an agreement in place with Mr. Pulice.
Councilman Mignone-asked if they did authorize him, after receiving a proposal to do this work initially?
Alan Negreann-replied that he did provide a proposal on the DPW roof but he doesn't believe we ever awarded a contract.
Councilman Mignone-stated that he thought we awarded \$20,000.00 for the assessment and design quite a while ago.
Alan Negreann-again stated that he doesn't think we every awarded a contract.
Councilwoman Murphy-stated that she thinks it was to review not design.
Alan Negreann-explained that at a prior meeting, direction was given to him to take a look at the DPW project, which he did.
Mayor Moscaritolo-explained that this resolution is only to pay his bill and suggested that the Council give Alan direction as to whether they want Mr. Pulice to do any more work at this point. The Mayor doesn't feel that we should award a contract for a project that according to his proposal would cost of over \$400,000.00.
Councilman Mignone-doesn't understand why we would have authorized him to do work when we didn't have a contract with him.

#12-440 Enter Into Agreement with Pulice/Williams Architects, 344 Broad Avenue, Leonia, New Jersey 07605 for the Design - DPW Roof Improvement

WHEREAS, there exists a need to retain professional services related to Design - DPW Roof Improvement; 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, Pulice/Williams Architects meets the criteria for a professional service contract under N.J.S.A. 40A:11-1; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-168 of the Current Fund in the amount not to exceed \$2,500.00; 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, the per hour rates are as follows:

Partner	\$225.00/hour
Manager	\$175.00/hour
Senior	\$150.00/hour
Staff	\$100.00/hour
Administrative	\$ 75.00/hour
Consulting Engineer	Cost + 10%

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 Pulice/Williams Architects, 344 Broad Avenue, Leonia, New Jersey, 07605.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of this resolution be forwarded to the RIDGEWOOD NEWS for publication.

December 17, 2012

OPEN HEARING OF THE PUBLIC -

Motion by Councilwoman Murphy, seconded by Councilman Cordts to open hearing of the public.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Carol Mah-680 Center Avenue-stated that during Hurricane Irene, three of her sidewalk slabs were damaged and when the tree trunk was taken out, two other slabs were damaged. She hired a landscaper to come in and repair her lawn, replace slabs and curbs at her own expense. She is upset because she's hearing that the Mayor and Council are considering covering the cost to have sidewalks and curbs repaired that were damaged during Hurricane Sandy. Mrs. Mah is asking for reimbursement for the money that she laid out for these repairs. She would also like to be considered if the town goes in with New Milford for sidewalk replacements.

Peggy White-741 Center Avenue-agrees with Mrs. Mah and stated that she would be upset too if she laid out that much money. She also asked if the town has an ordinance regulating that the strip mall has to have the same facade.

Vito Acquadredda-stated that the southern half of the strip mall is re-doing the signage and feels that the blue signage that is there now is only temporary.

Mayor Moscaritolo-said that they would look into it because he's not aware of an ordinance.

Neal Carroll-321 Wales Avenue-asked for the status of the Howland Avenue Traffic Light and is it legal.

Alan Negreann-explained that the punch list has been completed, the traffic ordinance is complete, we have received all of the money from the County and the project has been closed. He explained that the engineering department did not allow us to draw down the final payments until all the engineering aspects were completed.

CLOSE HEARING OF THE PUBLIC -

Motion by Councilman Bartelloni, seconded by Councilman Cordts to close hearing of the public.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

COUNCIL COMMENTS -

Councilwoman Murphy-expressed her condolences to Newtown, Connecticut. She urged everyone to contact their legislators to support a ban on assault weapons.

Councilman Cordts-thanked everyone for coming out this evening.

Councilman Cappola-stated that it was a pleasure to work with Councilman Cordts and he wished him well in the future.

Councilman Mignone-congratulated the new Police Reserves and thanked them for volunteering. He also extended his condolences to Newtown, Connecticut and informed everyone that the Chief was meeting with the schools to review our own security plans. Councilman Mignone wished everyone a Merry Christmas and Happy New Year.

Councilman Bartelloni-thanked everyone for coming out tonight and again stressed the importance of residents coming to meetings so they know what's going on in

town. Councilman Bartelloni also expressed his condolences for the families in Newtown. He explained that the fund balance policy will regenerate surplus in the town to make sure that we have adequate funding available when we need it. He commended Alan for continually trying to get this going since 2006 and feels that it is groundbreaking.

Councilman Papaleo-congratulated all of the recipients of the Garden Awards and thanked Virginia Korteweg for offering the awards recognizing good neighborhood and beautification in our town. He also congratulated the new Police Reserves and thanked John Pampaloni for his many years of service as Sewer Operator along with Vito Acquafredda for his many years of service on the Planning Board. Councilman Papaleo sends his prayers to the repose of the souls of the 20 young angels and adults who lost their lives in Newtown. He finds it disturbing that someone could get into the school even though the security was in place.

Vito Acquafredda-stated that a week ago he said goodbye to the Board of Education and as he sits here tonight, he feels that he made the right choice in running for Council and looks forward to the challenges ahead. He stated that it's good to see the democratic process at work.

Mayor Moscaritolo-also congratulated the new Police Reserves and feels proud to be part of a community we were have approximately 55 employees and 550 volunteers that get the job done. The Mayor feels that the quality of life is very good in River Edge. He also informed everyone that one of the first things that he did when he became Mayor last year was to join an organization called "Mayor's Against Gun Violence" headed by Michael Bloomberg, Mayor of New York. He feels that this issue needs to be revisited while it is fresh in our minds to prevent these devastating losses from happening again. Mayor Moscaritolo thanked everyone for coming and wished them a happy and healthy holiday. He thanked the Council for working with him this year and looks forward to working together next year.

ADJOURNMENT - 11:00 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to adjourn the meeting at 11:00 p.m.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Cappola, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes.

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk

Dated: