

M I N U T E S
Regular Meeting of the Mayor and Council
Monday, December 1, 2014
8:30 P.M.

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 8:30 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

Mayor Moscaritolo called for a moment of silent prayer or reflection and asked Alan Negreann, Borough Administrator to lead the salute to the flag. Mayor Moscaritolo asked everyone to remember River Edge resident Jon Rosenoff who passed away suddenly.

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 Cappola, Councilwoman Busted, Councilman Mignone, Councilman Papaleo and Mayor Moscaritolo were present; Councilman Acquafredda was absent.

APPROVAL OF MINUTES -

Motion by Councilman Mignone, seconded by Councilwoman Busted to approve the minutes of the Mayor and Council regular meeting of November 17, 2014.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

PROCLAMATIONS & AWARDS - NONE

OPEN MEETING TO THE PUBLIC ON ANY ISSUE ON THE AGENDA -

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to open meeting to the public on any issue on the agenda.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

Burt Schmitt and Judy Lee Schmitt-stated that they were surprised when

they read the registered letter informing them that five trees by the tennis courts would be taken down. He continued to say that when he, Liz Stewart, Bobbi Conway and the Mayor met they came to a consensus that two of the trees would be removed, the balance would be trimmed and the area would be cleaned.

Mayor Moscaritolo-stated that after that meeting, he came back and reported to the Council about what was discussed. They asked John Lynch to get a price for tree removal and the quote came in extremely high because they would have to remove part of the fence in order to get heavy equipment into the area. He continued to say that Liz Stewart agreed that it would cost more money to do it that way. The Mayor stated that after making the report to the Council, there was a motion was made at the last meeting to remove the five trees because it is more economical. Shade Tree has money in their account for tree replacement for the buffer zone. He and the Council had decided that before any action was taken, they would notify the residents.

Burt Schmitt-asked how much was the quotation?

Mayor Moscaritolo-replied, more than \$5,000 to remove the two trees and do the trimming.

Burt Schmitt-asked what the cost would be to take down all five trees?

Mayor Moscaritolo-replied, \$4,000 to remove five trees.

Burt Schmitt-seemed surprised that it would cost less to take the five trees down.

Mayor Moscaritolo-explained that the cost to remove the two trees was higher because they would have to bring in heavy equipment and remove fencing to get access to the trees that were right in the middle. The Mayor's suggestion to the Council was to cut back trees so that you could use the front courts and leave the trees that cover the rear courts. He suggested that because most of the tennis players indicated to him that they prefer to use the front courts.

Burt Schmitt-agreed with that except in the summer time because the rear courts have shade.

Mayor Moscaritolo-suggested a compromise by removing two or three trees in the front, that way there's no obstruction and the front court will be totally playable. Trim the back trees because the rear courts are seldom used and live with it for a while. At the last meeting, the Council felt that the Shade Tree Commission's position is not a good use of taxpayer money.

Burt Schmitt-stated that one of the important and necessary items that they all seem to be in agreement with is a buffer zone. Because it will take 10 - 20 years for the new trees to grow, he doesn't feel that they will have a buffer zone. He mentioned that several years ago in the wooded area on the south side of the courts, they planted pines or evergreens that since have died and had to be taken out. He feels that there is no guarantee that the new plantings will provide a buffer zone.

Mayor Moscaritolo-doesn't agree that trees won't grow there. He would like to see a buffer zone with evergreens or holly's that would make an adequate buffer zone. He continued to say that the buffer zone that they have now with the trees that are there, the canopy starts at 20 feet up in the air.

Burt Schmitt-stated that the trees were trimmed that way and they were not notified before hand.

Mayor Moscaritolo-thanked Mr. Schmitt for voicing his opinion.

Burt Schmitt-asked the Council to take his position into consideration before they vote.

CLOSE MEETING TO THE PUBLIC ON ANY ISSUE ON THE AGENDA -

Motion by Councilwoman Busteed, Councilman Mignone to close meeting to the public on any issue on the agenda.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busteed, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the satisfactory completion of the six-month probation period for Paul Tina, effective November 20, 2014.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

Motion by Councilman Mignone, seconded by Councilwoman Busted to approve the satisfactory completion of the six-month probation period for Felice Rappaport, effective October 28, 2014.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the satisfactory completion of the six-month probation period for Maudeline Clacken, effective December 2, 2014.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the extension of the probationary period for Crossing Guard Nora Tibus, for an additional six-months, effective November 27, 2014.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary increase of Stephanie Geisler, Accounts Payable Clerk from an hourly B Scale, Step I rate of \$18.48 to Step II hourly rate - \$19.45, effective November 20, 2014.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary increase of Adrienne Capasso, Secretary to the Board of Health receive an increase of A Scale hourly Step II wage of \$21.08 to Step III - \$22.20, effective December 6, 2014.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve the hire of Philip DePaul, 260 Dorchester Road as a School Crossing Guard at an hourly rate of \$16.81, with a six-month probationary period, effective date contingent upon training and medical examination.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

CORRESPONDENCE -

Notice - River Edge Board of Education-11/17/14
Re: Meeting Notice - 11/19/14
Letter - Harold DeYoung - 11/25/14
Re: Resignation from Historic
Commission
Letter - Board of Chosen Freeholders - 11/26/14
Re: Adopted Ordinances 14-34 & 14-35
Letter - Board of Chosen Freeholders - 11/26/14
Re: Introduction of Ordinance 14-36

MONTHLY REPORTS -

Historic Commission	-	October 2014
Recreation Commission	-	October 2014
Beautification Committee	-	November 2014

ORDINANCES - 1ST READING - NONE

ORDINANCE - 2ND READING - NONE

RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve resolution #14-429 and #14-430 and resolutions #14-432 through #14-438.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busteed, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

#14-429 Resolution to Go Into Closed Session and Exclude Public

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

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

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

1. That the public shall be excluded from the December 15, 2014 meeting and discussion of the hereinafter specified subject matter:

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

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

3. This resolution shall take effect immediately.

December 1, 2014

#14-430 Refund of Soil Movement Escrow Fee

WHEREAS, Jaime Lynch, 161 Adams Avenue deposited \$250.00 in escrow for soil movement; and

WHEREAS, Antoinette Kofler, 42 Tenney Avenue deposited \$250.00 in escrow for soil movement; and

WHEREAS, the Borough Engineer has performed all final inspections on both properties; and

WHEREAS, the Borough Engineer has been paid in full.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refunds:

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Amount</u>
607/2	Jaime Lynch 161 Adams Avenue River Edge, NJ 07661	\$250.00
409/32	Antoinette Kofler 42 Tenney Avenue River Edge, NJ 07661	\$250.00

December 1, 2014

Councilwoman Busted - stated that she did walk the area today and did notice, as Councilman Papaleo had stated at the last meeting, that the tree line goes up about 20 feet for coverage. She appreciates Mr. Schmitt's passion about keeping the buffer there and probably 40 years ago when the Council made the agreement with the residents, pine trees might have seemed like a good idea. Right now, they have grown too high to provide an adequate buffer. Councilwoman Busted feels that we should have a planting that is adequate and would like to receive a timetable from Shade Tree to assure the residents that these plantings will be done on a timely basis.

Councilman Papaleo-stated that he thinks that it would be unethical to do anything but maintain Borough property to the highest degree that is capable.

There was a suggestion to close or tarp a court that we had paid to rebuild and refurbish because of the pine needles. He doesn't feel that that's appropriate, as he also didn't think it was appropriate to put fencing around Cherry Blossom Park. Councilman Papaleo feels that if we have property, regardless of how we got it, we have to take care of it. Councilman Papaleo also stated that he thinks it's fiscally more responsible to deal with this problem now rather than do half the measure and hope that it solves the problems of the safety issue as well as the usage of the courts. He stated that if we didn't have the money to replace the trees, he might have considered an alternative but because we do have the money in the budget, we should spend the least amount of money to correct the problem for safety and usage issues. He stated that someone argued that there wasn't enough tennis players to constitute taking the trees down which he doesn't agree with. He stated that the tennis courts are there for all residents to use and as borough property, we should maintain it to the best of our ability no matter how many people use it.

Councilman Mignone-stated that although he respects everyone's opinion, he doesn't agree. He agrees with Mr. Schmitt's comment explaining that the buffer is not just from eye level. Councilman Mignone doesn't feel that new plantings will provide a suitable replacement for the buffer that's been there 40 years. Therefore, he will be voting no.

Mayor Moscaritolo-is happy that the Council has put a lot of time into discussing this topic.

Councilwoman Busted -asked if the resolution could be amended to include the receipt of a timetable from the Shade Tree Commission.

Mayor Moscaritolo-stated that that would be an administrative thing.

Councilwoman Murphy-explained that they have seasonal plantings and would know the best time to plant.

Councilwoman Busted-stated that when she walked the area, she counted six trees and the resolution says five. She asked if that's because one pine is not mature?

Mayor Moscaritolo-replied, yes. The Mayor stated that the only thing that he would like to make sure of is that when the trees get removed, they grind the stumps.

Motion by Councilman Papaleo, seconded by Councilwoman Busted to approve resolution #14-431.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted and Councilman Papaleo voted yes; Councilman Mignone voted no and Councilman Acquafredda was absent.

#14-431 Authorize the Department of Public Works to Remove Five (5) Mature Trees on the Western Side of the Tennis Courts

WHEREAS, the Mayor and Council refurbished Memorial Park tennis courts in 2010 at a cost of \$121,500.00; and

WHEREAS, the tennis courts are used by the River Edge residents and represent a portion of the diversity of recreational opportunities and services provided by the Recreation Commission and Governing Body of the Borough of River Edge for its residents; and

WHEREAS, the tennis courts have landscaping surrounding it including but not limited to several mature evergreen trees on the western side of the tennis courts; and

WHEREAS, notice has been given to the Borough as to a hazardous condition caused by the mature evergreen trees on the western side of the tennis courts; and

WHEREAS, the safety of those who use the tennis courts is of great concern to the Governing Body of the Borough of River Edge; and

WHEREAS, meetings have been held with concerned residents adjacent to the tennis courts, the Shade Tree Commission, the Recreation Commission and the Recreation Director; and

WHEREAS, the Governing Body desires to consider a resolution to authorize the Department of Public Works to remove the five (5) mature evergreen trees on the western side of the tennis courts; and

WHEREAS, the Shade Tree Commission has committed to replacing these trees with plantings; and

WHEREAS, the Governing Body has provided funding for the replacement plantings from the Municipal Open Space Trust Fund.

NOW, THEREFORE, BE IT RESOLVED that the Superintendent of Public Works is hereby directed to remove the five (5) mature trees on the western side of the tennis courts.

BE IT FURTHER RESOLVED, that the Shade Tree Commission is hereby authorized to provide a replanting of the area.

December 1, 2014

#14-432 Authorize Mayor to Execute Documents with Verizon and Cablevision to Support the River Dell School District's PEG Channel

WHEREAS, the River Dell School District is desirous of utilizing a dedicated PEG channel for its television and media program; and

WHEREAS, the River Dell School District is a limited purpose regional district serving the Boroughs of Oradell and River Edge; and

WHEREAS, the River Dell School District's television and media program will also serve the Boroughs of Oradell and River Edge; and

WHEREAS, the River Edge Mayor and Council are supportive of this effort; and

WHEREAS, this matter has been discussed at the work session on December 1, 2014.

NOW, THEREFORE, BE IT RESOLVED that the River Edge Governing Body hereby authorizes the Mayor to execute documents with Verizon and Cablevision to support the River Dell School District's PEG channel.

December 1, 2014

#14-433 Authorize Accounts Supervisor to Issue a Refund Check to ERC Environmental LLC, 5 Sheridan Place, Fair Lawn, NJ 07410 for a Street Opening Permit and Performance Escrow for 40 Elizabeth Street

WHEREAS, the Borough of River Edge received a street opening permit fee of \$550.00 and performance escrow of \$500.00 from ERC

Environmental LLC on October 27, 2014; and

WHEREAS, the Borough of River Edge received a letter from ERC Environmental LLC on November 21, 2014 stating that the site that needed to be opened was on Main Street which is a County Road and not Elizabeth Street; and

WHEREAS, ERC Environmental LLC is currently in the process of applying for a street opening permit with the County of Bergen; and

WHEREAS, Environmental LLC has requested a refund for the permit fee and performance escrow; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Trust Other Account in the amount not to exceed \$500.00 and Current Fund account in the amount not to exceed \$550.00.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to issue two (2) checks to the following:

ERC Environmental LLC
5 Sheridan Place
Fair Lawn, NJ 07410

December 1, 2014

#14-434 Authorize Tax Collector to Refund a 4th Quarter 2014 Tax Overpayment

WHEREAS, the Tax Office has received a tax overpayment due to a County Board Judgment tax credit for the 4th Quarter 2014 taxes on the following property;

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>
701/19.04	FANELLI, DONALD & DONNA 502 Manning Court	3,152.09
	Total:	3,152.09

Make check payable to: Wells Fargo
1 Home Campus
Des Moines, IA 50328
Attn: Refunds Department

December 1, 2014

#14-435 Authorize Tax Collector to Refund a Duplicate 4th Quarter 2014 Tax Payment

WHEREAS, the Tax Office has received a duplicate tax payment for the 4th Quarter 2014 taxes on the following property;

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>
909/24	HAMMEL, SEAN P. 3 Fenway Court River Edge, NJ	2,635.12
Total:		2,635.12

Make check payable to: CoreLogic Services, LLC
1 CoreLogic Drive
Building 1 MS-1-5-135
Westlake, TX 76262
Attn: Refunds Department

December 1, 2014

#14-436 Authorize Accounts Supervisor to Issue a Refund Check to Michael Lynch, 161 Adams Avenue, River Edge, New Jersey 07661

WHEREAS, the Borough of River Edge received a street opening permit from the following who surrendered \$500.00 for a bond; and

WHEREAS, John Lynch, Superintendent of Public Works has inspected the street where the opening was made, 161 Adams Avenue, and has declared it satisfactory; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Trust Other Account in the amount not to exceed \$500.00.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to issue a check in the amount of \$500.00 to the following:

Michael Lynch
161 Adams Avenue
River Edge, NJ 07661

December 1, 2014

#14-437 Authorize the Release of a Maintenance Bond for Michael Lynch, 161 Adams Avenue, River Edge New Jersey, 07661

WHEREAS, the Borough of River Edge entered into a Storm Water Drainage License Agreement dated October 21, 2013 with Michael Lynch for the property located at 161 Adams Avenue, River Edge; and

WHEREAS, the Borough currently has in its possession a Maintenance Bond which it received in the form of a check on October 21, 2013 for the above subject property; and

WHEREAS, the Superintendent of Public Works and the Borough Engineer have recommended that the Maintenance Bond be released; and

WHEREAS, the Chief Financial Officer has certified that funds are available from the Trust Other Account in the amount not to exceed \$1,700.00.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to issue a check to Michael Lynch, 161 Adams Avenue in the amount of \$1,700.00.

December 1, 2014

#14-438 Authorize Accounts Supervisor to Issue a Refund Check to Let It Grow, Inc., 52 Ackerson Street, River Edge, New Jersey 07661 for the Property Located at 55 Kinderkamack Road

WHEREAS, the Borough of River Edge received a street opening permit from the following who surrendered \$500.00 for a bond; and

WHEREAS, John Lynch, Superintendent of Public Works has inspected the street where the opening was made, 55 Kinderkamack Road, Block 1413, Lot 5 and has declared it satisfactory; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Trust Other Account in the amount not to exceed \$500.00.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to issue a check in the amount of \$500.00 to the following:

Let It Grow, Inc.
52 Ackerson Street
River Edge, NJ 07661

December 1, 2014

Councilman Mignone read resolution into the record.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #14-439.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busteed, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

#14-439 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	\$851,394.74
CAPITAL ACCOUNT	\$ 2,039.40
TRUST OTHER ACCOUNT	\$ 2,080.00
OPEN SPACE ACCOUNT	\$ 8,764.00
TRUST OTHER DEVELOPERS ACCOUNT	\$ 2,675.00

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 1, 2014

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

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busteed, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

Jim Levis-726 Seventh Avenue-complained that the tree in front of his house has been shedding large amounts of branches over the years. In 2010, he spoke with members of the Shade Tree Commission who told him that they would maintain the tree. This summer he noticed that half of the tree was dead and the bark started to split all the way up. He went to the Borough website to find out what the proper procedure was and read that he should put something in writing. If he felt that the tree issue constituted an emergency, he should call DPW. He called the DPW and was told that he needed to contact the Shade Tree Commission. He was disappointed to hear on their answering machine that they will not return phone calls but within 30 days they would put a tag on the door. Mr. Levis said that he left the message in September and never heard back from anyone nor did he receive a door tag. He continued to say that after the storm last Monday, eight huge branches had fallen. The bark is splitting all the way up and feels that the tree needs to be taken down.

Mayor Moscaritolo-asked if it is an old tree?

Jim Levis-replied that he's lived here for 35 years and it was there when he moved in.

Mayor Moscaritolo-asked what type of tree it is?

Jim Levis-replied, a maple. Mr. Levis showed the Mayor a letter that he had written to Shade Tree in 2010. He finds it frustrating that they won't return phone calls because it doesn't give you the opportunity to have a discussion or voice your concerns.

Mayor Moscaritolo-stated that the Shade Tree Commission does a great job and informed him that they are all volunteers making it difficult to dictate policy. The Mayor continued to say that if they were employees it would be a different situation.

Jim Levis-stated that he's not here to berate anyone because he knows the importance of volunteers because he himself has volunteered for different committees and organizations over the years. He feels that whether you are a volunteer or not, the residents should have the courtesy of getting a call back or a face to face meeting.

Mayor Moscaritolo-stated that the liaison to the Shade Tree Commission is Councilwoman Murphy and she will attend the next meeting and bring the issue up.

Councilwoman Murphy-stated that she will send them an e-mail.

Jim Levis-stated that the tree has a blue mark on it but nothing has been done to date.

Councilman Papaleo-commented that the Mayor and Council have heard the same complaints about the Shade Tree Commission over and over. He spoke with someone from another town and was told that the Mayor and Council have the authority to change the ordinance that governs Shade Tree. He appreciates that they are volunteers, but the Fire Department members are volunteers and they sometimes go out several times a night. Councilman Papaleo doesn't think it's appropriate for Shade Tree to be giving the very message that Mr. Levis has brought up stating that they won't call you back or that they'll get back to you in 30 days.

Councilman Cappola-agrees with Councilman Papaleo and also feels that if you're not able to do the job they should step away.

Councilman Papaleo-again stated that he admires and appreciates what they do but feels that that kind of policy is inappropriate in this day and age. He asked if Alan could reach out to Shade Tree and see if they can change that and if not, maybe the Council should look into changing the ordinance or dissolve them.

Tom Sarlo, Esq.-stated that you have to remember that they are autonomous. He continued to say that the Mayor and Council have the ability to create and dissolve but to set policy, you are exceeding your boundaries.

Councilman Papaleo-stated that he's not necessarily suggesting that but would like the opportunity to sit down and have a discussion.

Mayor Moscaritolo-stated that he as Mayor, has the power of appointment to the Shade Tree Commission. He suggested to Councilman Papaleo, that if he would like to recommend someone that he feels would be more responsive to our residents, then he will appoint them.

Councilman Mignone-stated that there is a provision that the DPW can act in case of an emergency so in this case, John Lynch must have made a

decision that it was not an emergency. He feels that they need clarification as to exactly what happened after Mr. Levis called the DPW. Jim Levis-stated that he would like someone to take a look and make a decision one way or the other. He feels that he's been ignored. He thanked the Mayor and Council for their comments and for hearing his concerns. Councilwoman Murphy-stated that she has sent an e-mail and will follow up with Mr. Levis. Councilman Papaleo-asked if this could be listed under unfinished business. Mayor Moscaritolo-replied, yes.

CLOSE HEARING OF THE PUBLIC -

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

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

ADJOURNMENT - 9:40 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adjourn the meeting at 9:40 p.m.

ROLL CALL VOTE- Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated: