MINUTES

Regular Meeting of the Mayor and Council
Monday, December 4, 2017
Immediately Following Work Session

CALL THE MEETING TO ORDER –

Mayor Mignone called the meeting to order at 7:05 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER – FLAG SALUTE

Mayor Mignone called for a moment of silent prayer and asked everyone to remember long time resident Ruth Monahan who passed away recently. Mayor Mignone asked Tom Sarlo to lead the salute to the flag.

SUNSHINE STATEMENT -

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

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

APPROVAL OF MINUTES –

On motion by Councilwoman Busteed, seconded by Councilman Bartelloni to approve the minutes of the Regular Session meeting of November 20, 2017 was unanimously approved.

PROCLAMATIONS & AWARDS – None

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA –

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

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA –

There being no comments by the public, the motion by Councilman Chinigo, seconded by Councilwoman Busteed to close public comments on any issue on the agenda was unanimously approved.

APPOINTMENTS & PERSONNEL CHANGES –

On motion by Councilman Chinigo, seconded by Councilman Bartelloni to approve the salary change of Matthew Mulick, Patrol Officer from an annual salary of $46,813.00 to Patrol Officer 17th grade salary of $55,074.00, effective December 8, 2017 was unanimously approved.

On motion by Councilman Papaleo, seconded by Councilman Bartelloni to approve the salary increase of Debra McDermott, Payroll Clerk from an annual Step I salary of $39,589.00 to Step II – $42,625.00, effective January 1, 2018 was unanimously approved.

On motion by Councilman Papaleo, seconded by Councilman Bartelloni to approve leave without pay for Flor Alvarez, Custodian per Section IV, Subject 1 of the Personnel Policy & Procedure Manual for 4 days, from December 12, 2017 to December 15, 2017, effective December 5, 2017 was unanimously approved.

On motion by Councilman Chinigo, seconded by Councilwoman Busteed to approve the salary increase of Christopher Cheevers, Sergeant in the Police Department from an annual salary of $119,531.00 to $129,093.00 due to performing the duties of a higher rank for a period of 90 days per contract, effective November 30, 2017 was unanimously approved.

On motion by Councilman Papaleo, seconded by Councilman Chinigo to approve the separation of Kyle Joaquin, Laborer in the Department of Public Works, effective December 1, 2017 was unanimously approved.

On motion by Councilman Papaleo, seconded by Councilman Bartelloni to approve the job title change and salary increase of Kenneth Morse, Department of Public Works from Tree Trimmer II, Step V - $60,403.00 to Tree Trimmer I, Step I - $70,948.00 effective November 5, 2017 was unanimously approved.

On motion by Councilman Chinigo, seconded by Councilman Bartelloni to approve the separation of Kerry Heiser, Part-time Accounts Payable Clerk, effective December 22, 2017 was unanimously approved.

CORRESPONDENCE –

Report	-	Alan P. Negreann, Administrator/CFO – 11/18/17 Re: Revenue Report
Report	-	Alan P. Negreann, Administrator/CFO – 11/20/17 Re: Farmer's Market Monthly Report
Report	-	Moody's Investors Service – 11/20/17 Re: Credit Opinion
Letter	-	BCUA – 11/27/17 Re: Public Hearing Notice – Amendment to Solid Waste Management Plan
Letter	-	PSE&G – 11/27/17 Re: Application for Modified Statewide Freshwater Wetlands General Permits #1, #2 & #21
Letter	-	Kyle Joaquin – 11/29/17 Re: Letter of Resignation
Letter	-	BCUA – 11/30/17 Re: 2018 Proposed Rates

MONTHLY REPORTS –

Environmental Commission	-	November 2017
Beautification Committee	-	November 2017
Board of Health	-	November 2017

ORDINANCES – 1ST READING – NONE

ORDINANCE – 2ND READING –

Stephanie Evans, Borough Clerk read the title of Ordinance #17-30 into the record as follows:

Ordinance #17-30 - AN ORDINANCE TO REPEAL CHAPTER 79 OF THE CODE OF THE BOROUGH OF RIVER EDGE, "BOARD OF RECREATION COMMISSIONERS," AND REPLACE IT IN ITS ENTIRETY WITH CHAPTER 79, "DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS."

Mayor Mignone-explained that this is a revised ordinance to modify the Recreation Department, making it a separate department, keeping it a Commission and making the Recreation Director the department head.
Councilwoman Busteed-explained that one of the Rec Commissioner's came to the Council and shared some comments and requested modifications. There were 4 items: one dealt with setting the fees, one dealt with wording of the 3 members versus 2 members which was corrected; there was a question about the CAC and there's been language in the revised ordinance giving them latitude on how they

want to construct that and the other was initial terms of 2 years versus 3 years which was also corrected. Councilwoman Busteed has relayed the information to the Commission so they understand the version that is being voted on.

Ordinance #17-30 was introduced by Councilman Bartelloni, seconded by Councilman Papaleo and approved unanimously at the November 20, 2017 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE # 17-30

AN ORDINANCE TO REPEAL CHAPTER 79 OF THE CODE OF THE BOROUGH OF RIVER EDGE, "BOARD OF RECREATION COMMISSIONERS," AND REPLACE IT IN ITS ENTIRETY WITH CHAPTER 79, "DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS."

WHEREAS, it is the desire of the Mayor and Council of the Borough of River Edge to provide for the recreational needs of all citizens of the Borough; and

WHEREAS, the Mayor and Council has in the past entrusted that important task to the Board of Recreation Commissioners heretofore established pursuant to N.J.S.A. 40:12-1 *et seq; and*

WHEREAS, the Mayor and Council has determined that the residents of the Borough of River Edge would be best served by amending Chapter 79 Of the Code of the Borough of River Edge "Board of Recreation Commissioners" and creating a Department of Recreation and Cultural Affairs under the supervision of the Mayor and Council and Borough Administrator with the assistance of a Recreation Commission and a Cultural Affairs Advisory Committee; and

WHEREAS, the power to abolish the Board of Recreation Commissioners is derived pursuant to the statutes of the State of New Jersey, and as affirmed by Board of Recreation Commissioners of the Borough of Rutherford v. Borough of Rutherford, 166 N.J. Super. 476 (App. Div. 1979);

WHEREAS there shall now be a Recreation Commission that is not established pursuant to N.J.S.A. 40:12-1, et seq.; and

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

SECTION 1.

That Chapter 79, Recreation Commissioners, of the Revised Ordinances of the Borough of River Edge is hereby repealed, and the Board of Recreation Commissioners, created and continued thereby is hereby abolished and any all functions and duties of the Board of Recreation Commissioners are hereby transferred to the Department of Recreation and Cultural Affairs.

SECTION 2.
The existing Chapter 79, Board of Recreation Commissioners, of the Borough Code is repealed in its entirety, and the following new Chapter 79 is adopted in its place and stead as follows:

CHAPTER 79, DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS.

79-1 Establishment

A. There is hereby established in and for the Borough of River Edge a Department of Recreation and Cultural Affairs (The Department) to maintain, promote, operate and facilitate the use of Borough owned or leased park, playgrounds and recreational facilities. The Department shall design, provide, coordinate, and administer existing and new recreation and cultural programs with the assistance of the Recreation Commission and the Cultural Affairs Advisory Committee.

79-2 Powers and Duties of the Department of Recreation and Cultural Affairs

A. Administer, operate, and have jurisdiction over the use of municipal parks, playgrounds and playfields, facilities for indoor and outdoor sports, recreational and cultural programs.

B. Develop and administer recreational and cultural programs and related activities; regular and special public events in cooperation with other public and private agencies and organizations or as recommended by the Recreation Commission and/or Cultural Affairs Advisory Committee or at the direction of the Governing Body.

C. Maintain and repair the playfields, playgrounds and recreational areas. The exception being the regulation, planting and care of shade and ornamental trees and shrubbery now located, or which may hereafter be planted, including trimming, spraying, care and protection thereof is subject to the requirements of Chapter 384-6(A)(C).

No tree or shrubbery shall be planted in or removed from any Borough park, playground, recreational area, or other area under the jurisdiction of the Borough or Department without the consent of the Director and the River Edge Shade Tree Commission. Should the Director and Shade Tree Commission not be able to agree on a planting or removal, the final determination shall be made by the Governing Body in accordance with Chapter 384-6(A).

The Department of Public Works Superintendent, or his designee, may direct the removal of a tree, or part thereof, if the Superintendent or designee determines that there is an imminent danger to public safety in accordance with Chapter 384-6(C).

The Department is not responsible for the maintenance and/or repair of any physical structure.

D. Enforce Borough ordinances, rules, regulations and policies pertaining to the use of recreational/cultural facilities and programs.

E. Authority to establish, charge and collect a reasonable fee for use of the Borough's recreational and cultural facilities and programs or activities subject to favorable recommendation of the Recreation Commission and /or Cultural Affairs Advisory Committee.

F. Authority to solicit sponsorships and accept donations in strict accordance with Borough standards, procedures and applicable statutes.

G. Determine, in consultation with other Borough Departments, scope, description, manpower and materials costs necessary for the proper maintenance of the Borough's parks, playgrounds, playfields and other facilities.

The Department of Public Works shall have the authority to determine the schedule and assignment of manpower for any work conducted on behalf of the Department.

H. Provide advisory opinions to the Governing Body and Borough departments.

79-3 Director of Recreation and Cultural Affairs

The office of Director of Recreation and Cultural Affairs (Director) is hereby created.

A. The Director shall serve as Department head and be responsible for the overall efficient administration, maintenance, direction and development of the Department. The Director may recommend that the Mayor and Council create subordinate offices and positions that may be necessary and if such funds are appropriated.

B. Subject to the general oversight by the Mayor and Council, the Director shall be supervised by the Borough Administrator and operate the Department under the auspices of same. Compensation shall be in accordance with policies and procedures for all non-contractual personnel.

C. The Director shall be appointed by the Mayor with the advice and consent of the Council for an initial term of for one, two or three years ending on December 31 of any year. The Recreation Commission shall participate in the selection of the Director and shall advise the Governing Body of their recommendation.

At the end of an initial term, a duly appointed Director shall be eligible for succeeding terms subject to the recommendation of the Borough Administrator and with the consent of the Recreation Commission. Prior to appointment, the Director shall be qualified by training and experience in the field of public recreation.

Any vacancy in this office shall be filled by appointment of the Mayor and Council for the balance of any unexpired term and is eligible for reappointment in accordance with this section.

D. The Director shall collaborate with the Recreation Commission and the Cultural Affairs Advisory Committee and shall seek the advice and consent of same as may be required in this Chapter.

79-4 Powers and Duties of the Director of Recreation and Cultural Affairs

A. Administer, plan, supervise, inspect and conduct programs and activities of the Borough's public playgrounds, athletic fields, recreation, cultural facilities and other recreational facilities, regular and special public events, in consult and cooperation with other public and private agencies and organizations if necessary and or as recommended by the Recreation Commission and Cultural Affairs Advisory Committee or at the direction of the Governing Body.

B. Manage, inspect, maintain all recreational facilities, recreational equipment and services for any properties owned, leased or controlled by the Borough.

C. Develop routine maintenance needs for all playfields, playgrounds and other recreational areas; and a schedule thereof.

D. Work with the Superintendent of Public Works to determine the scope of work that is to be conducted by the Department of Public Works and personnel and manpower; materials or outside services and required schedule of tasks. The Department must request sufficient funding in the Department's budget to ensure adequately operating funds are available.

E. Supervise and manage any subordinate offices or positions employed under the auspices of the Department.

F. Develop, implement and oversee a master schedule, in consultation with and in consideration of recommendations of the Recreation Commission and the Cultural Affairs Advisory Committee, to apportion available time for use of Borough recreational facilities, parks or other Borough properties, including leased property or property subject to an inter-local agreement with the River Edge Board of Education, RiverDell Board of Education or other entity.

G. Determine specific criteria, in consultation with the Recreation Commission, to which sports organizations are deemed as being under the auspices of the Department.

H. Expend departmental funds in accordance with budget appropriations and ordinances.

I. Authorize with the advice and consent of the Recreation Commission and/or the Cultural Affairs Advisory Committee to arrange and provide for the giving of exhibitions, plays, concerts, games and contests, and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, plays, concerts, games and contests to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under the Department's control.

J. Authority to charge and collect a reasonable admission fee for each person entering such playground or recreation place as a spectator during the time or times when the same is being used or employed for such purposes.

K. Authority to charge and collect a reasonable service charge from persons using, as participants, special areas and facilities, which require special maintenance and the use of which is restricted to relatively few people, in order to assist in the meeting of the operating costs thereof in whole or in part.

L. Pay over all moneys received by the Department to the Chief Financial Officer. These monies will be kept in a dedicated fund used only for the purpose of defraying the expenses of improving, maintaining or policing the playground and recreation places. In order to expend the funding for any of these purposes, the Director, subject to the advice and consent of the Recreation Commission, may expend funds from the dedicated account. Any such funds authorized shall be expended in accordance with applicable state and local rules and regulations for public purchasing.

M. Recommend with the advice and consent of the Recreation Commission and request allocations of

available monies that may be available through the Borough's Open Space tax, for the term if and when authorized.

N. In consultation with the Recreation Commission and/or the Cultural Affairs Advisory Committee, establish and collection fees and/or other admission or entry charges for registration, enrollment or admission to the recreation or cultural programs, courses of instruction and activities of the Borough.

O. In consultation with the Recreation Commission and the Cultural Affairs Advisory Committee, prepare and submit a proposed operating and capital budget annually to the Governing Body. The budget may include recommended salary budgets for the proper and efficient operation of the Department for each calendar year.

P. Request appropriations for professional service and vendors. Any on-going maintenance contracts must also be included.

Q. Prepare proposals for additional personnel, said proposals shall include a job description, rationale, recommended work hours and recommended compensation for the position(s) sought to the Borough Administrator. The employment request will be subject to the Borough's personnel hiring procedure.

R. Prepare a 5-year capital improvement plan, in consultation with the Recreation Commission, identifying replacement or upgrades to existing outdoor/recreation areas/facilities and/or purchase of new equipment and respective estimated costs.

S. Investigate and report on any recreational grant opportunities from private, non-profit and/or public sources and prepare applications regarding same.

T. Apply for and maintain membership in the New Jersey Recreation and Parks Association.

U. Develop and disseminate promotional materials and inform residents of all available programs.

V. Recommend and screen all potential program directors, league directors and coaches for the approval by the Recreation Commission.

W. Prepare the agenda, minutes and unless excused for cause, attend all meeting of the Recreation Commission.

X. Establish rules and regulations applicable in the programming and use of parks and recreational facilities in consultation and with the advice and consent of the Recreation Commission; subject to the approval of the Mayor and Council if so required by law.

Y. Ensure all program and volunteers are in compliance with background checks, credential programs and required training.

Z. Attend meetings of the Governing Body from time-to-time to provide periodic reports regarding the activities of the Department or upon request.

AA. Prepare, with the assistance of the Recreation Commission and the Cultural Affairs Advisory Committee and submit an annual report to the Mayor and Council in accordance with Chapter 79-5.

BB Any other duty as directed by the Governing Body or as recommended by the Recreation Commission, subject to the approval of the Governing Body.

79-5 Recreation Commission

A. Creation and Composition

There shall be a Recreation Commission which shall be comprised of the Director of Recreation and Cultural Affairs and seven (7) regular voting members and two (2) alternate members in accordance with the following:

79-6 **Appointment of members**

The Mayor shall nominate and, by and with the advice and consent of the Council, shall appoint all members of the Recreation Commission, including two alternate members of the Recreation Commission, in the manner provided by law for the appointment of Borough personnel.

§ 79-7 Terms of members and alternate member: vacancies.

A. Terms of Members and Alternate Members

All voting members of the Commission, including alternate members shall be appointed for a period of three years, and until their successors are duly appointed and qualified.

Upon adoption of this Chapter, the terms for initially appointed regular voting members shall be staggered; three members shall be appointed for a period of three years; 2 members shall be appointed for a period of two years; and 2 members shall be appointed for one year to establish rotating vacancies.

The terms of the initially appointed alternate members shall likewise be staggered. One alternate shall initially be appointed for one year and one alternate shall initially be appointed for two years. Alternates shall be designated as Alternate #1 and Alternate #2.

Subsequent terms for all regular members shall be three years and three years for alternate members. Regular members shall serve no more than two consecutive terms unless otherwise approved by the Governing Body.

Upon the adoption of this Chapter and for the initial appointments to the Recreation Commission, the terms of the 7 at-large voting members and 2 alternates of the Recreation Commission are to be offered to the sitting members and designated alternates of the previous River Edge Board of Recreation Commissioners. The length of terms for the re-appointments shall be staggered in accordance with the requirements.

The members shall be residents of the Borough of River Edge and shall not be employed by the Borough and shall not currently be serving on any other Borough Board or Commission.

B. Vacancies

Should a vacancy occur otherwise than by expiration of term for either a regular voting member or an alternate member, the Mayor shall appoint subject to the advice and consent of the Council a qualified successor to serve for the balance of the unexpired term only.

C. The Commissioners shall serve with no compensation for their services.

D. Alternate members of the Recreation Commission shall vote in the absence of a regular member of the Recreation Commission. Alternate members of the Recreation Commission shall attend all meetings along with the seven members of the Board of Recreation Commissioners and be permitted to participate in all discussions and matters affecting the Recreation Commission

79-8 Organization of the Recreation Commission

1. The Commission shall develop and adopt bylaws annually. Bylaws may be amended subject to the approval of 2/3 of the regular voting membership.

   The bylaws must include: definition of the number of members required for a quorum; a schedule of regular meetings for each calendar year; and an attendance policy no stricter than what is permitted by State Statute or Borough requirement, whichever is more restrictive.

2. The Commission shall meet on a monthly basis. At least 30 days prior to the end of a calendar year, the Commission shall provide the Borough Clerk with a calendar of meetings for the next year.

3. Meetings shall be held in accordance with the Open Public Meetings Act (OPMA) and the requirements of the Open Public Records Act (OPRA).

4. The Commission shall annually elect a chairperson; a vice chairperson and recording

secretary, as well as, other such officers it deems necessary to carry out its powers and duties.

5. The Director shall not be responsible for the administration of the Recreation Commission.

79-9 Powers and Duties of the Recreation Commission

A. Advise the Director in the coordination of recreation programs, the development of new initiatives, and the management of existing programs and events.

B. Advise the Director in the preparation of the annual operating and capital budgets for the Department.

C. Advise the Director and consent to allocation of trust funds.

D. Make recommendations to the Director as to the establishment of new staff positions if deemed necessary or review requests of same from the Director. The responsibility for authorizing hiring and appropriating funds for such employees is with the approval of the Mayor and Council.

E. Advise and give consent to the Director to arrange and provide for the giving of exhibitions, plays, concerts, games and contests, and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, plays, concerts, games and contests to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under the Department's control.

F. Advise and recommend to the Director reasonable admission fees for each person entering such playground or recreation place as a spectator during the time or times when the same is being used or employed for such purposes.

G. Advise and recommend to the Director a reasonable service charge from persons using, as participants, special areas and facilities, which require special maintenance and the use of which is restricted to relatively few people, in order to assist in the meeting of the operating costs thereof in whole or in part.

H. Assist the Director in the identification and prioritization of short- intermediate and long-term capital improvements.

I. Conduct studies or provide recommendations to the Mayor and Council and/or to the Director regarding any such matters referred to the Commission and report in writing findings and conclusions as soon as reasonably possible.

J. Recommend to the Director guidelines for the recreational use of playgrounds and recreational facilities in the Borough, consistent with rules governing the use thereof. Such guidelines shall be reviewed on a periodic basis and updated as necessary.

K. Advise and give consent to any guidelines or policies developed by the Director.

L. Recommend to the Director recreation and/or cultural programs, activities, functions and improvements which will economically and effectively promote the cause of recreation and for all residents of all age groups in the Borough including special needs programs and programs for seniors, teens and families.

M. Recommend to and/or assist the Director as requested to formulate policies; codes of conduct; and rules and regulations for the purpose of carrying out the objectives of the Borough's recreation programming.

N. Promote volunteerism for recreation and park programs.

O. Assist the Director in disseminating information to the public to advertise existing or new programs or activities and soliciting public comments and feedback in return.

P. Assist the Director in determining specific criteria for designating an organization, league or program as a "youth sports organization."

Q. Create any subcommittee of the Commission members or an advisory committee consisting of representatives from each of the Borough's youth sports organizations or league; said organization must operate under the auspices and authority of the Department.

R. Provide input and provide assistance to the Director as requested to the preparation of Recreation and Cultural Affairs Department's annual report to the Governing Body in accordance with Section 79-10 Annual. Report

§ 79-10 Annual Report

A. The Director shall submit, not less than annually, a report to the Governing Body as to the activities of the Department. The Recreation Commission may assist in the development and preparation of the report and/or any element required therein. The Director shall submit the report to the Recreation Commission for their approval prior to submitting same to the Governing Body.

B. The report shall include, but not limited to:

1. A summary of recreational and cultural programs offered under the auspices of the Department that should also include number of participants.
2. A summary of routine or special maintenance activities undertaken and the cost(s) thereof for Borough recreation facilities or equipment and replacement for the calendar year.
3. A summary table of revenue and expenditures for events, programs and events sponsored or conducted under the auspices of the Department.
4. A program of routine and periodic maintenance necessary to physically maintain the recreational facilities and improvements located within the Borough of River Edge and subject to the jurisdiction thereto.
5. Recommendations to expand modify or eliminate existing recreational and/or cultural programming or recommendations for new programming.
6. An inventory of all Borough property owned, leased or subject of an inter-local agreement with the River Edge Board of Education or any other entity and equipment as well as detail of the state thereof.
7. An assessment by the Director of the adequacy of the facilities and to what extent the needs of the public are being met.
8. Should it be determined that a leased property or property subject of an inter-local agreement with the River Edge Board of Education is determined to no longer adequately meet the needs of the public provide alternatives and cost estimates for consideration by the Mayor and Council shall be included.
9. An assessment of the effectiveness of maintenance programs to maintain and care for the recreational facilities and parks of the Borough of River Edge and recommendations and cost estimates for consideration by the Mayor and Council.
10. 5-year capital plan with recommendations for improvements of recreational facilities and the cost(s) thereof.

79-11: Cultural Affairs Advisory Committee

There shall herein be a Cultural Affairs Advisory Committee.

79-12 Establishment; membership; liaison.

A Cultural Affairs Advisory Committee consisting of a minimum of seven members is hereby established by the Borough of River Edge. A member of the Borough Council shall serve as a member of the Cultural Affairs Advisory Committee and liaison to the governing body. The membership shall further consist of

a. A representative of the River Edge School District, Board of Education and/or Parent-Teacher Organization.
b. The Director of River Edge Library or his/her designee
c. A representative of the River Edge Cultural Center or any successor organization or local organization dedicated to cultural activities or someone with expressed knowledge and interest in same.
d. The remaining members shall be appointed by the Mayor with the advice and consent of the Council. They shall be residents of the Borough of River Edge and shall not be employed by the Borough and shall not currently be serving on any other Borough Board or Commission.

79-13Purpose.

The intent and purpose of the Committee is to coordinate and/or conduct cultural and performing arts programs, such as but not limited to art exhibits, plays, operas, concerts, dance recitals and other similar activities and programs, for the benefit of the residents of the Borough of River Edge.

79-14 Powers and duties.

With the advice and consent of the Governing Body, and the Director of Recreation and Cultural Affairs, the Cultural Affairs Advisory Committee may be granted the following powers and duties in discharging its intent and purpose:

A.

The Committee may be empowered to advertise, prepare, print and distribute pamphlets, brochures, maps, books or other reading material which are necessary for the promotion of any programs, projects or activities under its authority.

B.

The Committee shall have the power to appoint subcommittees of the general citizenry in specific areas of the cultural and performing arts, such as dance, art, music, and theater, for the purpose of assisting the Committee in developing and offering specific programs and activities.

C.

The Committee shall keep records of its meetings and activities and shall file an annual report of its activities and budgetary expenditures with the Governing Body on or before December 31 of every calendar year.

D.

In cooperation with the Director of Recreation and Cultural Affairs, the Committee may apply for any state, federal or private grants for the purpose of advancing the arts within the Borough.

79-15 Terms; qualifications; remuneration.

A.

Upon enactment of this chapter, the members of the Committee shall be appointed to initial terms of two years expiring on December 31, 2019. All subsequent terms thereafter shall be for a period of three years and until the appointment of qualified successors.

B.

Members of the Committee shall be residents of the Borough and should have some background, either through education or experience, associated with cultural and/or performing arts. In the event that such persons are not available or willing to serve, then any residents of the Township deemed qualified by the governing body may be appointed to serve.

C.

The members of the Committee shall serve without remuneration.

79-16 Vacancies.

In the event of a vacancy occurring on the Committee other than by expiration of a term, such vacancy shall be filled by the Township Committee for the unexpired term.

79-17 Organization.

The Committee shall meet immediately after January 1 of each year for the purpose of reorganization. The agenda at this meeting should include the election of officers, establishing dates and places of meetings, adoption of bylaws or rules of procedure and such other business as may properly come before the Committee at the annual reorganization meeting.

79- 18 Chairperson; officers.

The Committee shall designate one of its members to serve as its Chairperson and presiding officer and may designate such other officers, such as Secretary, Treasurer and any other officers, deemed necessary to conduct its affairs.

79-19 Funding; deposit and expenditure of funds.

The Governing Body may appropriate such sum in each year's current fund budget as may be determined by the governing body to be necessary for the purpose of the Committee. Should the Committee receive any gifts, donations or bequests, such funds shall be deposited in a trust fund account and shall not be utilized for any cultural or performing arts program, project or activity without the prior approval of the Governing Body. Dedicated funds shall be spent for the purpose for which the funds were received in accordance with the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

79-20 Continuance of Existing Regulations, Policies and Codes
Any rules, regulations, policies, code of conduct previously adopted and enforced by the Recreation Commission and Director prior to the date of adoption of this chapter shall remain and continue in full force and effect until further order by the appropriate jurisdiction.

SECTION 3.

All references in the Revised Ordinances of the Borough of River Edge to the Recreation Commission or the Board of Recreation Commissioners shall be deemed to refer to the refer to the Department of Recreation and Cultural Affairs.

SECTION 4.

All ordinances or parts of ordinances which are inconsistent with any provisions of this Chapter are hereby repealed as to the extent of such inconsistencies.

SECTION 5.

If any provision of this Chapter, or the application, of any such provision to any person or circumstance, shall be held invalid, the remainder of this Chapter to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provision of this Chapter is severed.

SECTION 6.

The ordinance shall take effect December 19, 2017.

ATTEST: BOROUGH OF RIVER EDGE

Stephanie Evans, Clerk Edward Mignone, Mayor

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-30 –As Amended

On motion by Councilman Chinigo, seconded by Councilman Bartelloni to open the public hearing on Ordinance #17-30 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-30 – As Amended

On motion by Councilman Chinigo, seconded by Councilman Bartelloni to close the public hearing on Ordinance #17-30 – As Amended.

Councilman Bartelloni-proposed one change to 79-20, Subsection 6 which states that the ordinance shall take effect immediately upon passage. He would like it to read "the ordinance shall take effect on December 19, 2017".
Mayor Mignone-explained that the reason that they're doing that is because there is no gap between having no Commission in place and having everyone being re-appointed to the new Commission.

ADOPTION – Ordinance #17-30 – As Amended

On motion by Councilman Chinigo, seconded by Councilman Bartelloni to adopt Ordinance #17-30 as amended was unanimously approved.

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Stephanie Evans, Borough Clerk read the title of Ordinance #17-31 into the record as follows:

Ordinance #17-31 A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE KENNETH B. GEORGE PARK FIELD LIGHTING REPLACEMENT IN SAID BOROUGH AND APPROPRIATING THE SUM OF $30,000.00 FROM BERGEN COUNTY'S 2016 OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, FARMLAND & HISTORIC PRESERVATION TRUST FUND

Ordinance #17-31 was introduced by Councilwoman Busteed, seconded by Councilman Bartelloni and unanimously approved at the November 20, 2017 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #17-31

A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE KENNETH B. GEORGE PARK FIELD LIGHTING REPLACEMENT IN SAID BOROUGH AND APPROPRIATING THE SUM OF $30,000.00 FROM BERGEN COUNTY'S 2016 OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, FARMLAND & HISTORIC PRESERVATION TRUST FUND

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

Section 1. The Borough of River Edge shall undertake the Kenneth B. George Park Field Lighting Replacement. Such improvements shall include all work and appurtenances necessary and suitable for the use and purpose thereof. Such improvements shall be made in accordance with plans to be prepared thereof by the Borough herein authorized to be made.

Section 2. The Borough shall expend $30,000.00 for the $30,000.00 improvement authorized in Section 1. hereof. Said sum of $30,000.00 is a grant from the Bergen County 2016 Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund.

Section 3. Such improvement is hereby determined and declared to be a Capital Improvement, which the Borough may lawfully make pursuant to law.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

_____
Mayor Edward J. Mignone

Attest:

_____
Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-31

On motion by Councilman Chinigo, seconded by Councilwoman Busteed to open the public hearing on Ordinance #17-31 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #17-31

There being no comments by the public, the motion by Councilman Chinigo, seconded by Councilman Bartelloni to close the public hearing on Ordinance #17-31 was unanimously approved.

ADOPTION – Ordinance #17-31

On motion by Councilman Chinigo, seconded by Councilman Bartelloni to adopt Ordinance #17-31 was unanimously approved.

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RESOLUTIONS - By Consent

On motion by Councilman Bartelloni, seconded by Councilman Chinigo to approve resolution #17-394 through #17-400, resolution #17-402 through #17-406 and resolution #17-408 through #17-411 was unanimously approved.

#17-394 Report Investments Pursuant to the Cash Management Plan

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

Month of September and October 2017.

Name of Institution	Amount	Type	Book Value	Earned Income	Market Value	Int. Rate
N.J. Cash Management Fund	$3,000,000.00	CMF	$3,000,000.00	$19,577.16	$3,019,577.16	1.15

December 4, 2017

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#17-395 Resolution to Refund Planning Board Escrow Money to Route 4 Main Street, LLC for Block 1404, Lots 1.04, 3.01 and 5

WHEREAS, the following application has been made to the Planning Board for Site Plan approvals and has since received such approval; and

WHEREAS, all professional have been paid.

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to refund the following to:

Block/Lot	Name & Address	Amount
1404/1.04, 3.01 & 5	Route 4 Main Street, LLC 574 Grand Avenue Englewood, NJ 07631	$2,000.00

December 4, 2017

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#17-396 Enter Into Agreement with Commercial Recreation Specialists, 807 Liberty Drive, Suite 201, Verona, WI 53593, Related to the Service Agreement for the Lightning Detection System

WHEREAS, there exists a need to enter into a service agreement related to the lightning detection system; 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, Commercial Recreation Specialists meets the criteria for a professional service contract under N.J.S.A. 40A:11-1; and

WHEREAS, Commercial Recreation Specialists has completed and submitted a Business Entity Disclosure Certification which certifies that, Commercial Recreation Specialists 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, Commercial Recreation Specialists 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 #01-2010-28-3702-177 of the Current Fund in the amount not to exceed $3,185.00 subject to the Governing Body making sufficient funds available in the 2018 budget; and

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 Commercial Recreation Specialists for a one-year contract in the amount not to exceed $3,185.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

December 4, 2017

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#17-397 Authorize Severance and Accumulated Absence Payments to Barbara Conway

WHEREAS, Barbara Conway, Recreation Director has separated as an employee of the Borough of River Edge on December 31, 2017; and

WHEREAS, the Borough of River Edge adopted Ordinance #585, on September 9, 1973 and amended it via Ordinance #814 dated March 21, 1982 and Ordinance #1736 dated September 6, 2011; and

WHEREAS, Ordinance #585 as amended provides for severance pay when an employee serves the Borough after twenty (20) years or more of continuous service; and

WHEREAS, Section V, Subject 1 of the Personnel Policy and Procedure Manual of the Borough of River Edge states that the Municipal Governing Body shall approve all payments for accumulated absences and other severance payment; and

WHEREAS, a certification by the Chief Financial Officer in accordance with N.J.A.C. 5:30-15.4 has been received and is on file with the Borough Clerk in the amount of $4,407.09.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of River Edge that the Chief Financial Officer and the Finance Department are hereby authorized to make payment to Barbara Conway for any amounts due per Ordinance #585 as certified by the Chief Financial Officer.

December 4, 2017

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#17-398 Authorize Tax Collector to Refund 2017 4th Quarter Tax Overpayments

WHEREAS, the tax office has received duplicate and/or tax overpayments for the 4th Quarter 2017 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.

BLOCK/LOT	HOMEOWNER/ADDRESS	TYPE	AMOUNT
207/3	Michaeli, Michael 40 Richard Court	Duplicate	3,863.89
311/22	Lim, Suzanne 726 Fifth Avenue	Overpay	2,924.55
507/5	Byers, Lauren 609 Fifth Avenue	Duplicate	3,032.97
1302/32	Ramakrishnan, Rejin 100 Elizabeth Street	Duplicate	3,300.52
		Total:	$13,121.93

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

December 4, 2017

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#17-399 Authorize Tax Collector to Refund a 4th Quarter 2017 Duplicate Tax Payment

WHEREAS, the tax office has received a duplicate payment and/or tax overpayment for the 4th Quarter 2017 taxes on the following properties; and

WHEREAS, a written request was received from the homeowner and/or their Mortgage Company/Title Company to refund the overpaid amount directly to the homeowner.

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

Block/Lot	Name & Address	Refund Amount
409/22	Schmidli, Barbara 697 Center Avenue River Edge, NJ 07661	$2,230.46

December 4, 2017

****

#17-400 Authorize Tax Collector to Adjust and Refund Taxes for a 2017 Veteran Deduction Allowed

WHEREAS, the following homeowner(s) filed a Veteran Application for a deduction in the amount of $250.00 and was approved by the Tax Assessor on 11/15/17 for the year 2017; and

WHEREAS, 2017 taxes have been paid; and

WHEREAS, the deduction was not listed in the 2017 Tax Duplicate.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to adjust her records and refund the $250.00 taxes due to the deduction.

Block/Lot	Name & Address	Deduction	Adjusted/Refunded
1205/27	John J. Skinner 235 Zabriskie Place River Edge, NJ 07661	Veteran	$250.00

December 4, 2017

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On motion by Councilman Papaleo, seconded by Councilman Chinigo to **Table** resolution #17-401 was unanimously approved.

Tabled **Tabled** **Tabled**

#17-401 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development Grant of $175,700.00 has been proposed by the Borough of River Edge for the River Edge LM Street/Curb/Sidewalk Improvements, Oxford Circle in the municipality of River Edge; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of River Edge; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of River Edge hereby confirm endorsement for the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

December 4, 2017

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#17-402 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development Grant of $171,500.00 has been proposed by the Borough of River Edge for the River Edge LM Street Improvements, Phase IV in the municipality of River Edge; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of River Edge; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of River Edge hereby confirm endorsement for the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

December 4, 2017

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#17-403 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development Grant of $5,000.00 has been proposed by the Borough of River Edge for the River Edge Senior Citizen Activities Project X in the municipality of River Edge; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of River Edge; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of River Edge hereby confirm endorsement for the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

December 4, 2017

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#17-404 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:	Petroleum Products O/E	01-2010-31-4472-166	$5,000.00
TO:	Vehicle Maintenance O/E	01-2010-26-3152-173	$5,000.00

December 4, 2017

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#17-405 Authorize Person-to-Person, Place-to-Place, Liquor License Transfer

WHEREAS, an application has been filed for a Person-to-Person, Place-to-Place to transfer of Plenary Retail Distribution License (De-licensure of portion of basement) #0252-44-002-011, heretofore issued to Country Wine and Liquors, LLC, for a liquor license with an address of 842 Kinderkamack Road, River Edge, New Jersey 07661; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statues, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE BE IT RESOLVED that the Borough of River Edge Governing Body does hereby approve, effective December 4, 2017 the Person-to-Person, Place-to-Place transfer of the aforesaid Plenary Retail Distribution License to Country Wine & Liquors, LLC from its former owner and location of Shah & Sheth Liquors, Inc., T/A Classic Wine & Spirits, 842 Kinderkamack Road, River Edge to its new owners and location Country Wine & Liquors, LLC, 842 Kinderkamack Road, River Edge, NJ 07661, and does hereby direct the Borough Clerk/ABC Board Secretary to endorse the license certificate to the new ownership as follows:

"This license, subject to all its terms and conditions, is hereby transferred to Country Wine & Liquors, LLC effective December 4, 2017".

December 4, 2017

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#17-406 Amendment to the By-Laws of the River Edge Mayor and Council

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

WHEREAS, this matter was discussed at a work session on November 20, 2017.

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

Delete:

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

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

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

Add:

A new Section 2, to read as follows:

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

All work session meetings shall be held within the borough and shall occur on the 2nd and 4th Mondays, except as set forth in Article VI, Section 3 and Section 4 therein. Work session meetings shall begin at 7:00 p.m. The work session meeting shall consist of a work session, executive session or closed session as needed.

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

December 4, 2017

****

Councilman Bartelloni read resolution #17-407 into the record.

On motion by Councilman Bartelloni, seconded by Councilman Chinigo resolution #17-407 was approved unanimously.

#17- 407 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	$407,950.25
CAPITAL ACCOUNT	$171,018.98
RECREATION ACCOUNT	$ 695.00
TRUST OTHER ACCOUNT	$ 79,698.20
OPEN SPACE ACCOUNT	$ 1,866.24
TRUST OTHER DEVELOPERS ACCOUNT	$ 12,295.41

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 4, 2017

****

#17-408 Amend Agreement with Anthony Suarez, Esq., Werner, Suarez, Moran, 1 University Plaza, Suite 117, Hackensack, New Jersey 07601 for Professional Services as Special Counsel for COAH

WHEREAS, there exists a need for Special Counsel for legal services related to COAH; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Anthony Suarez, Esq. Werner, Suarez, Moran, 1 University Plaza, Suite 117, Hackensack, New Jersey 07601 on March 6, 2017 via resolution #17-111 in the amount of $2,500.00; 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, Anthony Suarez, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Anthony Suarez, 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 Anthony Suarez, 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 4, 2017; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-172 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 an Clerk are hereby authorized to execute an amended agreement with Anthony Suarez, Esq., Werner, Suarez, Moran, 1 University Plaza, Suite 117, Hackensack, New Jersey 07601 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 4, 2017

****

#17-409 Change Order Approval and Amendatory Contract for the 2016 Fifth Avenue Road Improvement Project, Section 4 to Reggio Construction, Inc., 1575 West Street, Fort Lee, New Jersey 07024

WHEREAS, N.J.A.C. 5:34-4.2 lists the requirements for all Change Orders; and

WHEREAS, the Borough of River Edge awarded a contract to Reggio Construction, Inc. on February 21, 2017 via resolution #17-93; and

WHEREAS Change Order #1 reflects a decrease in quantities for a total decreased amount not to exceed $(12,529.79); and

WHEREAS, the Borough Engineer has recommended the above change.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with Reggio Construction, Inc., Change Order #1 for a decrease of $12,529.79.

BE IT FURTHER RESOLVED that the exact form of this amendatory contract shall be at the discretion of the Borough Attorney and the Mayor and the Borough Clerk is hereby authorized to execute said contract, and Change Order #1.

December 4, 2017

****

#17-410 Enter into a Grant Agreement with the County of Bergen for the Purpose of Using Community Development Block Grant Funds

BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge wishes to enter into a grant agreement with the County of Bergen for the purpose of using $20,153.00 in 2017 community Development Block Grant funds for Senior Bus Dispatcher & Driver Wages in the Borough of River Edge.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Edward J. Mignone, Mayor to be a signatory for the aforesaid grant agreement.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Alan P. Negreann, Borough Administrator/Chief Financial Officer to sign all County vouchers submitted in connection with the aforesaid project.

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of River Edge is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

December 4, 2017

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#17-411 Enter into a Grant Agreement with the County of Bergen for the Purpose of Using Community Development Block Grant Funds

BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge wishes to enter into a grant agreement with the County of Bergen for the purpose of using $1,800.00 in 2017 Community Development Block Grant funds for Senior Citizen Activities in the Borough of River Edge.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Edward J. Mignone, Mayor to be a signatory for the aforesaid grant agreement.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Alan P. Negreann, Borough Administrator/Chief Financial Officer to sign all County vouchers submitted in connection with the aforesaid project.

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of River Edge is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

December 4, 2017

****

On motion by Councilman Bartelloni, seconded by Councilman Papaleo to approve resolution #17-412 was unanimously approved.

#17-412 Resolution Authorizing Settlement of Litigation Entitled 7-Eleven, Inc. v. Borough of River Edge and the Mayor and Council of the Borough of River Edge, Docket No.: BER-l-9220-15 and 584 Kinderkamack Road Associates, LLC v. Borough of River Edge, et. al., Docket No.: BER-l-9807-15

WHEREAS, the Borough of River Edge ("Borough") is a defendant in lawsuits entitled 7-Eleven, Inc. v. Borough of River Edge and the Mayor and Council of the Borough of River Edge, BER-L-9220-15 and in the companion matter of 584 Kinderkamack Road Associates, LLC v. Borough of River Edge, et. al., BER-L-9807-15; and

WHEREAS, Plaintiffs sought a Court Order declaring (i) Ordinance 1840 to be improper, invalid, unlawful, arbitrary, capricious, null and void, unconstitutional, and of no force and effect; (ii) rescinding the Ordinance; and (iii) awarding injunctive and such other appropriate relied pursuant to 42 U.S.C. § 1983 and N.J.S.A. 10-6.2; and

WHEREAS, the Borough has denied the allegations contained in said Complaints and have steadfastly maintained that its actions and the adoption of Ordinance 1840 fully comply with all legal and constitutional requirements as determined by law and court decisions; and

WHEREAS, the parties have engaged in settlement negotiations and said negotiations resulted in a comprehensive Settlement Agreement between the parties, which upon the advice and recommendation of counsel, resolved all litigation between the parties and resolved and settled all allegations as set forth in the lawsuit; and

WHEREAS, the settlement of said litigation is intended to resolve all claims against the Borough without the expense of a trial and potential exposure that the Borough could incur if subjected to a trial before the Court; and

WHEREAS, said settlement is not an admission of fault or wrongdoing by the Borough, but is intended to fully resolve any and all disputed claims between the parties; and

WHEREAS, The Mayor and Council has had an opportunity to review said Settlement Agreement and discuss the terms and conditions of said Settlement Agreement with its counsel; and

WHEREAS, the Council desires to approve the attached Settlement Agreement.

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

1. The Settlement Agreement attached hereto is hereby approved. The Borough is authorized to execute the Agreement and to take all other necessary and appropriate action to effectuate the Settlement Agreement.

ADOPTED, at the public meeting of the Mayor and Council of the Borough of River Edge, held on Monday, December 4, 2017.

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OPEN HEARING OF THE PUBLIC –

On motion by Councilwoman Busteed, seconded by Councilman Chinigo to open the hearing of the public was unanimously approved.

Lou Grasso-asked if the Swim Club accepted out of town members, would they have a full membership year after year?
Councilman Papaleo-said that he had asked the same question whether the out of town members would get preference for the following year. He feels that it's something that should be discussed by the Contracts Committee. He agrees that it would be a concern.
Lou Grasso-also voiced his concerns that after an out of town residents applies and is accepted for membership it may limit the number of River Edge residents who may be put on a waiting list as time goes by.
Councilman Bartelloni-suspects that what they might do is something similar to what they do now for grandparents, who are not bonded members but you would sponsor them each year.

CLOSE HEARING OF THE PUBLIC –

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

COUNCIL COMMENTS –

Councilman Chinigo-thanked the Rec Commission for putting together another successful tree lighting ceremony this weekend. He congratulated both the River Dell Volleyball Team and Football Team for winning the State Championships.
Councilman Papaleo-also thanked Bobbi, Conway, the Rec Commission, Fire Department, DPW and Beautification Committee for working together on the tree lighting ceremony. He said that the DPW set up the artificial tree, Beautification put the lights on the living tree and the Fire Department escorted Santa in and Rec made sure we had hot coco and that Santa and his friends had a place to meet with the boys and girls. He thanked the Girls Scouts for their wonderful rendition of Christmas carols. He reported that the Beautification has been changing over the pots on Borough grounds and by businesses along Kinderkamack Road with winter plantings. They will be planting bulbs this week and he feels that they've done a wonderful job in preparing all of the Borough buildings for the holiday season. Members of the Beautification Committee decorated the River Edge tree in Van Saun Park as part of Winter Wonderland. Councilman Papaleo commended the DPW for keeping up with the town wide leaf collection and reported that they've gone around at least 4 times. He stated that they will have to continue because many of the trees have not lost their leaves yet and this becomes an issue because if they're not removed before the first snow, it impedes, obstructs and causes a dangerous situation during snow removal.
Mayor Mignone-stated that it happened once during a Halloween snow storm.
Councilman Papaleo-hopes that we have some wind and rain which will blow the rest of the leaves off of the trees. He thanked the DPW for putting up the snowflake decorations along Kinderkamack Road. Councilman Papaleo was not able to attend the Shade Tree and Beautification meetings last month because he was away at conferences. He also congratulated the River Dell Football and Volleyball teams on their State Championship victories and for our great school systems who support and foster the competitive sports and the achievements that they bring.
Councilman Bartelloni-echoed everyone's comments.
Councilwoman Busteed-also echoed everyone's comments.
Mayor Mignone-also echoed everyone's congratulations to the football and volleyball teams and is wishing a "better luck next year" to St. Peter's Prep, the school that his son attends, who didn't fare as well against Bergen Catholic. The Mayor thanked everyone involved in putting together the tree lighting ceremony and said that it's great to see the kids get excited when Santa comes. Councilwoman Davis asked the Mayor to make an announcement on her behalf with regard to the Fire Department. She had received notification from Chief Schultz and Assistant Chief O'Connell that we graduated three new firefighters last week: Barry Goldbrenner, Kevin Petri and Eric Sugalski. They were 3 out of 125 new firefighters who graduated from the Bergen County Fire Academy. The Firefighter I class is 28 weeks, 2 nights a week traveling to Mahwah and requires attending 3 hour classes which consist of classroom lectures, first aid training, hazmat training and live fire training to total 159 hours of training. The Mayor said that obviously the commitment to do this is vast and serious and he and Councilwoman Davis would like to offer congratulations to them. The Mayor stated that he is the Borough's representative for the Community Development Block Grant Regional Sub-committee and last Friday he was appointed Chairperson for the entire region. One of the benefits was a tour that was arranged to see some of the non-profits who benefit from Community Development funds. They visited 3 non-profits: HIP (Heightened Independence and Progress) which has to do with disabled people, the ARC of Bergen and Passaic Counties which helps people who are mentally and physically challenged find work and the Fair Housing Council of Northern New Jersey. He feels that they need to get better press because they are doing great things for people on a shoestring budget. He felt very encouraged to see the level of commitment and dedication these people have for these different causes. He also hopes that they receive more notoriety because many people don't know that these services are available to them. Lastly, the Mayor thought it was fun to meet Ronald McDonald at the re-opening ribbon cutting ceremony at McDonald's over the weekend and was pleased to see that it was a well-attended event and wished them continued success.

ADJOURNMENT – 7:27 P.M.

On motion by Councilman Bartelloni, seconded by Councilman Chinigo to adjourn the meeting at 7:27 p.m. was unanimously approved.

_____
Mayor Edward J. Mignone

Attest:

_____
Stephanie Evans, Borough Clerk
Dated: