

**BOROUGH OF RIVER EDGE
MAYOR AND COUNCIL
WORK SESSION MINUTES
MONDAY, DECEMBER 4, 2017**

PRESENT:

Mayor	Edward J. Mignone
Councilman	Alphonse Bartelloni
Councilwoman	Ellen Busteed
Councilman	Dario Chinigo
Councilman	Thomas Papaleo

ALSO PRESENT:

Borough Attorney	Thomas Sarlo
Borough Administrator	Alan Negreann
Borough Clerk	Stephanie Evans

ABSENT:

Councilman	Vito Acquafredda
Councilwoman	Mary Davis

Mayor Mignone called the meeting to order at 6:00 pm by reading the Open Public Meetings Act and asking for roll call.

MOTION TO SUSPEND WORK SESSION AND ENTER INTO CLOSED SESSION

Motion by Councilman Chinigo, second by Councilwoman Busteed

All in favor 4-0

Resolution 17-393

CLOSED SESSION TOPICS

Closed Session

Docket #	Item Title or Description	Statutory Reference
17-12/4-1	Litigation – 7 Eleven, Inc., and 584 Kinderkamack Road Associates	N.J.S.A. 10:4-12 (7)
17-12/4-2	Personnel – Police Department Officer Kevin McKeary	N.J.S.A. 10:4-12 (8)

WORK SESSION CONSENT AGENDA

- Amend Agreement with Anthony Suarez, Esq., Special Counsel for COAH in the amount not to exceed \$3,000.00.**

Mr. Negreann explained this would take us to the end of the year and possibly into next year. A motion was made to move this forward onto the regular meeting agenda.

Motion by Councilman Papaleo, second by Councilman Bartelloni to approve.

All in favor 4-0.

BOROUGH ADMINISTRATOR'S TOPICS

- CDBG GRANT APPLICATIONS** – Mr. Negreann explained that we have three possible applications before the Community Development Block Grant program, you are only allowed two. Tonight you have resolutions 401, 402, and 403 and he would like the

Mayor and Council to make a decision on two of the three applications in work session and tabling one of the resolutions that is listed. Resolution 401 is for \$175,500.00 and we have an engineering estimate from Costa Engineering for what we are calling the change of the Oxford Circle and its existing configuration to one where there is parking in there with a proper roadway going through. Resolution 402 is for \$171,500.00 which would be the resurfacing of Oxford and/or Rutgers Place. We have had three phases of work for Community Development doing some minor sidewalk work but mainly replacing the curbs in that area. The third resolution is 403 for \$5,000.00 for wellness activities for the senior citizens. As you aware at the last meeting he did ask the liaison to go back to SCORE and see if they were receptive to having programs like this rather than just doing the application and announcing we have money for it. He wasn't sure whether any word has come back from SCORE as to whether they have any interest in it. The problem is that we do have a deadline of December 8 to have these in the office of the Community Development Block Grant and the resolutions as part of the application. He does need a decision tonight as to which applications to submit. Mayor Mignone said that he thinks we would at least table the Oxford conversion since the cost is \$176,000 and we got \$60,000 last year and they are expecting almost up to a 50% cut this year. He doesn't know until we get into the budget if we will even have the money to supplement it, even if we \$30,000. It doesn't look something we would be able to phase so he would suggest we don't do that one. He would be more inclined to do the continuation of the regular Oxford one because whatever we get we probably can just scale it and do as much as we can with whatever money we just get and keep the senior citizen one. A motion was made for the two grants, one for the continuation of Oxford and the other for wellness.

Motion by Councilman Papaleo, second by Councilman Chinigo to approve.

All in favor 4-0

2. **Contract – Koteen Associates** – Mr. Negreann explained we had a contract that we awarded in 2013 with this vendor that was supposed to be a 24 month contract but it could only be terminated if we gave due notice. We never gave due notice and we have given them some payments, they were scheduled to receive 40% of the savings that we generated which was approximately \$10,000 in savings over these years so they received close to \$4,000 and we accrued about \$6,000 in savings. He has to tell Mayor and Council that this a very unique area and he doesn't make a representation as being able to verify whether we have these savings or not. Frankly you would need another expert to check on their work. The question for the council is whether to continue the contract, if not your options are to provide notice, do final billings, and then we would conclude this contract. That does not stop you from going out to bid again and seeing if they are the low bidder and then doing another 2 or 3 year contract once you devise the specifications for them. Mr. Sarlo wanted to make one clarification that they get 40% of any savings that they realize for 24 months. So they don't get that 40% forever until you say no more. It's as soon as they tell you we saved you \$10.00 on this phone bill, they get \$4.00 a month on this savings for the next 24 months. He doesn't know if they had any savings after their initial audit and if they have come back and said we have initial ones that is something you are going to have to look at. It's only 24 months from when they realized the savings. You are not paying 40% forever until you tell them. Mayor Mignone stated that to him if they only found \$10,000 now it looks like they probably found whatever they are going to find. A motion was made to give notice to terminate the agreement.

Motion by Councilman Papaleo, second by Councilman Bartelloni

All in favor 4-0

3. **Elected Officials JIF Training – River Edge Host** – Mr. Negreann began by stating that Mayor and Council go through training by the Joint Insurance Fund and we receive a \$250.00 for each one of those elected officials and himself that goes through the training. The training was offered down at the League of Municipalities, some of the council he thinks took advance of that session down there. The training will also be available electronically, but he hasn't received instructions yet to pass along to you. In addition the JIF does provide in-person training at various locations throughout Bergen County. If you would like to hold one of the training sessions here before a council meeting that could be done. It is about an hour in length and we would open it up to other towns who might want to send their elected officials here for that training. You can accomplish it in one evening for those of you who haven't taken the League of Municipalities version or prefer to do it electronically. It's just a thought to make it a little bit more convenient for those who don't want to travel to another location. Councilman Papaleo stated he would prefer to do it electronically, but if you want to do it in session he'll do it. Mr. Negreann explained that he didn't have to be here if the session was 5pm to 6pm. Councilman Bartelloni stated this was just to host it, Mr. Negreann replied we would host. Mr. Negreann explained that it was done many years ago, New Milford has done it, and he has no problem doing it. It would make it more convenient for those that need to take it and we would do it an hour before our regular meeting or work session. A motion was made to host the JIF training.

Motion by Councilman Bartelloni, second by Councilwoman Busted to approve.

All in favor 3-0

Abstain: Councilman Papaleo

UNFINISHED BUSINESS

- **Borough of River Edge Senior/Community Center** – Mayor Mignone provided an update by saying Councilmen Acquafredda and Bartelloni and himself met with representatives of the Shade Tree Commission again. They had some new concerns after looking at plan a little closer. We forwarded their concerns to the architect and he is seeing what may or may not be done from a feasibility standpoint. We haven't gotten any more direction so we have to wait what the architect comes back with. Councilwoman Busted said that she spoke with Councilman Bartelloni and we don't have a date set yet for the public presentation of the plans it wouldn't be until the next...Mayor Mignone said that at this point yes because the changes that they are asking could be substantial if they are feasible. But there are other constraints...Councilman Chinigo wanted to know what they are asking. Mayor Mignone replied they are concerned with the number of trees that have to be moved and it may not be possible to reconfigure the site the way they want. We have the architect looking at it and until we get some direct feedback we will reserve judgment until Councilman Acquafredda gets back to us. Councilman Bartelloni wanted to add that he was meeting with the Cultural Center this coming Sunday during their normal meeting, which he will be attending.
- **Shade Tree Commission** – Councilman Papaleo reminded Mayor Mignone that it was suggested this item be removed from the agenda. A motion was made to remove Shade Tree Commission from Unfinished Business as a regular listed item.

Motion by Councilman Papaleo, second by Councilman Bartelloni to approve.

All in favor 4-0

Councilman Chinigo wanted to know if there was an update on the crosswalks at Wayne Ave. and Kinderkamack that we were talking about installing, and also the one at 7-

Eleven and Kinderkamack. Mayor Mignone replied no and asked Councilman Bartelloni if Traffic and Safety discussed Wayne again. He knew we got the recommendation to go forward, it was a matter of funding. Councilman Bartelloni replied we are asking Mr. Costa for a cost estimate and he doesn't think we got it back yet. That is what we are waiting on. Mayor Mignone said he asked Gary Ascolese down at the League to follow up with the county for us, he was the County Engineer at one point. Mayor Mignone said he will follow-up with him tomorrow. That one should be easy. Councilman Bartelloni asked Mr. Negreann if he could just follow up with Mr. Costa and ask him where he is at in terms of giving us a cost estimate. Councilman Chinigo wanted to know if we asked him for both. Mayor Mignone replied that county will stripe the other one, there is no issue. The issue with the Wayne one is that there is no sidewalk on the side on each side, no handicapped ramp on that side. Councilman Chinigo said so the one on the 7-Eleven side we have to ask the county, Mayor Mignone replied yes the county and they just redid some more, but we will find out.

NEW BUSINESS

Councilman Papaleo wanted the Council and Traffic and Safety to consider to put some additional traffic calming actions on Howland if at all possible. We spoke about maybe striping being a good idea to narrow the lane. He was grateful for the data that the Mayor shared with him from the speed sign that is there. Some residents shared their concern that to them it seemed there was very fast traffic movement. Maybe some striping if Traffic and Safety could review that again and consider or have other ideas that would be at least something we could look at again. Mayor Mignone stated that he had a conversation with Mr. Ascolese and he indicated he thought there was still money in Boswell's task order allocation and the Mayor asked Mr. Negreann to check on that. Also if there is still money we will have Mr. Ascolese (inaudible) Traffic and Safety again to see, even though he doesn't think really think that was a major topic of conversation yet, doing any kind of traffic calming. (simultaneous talking) You are not going to make the warrants, so there are other way to traffic calm. Councilman Chinigo asked if we were talking about crosswalks again. Mayor Mignone replied not necessarily crosswalks, but they were looking to do 4-way stops and people always suggest speed humps/bumps but based on DOT guidelines that road would never qualify anyway the value is way too high. Councilman Chinigo asked about a 4-way stop sign. Mayor Mignone stated he didn't think that would be warranted either because it has to do with the balance of traffic going each way. He doesn't believe there is enough north/south traffic to warrant a 4-way stop. A 4-way stop is usually if you have two especially busy roads and you can't get across. There are specific warrants under the DOT guidelines, road conditions, traffic volume, and all those kinds of things. Councilman Chinigo asked about striping per crosswalk or just...(simultaneous talking) Mayor Mignone said that generally a center line will slow traffic down, it's a visual constraint but most people don't want it because they think it looks to urban. Councilman Chinigo asked if that could be considered on Bogert Rd, and Fifth Ave. Mayor Mignone's reply was we spoke about that in the past. Councilman Papaleo referred to his conversation with the Mayor by saying the Mayor helped him to understand as he is an engineer for Fort Lee about warrants and constraints, what might we be able to do is striping and that is what he is asking the council to have Traffic and Safety consider. At least we can go back to the residents and say this is what we could do. Mayor Mignone stated that we should also get an update from Chief Cariddi on enforcement actions and what he's found, summons given. The larger other question and we may have spoken about it, is there a way to modify traffic during rush hour coming off of marginal road. It difficult to enforce but you can do one of those things where it is one way between say between 4 and 6pm so

you don't have people doing the cut through. Traffic is like water, it will find its path when it needs to. Those are the kinds of things that you can still consider and he thinks having Mr. Ascolese sit with Traffic and Safety and looking it at might have you come up with something different. Councilman Papaleo thanked the Mayor.

OPEN TO THE PUBLIC

Motion by Councilman Chinigo, second by Councilman Bartelloni to open.

All in favor 4-0

Jim Lempenau, 18 Kimberly Way – President of the River Edge Swim Club. He knows that it was brought up before here but he doesn't think that some of the information that was shared between Maureen Nobel, the Treasurer, and the Mayor. It was felt that maybe the council didn't have some of the more pertinent information. We have 434 full time members, cover 14,057 people, 81 limited use members, covering 147 seniors. If you add in the babysitters, clergy that adds up to 1,945 members, we are about 16% of the town that are members of the club. Their maximum full time membership is 530 and their current rates we are down \$56,160.00 in fees. When you talk about the interest on the bonds, extra guest passes, part time memberships, ice cream sales all that kind of stuff adds up to approximately \$60,000.00 for about 17% of our total budget. Yet with that loss in revenue we have been maintaining ourselves very well. We have had family and residents come over 23,000 times which isn't too bad considering that we are open for a little over two months during the year. We have not just be sitting by idly watching the 17% in revenue decrease and we are still continuing to provide safe services. We advertised in the banners, we are putting in Val-paks, we put up posters in local businesses, we enlist sponsors to come down and pitch our local businesses for minimal compensation. We are running our first fund raiser next week. Last year we ran more events at the pool then we have ever done ever, at least that we could find out in our history. We have combined management positions, we made strategic investments that have cut down on on-going maintenance costs. We have taken on a majority of improvements with volunteer work. So it's not that we are sitting idly by. Two clubs in our area have been hit with larger capital expenditures and we are putting money aside for that. We know that it coming for example you have to sandblast the pool every 3 or 4 years, the money is set aside for that. We are planning for these events because we know that they are going to come. The council has been tremendously supportive of the swim club over the years, you have allowed us to advertise on the front bulletin board, and last year it was huge with the JIF insurance and we could not be more grateful. Our number one expense is salaries and number two is payroll taxes, and number three is real estate taxes. Like any group trying to be fiscally responsible here he is trying to see if there is anything that can be done. Their current lease is \$1.00 and we pay the taxes and currently announced \$19,998.60 in 2016. If you break that down per member its \$46.00 a full time a member or 7.8% of their dues to pay taxes. Clearly we know that it is essentially rent but we have our tax bill. This is something other clubs in Bergen County such as Oradell do not have, so we are not even competing against unfair ground. Unlike other groups that he is sure that come before us he doesn't think that we are really a drain. First of all they are a not-for-profit, but we are an enhancement to this town. We never send a child to elementary schools, we give them a place to play and teach them how to swim. We'll never send a child to River Dell, we employ them as guards. We never need senior citizens and we provide a drastically reduced for those senior members, about half off. We never take advantage of garbage pick-up, we rarely need police assistance and yet we host their fund raisers and we don't compete with local businesses but we give them a place to advertise. We feel that it is not only a good park for play it's also good advertising for this town as well. We are one of few in this area that have really vibrant pool situation. We are coming to you to ask is threefold, one is to see if it could possibly open up discussions, renegotiate the physical part of the lease – to increase the rent portion renew the local taxes, the second is to

remove specific restrictions on the noise and operating hours to be with the town code. We have our own set of rules which if you really want to go through the lease dating back to 1960 that is where they are. And to allow us to add non-residents only if we are not at full capacity, we are always going to be River Edge first, specifically in regards to the fiscal terms. Our tax breakdown is as follows, we pay \$1,700 to county, \$6,600 to River Edge schools, \$62,000 to River Dell schools, \$5,000 to the town, \$231.00 to the Library, and \$18.00 to Open Space. Whatever this council is concerned with losing let us do that, let that be the rent and not the \$1.00. We are open ¼ of year and yet we pay a full burden and utilize none of the services. Perhaps let us pay a quarter of the taxes since that is all we are open for and this town does use parking lots for other activities such as for the fields, snow dumps, and things of that nature. Let's just pay the amount to the town or the amount to the schools, something. We are already at a disadvantage relative to other clubs and we are just basically asking for us to get a fair shot. In regards to noise and operating hours again this is trying to make simple for the town. Right now if you change the town ordinances it doesn't affect us which seems a little weird that there is two sets of rules. It does hinder our ability to do things like fund raising events. Having our rules being the same as everyone else would allow us to one make your rules simple and give us a better chance at having increased fund raisers and other events to help us be more self-sufficient in the longer term. Regarding the non-residents, it's not shocker that a lot of other towns do have this clause that they do allow non-residents. Firstly he wants to reiterate, we will always be River Edge first, and all that we are talking about is with referral other River Edge resident who is a member only when there is some capacity remaining. Right now we have 96 spots open so let us open some of those to our neighboring towns on a referral basis. Right now that is stuck within the lease terms and it does make it difficult as our numbers do decrease. That is the ask and he knows it is not a small one. Mayor Mignone stated that the council had a detailed discussion at the last council meeting and the previous one. The consensus was a unanimous decision of the council was that they were not inclined to modify the financial terms for a number of reasons. We just can't do it legally without either turning the property back over to the borough. Oradell turned the property back over to the borough, we can't do that here. We just can't say not to pay the school taxes, we can't let you say you will only pay a ¼, all those kinds of things don't work. The reality is that if you weren't to pay your taxes that \$13,000 that goes to the schools would be distributed to the rest of the taxpayers. As last year we assumed your insurance also which was a couple of thousands of dollars. He thinks the council is open to negotiating any of the other operational terms, that was his recollection and how he thinks it was left. Mayor Mignone asked the council if it was left with contracts or did we say how we were going to approach it. Councilman Bartelloni stated that he abstained so he didn't say anything. Council thought it was contracts. Mayor Mignone said that it would be referred to the Sub-Contact Committee and they can meet with you. Councilman Chinigo suggested bring a full proposal as to exactly what the changes are, what the old and what the new is, it would make it easier for us to get through it. Mr. Lempenau said they would essentially just strike any language specifically for our restrictions for noise and ordinances and refer to one line to addendum saying whatever was in there the strike can be replaced with whatever is on the current town at the time. Mayor Mignone asked about the 96 open spots, what percentage of the membership does that represent. Mr. Lempenau replied that they were 96 out of the 434, if anyone has a calculator handy. Mr. Negreann provided that figure of 22. Councilman Papaleo asked if they were looking to create language to specifically say that residents would be given first opportunity. What about if you are a non-resident, never mind this is for contract, he apologized. Mr. Lempenau said he appreciates the council concern that you always want to make sure that a River Edge resident could become a member, so he doesn't think you want to put in a situation where we are at 530 filled up by non-residents and then a new family come in and can't join. But he is sure that we could leave some cap, we know roughly what our number turnover... Councilman Papaleo said his thinking would be say would a non-resident the second year have the same rights as a

resident or are they again have to be wait listed depended upon whether residents fill up. How long would they have to be wait listed, that is all contracts. Mr. Lempenau said luckily we can change the By-Laws with a vote of the majority which should be fairly easy to do. If the council does have those concerns, or the Contracts Committee, we would be happy to allow you to have that comfort level that we are always putting River Edge residents first. In such a way hypothetically at the beginning of every year if we have more residents that come then the non-residents are forced back, whatever you require. Councilman Bartelloni asked if the borough owns the property its tax exempt, we wouldn't have to pay school taxes, Mayor Mignone replied that was correct. Councilman Bartelloni continued by saying the agreement was they pay as rent, Mayor Mignone said no, as taxes. Councilman Bartelloni said if we were the land owner, we don't have to pay it, but they lease from us. Mayor Mignone said we look at it as if it's the equivalent as if someone else owned it. The question is do you want to say to the rest of the taxpayers that you want to subsidize \$13,000, that may not be a lot but that is the question. Councilman Bartelloni asked if there was a portion...Mr. Lempenau said that even if it was \$13,000 that would cut them down \$6,000.00 Mayor Mignone was saying, do you want to have the rest of the taxpayers say you are going to pick up the \$13,000 for the swim club, that is where the question becomes...Councilman Papaleo mentioned yes cause we transfer in Bergen then. Mr. Lempenau replied a 100%, we are .039% of the River Edge budget, and our taxes are .012% of the River Edge school district. Mayor Mignone said asked Mr. Lempenau if he was ready to say to the residents that we are increasing your taxes \$2.00 year because of that. It may be minor but that's... Lempenau agreed that a dollar is a dollar 100%. Councilwoman Busted asked if you were to modify the membership criteria and allow non-residents to become members when you are not at capacity, did she understand correctly that would go in the By-Laws and be subject to a vote by the membership. Mr. Lempenau replied there are two restrictions, one is in the By-Laws which we have more lenience to change and the other is in the lease which is where he would need the agreement on faith and yes it would have to go in the By-Laws as well. Councilwoman Busted's asked it's the membership who votes on that, Mr. Lempenau's reply was of course. Mayor Mignone asked if there could be a cap on that, when do you get a point where you are at a number from outside residents where it's not financial feasible. Mr. Lempenau said that if that is a concern of Mayor and Council than that would be, no objection to putting some sort of cap on outside residents whether it be a straight amount or a percentage. If those are concerns that's perfectly fine. Councilman Papaleo said he couldn't speak for the council but he thinks the Mayor characterized it correctly we are very open to those two area, hours and non-residents and some...Mr. Lempenau said it cost nothing fiscally and the whole hope is it lets us keep the cost for our residents lower. If you are allowing for the noise and those things of that nature it allows us to still be within the town regulations that are specified whenever you make these changes, to just do maybe a little bit more fundraising to help lower our costs. Councilman Chinigo asked if they had polled the membership to see if they were amiable to this. Mr. Lempenau said they have and as for the noise ordinance they have asked us numerous times if we could...Councilman Chinigo asked about the non-residents portion and he was afraid people might start saying well now it's no longer our town club and maybe they don't want to pay the money every year to be surrounded by people they don't know. Mr. Lempenau said in polls that they have done it has passed, yes. To Councilwoman Busted's point they would have to vote on it in terms of the By-Laws, so if the majority of the numbers strike it down they could bring it to any of our open meetings and request a change to our By-Laws at point in time. The members of course have full authority in that regard. Supposed it even passes in the By-Laws then three years from now there is tremendous objection to that all it just takes is one member to put a motion on the board and it has to be voted on. Councilman Chinigo said he was more concerned about us doing all this work and getting into it and it just being voted down overwhelmingly because it possibly hadn't been brought up to the membership. As long as the membership is for it he certainly has no objection to hearing what the proposal is and working in

any possible to make it happen to save the club. Mayor Mignone asked if there was any idea what outside interest there is from other towns. He knows New Milford is trying to do it and it hasn't been very successful in getting people over there. Mr. Lempenau stated he would not imagined it being high and in reality the biggest one would probably Oradell. There are a lot of synergies between River Edge and Oradell and we do know that Oradell's swim club is experiencing some fiscal issues, the extent they keep close to the chest, but we hear it sever. One could assume that they will either be taken under or go under whatever the case may be. If that does happen we would like to be in a position where by we could offer them memberships at our club. They would probably be the biggest influx. He also knows that for example the New Milford pool is having a lot of mechanical issues so we are preparing. It would be foolish for him to and ask for you after each of those events happened and those people are starting to search and we are not ready, he would rather ask now. Mayor Mignone stated that Mr. Negreann would coordinate a meeting with you and the contract sub-committee.

CLOSE PUBLIC HEARING

Motion by Councilman Bartelloni, second by Councilman Chinigo to close.

All in favor 4-0

Mayor Mignone wanted to return to unfinished business to speak about an email that was received today regarding the bike presentation. We just need to make a decision as to whether we are going to endorse it or not. Councilman Busteed stated that an impact of an endorsement is simply to say that we think biking is good. She asked if anyone knew the amount of people that biked across the bridge as commuters, there were no answers. The Mayor did explain the issue Fort Lee had with an abutment. The Mayor again asked for a motion to either support or table because a response was owed to the requestor. The consensus was to discuss it in 2018.

Councilman Chinigo wanted to do something for the women of River Dell Volleyball who won the State Championship and in the meantime the River Dell men also won a State Championship. Councilman Papaleo wanted to make that a standing action when one of our student teams reach that level we automatically put it on the agenda. Mayor Mignone replied that someone would have to bring it up, who would monitor that, he not disagreeing, but procedurally it needs to be brought up. Councilman Chinigo stated that sometimes we are not notified that some of the smaller teams won something. Mayor Mignone wanted to do on one night since we only had one more meeting this year with a proclamation and certificates of accommodation.

Motion to Adjourn @ 7:05 pm

Motion by Councilman Papaleo, second by Councilman Chinigo

All in favor 4-0

Stephanie Evans, RMC, CMR
Borough Clerk