

M I N U T E S
Meeting of the Mayor and Council
Monday, December 5, 2011
8:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Watkins called the meeting to order at 8:02 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

Mayor Watkins called for a moment of silent prayer and asked Councilman Bartelloni to lead the salute to the flag.

STATEMENT -

Mayor Watkins 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 24, 2010 to THE RECORD and THE RIDGEWOOD 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, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon, Councilman Cordts and Mayor Watkins were present.

APPROVAL OF MINUTES - By Consent

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the minutes of the work session and regular meeting of the Mayor and Council on November 21, 2011.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the minutes of the work session meeting of the Mayor and Council on November 28, 2011.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

PROCLAMATION & AWARDS - NONE

APPOINTMENTS & PERSONNEL CHANGES

Motion by Councilman Porco, seconded by Councilman Bartelloni to approve the hire of Giselle Blasco, 15 Coles Court, as part-time Accounts Receivable Clerk at the hourly rate of \$15.74, 20 to 25 hours per week with a six-month probationary period, effective January 3, 2012.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

Motion by Councilman Cordts, seconded by Councilman Cannon to approve the completion of the six-month probationary period for Adrienne Capasso, Health Department Secretary, effective December 6, 2011.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the change in hours and salary for Joanne Scanno, Accounts Payable Clerk from 25 hours per week to 27 hours, from an annual salary of \$25,090.00 to \$27,097.00 effective December 6, 2011.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

Motion by Councilman Moscaritolo, seconded by Councilman Bartelloni to approve the resignation of Christopher Caruso, Chairperson on the Planning Board effective immediately.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts

voted yes.

Motion by Councilman Cannon, seconded by Councilman Bartelloni to approve the appointment of Robert Nyman to fill the unexpired term of Christopher Caruso on the Planning Board through 12/31/13 effective immediately.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes; Councilman Moscaritolo abstained.

CORRESPONDENCE -

Letter - JoAnn Wilson - 11/28/11
Re: Thank you DPW
Letter - Harold De Young - 11/28/11
Re: Resignation from Zoning Board
Letter - Borough of New Milford - 11/23/11
Re: Reservoir Manipulation Request to DEP
Letter - State of N.J. - DEP
Re: Groundwater Clean-up-BP Station
Letter - State of N.J. - DEP
Re: 5-Year Community Forestry Mgt. Plan
Notice - River Edge Board of Education - 12/2/11
Re: Public Meeting - December 7, 2011
Letter - Christopher Caruso - 12/5/11
Re: Letter of Resignation

MONTHLY REPORTS -

Board of Health - September 26, 2011
Library Board - November 15, 2011
Beautification Committee - November 10, 2011
Tax Collector - October 31, 2011

Hearing - River Edge Public Library Carpet Bid

Motion by Councilman Cordts, seconded by Councilman Bartelloni to open the hearing on the River Edge Public Library Carpet Bid.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

Suzan Globus - Globus Design Associates - stated that she understands that the Council has heard from experts regarding chemistry, content of yarns and differences in the technical specifications of the carpet bids. She continued by saying that she was hired to redesign distinct areas in the Library for the childrens area, young adults and adult area and carpet pattern was one way to do that. She has thirty years of designing experience and understands that because the Library is a public place most likely the carpet would not be vacuumed everyday and chose this particular carpet because of the color and pattern. She explained that if you use carpet tiles, you can change out carpet if you have a spill on it. It is an industry selling point to say you can pop an old tile out and put a new one in but the fact of the matter is when you do that, the new tile stands out like a sore thumb for a while because the others are worn. She continued by saying that by choosing patterns, when you do change the carpet patterns that are worn, you create less of a contrast and it blends better.

Sam Cereste, Esq. - asked if she prepared the design specifications for the carpeting?

Suzan Globus - replied, yes.

Sam Cereste, Esq. - stated that there was testimony and statements made with reference to the nylon being 6.6 or 6, the number of stitches per inch and the dye yarn and so forth. He asked if she feels there is a substantial difference between the Lees and the Flor Interface?

Suzan Globus - stated that she feels that there is a significant difference because the 6.6 nylon has been developed to be more durable and she chose that carpeting for that reason. She also feels that the difference in the warranty is another significant factor.

Sam Cereste, Esq. - ask Ms. Globus if it would be correct to say that she feels that the Flor Interface and the Lees are not equivalent and also asked if its because of the type of nylon?

Suzan Globus - explained that there are a couple of reasons; the type of nylon, a stronger pile and this particular company allows for different patterns and colors.

Hearing - River Edge Public Library Carpet Bid

Motion by Councilman Cordts, seconded by Councilman Bartelloni to close hearing on the River Edge Public Library Carpet Bid.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

ORDINANCES - 1st Reading

Councilman Porco-stated that he would like to table Ordinance #1745 until the new appointments are made for 2012.

Judy O'Connell, Deputy Borough Clerk read the title of Ordinance #1745 as follows:

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Ordinance #1745 - AN ORDINANCE AMENDING ORDINANCE #1454 CREATING AND ESTABLISHING THE RIVER EDGE BEAUTIFICATION COMMITTEE

Motion by Councilman Porco, seconded by Councilman Cordts to TABLE the first reading of Ordinance #1745 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1745

AN ORDINANCE AMENDING ORDINANCE #1454 CREATING AND ESTABLISHING THE RIVER EDGE BEAUTIFICATION COMMITTEE

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, State of New Jersey that Chapter 15-1 Establishment; membership of the Beautification Committee of the Code of the Borough of River Edge shall be amended as follows:

SECTION I:

The Committee shall consist of twenty-five (25) members who are citizens and residents of the Borough of River Edge.

SECTION II:

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

SECTION III:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

SECTION IV:

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

Mayor Margaret Falahee Watkins

Attest:

Denise A. Dondiego, Borough Clerk
Dated:

ROLL CALL VOTE: Councilman Bartelloni, Councilman Porco, Councilman Mignone and Councilman Cordts voted yes; Councilman Moscaritolo and Councilman Cannon voted no.

Councilman Moscaritolo-asked for this ordinance to be tabled pending further research by the Borough Attorney regarding COAH and zoning issues.

Judy O'Connell, Deputy Borough Clerk read the title of Ordinance #1746 as follows:

Ordinance #1746 - AN ORDINANCE AMENDING CHAPTER 416, ZONING, ARTICLE VIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

Motion by Councilman Moscaritolo, seconded by Councilman Cannon to table the first reading of Ordinance #1746 as follows:

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BOROUGH OF RIVER EDGE
ORDINANCE #1746

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

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

Section I:

§ 416-36.1 Senior Citizen Housing Conditional Use District is amended to Multi-Family and Senior Citizen Housing Conditional Use District.

Section II

§ 416-36.1 B. (1) is amended as follows:
Use. Any multifamily residence proposed under this section may include senior citizen occupancy which means that occupancy must be by families or individuals one or more of whom is 55 years of age or older. In addition to occupancy by at least one senior citizen, no individual younger than 19 years of age shall be permitted to permanently reside in the unit.

Section III

§ 416-36.1 B. (2) (e) is amended as follows:
Minimum setbacks from other abutting property lines: 30 feet. Section IV
§ 416-36.1 B. (2) (g) is amended as follows:
Maximum total impervious coverage: 75% of total site area. Section V
§ 416-36.1 B. (3) (a) [1] is amended as follows:
Maximum building height:
[1] Fronting on a county road: three stories and no more than 40 feet above grade at the front foundation line. In addition a decorative parapet or other architectural details can be used provided they do not exceed an additional five feet above the roof line.

Section VI

§ 416-36.1 B. [3] (d) is amended as follows:
(d) A multifamily residential development in this Zone -District -may consist of one or more principal dwellings or buildings on the property or lot, provided all bulk requirements of the development are in compliance with this ordinance.

Section VII

§ 416-36.1 B. (5) (b) is amended as follows:
(b) Parking shall be permitted in the front yard provided (i) the minimum setback or front yard is 80 feet measured from the building(s) foundation or footprint to front property line and (ii) a natural landscape buffer is installed along the front property line.

Section VIII

§ 416-36.1 B. (9) is amended as follows:
(9) Low-and moderate-income housing requirement. Provided the Borough of River Edge has enacted a Housing Element with promulgated controls for Low and Moderate Housing in compliance with the Council on Affordable Housing ("COAH"), any development shall provide, on site, a number of affordable units equal to the number of such units as may be required under COAH rules.

Section IX:

All ordinances inconsistent with the provision of this ordinance are hereby repealed as to any such inconsistencies only.
If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

Section X:

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

Margaret Falahee Watkins, Mayor

ATTEST:

Denise A. Dondiego, RMC Borough Clerk
Dated:

ROLL CALL VOTE: Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes; Councilman Bartelloni recused himself.

Judy O'Connell, Deputy Borough Clerk read the title of Ordinance #1747 as follows:

Ordinance #1747 - AN ORDINANCE TO AMEND ORDINANCE #1726 TO FIX THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, AND STATE OF NEW JERSEY FOR THE YEAR 2011

Motion by Councilman Cannon, seconded by Councilman Cordts to approve the first reading of Ordinance #1747 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1747

AN ORDINANCE TO AMEND ORDINANCE #1726 TO FIX THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, AND STATE OF NEW JERSEY FOR THE YEAR 2011

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

Section 1: The compensation for the part-time positions and officers of the Borough of River Edge for the year 2011 shall be as follows:

	<u>Hourly</u>	<u>2011</u>	<u>Annually</u>
<u>CONSTRUCTION/CODE ENFORCEMENT</u>			
Building Inspector			\$8,962 - \$9,958

Section 2: This ordinance shall take effect immediately after the first publication after final passage as provided by law.

Margaret F. Watkins, Mayor

ATTEST:

Denise A. Dondiego, Borough Clerk

DATED:

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

ORDINANCES - 2nd Reading

Judy O'Connell, Deputy Borough Clerk read the title of Ordinance #1744 as follows:

Ordinance #1744 - BOND ORDINANCE TO AMEND THE FOLLOWING BOND ORDINANCES PREVIOUSLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY: BOND ORDINANCE NOS. 1728 AND 1729, BOTH ADOPTED ON APRIL 18, 2011

Ordinance #1744 was introduced by Councilman Porco, seconded by Councilman Cordts at the November 21, 2011 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1744

BOND ORDINANCE TO AMEND THE FOLLOWING BOND ORDINANCES PREVIOUSLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY: BOND ORDINANCE NOS. 1728 AND 1729, BOTH ADOPTED ON APRIL 18, 2011.

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. Section 3 of Ordinance No. 1728 entitled: "BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF INTERSECTION IMPROVEMENTS AND INSTALLATION OF A TRAFFIC LIGHT AT KINDERKAMACK ROAD AND HOWLAND AVENUE (PHASE I) IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$889,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS" adopted by the Borough Council of the Borough of River Edge, in the County of Bergen, New Jersey (the "Borough") on April 18, 2011 is hereby amended to increase the amount of statutorily permitted expenses included in the cost of the purposes authorized from \$75,000 to \$97,000 (an increase of \$22,000), and shall hereafter read as follows:

"Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$889,000, and (4) \$44,450 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$844,550, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$97,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law."

Section 2. Section 5 of Ordinance No. 1729 entitled: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$448,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS" adopted by the Borough Council of the Borough on April 18, 2011 is hereby amended to increase the amount of statutorily permitted expenses included in the cost of the purposes authorized from \$35,000 to \$48,000 (an increase of \$13,000), and shall hereafter read as follows:

"Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$48,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law."

Section 3. The capital budget is hereby amended to conform with the provisions of this amendatory bond ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 4. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Margaret Falahee Watkins

Attest:

Denise A. Dondiego, Borough Clerk
Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1744

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

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

CLOSE HEARING OF THE PUBLIC - Ordinance #1744

There being no comments by the public, motion by Councilman Cordts, seconded by Councilman Cannon to close hearing of the public.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

ADOPTION - Ordinance #1744

Motion by Councilman Cordts, seconded by Councilman Porco to adopt Ordinance #1744.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

RESOLUTIONS - By Consent

Motion by Councilman Mignone, seconded by Councilman Cannon to approve resolution #11-418 through #11-423.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

#11-418 Resolution to Go Into Closed Session and Exclude Public

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

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

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

1. That the public shall be excluded from the December 5, 2011 meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session Docket #</u>	<u>Item Title or Description</u>	<u>Statutory Reference</u>
11-12/5-2	Review of Closed Session Minutes of October 17, 2011 and October 24, 2011	N.J.S.A. 10:4-12(3)
11-12/5-3	Personnel - Hiring of Accounts Receivable Clerk	N.J.S.A. 10:4-12(8)
11-12/5-4	Personnel - Update of Hiring of Police Officers	N.J.S.A. 10:4-12(8)
11-12/5-5	Personnel - Tax Collector Position/ Outside Support - 2012	N.J.S.A. 10:4-12(8)
11-12/5-6	Personnel - Building Inspector Position	N.J.S.A. 10:4-12(8)
11-12/5-7	Personnel - Accounts Payable Clerk- Joanne Scanno	N.J.S.A. 10:4-12(8)

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

3. This resolution shall take effect immediately.

December 5, 2011

#11-419 Resolution Opposing United Water Rate Increase

WHEREAS, United Water has petitioned the Board of Public Utilities (BPU) for a rate increase for water service to its residential customers effective May 1, 2012; and

WHEREAS, the Borough received a letter from United Water dated October 25, 2011, outlining the rate increase; and

WHEREAS, the estimated average increase per quarter is 23.91%; and

WHEREAS, this is an exorbitant increase that will adversely affect every resident in the Borough through direct billing by United Water without a breakdown of costs or explanation of profits; and

WHEREAS, the proposed rate increase, which far exceeds the 2% cap under which municipalities must abide, will have a direct impact on the 2012 Borough budget; and

WHEREAS, residents will be forced to pay the proposed rate increase for their home and municipal water rates.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge are adamantly opposed to this dramatic and exorbitant rate increase.

BE IT FURTHER RESOLVED that the Borough of River Edge urges the BPU to reject this rate increase as exorbitant.

BE IT FURTHER RESOLVED that the Borough of River Edge requests all municipalities in the United Water Service Area to oppose this rate increase and contact the BPU to register their opposition on behalf of all residents and rate payers.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the BPU, Governor Christie, our State Legislators, and the Bergen County Flood Task.

December 5, 2011

#11-420 Change in Personnel Policy & Procedure Manual-Section II, Subject 4, Orientation

WHEREAS, the Borough of River Edge adopted a Personnel Policy and Procedure Manual on March 7, 1983 via resolution #83-58; and

WHEREAS, the Mayor and Council of the borough of River Edge desire to change Section II, Subject 4, with regard to Orientation; and

WHEREAS, the Mayor and Council considered at their work session of November 21, 2011 making those changes to the Personnel Policy and Procedure Manual.

NOW, THEREFORE, BE IT RESOLVED that the Personnel Policy and Procedure Manual of the Borough of River Edge shall be changed in the following manner:

1. Change the following words to Section II, Subject 4 - Orientation

Policy

All new employees including elected officials of the Borough of River Edge will participate in an orientation of the municipal organization, arranged by the Administrator, with the appropriate Department Head.

Procedure-

New paragraph #7 - All newly elected officials shall be required to attend basic courses on responsibilities and obligations in Local Government (i.e. budgeting, policy setting, local government contracting, risk management and compliance with the Open Public Records Act).

Matter underlined thus is new matter.

Matter enclosed in bold-faced brackets [thus] is not enacted.

December 5, 2011

#11-421 Authorize Clerk to Re-Advertise Request for Proposals for Mechanical Engineering Services to Design HVAC Upgrade to Borough Hall

WHEREAS, the Clerk was authorized to advertise Request for Proposals for Mechanical Engineering Services to Design HVAC Upgrade to Borough Hall via resolution #11-391 dated November 7, 2011; and

WHEREAS, nine (9) requests were made for the RFP; and

WHEREAS, no proposals were received for this project on the due date of November 29, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Borough Administrator is authorized to change the scope of service to incorporate the recommendation of the Borough Engineer.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to re-advertise the Request for Proposals for Mechanical Engineering Services to Design an HVAC Upgrade to Borough Hall.

December 5, 2011

#11-422 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: Sanitation Landfill O/E	32-4652-124	\$5,300.00
TO: Municipal Clerk O/E	20-1202-028	\$5,300.00
FROM: Sanitation Landfill O/E	32-4652-124	\$8,000.00
TO: Vehicle Maintenance	26-3152-173	\$5,000.00
TO: Petroleum Products	31-4472-166	\$3,000.00

December 5, 2011

#11-423 Resolution in Support of Assembly Bill #4287
(Sponsored by Schroeder/Wagner)

WHEREAS, flooding of land may result in loss of life, damage to property, and unsanitary conditions, all of which are detrimental to the health, safety and welfare of the residents of lands in the area threatened by flooding; and

WHEREAS, substantial flooding has repeatedly occurred in several areas of this State located downstream from reservoirs, which, in some cases, may have been caused or exacerbated by high reservoir levels; and

WHEREAS, it is in the public interest to minimize and prevent the loss of life and property, disruption of commerce, and impairment of the tax base by ensuring that reservoirs are kept at levels satisfactory for the public water supply but protective of the public from the dangers and losses attributed to flooding; and

WHEREAS, legislation has been introduced in the Assembly to call upon the Department of Environmental Protection to: identify each reservoir in the State that has a documented record of flooding, as determined by the department; study and assess the downstream river or stream capacity and the water reservoir; identify each municipality with a documented record of downstream flooding caused or exacerbated by high reservoir levels; and

WHEREAS, on the basis of the results of these studies, this legislation calls upon the department shall determine maximum water levels to be maintained at each reservoir in the State, set at a level that best protects the area surrounding the reservoir against flooding while ensuring the availability of an adequate water supply for the area served by the reservoir; and

WHEREAS, this legislation would require the owner or person having control of a reservoir in the State that has a documented record of downstream flooding to prepare, submit and implement a flood action plan approved by the DEP, which would include, but need not be limited to, the design, construction, operation, and maintenance of flood gates sited at the reservoir; and

WHEREAS, the bill would also authorize the Office of Emergency Management in the Division of State Police to order the water level of any reservoir in the State to be lowered in a manner prescribed by the office prior to or during a severe weather event if the office has made a determination, after consultation with the DEP, that lowering the reservoir level is in the general public interest and reasonably necessary to prevent or reduce the severity of flooding; and

WHEREAS, the owner of a reservoir would be indemnified against any act or omission with respect to any claims or any cause of action arising out of the proper implementation of a flood action plan approved by the DEP under this legislation, provided, however, the owner is in full compliance with any order of the Office of Emergency Management to lower reservoir levels, as may be issued pursuant to the bill.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge Mayor and Council implore the General Assembly and the Senate of the State of New Jersey, along with Governor Chris Christie, to act swiftly to support the passage of A4287.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Chris Christie and to all state legislators in both the Senate and the Assembly and all municipalities in Bergen County.

December 5, 2011

Motion by Councilman Moscaritolo, seconded by Councilman Bartelloni to reject resolution #11-424.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone and Councilman Cordts voted yes; Councilman Cannon abstained.

#11-424 Award Bid for the River Edge Public Library Carpeting

WHEREAS, on October 12, 2011 sealed bids were received for the River Edge Public Library Carpeting project; and

WHEREAS, five (5) bids were received for the River Edge Public Library Carpeting project; and

WHEREAS, the lowest bid was received from Commercial Interiors Direct, Inc., 1 South Corporate Drive, Riverdale, New Jersey 07457; and

WHEREAS, the bid has been reviewed by the Borough Attorney and Library Director; and

WHEREAS, a hearing was held by the Mayor and Council on November 21, 2011 and December 5, 2011 and the Mayor and Council having reviewed the information relative to the bid; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account 04-2150-55-1616 of the Capital Fund not to exceed \$48,500.00; and

NOW, THEREFORE, BE IT RESOLVED that the bid is hereby awarded to Commercial Interiors Direct, Inc., 1 South Corporate Drive, Riverdale, New

Jersey 07457 in the amount of \$48,500.00 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough contingent upon the River Edge Public Library certifying funds are available for their portion of the funding.

December 5, 2011

Motion by Councilman Moscaritolo, seconded by Councilman Bartelloni to approve resolution #11-425.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone and Councilman Cordts voted yes; Councilman Cannon abstained.

#11-425 Award Bid for the River Edge Public Library Carpeting

WHEREAS, on October 12, 2011 sealed bids were received for the River Edge Public Library Carpeting project; and

WHEREAS, five (5) bids were received for the River Edge Public Library Carpeting project; and

WHEREAS, the lowest bid was received from Commercial Interiors Direct, Inc., 1 South Corporate Drive, Riverdale, New Jersey 07457 in the amount of \$69,525.00 and the second low bidder Rub & Floor Store, Inc. in the amount of \$69,990.00; and

WHEREAS, the bid has been reviewed by the Borough Attorney and Library Director; and

WHEREAS, a hearing was held by the Mayor and Council on November 21, 2011 and December 5, 2011 when both contractors were heard; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account 04-2150-55-1616 of the Capital Fund not to exceed \$48,500.00; and

NOW, THEREFORE, BE IT RESOLVED that the bid is hereby awarded to Rug & Floor Store, Inc., P.O. Box 736, Little Ferry, New Jersey 07643 in the amount of \$48,500.00 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough contingent upon the River Edge Public Library certifying funds are available for their portion of the funding.

December 5, 2011

Motion by Councilman Porco, seconded by Councilman Moscaritolo to TABLE resolution #11-426 and carry the topic under unfinished business.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

TABLED

TABLED

TABLED

#11-426 Resolution to Shut Off Fire Siren at Kensington Road and Elm Avenue

BE IT RESOLVED, that the fire siren at Kensington Road and Elm Avenue be shut off effective December 6, 2011.

December 5, 2011

Councilman Porco read resolution #11-427 into the record.

Motion by Councilman Porco, seconded by Councilman Cordts to approve resolution #11-427.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

#11-427 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	\$1,009,562.51
RECREATION ACCOUNT	\$ 1,134.88
TRUST OTHER ACCOUNT	\$ 19,744.68
OPEN SPACE ACCOUNT	\$ 3,009.85
TRUST OTHER DEVELOPERS ACCOUNT	\$ 1,457.50

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 5, 2011

OPEN HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

Thomas Barrett, Esq.- stated that he has concerns over the fact that the Council has tabled Ordinance #1746. He stated that he felt that the presentation that was made last week for the 46 two bedroom condominium development at 230 Kinderkamack Road was very clear. He continued by saying that the intent is to sell them and if they are not sold, there is a possibility that they could be rented but that is not the intention. He stated that with regard to the COAH requirements, the Borough has not adopted a COAH plan. If in fact the state had a requirement, it would have to be followed so he doesn't see the issue. He stated that the amendment to the ordinance clearly states that if you don't have a plan, the developer is subject to that obligation. He stated that they are on a thin line with the bank and the investor and is concerned that if this does not move forward at this time, there is no guarantee that they'll be available in the future to invest in the project. Mr. Barrett stated that he's been here in River Edge for 49 years and the pace of development has always been slow to the point where opportunities have been lost. He stated that for over ten years he's heard talk with regard to projects at the south end of town and nothing has happened. He stated that they now have someone willing to do something and by tabling the zoning ordinance, it will slow the process down again. He understands the Council may have more questions but is asking that the ordinance be introduced tonight which will allow him to provide additional information to the Mayor and Council before the next reading. He doesn't feel there is any risk in introducing the ordinance tonight because in two weeks if the questions have not been answered to the Councils satisfaction they have the right not to adopt it. He asks that they give him the opportunity to keep the process moving by introducing the ordinance tonight.

Sam Cereste, Esq.-stated that he can explain the COAH concern now because he has done research on it already. He explained that we have more exposure by not having a COAH element in place because there is nothing preventing someone from coming in to the community and building 100 units there and allocating 20 of them for low and moderate housing. Since we don't have a housing element,

we're exposed and we are one of the few municipalities in the County that doesn't have a housing element. By removing this property off the rolls of the Borough by having a development, we eliminate the risk. Secondly, with COAH, it's a deterrent because if developers have to set aside 20% to the moderate or low income housing accommodation, than there's less profit and less motivation to build. With the regard to over crowding in the schools, he compared this project to the Millbrook Village town homes in that there were 45 units built and 15 children came from that complex. Mr. Cereste feels that roughly the same amount of children will be coming out of this development as well, and doesn't feel that it would have a negative impact on the schools. He stated that the COAH issue is a mute point because we don't have a housing element.

Councilman Moscaritolo-understands that we don't have a housing element but stated that under the guidelines of the Supreme Court, we still have an affordable housing obligation. He is under the impression that you can write a letter to the Department of Community Affairs and they would give you a waiver.

Sam Cereste-stated that he doesn't think it is that simple at all. He explained that you would have to submit a certification and a plan that would have to be reviewed.

Councilman Moscaritolo-stated that he would like the COAH issue to be resolved before we vote on the ordinance.

Sam Cereste-asked if we would prefer to have moderate to low income housing? He continued by saying that we have the chance to eliminate that possibility by having it developed and feels that there is no down side because there is no violation of the Borough to the State of New Jersey if you allow it. He stated that the bigger risk is that you don't do anything and someone comes in and wants low or moderate housing. If that were to happen, you cannot prevent it. He stated that here we have a chance to eliminate it rather than run the risk of having a renegade builder come in and hit us with 100 units for the site. He feels that this is a no brainer because there will be more revenue coming in, less expense going out as far as municipal services and very little impact to the school. He stated that you will have some school impact no matter what you do especially if you go back to the original sub-division.

Mr. Cereste asked if there is another issue that the Council would like him to look into. He feels that this is an opportunity not a detriment for the Borough and also explained that the Planning Board has jurisdiction over the application so there are many other steps that have to be taken.

Councilman Porco-stated that he wouldn't mind revisiting it and feels that it is a very good project. He doesn't feel that there will be a large amount of children coming from the development because of the size of the units. He stated that we don't have a lot of development in town and he thinks that there is a lot of hesitation to do anything. Councilman Porco stated that there is always a risk in any decision and feels that its time to change the lack of action that's been happening and move forward. He stated that it's not like the Council is approving the whole project, it still has to go before the Planning Board.

Councilman Mignone-is concerned because the Planning Board has a very busy docket next week and doesn't know if the Board has enough time to give this project the appropriate due diligence.

Mayor-stated that we'll cross that bridge when we get to it.

Sam Cereste-advised Mr. Barrett that if it does go before the Planning Board, he would recommend that he be in attendance.

Tom Barrett-stated that he does intend to be there. He also plans to contact the Planning Board Attorney to make sure the board members receive the same packets that the Council had received in advance so they have a chance to look them over before their next meeting.

Lucy DiMaulo-376 Lee Avenue-asked how the number of 10 to 15 children in calculated for these two bedroom 46 unit development.

Tom Barrett-replied that a professor from Rutgers has studied these issues for many years and explained that there are certain formulas that are used based on the type of housing and the price to come up those numbers.

Lucy DiMaulo-stated that she feels that those figures are wildly under estimated. She appreciates that the Council considers these types of developments very carefully because something that seems like a potential windfall for the town may become a liability.

Councilman Moscaritolo-stated that he would vote yes on the first reading of Ordinance #1746 contingent on receiving additional information by December 19th from Tom Barrett, Esq. on the project for 230 Kinderkamack Road.

Motion by Councilman Cordts, seconded by Councilman Porco to approve the first reading of Ordinance #1746 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1746

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

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

Section I:

§ 416-36.1 Senior Citizen Housing Conditional Use District is amended to Multi-Family and Senior Citizen Housing Conditional Use District.

Section II

§ 416-36.1 B. (1) is amended as follows:
Use. Any multifamily residence proposed under this section may include senior citizen occupancy which means that occupancy must be by families or individuals one or more of whom is 55 years of age or older. In addition to occupancy by at least one senior citizen, no individual younger than 19 years of age shall be permitted to permanently reside in the unit.

Section III

§ 416-36.1 B. (2) (e) is amended as follows:
Minimum setbacks from other abutting property lines: 30 feet. Section IV
§ 416-36.1 B. (2) (g) is amended as follows:
Maximum total impervious coverage: 75% of total site area. Section V.
§ 416-36.1 B. (3) (a) [1] is amended as follows:
Maximum building height:

[1] Fronting on a county road: three stories and no more than 40 feet above grade at the front foundation line. In addition a decorative parapet or other architectural details can be used provided they do not exceed an additional five feet above the roof line.

Section VI

§ 416-36.1 B. [3] (d) is amended as follows:
(d) A multifamily residential development in this Zone -District -may consist of one or more principal dwellings or buildings on the property or lot, provided all bulk requirements of the development are in compliance with this ordinance.

Section VII

§ 416-36.1 B. (5) (b) is amended as follows:
(b) Parking shall be permitted in the front yard provided (i) the minimum setback or front yard is 80 feet measured from the building(s) foundation or footprint to front property line and (ii) a natural landscape buffer is installed along the front property line.

Section VIII

§ 416-36.1 B. (9) is amended as follows:
(9) Low-and moderate-income housing requirement. Provided the Borough of River Edge has enacted a Housing Element with promulgated controls for Low and Moderate Housing in compliance with the Council on Affordable Housing ("COAH"), any development shall provide, on site, a number of affordable units equal to the number of such units as may be required under COAH rules.

Section IX:

All ordinances inconsistent with the provision of this ordinance are hereby repealed as to any such inconsistencies only.
If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

Section X:

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

Margaret Falahee Watkins, Mayor

ATTEST:

Denise A. Dondiego, RMC Borough Clerk
Dated:

ROLL CALL VOTE: Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes; Councilman

Bartelloni recused himself.

Peggy White-741 Center Avenue-asked if the residents of Elizabeth Street will be told about this development because most of them were against the Senior Housing Development that was previously proposed.
Mayor Watkins-stated that once it goes to the Planning Board, anyone within 200 feet will be notified.

CLOSE HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

COUNCIL COMMENTS -

Councilman Cordts-was very pleased with the positive results that they came away with after the meeting with the Kensington Road Committee, Fire Department, Councilman Porco and himself regarding the fire sirens. He appreciates everyone input.

Councilman Cannon-had no comment.

Councilman Mignone-thanked Christopher Caruso for all of his years of service on the Planning Board.

Councilman Porco-thanked Paul Cordts for being pro-active on the fire siren issue and for getting everyone together to come up with a great compromise.

Councilman Moscaritolo-is happy that everyone worked together on the fire siren issue. He looks forward to working with the Council President on the appointments as well as Councilman Bartelloni and Councilman Mignone on the new By-laws.

Councilman Bartelloni-thanked Bobbi Conway and the Recreation Commission for their hard work in making the tree lighting ceremony a success.

Mayor Watkins-also commented on how nice the tree lighting ceremony was. The Mayor attended SCORE where they had singers from Montclair who put on a show for the seniors. The Mayor informed everyone that there is no meeting next week and invited everyone to come on December 19th.

Tom Burns - 153 Voorhis Avenue-asked for an update on the flooding on Voorhis Avenue.

Mayor Watkins-stated that there was a Sewer Sub-Committee meeting on Tuesday and they were prepared to discuss the matter with the residents. The Mayor explained that they are planning to video the sewer system. Mayor Watkins stated that there must have been a misunderstanding with the meeting date but they did discuss it and plan to go ahead with the video.

Tom Burns-asked if there is a date that they are planning to do it.

Mayor Watkins-replied that there is no definite date yet but we are looking into getting a company to do it.

ADJOURNMENT - 8:45 P.M.

Motion by Councilman Cordts, seconded by Councilman Cannon to adjourn the meeting at 8:45 p.m.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Mignone, Councilman Cannon and Councilman Cordts voted yes.

Mayor Margaret Falahee Watkins

Attest:

Denise A. Dondiego, Borough Clerk
Dated: