

M I N U T E S
Regular Meeting of the Mayor and Council
Tuesday, December 8, 2015
8:00 P.M.

CALL THE MEETING TO ORDER -

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

SILENT PRAYER - FLAG SALUTE

Mayor Moscaritolo called for a moment of silent prayer or reflection and asked that everyone remember the passing of former Mayor Robert Graillat on November 19th at the age of 94. Mayor Moscaritolo led the salute to the flag.

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

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

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

In accordance with this act the Mayor and Council of the Borough of River Edge have caused notice of this meeting to be published by having the date, time and place thereof posted in the Borough Hall and notices have been sent to the Record and the Ridgewood News. The mission of this governing body is to provide essential services through the establishment and implementation of public policy that will safeguard our infrastructure provide honest, courteous and professional services; and establish a sense of trust and accomplishment with our residents. Through research and prudent planning we seek to minimize risks while improving our services. We are sensitive to the needs of our taxpayers while realizing that this governing body cannot be all things to all people within the revenue constraints imposed by state mandates, economic conditions and prevailing attitudes about taxation.

ROLL CALL - Councilwoman Murphy, Councilman Haggis, Councilwoman Busted, Councilman Mignone, Councilman Papaleo and Mayor Moscaritolo were present, Councilman Acquafredda was absent.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the minutes of the Mayor and Council work session and regular meeting of November 16, 2015.

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

PROCLAMATIONS & AWARDS - NONE

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

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

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

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilman Papaleo to close public comments on any issue on the agenda.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Haggis,

Councilwoman Busteed, Councilman Mignone and Councilman Papaleo voted yes; Councilman Acquafredda was absent.

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the hire of Matthew Mulick, as a Patrol Officer in the Police Department, at an annual 1st year probationary salary of \$29,183.00, with a 2 year probationary period, effective December 9, 2015.

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

Mayor Moscaritolo administered the oath of office to Matthew Mulick.

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the salary increase of Vincent Ariano, Patrol Officer from an annual salary of \$45,101.00 to Patrolman 17th grade salary of \$53,060.00, effective December 4, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the appointment of Gary R. Wilhelm, Jr. to the River Edge Volunteer Fire Department as a Junior Firefighter, effective December 13, 2015.

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

Mayor Moscaritolo administered the oath of office to Gary Wilhelm, Jr.

CORRESPONDENCE -

Report	-	Alan P. Negreann, Admin/CFO-11/13/15 Re: Damage to Public Property
Letter	-	Board of Chosen Freeholders - 11/13/15 Re: Introduction of Ordinance #15-30
Notice	-	River Edge Board of Education-11/13/15 Re: Meeting Notice-November 18 th
Report	-	Alan P. Negreann, Admin/CFO-11/14/15 Re: Revenue Report
Letter	-	Borough of Oradell - 11/16/15 Re: Hearing for Housing Element & Fair Share Plan
Letter	-	State of New Jersey, DEP -11/16/15 Re: Well Restriction Area - BP Station, 525 Hackensack Avenue
Letter	-	State of New Jersey, DEP - 11/16/15 Re: Hazardous Substance Notice - 753 Summit Avenue
Letter	-	State of New Jersey, DEP - 11/16/15 Re: Underground Storage Tank - 909 Summit Avenue
Notice	-	PSE&G - 11/17/15 Re: Rate Changes
Letter	-	SUEZ - 11/16/15 Re: United Water changed to SUEZ
Letter	-	Schenck, Price, Smith & King - 11/20/15 Re: Petition- Transfer of Control of Lightpath-NJ & 4 Connections LLC
Letter	-	Cablevision - 11/20/15 Re: Petition Filed with NJBPU to Renew System Wide Franchise
Letter	-	State of New Jersey DEP - 11/23/15 Re: Suspected Hazardous Substance Notice - 50-54 Eastbrook Drive
Letter	-	Board of Chosen Freeholders - 11/25/15 Re: Adoption of Ordinance #15-30

- Letter - Board of Chosen Freeholders - 11/25/15
Re: Introduction of Ordinances: #15-32,
#15-34, #15-35 & #15-38
- Letter - State of New Jersey DEP - 11/25/15
Re: Certificate of Environmental
Stewardship
- Notice - BCUA - 11/30/15
Re: Hearing on 12/17/15 for Proposed
2016 Wastewater Service and Solid
Waste Service Charges
- Notice - Township of Teaneck - 11/30/15
Re: Planning Board Meeting Notice -
Proposed Amendment to Master Plan
- Notice - River Edge Board of Ed - 11/30/15
Re: Meeting Notice - 12/2/15
- Notice - Goran & Roxanne Bogut - 11/30/15
Re: Zoning Application - 675 Center
- Letter - Richard Mehrman - 12/3/15
Re: 7 Eleven Site As-Built Update

MONTHLY REPORTS -

- Environmental Commission - No Quorum (11/12/15)
- Tax Collector - October 2015
- Historic Commission - October 2015
- Historic Commission - November 2015
- Beautification Committee - November 2015
- Zoning Board of Adjustment - August, October &
November 2015
- Planning Board - June, July, September
& October 2015
- Library Board - December 2015
- Recreation Commission - May, July, September &
October 2015

ORDINANCES - 1ST READING -

Stephanie Evans, Borough Clerk read the title of ordinance #1846 as follows:

Ordinance #1846 - BOND ORDINANCE TO AMEND SECTION 6 OF THE BOND ORDINANCE (ORD. NO. 1794) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF FIFTH AVENUE (SECTION 1 - FROM HOWLAND AVENUE TO SLIGHTLY PAST THE INTERSECTION WITH WAYNE AVENUE), A GENERAL IMPROVEMENT, AND THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS, CURBS AND DRIVEWAY APRONS ALONG AND IN FRONT OF SUCH SECTION OF FIFTH AVENUE, A SIDEWALK IMPROVEMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$176,000 TO PAY THE COST THEREOF, 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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the first reading of Ordinance #1846 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1846

BOND ORDINANCE TO AMEND SECTION 6 OF THE BOND ORDINANCE (ORD. NO. 1794) ENTITLED: BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF FIFTH AVENUE (SECTION 1 - FROM HOWLAND AVENUE TO SLIGHTLY PAST THE INTERSECTION WITH WAYNE AVENUE), A GENERAL IMPROVEMENT, AND THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS, CURBS AND DRIVEWAY APRONS ALONG AND IN FRONT OF SUCH SECTION OF FIFTH AVENUE, A SIDEWALK IMPROVEMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$176,000 TO PAY THE COST THEREOF, 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.

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 6 of Ordinance No. 1794 entitled:

"BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF FIFTH AVENUE (SECTION 1 - FROM HOWLAND AVENUE TO SLIGHTLY PAST THE INTERSECTION WITH WAYNE AVENUE), A GENERAL IMPROVEMENT, AND THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS, CURBS AND DRIVEWAY APRONS ALONG AND IN FRONT OF SUCH SECTION OF FIFTH AVENUE, A SIDEWALK IMPROVEMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$176,000 TO PAY THE COST THEREOF, 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 December 2, 2013 (the "Prior Ordinance") is hereby amended to increase the amount of the cost of the purposes authorized in the Prior Ordinance estimated to be used for non-construction expenses from \$18,160 to \$19,460 (an increase of \$1,300), and shall hereafter read as follows:

"Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$19,460 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 2. The capital budget is hereby amended to conform with the provisions of this 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 3. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk
Dated:

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

ORDINANCE - 2ND READING -

Stephanie Evans, Borough Clerk read the title of Ordinance #1844 as follows:

Ordinance #1844 - AN ORDINANCE APPROPRIATING \$6,000.00 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE IMPROVEMENT OF BOROUGH GROUNDS

Ordinance #1844 was introduced by Councilwoman Murphy, seconded by Councilman Mignone at the November 16, 2015 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1844

AN ORDINANCE APPROPRIATING \$6,000.00 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE IMPROVEMENT OF BOROUGH GROUNDS

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

SECTION I. The improvements desired in Section 2 of this ordinance are hereby authorized as improvements to be made by the Borough of River Edge, New Jersey for the purpose of the making of said improvements, there are hereby appropriated the sum of \$6,000.00 of which \$6,000.00 is from the General Capital Fund Balance.

SECTION II. The improvements are authorized as follows:

- a. Repairs and improvement to public sidewalks, curbs and grounds.
- b. Other Expenses, including but not limited to architect's fees, accounting, engineering and inspection costs, legal expense and other expenses to the extent permitted by Section 20 of the Local Bond Law.

SECTION III: The appropriation shall be made from the General Capital Fund and no debt is authorized.

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

ATTEST: Mayor Sandy Moscaritolo

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING ON THE ORDINANCE - Ordinance #1844

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open public hearing on Ordinance #1844.

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

CLOSE PUBLIC HEARING ON THE ORDINANCE - Ordinance #1844

Motion by Councilwoman Murphy, seconded by Councilman Mignone to close public hearing on Ordinance #1844.

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

ADOPTION - Ordinance #1844

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adopt Ordinance #1844.

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

Stephanie Evans, Borough Clerk read the title of Ordinance #1845 as follows:

Ordinance #1845 - AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 400, OF THE RIVER EDGE BOROUGH CODE ENTITLED "VEHICLES AND TRAFFIC"

Ordinance #1845 was introduced by Councilwoman Murphy, seconded by Councilman Mignone at the November 16, 2015 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1845

AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 400, OF THE RIVER EDGE BOROUGH CODE ENTITLED "VEHICLES AND TRAFFIC".

WHEREAS, based upon the advice of the Chief of Police and the Borough's Traffic and Safety Committee, the Governing Body has deemed

it in the best interest of the public health, safety and welfare to supplement, amend and revise its Vehicles and Traffic Ordinance as codified in Chapter 400 of the River Edge Borough Code:

WHEREAS, Article II, §400-6, entitled "Parking prohibited at all times" provides that "No person shall park a vehicle at any time upon any of the streets or parts described in Schedule I (§400-27), attached to and made a part of this chapter." and

WHEREAS, Article II, §400-7, entitled "Parking prohibited during certain hours" provides that "No person shall park a vehicle between the hours specified on any day, except Sundays and public holidays, upon any of the streets or parts of streets described in Schedule II (§400-28), attached to and made a part of this chapter." and

WHEREAS, Article III, §400-20, entitled "One-way streets" provides that "The streets or parts of streets described in Schedule VIII in Schedule II (§400-34), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated." and

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

SECTION 1. §400-27. Schedule I: Parking Prohibited at All Times is hereby amended to remove certain streets as follows:

§400-27. Schedule I: Parking Prohibited at All Times

In accordance with the provisions of §400-6, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Madison Avenue	Both	From the east curblane of Kinderkamack Road to Center Avenue

SECTION 2. §400-28. Schedule II: Parking Prohibited During Certain Hours is hereby amended to add certain streets as follows:

§400-28. Schedule II: Parking Prohibited During Certain Hours

In accordance with the provisions of §400-7, no person shall park a vehicle between the hours specified upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Sides</u>	<u>Days/Hours</u>	<u>Location</u>
Bogert Road	West	8:00 a.m. to 4:00 p.m. school days except to pick up and discharge students only	From a point 430 feet south of Wayne Avenue to a point 675 feet south of Wayne Avenue
Bogert Road	East	8:00 a.m. to 4:00 p.m. school days except to pick up and discharge students only	From a point 378 feet north of Howland Avenue to a point 545 feet north of Howland Avenue

SECTION 3. §400-34. Schedule VIII: One-Way Streets contains a typographical error regarding the direction of travel on Oak Avenue and is hereby corrected and amended as follows:

§400-34. Schedule VIII: One-Way Streets

In accordance with the provisions of §400-20, the following streets or parts of streets are hereby designated as one-way streets in the direction indicated:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Hours/Days</u>	<u>Location</u>
Oak Avenue	North	8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m.	Between Webb Avenue and

school days only

Continental
Avenue

SECTION 4. Except as set forth in Sections 1, 2 and 3, the balance of Chapter 400 shall not be affected by this Ordinance.

SECTION 5. This chapter is intended to supplement existing ordinances and other laws pertaining to Chapter 400, entitled "Vehicles and Traffic" of the River Edge Borough Code and shall not be construed to excuse any person from complying with such other ordinances and laws.

SECTION 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7. If any part, sections, provisions, or total of any of the aforementioned sections are held to be invalid or unenforceable by any court, the findings or judgments of which court are applicable in the State of New Jersey, that the balance and remainder of such sections shall remain in full force and effect as an Ordinance of the Borough of River Edge.

SECTION 8. This Ordinance shall become effective immediately upon adoption and publication according to law.

Attest:

Mayor Sandy Moscaritolo

Stephanie Evans, Borough Clerk
Dated:

OPEN PUBLIC HEARING ON THE ORDINANCE - Ordinance #1845

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open public hearing on Ordinance #1845.

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

CLOSE PUBLIC HEARING ON THE ORDINANCE - Ordinance #1845

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilman Mignone to close public hearing on Ordinance #1845.

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

ADOPTION - Ordinance #1845

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adopt Ordinance #1845.

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

RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve resolution #15-414 through #15-430 and #15-432.

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

#15-414 Resolution to Go Into Closed Session and Exclude Public

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

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

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

1. That the public shall be excluded from the December 14, 2015 Special Meeting and December 21, 2015 work session meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session</u>			<u>Statutory</u>
<u>Docket #</u>	<u>Item Title or Description</u>		<u>Reference</u>

To be determined by reference to the Borough Clerk's Agenda for the above meeting.

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

3. This resolution shall take effect immediately.

December 8, 2015

#15-415 Amend Certification of Chief Financial Officer with Regard to Change Order #1 Approval and Amendatory Contract with Reggio Construction for the 2015 Community Development Block Grant ADA Curb Ramp Construction Project

WHEREAS, on November 16, 2015 via resolution #15-398, the Borough of River Edge approved Change Order #1 to Reggio Construction for the 2015 Community Development Block Grant ADA Curb Ramp Construction Project; and

WHEREAS, the amount of Change Order #1 was for \$1,815.00; and

WHEREAS, the Chief Financial Officer had certified that funds were available from Account #04-2150-55-1806-400 of the Capital Fund in an amount not to exceed \$1,815.00; and

WHEREAS, an error was made in the certification of funds.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that it does hereby accept the revised certification of funds provided by the Chief Financial Officer which indicates that \$1,815.00 is available from Account #04-2150-55-1844-200 of the Capital Fund.

BE IT FURTHER RESOLVED that the Chief Financial Officer and the Borough Clerk are hereby instructed to adjust their records accordingly.

December 8, 2015

#15-416 Amend Certification of Chief Financial Officer with Regard to Change Order #2 Approval and Amendatory Contract with Reggio Construction for the 2015 Community Development Block Grant Memorial Park/Public Sidewalk Project

WHEREAS, on November 16, 2015 via resolution #15-399, the Borough of River Edge approved Change Order #2 to Reggio Construction for the 2015 Community Development Block Grant Memorial Park/Public Sidewalk Project; and

WHEREAS, the amount of Change Order #2 was for \$3,598.20; and

WHEREAS, the Chief Financial Officer had certified that funds were available from Account #04-2150-55-1806-400 of the Capital Fund in an amount not to exceed \$3,598.20; and

WHEREAS, an error was made in the certification of funds.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that it does hereby accept the revised certification of funds provided by the Chief Financial Officer which indicates that \$3,598.20 is available from Account #04-2150-55-1844-200 of the Capital Fund.

BE IT FURTHER RESOLVED that the Chief Financial Officer and the Borough Clerk are hereby instructed to adjust their records accordingly.

December 8, 2015

#15-417 Authorize Mayor and Clerk to Sign an Agreement with Hackensack for Use of the Hackensack Sewer System

BE IT RESOLVED, that the Mayor and Clerk are hereby authorized to sign an agreement with the City of Hackensack as approved by the Borough Attorney, for the Borough of River Edge's use of the Hackensack Sewer system by Rugova Restaurant (formerly Dinallo's Restaurant), 250 Johnson Avenue, River Edge, New Jersey.

BE IT FURTHER RESOLVED, that said agreement shall be in effect for a term of three years at \$418.00 per year, from January 1, 2016 to December 31, 2018 at which time it will be renegotiated.

December 8, 2015

#15-418 Resolution to Support Buy Local and Small Business Saturday

WHEREAS, the first "Small Business Saturday" took place on November 27, 2010; and

WHEREAS, this day encourages people across the country to support small local businesses; and

WHEREAS, in order for communities to thrive, small businesses need to thrive; and

WHEREAS, the Saturday after Thanksgiving is a dedicated day to encourage all people in the River Edge community to shop locally; and

WHEREAS, by doing so, this is not just a shopping experience but a social experience as well and makes the River Edge community more vibrant; and

WHEREAS, the Governing Body of the Borough of River Edge supports "Small Business Saturday" and encourages the River Edge community to buy locally.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of River Edge does hereby support "Small Business Saturday" and the concept of buying locally year round as to do so, focuses on enhancing livability of the community, improving the stability and diversity of the local economy, supporting business retention and expansion of independent businesses in the Borough of River Edge.

December 8, 2105

#15-419 Enter Into Agreement with Robert McNerney, McNerney & Associates, 266 Harristown Road, Glen Rock, New Jersey, 07452-0067 for Professional Services for Tax Appeal Appraisals for F & A Associates,

864 Park Avenue, Block 213, Lot 6

WHEREAS, there exists a need for professional services for various tax appeal appraisals;

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

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

WHEREAS, Robert McNerney meets the criteria for a professional service contract under N.J.S.A. 40A:11-1; and

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

WHEREAS, the Chief Financial Officer has previously certified that funds are available from Account #01-2010-20-1552-174 of the Current Fund in the amount not to exceed \$2,000.00; and

WHEREAS, the Mayor and Council have previously hired Robert McNerney, McNerney & Associates for this service.

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert McNerney not to exceed \$2,000.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

December 8, 2015

#15-420 Authorize Mayor and Clerk to Enter into Agreement for SEC MCDIC Initiative Compliance Survey and Continuing Disclosure Agent Services for 2015

WHEREAS, the Borough of River Edge adopted resolution #14-304 dated August 4, 2014 to undertake a continuing disclosure review; and

WHEREAS, the Borough of River Edge has entered into continuing disclosure agreement(s) in connection with certain of its prior bond and/or note issuance(s), agreeing to file certain financial information and operating data and/or certain enumerated event notices with the former nationally recognized municipal securities information repositories or the Municipal Securities Rulemaking Board (the "MSRB") pursuant to the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended; and

WHEREAS, Continuing Disclosure Services are required for the calendar year 2015; and

WHEREAS, Phoenix Advisors, LLC, 4 West Park Street, Bordentown, NJ 08505 can provide these services; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1002-028 of the Current Fund in the amount not to exceed \$1,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to enter into the agreement for SEC MCDC Initiative Compliance Survey and Continuing Disclosure Agent Services.

December 8, 2015

#15-421 Enter Into Agreement with Premier Product Development LLC, 18 West Walnut Avenue, Moorestown, NJ 08057 for Professional Services Related to Performing a Topographic Survey, Environmental Review/Permitting Synopsis and Geotechnical Investigation to Finalize the Design of the KBG Lighting System

WHEREAS, there exists a need for expert professional engineering services related to performing a topographic survey, environmental review/permitting synopsis and geotechnical investigation to finalize the design of the KBG Lighting System and set up for a planned cooperative purchase and prepare construction documents/plans and serve as the Clerk of the Works; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1829-100 of the Capital Fund not to exceed \$57,320.00; and

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

WHEREAS, Premier Product Development, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Premier Product Development, LLC 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 Premier Product Development, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Mayor and Council have examined resumes, biographies, work experience; and

WHEREAS, the Mayor and Council have reviewed price and other factors when considering supporting reasons for awarding this contract.

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 Premier Product Development, LLC, 18 West Walnut Avenue, Moorestown, NJ 08057 in the amount not to exceed \$57,320.00; 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 8, 2015

#15-422 Amend Contract with Robert Costa, Borough Engineer for Professional Services Related to the River Dell Middle School Safety Improvements - Design and Inspect

WHEREAS, there exists a need for professional engineering services related to the River Dell Middle School Safety Improvements - Design and Inspect; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Robert Costa, Borough Engineer via resolution #15-174 dated April 20, 2015 in the amount of \$30,000.00 and

WHEREAS, additional funding is required for professional services for the River Dell Middle School Safety Improvements - Design and Inspect; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1822-100 of the Capital Fund in the amount not to exceed \$8,000.00; and

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

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

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

WHEREAS, the Mayor and Council have examined resumes, biographies, work experience; and

WHEREAS, the Mayor and Council have reviewed price and other factors when considering supporting reasons for awarding this contract; and

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

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

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$8,000.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

December 8, 2015

#15-423 Change Order Approval and Amendatory Contract for the 2015 Fifth Avenue Road Improvement Project, Section 2 to Marini Brothers Construction Company, Inc., 9 Lafayette Street, Hackensack, New Jersey 07601

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 Marini Brothers Construction, Inc. for the 2015 Fifth Avenue Road Improvement

Project, Section 2 via resolution #15-231 dated June 15, 2015; and

WHEREAS Change Order #1 reflects an increase in various quantities of \$33,987.10 and a decrease in various quantities of (\$13,900.40) for a total increased amount not to exceed \$20,086.70; and

WHEREAS, the Borough Engineer has recommended the above change.

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1828-200 of the Capital Fund in the amount not to exceed \$20,086.70.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with Marini Brothers Construction Company, Inc. for Change Order #1 for an increase to the contract of \$20,086.70.

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 8, 2015

#15-424 Resolution Accepting Donation of Firefighting Foam and Authorizing Execution of Agreement with the County of Bergen Regarding the Terms Thereof

WHEREAS, the County of Bergen operates the Bergen County Law and Public Safety Institute (the "Institute"); and

WHEREAS, the New York City Fire Department ("FDNY") has removed from service 7,820 gallons of National Foam Kidd brand firefighting foam concentrate, ("Firefighting Foam") that is past its shelf life and has thus exceeded its operational life for firefighting purposes; and

WHEREAS, the City of New York ("the City"), acting by and through the FDNY, has agreed to donate the Firefighting Foam to the County for use by the Institute for training purposes; and

WHEREAS, the Bergen County Board of Chosen Freeholders, by Resolution No. 1198-15, adopted on October 14, 2015, authorized the County to share the donated Firefighting Foam with the Borough of River Edge for training purposes, subject to availability and the terms set forth in an "AGREEMENT TO SHARE DONATED FIREFIGHTING FOAM CONCENTRATE," (the "Agreement") annexed hereto as Exhibit A; and

WHEREAS, the Governing Body of the Borough of River Edge has determined that it is in the best interest of the residents and taxpayers of the municipality to accept the donation of the Firefighting Foam for training purposes, subject to the terms and conditions set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge, as follows:

1. The recitals set forth above are incorporated into the body of this resolution as if set forth at length herein.
2. The Borough of River Edge hereby accepts the donation from the County of Bergen of the Firefighting Foam as set forth above, subject to the terms of the Agreement annexed hereto as Exhibit A.
3. The Borough Clerk is hereby authorized to execute an Agreement with the County of Bergen in the form annexed hereto as Exhibit A, together with any other documents necessary to complete the above contemplated transaction.

December 8, 2015

#15-425 Cancellation of Contract with Owl Contracting

WHEREAS, on June 21, 2010 the Mayor and Council, via resolution #10-246, awarded a contract to Owl Contracting in connection with the road improvement program in the amount of \$136,007.07; and

WHEREAS, payment was made to Owl Contracting in the amount of \$123,627.50 thereby leaving a retainage balance of \$12,379.57; and

WHEREAS, there was an issue with regard to the paving that was done to correct the drainage problem in front of 127-131 Valley Road; and

WHEREAS, the Borough Engineer, Robert Costa recommended that the retainage not be released until the work was satisfactorily performed; and

WHEREAS, Owl Contracting failed to return and complete the job and subsequently filed for bankruptcy; and

WHEREAS, on April 21, 2011, Owl Contracting executed an Irrevocable Letter of Direction requesting that any and all monies due to Owl Contracting be paid to American Fire & Casualty Company; and

WHEREAS, American Fire & Casualty Company issued the performance bond for Owl Contracting and the Borough Engineer advised that the bonding company did not get involved with the completion of the work; and

WHEREAS, the job was either completed by the Borough or an outside contractor; and

WHEREAS, it is the opinion of the Borough Attorney that Owl Contracting does not have a valid claim to the retainage balance of \$12,379.57 for the following reasons:

1. They failed to complete the job and were put on notice of the deficiency.
2. The company filed bankruptcy and is out of business.
3. Owl Contracting signed an Irrevocable Letter of Direction directing that monies owed to Owl Contracting be paid to the performance bonding company; and

WHEREAS, it is also the opinion of the Borough Attorney, that the bonding company, American Fire & Casualty Company does not have a legal right to the retainage balance as they did not get involved and complete the job.

NOW, THEREFORE BE IT RESOLVED that the Borough cancels the contract with Owl Construction on the basis of a breach of contract and a failure to perform and complete the job.

BE IT FURTHER RESOLVED, that the Borough shall cancel Purchase Order #23510 thus liquidating the retainage balance of \$12,379.57.

BE IT FURTHER RESOLVED, that the Chief Financial Officer shall adjust the records accordingly.

December 8, 2015

#15-426 Authorize Tax Collector to Refund a Duplicate 4th Quarter 2015 Tax Payment

WHEREAS, the tax office has received a duplicate and/or tax overpayment for the 4th Quarter 2015 taxes on the following property; and

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

NOW, THEREFORE, BE IT RESOLVED that the Account Supervisor is hereby authorized to issue a refund check in the following amount and

the Tax Collector to adjust her records accordingly.

<u>BLOCK LOT</u>	<u>HOMEOWNER/ADDRESS</u>	<u>AMOUNT</u>
1108/34	Dimitrios & Julia Papis 330 Taft Road	\$7,144.15

Make check payable to:

Wells Fargo Home Mortgage
MAC X2302-04D
1 Home Campus
Des Moines, IA 50328
Attn: Tax Refunds

December 8, 2015

#15-427 Authorize Tax Collector to Refund a 4th Quarter 2015 Tax Overpayment

WHEREAS, a 4th Quarter 2015 overpayment was received on 314 Van Saun Drive from Techno Title and Abstract Agency, LLC, the closing agent of the property owned by Pourang Sharifian; and

WHEREAS, the tax office has received a written request to refund the overpaid amount to Techno Title and Abstract Agency, LLC.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
1107/31	Pourang Sharifian 314 Van Saun Drive	\$2,487.07

Make check payable to: Techno Title and Abstract Agency, LLC
27 E. Main Street
Little Falls, NJ 07424

December 8, 2015

#15-428 Authorize Tax Collector to Refund a 4th Quarter 2015 Tax Overpayment

WHEREAS, a 4th Quarter 2015 overpayment was received on 208 Zabriskie Place from BlueLand Title Agency, Inc., the closing agent of the property owned by Edward D. Yeung; and

WHEREAS, the tax office has received a written request to refund the overpaid amount to BlueLand Title Agency, Inc.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
1208/8	Edward Yeung 208 Zabriskie Place	\$3,123.84

Make check payable to: BlueLand Title Agency, Inc.
460 Bergen Boulevard, Suite 204
Palisade Park, NJ 07650

December 8, 2015

#15-429 Authorize Tax Collector to Refund 4th Quarter 2015 Tax Overpayments

WHEREAS, the tax office has received a duplicate payment and/or tax overpayment for the 4th Quarter 2015 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
212/18	Antal, Zsombor & Laura 42 Lincoln Avenue River Edge, NJ 07661	\$ 38.00
911/15	Bhandari, Vivek & Namrata 278 Howland Avenue River Edge, NJ 07661	\$4,578.29

December 8, 2015

#15-430 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	\$ 900.00
TO: Health Benefit Waiver	23-2212-100	\$ 900.00
FROM: Sanitation Landfill O/E	32-4652-124	\$1,000.00
TO: Municipal Clerk O/E	20-1202-036	\$1,000.00
FROM: Sanitation Landfill O/E	32-4652-124	\$6,000.00
TO: Water O/E	31-4462-166	\$6,000.00
FROM: Sanitation Landfill O/E	32-4652-124	\$3,000.00
TO: Police Department O/E	25-2401-009	\$3,000.00
FROM: Sanitation Landfill O/E	32-4652-124	\$2,000.00
TO: Animal Welfare	27-3402-100	\$2,000.00
FROM: Sanitation Landfill O/E	32-4652-124	\$3,000.00
TO: SUI O/E	23-2252-100	\$3,000.00

December 8, 2015

Councilman Mignone read resolution #15-431 into the record.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #15-431.

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

#15-431 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	\$2,889,806.95
CAPITAL ACCOUNT	\$1,038,641.94
RECREATION ACCOUNT	\$ 869.20
TRUST OTHER ACCOUNT	\$ 59,297.19
OPEN SPACE ACCOUNT	\$ 19,421.44
TRUST OTHER DEVELOPERS ACCOUNT	\$ 3,503.75

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 times claims would be paid.

December 8, 2015

#15-432 Authorize Tax Collector to Refund 2015 4th Quarter Tax Overpayments

WHEREAS, the tax office has received duplicate and/or tax overpayments for the 4th Quarter 2015 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	QUARTER	AMOUNT
202/9	Qureshi, Moeen 900 Bogert Road	4 th	\$ 3,841.23
213/13.01	Jakupi, Visar 830 Park Avenue	4 th	\$ 7,249.51
303/12	Macrae, Duncan 773 5 th Avenue	4 th	\$ 1,608.50
311/25	Schuler-Dalverny 738 5 th Avenue	4 th	\$ 289.53
406/2	Shafiq, Shayan 775 Kinderkamack Rd.	4 th	\$ 2,882.43
411/7.02	Stratmann, Luke 721 Williams Avenue	4 th	\$ 8.03
706/27	Apanich, Jan Manond 256 Voorhis Avenue	4 th	\$ 111.24
908/25	Trinkleback, Edward & Dana 399 Oak Avenue	4 th	\$ 22.52
910/11	Halpin, Thomas & Dana 233 Beech Court	4 th	\$13,009.55
1210/14	Berger, Robert 162 Van Saun Drive	4 th	\$ 2,255.12
1302/14	Marone, Denise 154 Kinderkamack Rd.	4 th	\$ 250.00

Make check payable to:

Total: \$31,527.66

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

December 8, 2015

OPEN HEARING OF THE PUBLIC -

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

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

Carl Fazio-229 Madison Avenue-stated that he had asked for an update this evening on the Farmer's Market and the fee situation and was disappointed that the item was not listed on the agenda. He continued to say that the Mayor and Council did not pass an ordinance for the collection of fees and feels that it is a River Edge sponsored event with Councilwoman Murphy as the chair. He said that it has been determined that a fee had been collected and this money was turned over to the CFO in October and deposited into a River Edge account. He asked Councilwoman Murphy if his statements are correct?

Tom Sarlo, Esq.-advised Mr. Fazio that he's not hear to question each individual but he's welcome to make a statement and propose a question.

Carl Fazio-asked if the money that was collected was for 2014?
Tom Sarlo, Esq.-replied, it was for 2015.

Carl Fazio-asked what the ordinance, law or ruling on the time frame of depositing funds in the Borough is?

Alan Negreann, CFO- replied, our statute is 48 hours.

Carl Fazio-stated that fees were collected in June, July, August, September and October and the funds were deposited to a Borough account sometime in October. He asked if there were fees collected in 2014 for the Farmer's Market?

Tom Sarlo, Esq.-replied that to the best of his knowledge, no fees were collected in 2014.

Carl Fazio-asked if the Council authorized an investigation into this issue?

Tom Sarlo, Esq.-replied that no one has asked for an investigation.

Carl Fazio-asked who authorized the collection of these fees?

Tom Sarlo, Esq.-explained that there is a discrepancy whether this was a Borough event or whether the Market Manager was running the event. He further stated that if this is a Borough event, the Borough needs to pass an ordinance or resolution creating the Farmer's Market setting the fees or allow the Market Manager to run the market. The Market Manager set rules and regulations and in her rules and regulations, she had set a fee which she would collect at her discretion. Mr. Sarlo feels that it's very common to collect fees that way because you never know who will show up and their profit margins are very small. He explained that right now the she has turned the money over to the Borough and the Mayor and Council need to do one of two things. They need to pass a resolution accepting this money that was turned over or they pass a resolution not accepting this money and turn it back over to the Market Manager who would turn the money back to the vendors.

Carl Fazio-doesn't feel that it's that simple.

Tom Sarlo, Esq.-stated that it is that simple and he doesn't know what he's implying right now.

Carl Fazio-stated that he would like to see the Prosecutor's Office come in and investigate this issue.

Tom Sarlo, Esq.-asked for what reason?

Carl Fazio-replied for the misappropriation of funds.

Tom Sarlo, Esq.-asked who Mr. Fazio is accusing of misappropriating funds?

Carl Fazio-replied, "I have no idea".

Tom Sarlo, Esq.-doesn't know why we would ask the Prosecutor's Office to come in when no one has been accused of misappropriating funds.

Carl Fazio-believes that there was misappropriation of funds based on the collection of these fees over a five month period and that the funds were deposited in a Borough account in October.

Tom Sarlo, Esq.-stated that that's not a misappropriation. Mr. Sarlo stated that if he's saying someone misappropriated funds or took funds

illegally and he has any knowledge of it, then he should come forward and he would pass it along. Mr. Sarlo said that all we have is that the Market Manager collected the fees and turned it over.

Carl Fazio-stated that no one from the Mayor and Council instructed her to collect the fees. He asked if the Mayor and Councilwoman had knowledge that fees were being collected?

Tom Sarlo, Esq.-replied that if they knew that fees were being collected, that's not the issue. They may have known the fees were being collected but she set the rules and regulations and she collected the fees. Mr. Sarlo sent a memo to the Mayor and Council advising them that if they continue to move forward with this, things need to change. At this point in time, money was collected, and the Market Manager wishes to turn the money over the Green Team as donations because that's what the rules and regulations say. He continued to say that if the Green Team wishes can either accept the money, or if not, then it will go back to the Market Manager and she'll do what she needs to do.

Carl Fazio-stated that Mr. Sarlo said at the last meeting that this was not a town sponsored event.

Tom Sarlo, Esq.-stated, that's correct.

Carl Fazio-feels that it was a town sponsored event.

Tom Sarlo, Esq.-feels that it is a gray area because some feel it was and some feel it's not.

Councilman Mignone-stated that there are unanswered questions about the process, chronology, what was happening when, and who knew what without alleging whether there was misappropriation of funds. He continued to say that we know that money was collected that was not authorized by the Council and we also know that the Board of Health was told a different story than what was presented here. We're also being told that these funds are being considered donations, but since we have copies of checks, none of them say donations and they're all made out as fees. Some of vendors paid the fee for the season before the season started. He feels that there are procedural questions about what was collected, why it was collected and the reasons given. He continued to say that according to the Board of Health minutes, the money was collected for three reasons; advertising petty cash and administrative costs. He said that of the money that was turned in, we don't know if any additional money was spent on those three items that they were told the money was collected for. Councilman Mignone feels that they need to understand what happened and as Mr. Sarlo said put the controls in place so going forward, this doesn't happen again. Councilman Mignone feels that there has to be a clear understanding of what the Market Manager's responsibilities are and the vendors have to have a clear understanding of what their obligations are. Again, he stated that there are unanswered questions and it is his understanding that there was money collected in 2014 by some of the vendors and feels that it should be looked into. Councilman Mignone would like to meet with members of the Board of Health to find out what was discussed at the July meeting followed by a meeting with the Health Inspector and Health Officer to find out what was said by the vendors to get a full understanding of what transpired. Councilman Mignone said that he is not willing to call the Prosecutor at this point but feels that if public officials knew that money was being collected knowing that they didn't authorize it, they had a responsibility to bring it to the Council. Councilman Mignone said that he has no issue with the fact that they collected a fee, but it should have been authorized and documented. In the transmittal of funds to the Borough, it was said that they didn't know what to do with the money. He doesn't understand why they would not know what to do with the money and why they would hold onto it for that long of a period of time. He also feels that there are legitimate questions that need to be answered so that going forward this doesn't happen again. As he has stated before, he thinks that this was always considered a Borough event and the residents need to know that we have proper guidelines and that protocol is being followed.

Carl Fazio-stated that he's been hearing that this will be addressed and the questions will be answered and asked if there will be a thorough review.

Councilman Mignone-said that he doesn't know what the process would be and will look to Mr. Sarlo for guidance.

Carl Fazio-feels that the public has the right to know what's going on and feels that Councilwoman Murphy as the Chairperson, has mismanaged it. He wanted to go on the record by saying that Councilwoman Murphy should resign her position as Councilwoman.

Councilwoman Murphy-asked Mr. Fazio how the food bank was going?

Peggy White-741 Center Avenue-said that she's been questioning this situation herself after reading the article in the paper. Prior to

that, she heard that these funds, all of a sudden, were going to be given to the Green Team. She had spoken to several members of the Green Team and they knew nothing about it. She feels that if this was done properly, the Green Team would have known and been very happy about it. Mrs. White feels that it has always been advertised as the River Edge Farmer's Market. She explained that when she was involved with the Girl Scouts Flea Market, they had to get the okay from the Borough in order to do it. If the Farmer's Market was being done by someone else, they should have had to go through the same process as the Girl Scouts. The Girl Scouts received the okay and paid a fee to the Borough and then they could keep the money that they received from each of the vendors.

Mayor Moscaritolo-said the Girl Scouts had a flea market?

Peggy White-replied, many years ago. She said that the whole point is that it shouldn't be any different than what they had to go through.

Mayor Moscaritolo-asked if the Girl Scouts gave the money to the Borough?

Peggy White-replied no because it was an individually run flea market. Mrs. White feels that because it was called the River Edge Farmer's Market they all should have known how it was being run and that money was being charged. She continued to say that the money didn't come back to the Borough until something was brought up at a meeting.

Councilman Mignone-stated that it's very simple. If we go on the premise that this was not a River Edge event, Mr. Sarlo tells us that the funds will be considered donations to the Borough. If we had received checks that said "voluntary donation to the Green Team", he would accept that. He continued to say that that's not what we have here, we have checks that say "weekly fee" or "seasonal fee". If we contact the vendors and ask if they intended for this to be a donation and they yes, then we can accept it as a donation. On the other side, if we say that this a Borough event and they collected money that was not authorized, it raises a whole other set of questions. He said that there is a lot of confusion as to what happened when and why, and said that it will be straightened out by the time it starts up again so that there will be no problems going forward.

Peggy White-feels that it is a shame that no one was forthcoming with this information to the Mayor and Council. On another topic, she noticed on Fifth Avenue that there are bike path signs on the ground and asked if that was approved by the state? The bike path that was done many years ago was recorded by the state and she asked if the same was done this time?

Mayor Moscaritolo-replied that it's on the plan that was submitted to the DOT and the DOT approved and accepted the plan showing the sharrows on the ground.

Peggy White-complained that it is very difficult to get out of Tenney Avenue from 2 to 5 p.m. because of the way the no left turn signage reads on surrounding streets. She said that between motorists traveling from New Milford on Center and the school buses from Yeshiva is makes it very difficult and she asked if someone could look into that.

Carl Fazio-229 Madison Avenue-feels that Councilwoman Murphy made a comment that he felt was out of line and feels that the Mayor should have control over the Council members.

Mayor Moscaritolo-said that many times he has been criticized for allowing Council members to have too much of the floor.

Carl Fazio-feels that the comment had nothing to do with his issue and asked Councilwoman Murphy to repeat the comment.

Mayor Moscaritolo-advised Mr. Fazio that we're not going back and forth and feels that he is provoking the Councilwoman to make another comment to him.

Carl Fazio-again stated that he felt that her comment was not proper and also feels that she offends people at meetings. Mr. Fazio said that he would like to see Councilwoman Murphy resign.

CLOSE HEARING OF THE PUBLIC -

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

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

COUNCIL COMMENTS - NONE

ADJOURNMENT - 8:52 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adjourn the meeting at 8:52 p.m.

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

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated:

