

M I N U T E S
Meeting of the Mayor and Council
February 6, 2012
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 and reflection and asked Councilman Porco to lead the salute to the flag.

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

Mayor Moscaritolo read the Mission Statement 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 effecting 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 Cordts, Councilman Porco, Councilman Bartelloni, Councilman Papaleo and Mayor Moscaritolo were present; Councilman Mignone was absent.

APPROVAL OF MINUTES -

Motion by Councilman Cordts, seconded by Councilwoman Murphy to approve the minutes of the Mayor and Council Closed Session meeting of December 5, 2011.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council Closed Session meeting of December 19, 2011.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council Closed Session meeting of December 27, 2011.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Motion by Councilman Cordts, seconded by Councilwoman Murphy to approve the minutes of the Mayor and Council work session and regular meeting of January 17, 2012.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Porco abstained and Councilman Mignone was absent.

Motion by Councilman Murphy, seconded by Councilman Cordts to approve the minutes of the special meeting and work session of January 23, 2012.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

PROCLAMATIONS & AWARDS - NONE

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilman Porco, seconded by Councilman Papaleo to approve the resignation of Jodi Lenkel as the Chairperson to the River Edge Alliance Against Alcohol and Drug Abuse, effective February 15, 2012.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Motion by Councilman Porco, seconded by Councilman Bartelloni to approve the appointment of Marie Papaleo as the Chairperson to the River Edge Alliance Against Alcohol and Drug Abuse, effective February 16, 2012.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco and Councilman Bartelloni voted yes; Councilman Papaleo abstained and Councilman Mignone was absent.

Motion by Councilman Porco, seconded by Councilman Bartelloni to approve the salary change of Michael Walker, Police Department, from an annual salary of \$117,199.00 to \$143,358.00, for performing duties of a higher rank as per the contract, effective December 19, 2011.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Motion by Councilman Porco, seconded by Councilman Cordts to approve the salary change of Michael Walker, Police Department from an annual salary of \$143,358.00 to \$117,199.00 due to his return to Lieutenant position, effective December 28, 2011.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Motion by Councilman Porco, seconded by Councilman Cordts to approve the hire of Renata Sanches, as a Patrol Officer in the Police Department at an annual salary of \$27,500.00, with a one-year probationary period effective February 7, 2012.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Mayor Moscaritolo administered the Oath of Office to Patrol Officer Sanches.

Motion by Councilwoman Murphy, seconded by Councilman Cordts to approve the hire of Anthony Roman, as a Patrol Officer in the Police Department at an annual salary of \$27,500.00, with a one-year probationary period effective February 7, 2012.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Mayor Moscaritolo administered the Oath of Office to Patrol Officer Roman.

Police Chief Cariddi-stated that he feels fortunate to have so many talented, well trained and dedicated Police Officers in the River Edge Police Department. He is exceptionally proud tonight to invite Renata Sanches and Anthony Roman to our ranks and is confident that they will be fine additions to our force.

CORRESPONDENCE -

Letter	-	River Edge Board of Education - 1/17/12 Re: Meeting - January 18, 2012
Letter	-	City of Hackensack - 1/19/12 Re: Resolution & Ordinance
Letter	-	Hackensack Medical Center - 1/23/12 Re: Thank You PBA
Letter	-	River Edge Board of Education - 1/23/12 Re: Budget Meeting January 28, 2012
Letter	-	St. Peter Academy - 1/23/12 Re: Thank You for Proclamation
Letter	-	Cablevision - 1/30/12 Re: Launch of New Channels

Letter - Envirotrac - 2/1/12
 Re: Monitoring Report - 525 Hackensack Ave.
 Letter - Temple Avodat Shalom - 2/2/12
 Re: Thanking Mayor for Support

LIAISON REPORTS -

Councilman Papaleo - Liaison to Fire Department, Construction, Social Services and Property Maintenance, had no report.
Councilman Bartelloni-Liaison to the Schools, Beautification, SCORE - reported that the Board of Education met early last week and did vote to change the school election from April to November. He also reported that Oradell, River Edge and River Dell will all have their elections in November. Councilman Bartelloni stated that they did a survey from kindergarten through sixth grade through a service called SurveyMonkey.com to find out how students, parents and employees in the district felt about the district. He stated that this service was relatively reasonable and feels that it was an excellent idea and suggests that they, as a Council, do the same thing to get a sense as to what the community thinks. He feels that because there is not a large turnout at Council meetings this might be an opportunity to get some feedback on the pressing issues in town. Councilman Bartelloni stated that the July 4th Committee did meet on January 26th and informed everyone that the concert in the park will be on July 3rd. They discussed several ideas including additional activities and trying to make the parade a little larger. One idea was to send out invitations to the Bergen County Sheriff and Police Departments. Another idea was to try and get active duty military involved in the parade. Councilman Bartelloni said he suggested a dunk tank for the Mayor and Council as a fundraiser to offset some of the costs of the July 4th celebration. They also discussed River Edge Day and possibly adding a concert the day before and also talked about having a wine and beer tasting event as well. Councilman Bartelloni explained an idea that the Historic Commission was exploring on doing an oral history of River Edge by sitting down with older residents and getting a sense of what the town was like during last 50, 60 or 70 years.

Councilman Porco-Liaison to Recreation and Historic had no report.

Councilman Cordts-Liaison to DPW and Traffic & Safety - stated that he will have a report at the next meeting.

Councilwoman Murphy-Liaison to Library, SCORE and Shade Tree - reported that she and Councilman Bartelloni had attended SCORE a few weeks ago and some of their concerns were that they haven't seen the nurse there in quite a while and asked why she isn't able to make it there at least once a month. Councilwoman Murphy said that she received an e-mail from Arlene Faustini who explained that because of the flu pandemic she was unable to get to the Temple. Other concerns that the seniors had were about the bus driver. The bus driver broke his elbow and was out of commission for three months and complained that there was no transportation to get them to their doctor's appointments. Councilman Murphy stated that she knows there is a secondary bus driver and feels that he was under-utilized and would like more information on that. Councilwoman Murphy reported that the Library carpet project is underway and encouraged everyone to take a look because it looks great. She stated that the "Neighbor Helping Neighbor" program held at the Library is working out very well and they've had over 50 success stories with people who have found work. This program is in several libraries across New Jersey and one group who meets at the Ridgewood Library celebrated their one year anniversary. Councilwoman Murphy met with Liz Stewart and other members from the Shade Tree Commission and mentioned that they have a great five year forestry plan and seem to address concerns by our citizens when they have problems with trees. She continued by saying that they work in conjunction with John Lynch and she is very impressed with what they do and the dedication that they have.

MONTHLY REPORTS -

2011 Annual Debt Statement	
Library Board	- January 2012
Historic Commission	- October 2011
Historic Commission	- November 2011
Beautification Committee	- January 2011 (No quorum)
Planning Board	- December 2011
Shade Tree Commission	- December 2011
Recreation Commission	- December 2011
Recreation Commission	- Directors Report - 12/14/11
Building Department	- January 2012

ORDINANCES - 1ST Reading

Denise Dondiego, Borough Clerk read the title of Ordinance #1753 as follows:

Ordinance #1753 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE III, TRAFFIC REGULATIONS, TURNS

Mayor Moscaritolo gave a brief explanation of Ordinance #1753.

Motion by Councilman Cordts, seconded by Councilwoman Murphy to approve the first reading of Ordinance #1753 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1753

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE III, TRAFFIC REGULATIONS, TURNS

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

Section 1. Section 400-21 Turns shall be amended as follows:

B. Left turns. No person shall make a left turn on any of the following streets:

Add the following street:

(17) From Dunkin Donuts west onto Midland Avenue

Section 2. Section 400-21 Turns shall be amended as follows:

Add:

E. Mandatory Right Hand Turn. From 666 Kinderkamack Road

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

Section II:

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 III:

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

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk

Dated:

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Denise Dondiego, Borough Clerk read the title of Ordinance #1753 as follows:

Ordinance #1754 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SECTION 27 SCHEDULE I: PARKING PROHIBITED AT ALL TIMES

Mayor Moscaritolo gave a brief explanation of Ordinance #1754.

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the first reading of Ordinance #1754 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1754

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SECTION 27 SCHEDULE I: PARKING
PROHIBITED AT ALL TIMES

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

Section 1. Section 400-27 *Parking Prohibited at All Times* shall be
amended as follows:

Add The following street:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lakeview Street	West	From the south curb of Reservoir Avenue To a point 50 feet therefrom

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

Section II:

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 III:

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

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk

Dated:

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco,
Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was
absent.

Denise Dondiego, Borough Clerk read the title of Ordinance #1753 as
follows:

Ordinance #1755 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE III, TRAFFIC
REGULATIONS, TRAFFIC CONTROL SIGNALS

Mayor Moscaritolo gave a brief explanation of Ordinance #1755.

Motion by Councilman Cordts, seconded by Councilwoman Murphy to approve the
first reading of Ordinance #1755 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1755

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE III, TRAFFIC REGULATIONS, TRAFFIC
CONTROL SIGNALS

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

Section 1. Section 400-24 *Traffic Control Signals* shall be amended as
follows:

Add:

Kinderkamack Road and Howland Avenue

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

Section II:

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 III:

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

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk

Dated:

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Denise Dondiego, Borough Clerk read the title of Ordinance #1753 as follows:

Ordinance #1756 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SCHEDULES

Mayor Moscaritolo gave a brief explanation of Ordinance #1756.

Motion by Councilman Cordts, seconded by Councilwoman Murphy to approve the first reading of Ordinance #1756 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1756

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SCHEDULES

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

Section 1. Section 400-27 *Schedule I: Parking Prohibited at All Times* shall be amended as follows:

Delete:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Howland Avenue	North	Kinderkamack road to Bogert Road

Section 2. Section 400-34 *Schedule VIII: One-Way Street* shall be amended as follows:

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

Section 3. Section 400-40 *Schedule XIV: Location of Crosswalks with In-Street Pedestrian Signs* shall be deleted in its entirety

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

Section II:

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 III:

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

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk

Dated:

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Denise Dondiego, Borough Clerk read the title of Ordinance #1753 as follows:

Ordinance #1757 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SECTION 39 SCHEDULE XIII: LOCATION OF CROSSWALKS

Mayor Moscaritolo gave a brief explanation of Ordinance #1757.

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the first reading of Ordinance #1757 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1757

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SECTION 39 SCHEDULE XIII: LOCATION OF CROSSWALKS

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

Section 1. Section 400-39 *Local of Crosswalks* shall be amended as follows:

Delete in its entirety and replace with the following crosswalks:

<u>Name of Street</u>	<u>Location</u>
Bogert Road	500 feet south from the south curb of Wayne Avenue To a point 11 feet therefrom across Bogert Road
Bogert Road	10 feet south from the south curb of Wayne Avenue to A point 8 feet therefrom, across Bogert Road
Bogert Road	From the north curb of Wayne Avenue to a point 8 Feet north therefrom, across Bogert Road
Continental Avenue	3 feet east from the east curb of Bogert Road to A point 8 feet therefrom, across Continental Avenue

Continental Avenue	From the west curb of Bogert Road to a point 8 feet West therefrom, across Continental Avenue
Continental Avenue	From the east curb of Elm Avenue to a point 8 feet East therefrom, across Continental Avenue
Continental Avenue	From the west curb of Elm Avenue to a point 8 feet West therefrom, across Continental Avenue
Elizabeth Street	From the north curb of Grand Avenue to a point 10 Feet north therefrom, across Elizabeth Street
Fifth Avenue	8 feet south from the south curb of Manchester Avenue To a point 8 feet therefrom, across Fifth Avenue
Fifth Avenue	10 feet north from the north curb of Manchester Avenue to a point 8 feet therefrom, across Fifth Ave.
Grand Avenue	From the west curb of Hackensack Avenue to a point 10 Feet west therefrom across Grand Avenue
Howland Avenue	4 feet west from the west curb of Oak Avenue to a Point 8 feet therefrom, across Howland Avenue
Howland Avenue	6 feet west from the west curb of Fifth Avenue to A point 8 feet therefrom across Howland Avenue
Howland Avenue	8 feet west curb of Valley Road to a point 10 Fee therefrom across Howland Avenue
Kinderkamack Road	13 feet north from the north curb of Reservoir Avenue to a point 10 feet therefrom, across Kinderkamack Rd.
Kinderkamack Road	10 feet south from the south curb of Madison Avenue To a point 10 feet therefrom, across Kinderkamack Rd.
Midland Avenue	From the east curb of Bogert Road to a point 10 feet East therefrom, across Midland Avenue
Midland Avenue	From the west curb of Bogert Road to a point 10 feet West therefrom, across Midland Avenue
Midland Avenue	From the west curb of Myrtle Avenue to a point 10 feet west therefrom, across Midland Avenue
Webb Avenue	From the east curb of Bogert Road to a point 10 feet East therefrom, across Webb Avenue
Webb Avenue	From the west curb of Bogert Road to a point 10 feet West therefrom, across Webb Avenue

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

Section II:

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 III:

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

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk

Dated:

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Denise Dondiego, Borough Clerk read the title of Ordinance #1753 as follows:

Ordinance #1758 - AN ORDINANCE AMENDING CHAPTER 384, TREES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

Motion by Councilman Porco, seconded by Councilman Cordts to approve the first reading of Ordinance #1758 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1758

AN ORDINANCE AMENDING CHAPTER 384, 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:

§ 385-1 Purpose.

The Mayor and Council of the Borough of River Edge finds that the preservation, protection, and planting of trees and other plants conserves and enhances the borough's physical and aesthetic appearance, and generally protects the public health and safety and general welfare;

The intent of this Ordinance is to limit the adverse impact of tree damage and removal associated with construction. This ordinance preserves and perpetuates the Borough's tree stock located on public property and within a commercial or residential development, through the establishment of regulatory control over removal of trees that have attained a specific minimum size, and the requirement that property owners or their agents provide orderly tree replacement plans.

Section II:

§ 385-2 Definitions.

For the purposes of this ordinance, the below terms have the following defined meaning.

B&B (balled & burlapped) - means a method of excavation in which the subject Tree is removed along with the surrounding its roots and such soil and roots are wrapped and laced.

Borough Trees - means any tree whether located on a Borough Street, right of way or property under the ownership or control of the Borough of River Edge.

Diameter Breast Height (DBH) - means the diameter of a Tree measured at a point on the trees four (4') from ground level.

ISA - means the International Society of Arboriculture.

Project - means any undertaking whatsoever which would involve potential damage to or which may result in the planned or unplanned removal of regulated trees. Such projects shall include, but not be limited to, new construction, modifications of existing structures, grade modification and drainage improvement works, except for those exempted in Section nine (9) of this ordinance.

Regulated Tree - means any deciduous or coniferous tree which has a DBH of four inches (4") or greater.

Removal - means any activity which results in cutting down completely or substantially eliminates a living regulated tree for the Borough's tree stock.

Removal Plan - means a Protection and Removal Plan.

Replacement Plan - means a plan developed in accordance with and conforming to the provisions of this ordinance which has been approved by the Shade Tree Commission.

Site Plan - means a plan as defined by the Borough's Municipal Land Use Ordinance.

Shade Tree Replacement Fund - means "Trust Other Fund - Dedicated Shade Tree Commission Escrow Account." and is the dedicated depository account of the

Shade Tree Commission for tree permit fees, tree replacement fees, expert fees and cash landscape bonds.

Section III:

§ 385-3 Cutting or Removal Restricted.

With the exception of the exemptions set forth in Section 9 of this ordinance, including, but not limited to dead, dying or diseased trees, no person shall cut or remove, or cause to be cut or removed, a regulated tree upon any lands within the Borough of River Edge unless cutting or removal is performed in strict accordance with the provisions of this ordinance.

Section IV:

§ 385-4 Permit Required.

A Project Permit is required for the removal of regulated tree(s).

Section V:

§ 385-5 Project Permit Application Process.

A. Project Permit Application Submission.

Upon filing an application for development with the Borough or a building permit for construction of dwelling(s), a Tree Removal and Protection Project Permit shall be required for the removal and/or protection of public trees and those trees located within a residential or commercial development. A permit application for the removal and/or protection of said trees shall be submitted to the Shade Tree Commission for review.

B. Application Contents.

An application for a Tree Removal and Protection Project Permit shall consist of the following:

1. The name and address of the owner of the land;
2. The description of the lands in question, including the lot and block numbers of the land as shown on the current Tax Map of the Borough of River Edge; a survey or plot plan locating public and private trees;
3. The purpose or reason for removing the tree(s);
4. The quantity, caliper size, location and species of tree(s) to be removed;
5. The proposed dates for commencement and completion of the project;
6. Name and address of the person having express charge, supervision, and/or control of the proposed removal of tree(s);
7. A statement granting permission to Borough officials or their employees to enter the premises and make surveys and inspections as the work progresses; and
8. A Tree Replacement Plan that includes quantity, caliper size, location and species of tree(s) to be replanted.

C. Jurisdiction

1. The Shade Tree Commission shall have jurisdiction concerning the removal and protection of trees on private and public property unless otherwise exempted herein. The protection and removal assessment of regulated trees will be determined by the appraisal of a trained forester or licensed tree expert retained by the Borough for that purpose. The Borough shall modify the value of the tree based upon its species, variety, location and its condition at the time of removal or destruction.

D. The Shade Tree Commission shall review the Project Permit application to determine whether such Project complies with this ordinance. The Shade Tree Commission shall then provide written notice to the applicant indicating one of the following determinations:

1. The Project Permit is granted; or
2. The Project Permit is granted subject to prescribed conditions attached to such notice; or
3. The Project Permit is denied, in which case the written notice

shall state the reasons for such denial.

E. The Shade Tree Commission shall render a decision on a Project Permit Application and furnish the required notices within thirty (30) calendar days following submission of a completed application.

F. Failure of the Shade Tree Commission to render a decision within the thirty (30) day period, or within any extension of time granted by the applicant, shall constitute and have the same effect as an approval of the application.

G. Any proposed change in the approved Project shall be submitted to the Shade Tree Commission. The Shade Tree Commission's determination concerning the approval of the amended project shall be determined in the same manner as an original application for a Project Permit.

H. The applicant shall maintain a copy of the approved Project at the Project location. A copy of the Project Permit shall be available for inspection by a representative of the Shade Tree Commission.

Section VI:

§ 385-6 Tree Replacement Fee Schedule (Private Trees)

Trees to be Removed		Replacement Trees		
Number of Trees	DBH (inches)	Number of Trees to be replaced	Caliper or Dollar Amount (inches)	Dollar Amount per tree
1	4" to 11"	One (1)	2 to 2 ½	\$400
1	12" to 17"	Two (2)	2 to 2 ½	\$400
1	18" to 23"	Three (3)	2 to 2 ½	\$400
1	Greater than 24"	Four (4)	2 to 2 ½	\$400

Section VII:

§ 385-7 Shade Tree Replacement Fund.

In certain circumstances, the Shade Tree Commission may authorize a contribution to the Borough's Shade Tree Replacement Fund in lieu of planting replacement trees on a site where it determines that the purposes of this ordinance would be furthered thereby. Such contribution shall bear a reasonable relationship to the cost of planting trees that would otherwise be required under Section 6 of this ordinance, but in no case shall it be less than \$400.00 per required replacement exclusive of permit fees.

Section VIII:

§ 385-8 Bonding Requirement (Street Trees)

(a) Any person developing property, re-developing property or demolishing structures on property with Borough trees, will provide the Borough of River Edge with a Cash Landscape Maintenance Bond or equivalent in an amount not to exceed \$5,000 for each Borough of River Edge street tree on said property for up to three (3) years. After the first year, and the second year, if it is necessary, the tree/trees will be evaluated by the Shade Tree Commission. Based upon the evaluation, the Commission will determine whether the Cash Landscape Maintenance Bond or equivalent will be returned, extended, or moved to the Shade Tree Replacement Fund utilized to remove and replace any of the Borough of River Edge trees on said property.

Section IX:

§ 385-9 Exemptions.

The following shall be exempt from the requirements of this ordinance:

- A. Trees that are deemed to be removed by the Borough, which are on or over a public right-of-way.
- B. Trees that are deemed to be removed as part of a municipal project.
- C. Emergency removals.
- D. Trees removed on private property as part of the owner's property maintenance and care.

Section X:

§ 385-10 Fees

An application for a Tree Removal and Protection Permit shall be accompanied by the required fees as set forth below:

A. Administration Fee for the processing of each tree removal permit-\$25.00.

B. Escrow deposit where Shade Tree Commission determines that a tree expert is needed for tree evaluation. Expert fees incurred by the Commission shall be the responsibility of the applicant.

Section XI:

§ 385-11 Penalty.

Any person who violates any provisions of this ordinance shall be liable for a fine not to exceed One Thousand (\$1,000.00) Dollars together with restitution in an amount to be determined for replacement of the improperly removed trees.

Section XII:

§ 385-12 Severability.

If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

Section XIII:

§ 385-13 Inconsistency.

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section XIV:

§ 385-14 Effective Date.

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

Section XV:

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

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk
Dated:

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

ORDINANCES - 2nd Reading

Denise Dondiego, Borough Clerk read the title of Ordinance #1751 as follows:

Ordinance #1751 - AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.A. 40:4-53

Ordinance #1751 was introduced by Councilwoman Murphy, seconded by

Councilman Bartelloni at the January 17, 2012 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1751

AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.A. 40:4-53

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen and State of New Jersey, that pursuant to N.J.S.A. 40A:4-53 (Chapter 48, P.L. 1956 as amended by Chapter 144, P.L. 1965 and Chapter 38, P.L. 1969) the sum of \$2,300.00 is hereby appropriated for the

A. Preparation of a revision and codification of ordinances.

And shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A-4-55.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one fifth of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

This ordinance shall take effect when passed and published as required by law.

Mayor Sandy Moscaritolo

ATTEST:

Denise A. Dondiego, Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1751

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

CLOSE HEARING OF THE PUBLIC - Ordinance #1751

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilman Bartelloni to close hearing of the public.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

ADOPTION - Ordinance #1751

Motion by Councilman Bartelloni, seconded by Councilman Cordts to adopt Ordinance #1751.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Denise Dondiego, Borough Clerk read the title of Ordinance #1752 as follows:

Ordinance #1752 - AN ORDINANCE AMENDING ORDINANCE #1454 CREATING AND ESTABLISHING THE RIVER EDGE BEAUTIFICATION COMMITTEE

Ordinance #1752 was introduced by Councilman Bartelloni, seconded by

Councilman Mignone at the January 17, 2012 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1752

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:

Eight members shall constitute a quorum.

SECTION III:

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

SECTION IV:

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 V:

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

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk
Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1752

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

CLOSE HEARING OF THE PUBLIC - Ordinance #1752

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilman Bartelloni to close hearing of the public.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

ADOPTION - Ordinance #1752

Motion by Councilman Bartelloni, seconded by Councilman Cordts to adopt Ordinance #1752.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Cordts to approve resolution #12-72 through #12-77.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

#12-72 Resolution to Amend Cancellation of 2011 Tax Balances Under \$10.00

WHEREAS, N.J.S.A. 40A:17.1 provides that the Governing Body of the Municipality may, by resolution, authorize cancellation of property taxes up to \$10.00; and

WHEREAS, the Tax Collector finds it necessary to amend resolution #12-67 adopted by the Mayor and Council on January 17, 2012; and

WHEREAS, the below listed properties had overpayments which can be applied to the delinquent balances.

<u>Block/Lot</u>	<u>Overpaid</u>	<u>Apply to Delinquent</u>
701/16	(4.99)	4.99
703/21	(4.99)	4.99
909/20	(3.78)	3.78

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is authorized to apply the above open overpaid balances to the delinquent accounts and adjust her records accordingly.

February 6, 2012

#12-73 Resolution Approving the Certification List of Volunteer Members of the River Edge Volunteer Ambulance Service, Inc. Qualifying for Credit Under the Length of Service Awards Program (LOSAP) for 2011

WHEREAS, the Borough of River Edge adopted Ordinance #1289 on May 7, 2000 which created the Length of Service Awards Program (LOSAP); and

WHEREAS, N.J.S.A. 40A:14-191 requires that the River Edge Ambulance Service, Inc. furnish the Mayor and Council with an annual certification list of all members who have qualified for credit under the award program for the previous year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the Mayor and Council hereby approves the list of the members of the River Edge Ambulance Service, Inc. certified by the Captain for the year 2011, a copy of which list is attached here as Exhibit A; and

BE IT FURTHER RESOLVED that a copy of this resolution be posted by the Captain of the Ambulance Service.

February 6, 2012

#12-74 Tax Reimbursement Certification

WHEREAS, the Recycling Enhancement Act., P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that River Edge hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2011 in the amount of \$11,977.44. Documentation supporting this submission is available at 705 Kinderkamack Road, River Edge, New Jersey and shall be maintained for no less than five years from this date.

Tax Reimbursement Certified by:

Name of Official:

Title of Official:

Date:

February 6, 2012

#12-75 Enter Into Agreement with YMP Consulting Engineering LLC, 16 Layng Terrace, Springfield, NJ 07081 for Mechanical Engineering Services to Design HVAC Upgrade to Borough Hall

WHEREAS, there exists a need to retain mechanical engineering services related to Design HVAC Upgrade to Borough hall; and

WHEREAS, YMP Consulting Engineering LLC meets the criteria for a professional service contract under N.J.S.A. 40A:11-1; 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, YMP Consulting Engineering LLC has completed and submitted a Business Entity Disclosure Certification which certifies that YMP Consulting Engineering 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 YMP Consulting Engineering LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund in the amount not to exceed \$2,435.00; 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; and

WHEREAS, the per hour rates are as follows:

Partner	\$135.00/hour
Manager	\$ 95.00/hour
Senior	\$ 85.00/hour
Staff	\$ 35.00/hour
Administrative	\$ 25.00/hour

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 YMP Consulting Engineering LLC in the amount not to exceed \$2,435.00; 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 a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of this resolution be forwarded to the RIDGEWOOD NEWS for publication.

February 6, 2012

#12-76 Approval of Amusement Machine Licenses

WHEREAS, pursuant to the Borough of River Edge Ordinance #514, it is required that a license shall be issued for Amusement Machines in the Borough of River Edge; and

WHEREAS, an application has been received and a fee has been paid for an Amusement Machine License.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the following be granted an Amusement Machine License commencing on January 1, 2012 and expiring on December 31, 2012 at midnight.

Sayat Nova Restaurant
T/A Feathers
77 Kinderkamack Road

One Machine (1) \$120.00

February 6, 2012

#12-77 Approve Sign Management Plan Dated January 2012

WHEREAS, a Sign Management Plan has been prepared providing an orderly explanation of operating policies and procedures which will aid in assuring the compliance of the Borough of River Edge with the Manual of Uniform Traffic Control Devices (MUTCD) as promulgated by the Federal Highway Administration; and

WHEREAS, this plan was prepared by the Borough Administrator with input from the Police Department and Department of Public Works; and

WHEREAS, this matter has been reviewed by the Mayor and Council at a work session on January 23, 2012; and

WHEREAS, this Sign Management Plan has been reviewed by the Mayor and Council for both form and content.

NOW, THEREFORE, BE IT RESOLVED that said plan is hereby approved and authorized for use by the Borough of River Edge and that any changes thereto shall not be made without approval by the Mayor and Council.

BE IT FURTHER RESOLVED that this resolution is retroactive effective January 22, 2012.

February 6, 2012

Motion by Councilman Cordts, seconded by Councilwoman Murphy to approve resolution #12-78.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

#12-78 Release of Data on the Closed Session

WHEREAS, N.J.S.A. 10:4-12 states that the public may be excluded from a portion of a meeting held by a public body when it discusses those matters as defined as an exception by law; and

WHEREAS, N.J.S.A. 10:4-13 states that the closed session information may be discussed if the public body shall first adopt a resolution, at a meeting to which the public shall be admitted; and

WHEREAS, N.J.S.A. 10:4-13(a) states that the resolution shall contain a statement as to the general nature of the subject to be discussed including as precisely as possible, the time when the circumstances under which the discussion was conducted in closed session of the public body can be disclosed to the public; and

WHEREAS, the Mayor and Council have considered the release of the data and information of the below listed items at a work session dated January 23, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the below listed items be hereby made available to the public.

Closed Session

Date of

<u>Docket #1</u>	<u>Item Title or Description</u>	<u>Meeting</u>
07-4/16-3	Acquisition of Property-Right of Way Block 212, Lot 21	April 16, 2007
10-3/15-2	Cell Tower Lease Agreement	March 15, 2010
10-5/3-2	Potential Litigation-Cell Tower	May 3, 2010
11-8/1-1	Personnel-Non-Contractual Employees-Longevity Pay for Hire on or After July 1, 2011	August 1, 2011

February 6, 2012

Councilwoman Murphy-stated that AJM was awarded a contract for \$818,320.00 and there has been six amendments totaling an extra \$22,487.44 and was wondering where does it stop. She doesn't understand why they would bid \$818,320.00 if they didn't think they could complete the project for that amount. She asked why they are continuing to get additional money.

Alan Negreann-explained that the change orders that are allowed under the law are very specific. There is a public contracts law that has a great deal of definition as to what constitutes a change order and what doesn't. He continued to say that he and the Borough Engineer attended a pre-construction meeting and at that time they provided a copy of that law to the contractor and explained to him that change orders will only be allowed in accordance with the law.

Bob Costa, Borough Engineer-explained that this change order is for the guide rail that was installed on the north side of Kinderkamack Road.

Mayor Moscaritolo- questioned why the guard rail is so close to the roadway leaving no room for a sidewalk. A pedestrian has to actually walk into the roadway to get past the guard rail and back to where the sidewalk begins again.

Bob Costa-stated that there is no sidewalk on the north side of this project. He explained that many years ago, the Nigito family gave the Borough that land and it is very steep there. In order to construct a sidewalk there you would basically have to build a wall.

Mayor Moscaritolo-asked if there is a crosswalk there?

Bob Costa-explained that the crosswalk is south of that area. He continued by saying that the bus stop was moved to the north because the houses were too close to construct the cut-out. He explained that if a commuter gets off at the bus stop, they would have to walk south to the traffic light and cross the street at the traffic light. He explained the reason for the change order is because the Assistant County Engineer wanted the guide rail changed and moved further.

Councilwoman Murphy-feels that every month there is an extra amendment.

Bob Costa-explained that they are closing out the project and they are waiting for a final inspection by the County engineers. He believes that there is still one outstanding item which should be completed by next week or the following week. He explained that this is covered by the County and the Borough is not paying for this.

Motion by Councilman Porco, seconded by Councilman Bartelloni to approve resolution #12-79.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

#12-79 Change Order #6 Approval and Amendatory Contract for 2011 Howland Avenue & Kinderkamack Road Intersection Improvement Project to AJM Contractors, Inc.

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 on June 6, 2011 via resolution #11-207 to AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey 07011 in the amount of \$818,320.10, amended via resolution #11-263 in the amount of \$5,295.00 dated August 1, 2011, amended via resolution #11-311 dated September 6, 2011 in the amount of \$4,000.00; amended via resolution #11-350 dated October 3, 2011 in the amount of \$4,014.00; amended via resolution #11-404 dated November 7, 2011 in a decreased amount of \$(703.81); and amended via resolution #12-60 dated January 17, 2012 in the amount of \$2,037.00; and

WHEREAS Change Order #6 reflects a deletion to the contract for a beam guide rail in the amount of (\$1,250.00) and an addition to the contract for the installation of an 81.25 L.F. Guide Rail in the amount of \$9,095.25 for a total increase of \$7,845.25; and

WHEREAS, the Borough Engineer has recommended the above change; and

WHEREAS, The Chief Financial Office has certified that funds are available from Account #04-2150-55-1728-200 of the Capital Fund in the amount not to exceed \$7,845.25.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with AJM Contractors, Inc. for Change Order #6 which reflects an increase of \$7,845.25 to the original contract.

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 #6.

February 6, 2012

Motion by Councilman Cordts, seconded by Councilwoman Murphy to approve resolution #12-80.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

#12-80 Waive Street Opening Application Fee - Let It Grow

WHEREAS, Chapter 206, Fees and Chapter 362, Article 3 requires an application fee of \$250.00 and an inspection fee of \$300.00 for street openings; and

WHEREAS, River Dell High School has constructed a field house in need of a sewer connection to the Borough's sewer system; and

WHEREAS, the Borough of River Edge has received the street opening fee from Let It Grow in the amount of \$550.00 on January 25, 2012; and

WHEREAS, River Dell High School has asked the Sewer Sub-Committee for a waiver of the street opening fee for this project; and

WHEREAS, this matter has been discussed by the Sewer Sub-committee and they have recommended this waiver.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of River Edge does hereby waive the street opening application fee and the Accounts Supervisor is authorized to issue a check in the amount of \$550.00 to:

Let It Grow
52 Ackerson Street
River Edge, NJ 07661

February 6, 2012

Councilman Bartelloni-is concerned about the number of tax appeals that we had last year and would like to make sure that an expert is really needed especially with the current reassessment that is going on.

Alan Negreann-explained that this is an award of a contract that is not specific as to any particular case at this time. It has been the past experience that our Tax Appeal Attorneys and the Tax Assessor have a need to call an outside expert on short notice to assist them in that regard. If they get into a situation in court where they only have a limited amount of time in order get their expert report in, this gives them the capability to bring the expert in on a particular case. He continued by saying that both the Tax Appeal Attorney and Tax Assessor have made a recommendation for this professional.

Councilman Bartelloni-brought this up because last year there was a very large settlement brought before the Council for approval and would like to be more proactive and find out what's pending out there. He feels this is important, especially because they're trying to put together a budget and this will give them a sense of what's ahead.

Mayor Moscaritolo- thinks that the problem that you would run into is that the date to file your appeal is April 1st and the budget has to be completed by then.

Councilman Bartelloni- understands that anything that is filed this year will not be heard, and most likely not effect the budget this year especially if it's in the State court. He feels that it's important to know what was filed last year or the year before because it might effect this years budget.

Sam Cereste, Esq.- suggested that they invite Alan Spiniello, Esq. to come and give the Mayor and Council an overview of what is pending.

Alan Negreann-stated that he has a full history of pending appeals and what's been settled and would be happy to send it to the Mayor and Council this week.

#12-81 Enter Into Agreement with Robert McNerney, McNerney & Associates, 139
Harristown Road, Glen Rock, New Jersey, 07452-0067 for Professional Services
for Expert Appraisal for Various State Court Tax Appeals

WHEREAS, there exists a need for an expert appraisal to conduct the necessary research, study and analysis of various State Court Tax Appeals; and

WHEREAS, the amendments to the contract are not expected to exceed \$17,500.00 in the aggregate and therefore pay-to-play practices of the law do not apply; 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, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-174 of the Current Fund not to exceed \$7,000.00; and

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert McNerney not to exceed \$7,000.00; and
2. 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.

February 6, 2012

Motion by Councilman Cordts, seconded by Councilwoman Murphy to approve resolution #12-82.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

#12-82 Emergency Temporary Budget

WHEREAS, an emergency condition has arisen with respect to the items below and no adequate provision has been made in the 2012 temporary budget for the aforesaid purposes, and N.J.S. 40A:4-2 provides for the creation of an emergency temporary appropriation for the purposes mentioned above; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2012 equals \$0.00.

WHEREAS, the line items and appropriation amounts listed below have been included in the budget as approved on introduction and will be included in the budget as finally adopted.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S. 40:4-2:

1. An emergency temporary appropriation be and the same is hereby made for:

TEMPORARY APPROPRIATION - 2012

<u>General Appropriation</u>	<u>Operations Within CAPS</u>	<u>Operations Excluded CAPS</u>
Interest on Notes		
Other Expenses 45-9352		\$ 6,000.00
Deferred Charges		
Special Emergency Authorization		
Other Expenses 46-8762		\$35,000.00
Total Temporary General Appropriations		\$41,000.00

February 6, 2012

Councilman Porco read resolution #12-83 into the record.

Motion by Councilman Porco, seconded by Council Cordts to approve resolution #12-83.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

#12-83 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	\$6,129,388.82
CAPITAL ACCOUNT	\$ 142,540.77
RECREATION ACCOUNT	\$ 75.00
TRUST OTHER ACCOUNT	\$ 60.00
TRUST OTHER DEVELOPERS ACCOUNT	\$ 965.00

BE IT FURTHER RESOLVED, that claims read and approved by the Governing Body at a Council meeting will be dated the day after the reading of those claims and will appear on the following bill list at the next public meeting of the Mayor and Council at which time claims would be paid.

February 6, 2012

Councilwoman Murphy noticed that on the bill list that there was a \$13,174.00 garbage reimbursement for River Terrace Gardens Association and asked for clarification.

Alan Negreann explained that it is a payment to the apartment complex. Several years ago there was a law which stated that municipalities had to provide services similar to what is provided to the residents for condominium associations. Thereafter, there was a court case where apartment complexes sued municipalities basically for the same services. Municipalities now have a mandate to compensate apartment complexes as well as the condominiums in town for garbage collection and recycling.

OPEN HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

Michael Winge-426 Oak Avenue complained about the size of the emergency generator at the Wayne Avenue Pump station and feels that it's eyesore to the residents that live around it.

Mayor Moscaritolo suggested that John Lynch take a look at it.

Bob Costa stated that because of past flooding, they put the generator on a pedestal and he suggests that they plant evergreens to soften the look. He is under the impression that there is money left in the ordinance to accomplish this.

Mayor Moscaritolo stated that they will check to see if there is money left in the ordinance for the plantings and suggested that Mr. Winge keep in contact with Alan Negreann to get an update on the screening.

Neal Carroll-321 Wales Avenue made reference to resolution #12-77 regarding the Sign Management Plan and stated that he read an article in the newspaper that some signs that the County has installed might not be the right size. He suggests that if the signs that have already been installed in River Edge are

not large enough to comply with the law, the County should absorb the expense if the signs need to be changed.
Bob Costa-stated that it is the County's expense and they actually want more signs out there.

CLOSE HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.

COUNCIL COMMENTS -

Councilman Papaleo- had no comment.
Councilman Bartelloni-congratulated the new Patrol Officers Roman and Sanches and wished them a long and safe career with the River Edge Police Department.
Councilman Porco-also congratulated the two new Patrol Officers. He thanked the professionals who came up with their presentations and also thanked John Lynch for taking time out of his day to walk them through the buildings.
Councilman Cordts-also congratulated the new Patrol Officers and wished them well in the future.
Councilwoman Murphy-also welcomed the two new officers especially the ground breaking female hire of Renata Sanches. She thanked the Shade Tree members again for all that they do as well as all of the other volunteers who help out in town.
Councilwoman Murphy congratulated all of the Giant fans.
Mayor Moscaritolo-also congratulated Officers Sanches and Roman. Mayor Moscaritolo also thanked the Council members for putting their political differences aside for something as important as the safety of the community. He stated that they've been dealing with an incredible overtime budget, and feels that they all came together and did the right thing. He is very proud to be the Mayor leading a Council who does the right thing when the going gets tough.

ADJOURNMENT - 9:00 P.M.

Motion by Councilman Bartelloni, seconded by Councilman Cordts to adjourn the meeting at 9:00 p.m.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cordts, Councilman Porco, Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Mignone was absent.



Mayor Sandy Moscaritolo

Attest:



Denise A. Dondiego, Borough Clerk

Dated: 2/21/12