

**BOROUGH OF RIVER EDGE  
MAYOR AND COUNCIL  
WORK SESSION MINUTES  
MONDAY, JULY 11, 2016**

**PRESENT:**

Mayor	Edward J. Mignone
Councilman	Vito Acquafredda
Councilman	Alphonse Bartelloni
Councilwoman	Ellen Busted
Councilwoman	Mary Davis
Councilman	Thomas Papaleo (Arrived at 6:50 PM)

**ALSO PRESENT:**

Borough Attorney	Joseph Monaghan
Borough Administrator	Alan Negreann
Borough Clerk	Stephanie Evans

**ABSENT:**

Councilwoman	Kathleen Murphy
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Mayor Mignone called the meeting to order 6:36 PM by reading the Open Public Meetings Act.

**MOTION TO SUSPEND WORK SESSION AND GO INTO CLOSED SESSION**

Motion by Councilman Bartelloni, second by Councilwoman Busted.

All in favor 4-0

**CLOSED SESSION**

<b>DOCKET#</b>	<b>ITEM TITLE OR DESCRIPTION</b>	<b>STATUTORY REFERENCE</b>
16-7/11-1	PERSONNEL- LISTING OF EMPLOYEES ADDRESSES ON AGENDAS	N.J.SA. 10:4-12(8)

**MOTION TO END CLOSE SESSION AND RE-ENTER WORK SESSION @ 6:47 PM.**

Motion by Councilman Bartelloni, second by Councilwoman Busted.

All in Favor 4-0

**BOROUGH ADMINISTRATOR'S TOPICS**

- Adoption of Updated Stormwater Pollution Plan – Mr. Negreann explained that are a number of Stormwater requirements and one of which is an annual report we must submit. One of the questions that is asked is how you amended your Stormwater plan, which means have you reviewed it for any changes in personnel or practices or procedures. The permit that allows us to implement the Stormwater requirements is due for expiration soon and they are thinking about modifying many of the requirements. One of which is to include in your plan the total maximum daily load of collected pollutants and put in short description as to how you intend to address these items. He has drafted a proposed amendment which is being reviewed by our Sewer Sub-Committee. Even though it is a little bit perspective or prospective at this point it can always be amended or changed should the regulations change. This will allow us to complete the annual report and indicate we have reviewed our plan and amended it and we will also be ahead of the curve a little bit should these new requirements be placed upon us then we will have already addressed the issue and showed a good faith effort to do so. Tonight he is asking for the council to consider resolution 16-254, which would

amend the plan and have it on file for inspection by the Department of Environmental Protection. The Mayor's only question was did we list any action items or commit to any action items in those sections in the plan that we are going to have to implement now rather than later. It talked about State recommended ordinance on fertilizers. Mr. Negreann said on that particular one, it reads "the Borough will consider adopting and enforcing an ordinance consisting with the model ordinance", we don't commit to do, it goes on to say "the Borough will also consider making it mandatory for its public properties and whether it should be permissive for private" that is the language he used. He also stated that we would continue to distribute literature on pet waste, enforce ordinances where appropriate and make every effort to develop public education programs and provide information and direction for the general public as well as school age children to reduce and remediate pollutants. There is nothing else for the council to do on this other than the resolution.

### FOR DISCUSSION

1. River Edge American Legion Post 226-Conerstone Proposal – Mr. Negreann apologized this was originally listed when we initially received the request from the American Legion, we have not received a proposal yet and he didn't know if anyone was present to address to address this at this time. Since nothing was received Mayor Mignone recommended tabling this matter until more information is received.
2. Cherry Blossom Park-Change Order #5 – Mr. Negreann stated that copies were in front of everyone. Mayor Mignone stated that it was actually their change order #3 and our change order #5 because previous change orders had not been approved in total, so they had been broken up into sub-change orders, and they are basically reflecting in billed quantities. It would affect how he considers acting on this, but we should find out how those 83 square yards of walkway not installed, which is a significant number, why that was reduced. There is a side note on this, and he doesn't know if we have an answer, there was an issue regarding erosion, apparently at one point our engineer's position that this was a contract item or responsibility of the contractor and now he is saying that after communicating with Downes, who is the contractor, in discussing a proposed solution they have rethought their approach and contending this is a gray area in the contract, and then he further recommends that we essentially close out the project and direct our public works to fix this, which I don't know if this is an appropriate remedy. They are trying to make an assertion that the erosion is being caused by the drainage adjacent property. Mayor Mignone stated that he has been out there several times and the reason there is erosion is because there is an unestablished hill that is covered in mulch, it has nothing to do with the residential property to the south, it is lower in grade and the parking lot from the Church property is essentially curved, that isn't to say that some high water doesn't come over, but erosion is evident in more than just that one area. To him that would be a matter of either pouring some concrete or blocking that access off from any run-off if that was the case. But having our DPW fix something which at one point may have been deemed the responsibility of a contractor is an issue he thinks we need to take up with Mr. Miller and he doesn't know why all of a sudden why he believes, or it's his position that we are not going to contest Downes intention that this is a gray area, remembering that Mr. Miller's firm wrote the specifications so it shouldn't be gray at all, it should either say it's part of the contract or not part of the contract. Councilman Bartelloni said his concern is it looks like the change order is for the fabric material and there will be an additional change order coming in the fall when whatever plants are deemed appropriate. Mayor Mignone said that Downes wants to close out the project, so there will be no further change orders, and we will essentially assume the responsibility

in the fall. Councilwoman Davis asked about the wording of "current thinking" is that the Borough of River Edge DPW thinking, Mayor Mignone replied that is Mr. Miller's intention. Mayor Mignone also said that Downes probably doesn't want to do any additional work and they want to close the project out and again Mr. Miller's present position is that is potentially agreeing with Downes to close out the project and then direct our DPW to fix whatever problems are remaining. Councilman Bartelloni asked if Mr. Costa has ever gone out to see the erosion issue. Councilman Bartelloni stated that he has also been there as well, and the curbing is like a 6 inch Belgium block that is substantially above grade, and he doesn't see that there is water coming from the adjacent property. Mayor Mignone stated that he did see a little potential area at the intersection that is a low spot any way where those curbing come together. I was out there this afternoon, and obviously there is a ponding issue and so if it's a ponding issue it's not spilling over. The erosion further down to the east side is not from anything coming down from the Church property because it is an unestablished hill. He had made that comment when Mr. Miller was here during the design phase it is reflected in the minutes, you don't put mulch on a 45° embankment and expect it stay. Councilman Acquafredda stated that the Bergen County Soil Conservation District arrived at that conclusion. Mayor Mignone replied they made a comment that was visually obvious. Councilman Acquafredda said he understood, but what was in writing was what counted. He asked who was going to tell Bergen County that maybe they were incorrect in assuming the soil erosion was caused by neighboring property. Mayor Mignone said that in his experience with Bergen County Soil people they are not going to be really concerned with where the erosion is coming from, they just want their site stabilized. Ultimately it would be their impression right now that the Borough is going to assume this responsibility, he is assuming this is what they were told and they would have had to given their final sign off on that unless they haven't yet. There is no other change order for us to act upon, this final change order is for quantities and is a \$14.80 credit. Councilman Bartelloni felt that were some questions that Mr. Miller needs to address, aside from the fact that it is only a \$200.00 change order, even at that, it is still a negative amount, and he feels that Mr. Miller needs to come back and address some questions. Mayor Mignone said the change order to address the erosion would have far exceeded the \$200.00, it would have been several thousands of dollars. We already approved \$200.00 which he doesn't know which change order that was a part of, they list as part of a change order, but doesn't know which one that was part of previously. Looking at previously resolutions we have approved change orders up to \$13,300.00, and the final reconciliation shows \$13,500.00 which includes \$200.00 for the mesh they put down. Councilman Bartelloni felt that before anything is approved Mr. Miller needs to come before the council, especially to explain what work he is putting onto the DPW. It doesn't seem this erosion issue will get resolved unless our DPW steps in and does additional work and he is curious as to what those steps are that he envisions our DPW doing. Councilwoman Davis asked if Mr. Lynch has gone down to see this area as of yet. Mayor Mignone replied that Mr. Lynch has been down that but he didn't recall what DPW's position was. The area needs to be planted, that is how you stabilize an embankment that steep, and that is the reality of it. Or you take the mulch out and you try to get some lawn area growing and get it stable that way. Then it becomes a maintenance issue with the steep embankment. A motion was made to place this change orders on hold and request Mr. Miller to appear before the council to clarify his statement regarding this being a gray area in the contract and to better explain the entire project so everyone is on the same page at the August 8<sup>th</sup> meeting.

Motion by Councilman Bartelloni, second by Councilman Papaleo.

All in favor 5-0

3. Request for a Commemorative Resolution for the 50<sup>th</sup> Anniversary of Volunteer Center of Bergen County – Mayor Mignone explained that this request was made by Michele Ogden, he proceeded to read the letter into the record, asking to receive a commemorative resolution from River Edge to honor the 50<sup>th</sup> Anniversary of the Bern Volunteer Center, which he didn't see a problem with. A motion was made to have a resolution presented at the August 8<sup>th</sup> meeting.

Motion by Councilman Papaleo, second by Councilwoman Davis

All in favor 5-0

4. Request from County Clerk John Hogan to appear at the August 8<sup>th</sup> meeting to present reproductions of historic documents – Mayor Mignone stated that he has read in the paper where Mr. Hogan has been doing this around the county. The Mayor didn't know if August was according to Mr. Hogan's schedule, he felt it would be advantageous to have him come in the fall when we would have a higher torn out and a little more potential exposure to what he is bring. He is bring, the Mayor hopes with regards to our history, will be significant, maybe we can reach out to him and come in the fall.

#### **WORK SESSION CONSENT AGENDA**

1. Approve the Refund of Shade Tree Construction Bond to Nagy Garas for the Property Located at 395 Bogert Road in the Amount of \$1,194.98
2. Approve the Refund of Shade Tree Construction Bond to Labib Development for the Property Located at 206 Oak Avenue in the Amount of \$12,425.30.
3. Award Contract to Costa Engineering for Design of Stormwater & Sewer Project for 2016 in the Amount not to exceed \$2,000.00
4. Authorize the Release of Performance Bond for A team Concrete, Inc. 104 George Street, South River, New Jersey 08882 for the Curb Replacement Project at Oxford Terrace in the amount of \$65,771.00
5. Amend Agreement with Matthew Giacobbe, Esq., Labor Attorney for the Borough in the amount not to exceed \$4,000.00
6. Amend Agreement with Costa Engineering for the Design & Inspection work for Fifth Avenue Improvement, Section 3 in the Amount not to exceed \$2,200
7. Enter into Agreement with Costa Engineering for Design & Inspection of Fifth Avenue, Section 4 in the amount not to exceed \$30,000.00
8. Enter into Agreement with Costa Engineering for the River Edge Low & Moderate Street/Curb/Sidewalk Improvements, Phase (Oxford/Rutgers) in the amount not to exceed \$500.00
9. Amend Agreement with Anthony Suarez, Esq., Special Counsel for COAH in the amount not to exceed \$2,500.00
10. Amend Contract with Alan Spiniello, Tax Appeal Attorney not to exceed \$8,000.00
11. Authorize Richard Kraus, Esq., to Enter into a Stipulation of Settlement with F&A Park Associates, 864 Park Avenue withdrawing appeals for 2012, 2013 and 2014 and accepting an assessment of \$550,000 for 2015 & 2016 and \$500,000 for 2017

Mayor Mignone asked due to the current State budget condition and not authorizing or reauthorizing the DOT Trust Fund, the State has put on hold a number of projects, as far as we know a number of our projects have not been effective by, and asked Mr. Negreann if this was his understanding also. Mr. Negreann replied that he hasn't had the opportunity to look at the list that he thinks that has been promulgated of the projects, but if he could recap that for the council, we do have approval for Fifth Ave., Section 4, but we are not out to bid on that, we are

at the point of only designing it. He would recommend going ahead with the design phase in anticipation, we do have an award letter on that one. Of course we couldn't put it out to bid until we have certainty of availability of funds. The other ones are reimbursements for Fifth Avenue, which after tonight we will have some final bills on and will be able to put those packages together and we will go ahead and submit those to DOT, but they may be put on hold for reimbursement purposes. Mayor Mignone said he what they did with municipalities, he is guessing, grants that were awarded in 2014 and 2015 probably were not started and put on hold cause he know in New Milford one of their projects was put on hold but it didn't that any other towns in the immediate area were effected. Mr. Negreann said that the other two grants that we have are federally funded so they shouldn't be effected. A motion was made to adopt the Work Session Consent Agenda

Motion by Councilman Papaleo, second by Councilman Bartelloni  
All in favor 5-0

## **MAYOR'S REPORT**

### **FOR YOU INFORMATION**

1. Lighting-Kinderkamack/Wayne & Manchester/Fifth – Mr. Negreann explained that proposals were received from PSE&G with regards to lighting these locations and it is listed tonight for council consideration. The funding would be nominal there is an upfront charge to change the lighting, on Wayne and Kinderkamack its \$674.00 and the additional service fee is about \$115.00 pro-rated through the rest of this year, Fifth and Manchester is about \$92.00 for this year and about \$221.00 for 2017. Funds are available to make these changes tonight, if you are so inclined upon approval of a motion then he would send in the contracts to implement the changes. Councilwoman Busted stated that a resident did appear several ago to voice some concerns about the lighting at Wayne and Kinderkamack and the Police did work with PSE&G on this safety issue. A motion was made to move forward with implementing these changes.

Motion by Councilwoman Busted, second by Councilwoman Davis  
All in favor 5-0

### **UNFINISHED BUSINESS**

Grove Street –

Borough of River Edge Senior/Community Center – Mayor Mignone stated there are no updates and are still working on receiving a revised cost estimate.

Generator-Fire Company #2-Construction Start – Mr. Negreann informed everyone that the transfer box and the pad have been installed and he had a meeting with the FEMA Representative which is a requirement to do mid-way through and they made their inspection and taken pictures and we answered their questions, that requirement has been met for FEMA. The work continues and it is progressing. Mayor Mignone asked if it would be appropriated since work is progressing if it could be removed from the agenda. A motion was made to take this item off the agenda.

Motion by Councilman Papaleo, second by Councilman Bartelloni  
All in favor 5-0

Shade Tree Commission  
Sidewalk and Curb Responsibility

Councilman Bartelloni asked about soil analysis report for KBG that was received about

a month ago and he sent an a follow up email saying what does this mean in terms of the cost of the project, and Councilman Acquafredda also asked if we heard anything, and it was on our preliminary agenda for tonight and then it was pulled off. As he was looking through the bills, he noticed we are making payments of about \$21,000.00 almost to Premier Product Development for the lights. Mayor Mignone asked if it was to Premier or to the sub-contractor for doing the geo-tech work. Councilman Bartelloni said it was to Premier, it's their invoice, the description has a code, it says final layout, eri, talking to Bobbi Conway, coordination, project management, bream report completion, check-in with MUSCO rep., and they paid for the boring themselves. Mayor Mignone felt the sub-contractor should be paid, they did do the work. Councilman Bartelloni agreed, saying that was \$10,000.00, there is an additional \$11,000.00 to Premier, how many years are we into this project. Mayor Mignone said that the Recreation Commission is awaiting some updated information from MUSCO, who is the lighting provider and Mr. Miller is essentially to put it in general terms probably to no one's surprise they found out the soils down by KBG field are heavily clay and soft and are not very good for bearing, and their original concept for foundations for the light poles now can not be used and they are supposed to have come back with some alternatives for the council to consider. If you go by what they initially proposed what they called a deep foundation with deep pilings it will probably most likely make the project economically undoable, he asked Bobbi to go back and see if there are alternatives they can go do, whether it means using some of existing poles, looking at alternate foundations, is it possible to retro fit the poles with the new lights. MUSCO does claims their system is adaptable for existing poles, Mayor Mignone doesn't know how that works in terms of stabilizing the poles if you have to take the old lights off. So those are the technical issues they supposedly worked out for tonight. He didn't think it was a good use of the council's time to have a geo-technical engineer come here to explain to us that there are soft soils there and that is essentially what they were going to do. Councilman Bartelloni felt what the council needed clarification on was and he was guessing this wasn't what they were anticipating, what he had a hard time understanding is how could you not as an engineer think 1-you are find there is water when you dig into the ground 50ft. from a river and why would you not think the soil is the way it is considering the location, so he is just curious again, ok you found this now what, did you anticipate this, didn't you anticipate this, why didn't you anticipate this. Mayor Mignone said he thinks they put a contingency in their original plan but it really wasn't what they thought it was going to be. He still has the question, but the answer, maybe Councilman Acquafredda has the answer, if the existing lights are up there without a deep foundation and they stood there for thirty something years and apparently one of them has settled 6° which is minor, I have asked them, to me, and I have said this several time if we are putting in poles that are shorter and poles that are lighter and lighting fixtures that are lighter than where is the magic that is making these heavier poles, heavier lights, and heavier foundations stand the way they have, which he didn't have the answer and this was something they were going to look in to. I asked them again to look back in to using the existing poles and maybe modify the lighting plan to still make sure we get the same lighting coverage we need to get, obviously they were not prepared tonight to have that information. If it goes with a deep foundation the cost will be very expensive. Mr. Negreann stated that the council has extended an invitation to Mr. Miller for August 8<sup>th</sup> so it would be beneficial if you schedule this as well since he has a role to play in this area. Mayor Mignone said would be fine but he would still make the same request that they come with an alternative presentation and they can make the case to council to proceed with the plan as they are conceptualizing right now, he for one would have a hard time seeing it go through the way it was presented. Councilman Acquafredda said he thinks the case we are going to be presented with will boil down to a

question of liability, who will take on the liability to make sure if the existing foundations are re-used with new poles on it and the existing foundation are not the result of their design they are going to ask us to, in case of a failure...Mr. Negreann stated that also the Risk Consultant was asked to appear to present his annual report and will be available to address those questions. Councilman Acquafredda said it boils down to liability, which is why they want to, which is why they always fame themselves as to being the turnkey operation, but whatever they want they want to give us the bill for. The problem is if you know so much or if you claim to know so much just about every lighted field in the surrounding area there was a lot of thinking here, Mayor Mignone said there were comments and emails from the MUSCO Representative and Mr. Miller where they said they did this in Edgewater and Little Ferry and they should have known this from day one and he also asked them because the company who apparently had given them some primary design information on the foundations and cost information is not a local company, they were from the Mid-west and he suggested getting a local company to look at the proposed deep foundation design and see if the cost they think that this other company has are realistic before they come before the council with half information or not fully vetted information, they should do their homework and then present alternatives. If that is one of the alternatives then give us the real number for it and go through a full alternatives analysis. We spent a lot of money on engineering for this and again we want to do it right at the end of the day. We also shouldn't be held hostage and have them come in and say well there is no alternative now so you have to spend x amount over what you thought to make this gets done. Councilman Bartelloni just wants to know why they didn't anticipate this he guesses from the beginning that is his question right now. Mayor Mignone said he thinks they did but the contingency number was \$40,000.00 in their budget and it's going to be far (inaudible) above that and he thinks that is the issue. Councilman Acquafredda said we are going to ask the question, why can't they use the existing foundation, watch what the answer going to be. Mayor Mignone said we know what the answers going to be, but MUSCO specially said their lighting heads can be retrofitted to existing poles, that is one of their key marketing initiatives because there are some places that don't want to have to put up new poles, they want to re-use them. Councilman Acquafredda said prepare for a matrix study with lights on the existing poles and then we will compare it with the one we already have for the proposed new poles location. Mayor Mignone said his concern was if you take the heavier lights off now and put then you put the new lights on what does it do to the existing foundation and the support itself, they would be able to handle it, Councilman Acquafredda agreed with that. Mayor Mignone said he didn't believe they would just topple over. Councilman Bartelloni asked if there was any timeline in terms of the Open Space grant from the county, Mayor Mignone replied yes, we have until July next year he believed. He did add that we just did get the approval for this year's grant for Cherry Blossom Park to apply it there and it will be moved if we can't get this straightened out. But there is no way they are going to have this in place for the fall now anyway, this shouldn't have been talked about in July. He thinks (inaudible) in April. Councilman Papaleo asked if a resolution was needed regarding these conversations for these people to be prepared or is Mr. Negreann simply going to inform them. Mr. Negreann asked that motion be made. A motion was made that to invite Mr. Miller and MUSCO to the August 8<sup>th</sup> meeting.

Motion by Councilman Papaleo, second by Councilman Bartelloni  
All in favor 5-0

Mayor Mignone asked Councilman Bartelloni if he wanted to address the Social Media Policy. Councilman Bartelloni said he really didn't have any concerns at this point and

his only question was regarding the emails that everyone received from JIF as to whether or not they were saying no social media policy what-so-ever or no comments from the public. He read it as no social media policy what-so-ever which seemed a little odd to him considering most towns have a social media presents, but he would think it would be prudent we don't have comments on our social media posts, it's simply one-way flow of information. Which is what he thinks is intended currently by the social medial policy and again he doesn't have any concerns at this point. He just wanted to make sure the JIF was good and from he understands they are, as per Mr. Sarlo.

## **NEW BUSINESS**

Councilman Papaleo stated he was contacted by Assistant Fire Chief George O'Connell regarding an agreement that has been provided to Fire Company #2 with for a static email address in order to have information sheet for each fire call that needs to be correctly filled out for the NFIRS Fire Reporting System and the document went to Mr. Negreann and Mr. Sarlo a while ago and the Fire Dept. is wondering when, Mr. Sarlo has informed him that this is in boiler plate language and is ready to sign off on it as of right now and he thought Mr. Negreann might have some concerns. Councilman Papaleo was wondering if this could be moved forward. Mr. Negreann explained that there has been a past practice of when we receive an agreement being proposed by a vendor and has not been previously approved by the Mayor and Council and/or Borough Attorney whether it's been a present or past Borough Attorney then we send that contract to the Borough Attorney to review and provide us with legal guidance on whether some of the provisions should be stroke out or if we should renegotiate the agreement or whether we should go ahead or sign it if he is ok with that. Since Mr. Negreann has had an absence he has not had an opportunity to look through all his emails to see what he has said about this and isn't sure he is supportive about it at this point. Perhaps Mr. Monaghan has more to add, but he wasn't sure he had in had what he needed in hand to sign that agreement on behalf of the Mayor and Council. Councilman Papaleo said that he received an email Mr. Sarlo saying Mr. Monaghan would have the information, Mr. Monaghan stated he had an email from Mr. Sarlo regarding the only item for discussion was the Fire Dept. looking to enter into a Wi-Fi and the BA says he has concerns with the contract, contract is attached, it is a standard contract, Optimum in his opinion is not going to change the boiler plate contract, that is pretty much it. Councilman Papaleo stated that his conversation with Mr. Sarlo today, and he recognizes why Mr. Negreann was out today due to real family concern, but Mr. Sarlo did say to him today over the phone, and that email confirms that he believes that this standard language and that he has not objections, unless you have an objection. Mr. Negreann replied that he doesn't have it front of him, he doesn't remember what specifically he brought to his attention, but frankly he would defer to the Borough Attorney on this and if he is satisfied that we should sign off, he is ok with that. It is a matter of public record as to what his position is, he can take that and sign the agreement. Mr. Monaghan stated that he just wanted to know that the contract can be cancelled at any time, his copy isn't eligible. Councilman Bartelloni asked if it was just to add Wi-Fi, and Councilman Papaleo replied yes, just to add Optimum Wi-Fi to the Firehouse. This agreement went to Mr. Sarlo three weeks ago and the Fire Dept. hadn't heard anything back anything back so he contacted Mr. Sarlo on Saturday and verbally it was stated there were no legal issues and maybe Mr. Negreann may have some issues, but Mr. Sarlo wasn't able to speak with Mr. Negreann. The Clerk stated that Mr. Sarlo called about 4:00 PM and spoke with her and stated that he wasn't done reviewing the agreement and wanted to review one more time. Mayor Mignone questioned, we are looking for Wi-Fi through Optimum and how does this effect what we are already requesting Optimum to do for the Borough and Borough-wide, Councilwoman Busteded

asked if that could be added as a "Hot Spot", if you are looking at the list we sent from the Tech Committee, is that not a spot. Councilman Papaleo said that Assistant Chief O'Connell told him was that because of the physical distance, Councilman Papaleo didn't know if it was necessarily a Wi-Fi, but because of the physical distance from this building is why they need this strategic email address. He would like to move it forward because we are not going to meet again until the 8<sup>th</sup> and if the Borough Attorney can communicate with our Borough Administrator that there is objection than we shouldn't have to wait until August 8<sup>th</sup>, that is his only reason for bringing it up and the way he is bring it up. Mr. Negreann said to make it subject to the Borough Attorney's approval. A motion was made to have the contract signed subject to the Borough Attorney's approval.

Motion by Councilman Papaleo, second by Councilwoman Davis  
All in favor 5-0

### **MOTION TO OPEN TO THE PUBLIC**

Motion by Councilwoman Davis, second by Councilman Acquafredda to open.  
All in favor 5-0

Maureen Hassett, 213 Wayne Avenue and Michelle Lolk, 420 Fifth Avenue – Both residents that are employed by Heart-to-Heart Associates, a business located on River Edge Road and appeared before Mayor and Council regarding the on street parking restrictions and the parking lot restrictions for 2 hours. They asked if they could get six designated spots to park safely, Mayor Mignone stated there isn't dedicated parking, and if legally we could do that in a public lot. Councilwoman Busteded stated that we do sell permits for businesses for the Grove Street lot, is that a potential solution, Mayor Mignone replied yes, but we would have to open it, we limited it to a certain business area in the ordinance, we will need to expand it. There are spaces still available, we called it Kinderkamack North Municipal Businesses, it doesn't actually have a define area. We would have to modify our ordinance to allow certain to buy business permits, which we never had that before, there was only residential permits, expand the area to allow commercial permits and modify the parking structure in that lot to take away the two hour restriction and make them full time, but then again remember they are again first come first serve spaces in all our lots. The Mayor explained that to change an ordinance it would take two meetings and which process would be the best way for the council to that. Mayor Mignone went on to explain that is potential for a longer term solution, Mr. Negreann may disagree, we did get some funding for a grant for doing curbs and sidewalks for that part of town and maybe as part of the scope we should look at expanding and maybe addressing that south side, its excessively wide over there maybe we should pull that in 8 feet or so and maybe put some on-street parking, obviously you would have to be mindful of the site distances to the curb and everything, even if you squeeze out several on-street permanent spaces there it would help the whole area out there in the long run. It is something we should at least consider as part of our longer term planning. Councilman Papaleo was on Google Planet and explained that the picture showed it was it was too far down and it showed two cars parked asked that one of the stated possible solutions was would be a longer time of three hours would be sufficient, the employees suggested four hours, the council stated that four hours would be too much. Councilman Papaleo said the language said the north district area and it is silent about the actual demarcation we could certainly consider that. Mayor Mignone said we would have to add this lot into that program because right now it's doesn't apply to Grove Street we would have to incorporate the River Edge Road lot into the ordinance. Mayor Mignone asked if any one parked on the north side of the lot in front of the house next to the business, the employees replied that there isn't sign and parking isn't allowed there. Mayor Mignone thought the simplest and most direct way would be to convert some of those two hours spaces to business spaces and you have to get the permits. But again it is first come first serve, so if commuters take those spaces, we don't have designated

spaces. We don't have that on Grove Street, you have a commercial business buy a permit and treat it as a commuter permit. We cannot dedicate a public lot with spaces. He thinks that is one step and looking to see if we can do some on-street improvements also. Ms. Hassett and Ms. Lolk stated that they were not the next names on the list to receive permits immediately and they will be given to those people, Mayor Mignone replied no they are all basically first come first serve, there is no waiting list to get the permit, the spaces are first come first serve. This is an issue we would like to see get addressed, but we need to get information from the Police Department. Mayor Mignone also said that he doesn't want this studied to death, he would like to have a temporary pilot and see how it works and try to get something implemented on a trial basis. We need to keep in mind that this is also a county road and what they will allow us to. Councilman Papaleo suggested moving forward with the idea once the Police Dept. looks into this and reports back to us hopefully by the August 8<sup>th</sup> meeting on turning the business lot into commuter lot and if they are for it we can have it written up and hopefully in September... Mayor Mignone said hopefully have for introduction at that meeting... Councilman Papaleo said August 8<sup>th</sup> comes and the Police Dept. is in agreement and we have a first reading then and a second reading on September 6<sup>th</sup>... Mayor Mignone explained that it's a matter of the Police Dept. determining what the consequences are of changing it, making sure we are not creating a parking problem by changing it. Who's to say next time we don't get 15 people saying they go down there three times a week and now there's no two hours parking, where am I supposed to park when we go to businesses A, B or C, those are the issues that have to be looked at. Councilwoman Busted asked Mr. Negreann if this was enough information for the Police Dept. to review the issue. Mr. Negreann replied he will ask them to review these minutes. Also he was sure Mr. Sarlo would want to hear Police Chief Cariddi's comments to draft an ordinance. Mayor Mignone stated that may be someone else will come up with another solution in the interim, obviously we are all discussing this for the first time and trying to get to a solution. Ms. Lolk stated that hopefully if this issue is revisited, the owner would like to come. Councilman Papaleo stated the council would be talking about this on August 8<sup>th</sup> and should definitely come.

Robert Calia, 187 Bogert Road – He stated that he is having a problem with the Shade Tree Commission with a town tree that he tried to get two very large limbs that extend 25 feet into his front yard crushing his trees. This has gone back to 2013, he called and happened to be home when DPW came, they said they know this one has to be cut off but they couldn't get to it because of the cars, so they will do it again, the ball was dropped on that. He called again, and brought the cards from the Shade Tree Commission that they left on his door, one was dated 12-16-2014 it states his address, it states DPW will prune in 2015 during regular cycle please call if branches fall. He understands it's a volunteer organization and he waited quite some time, but during the storm a very large limb fall just barely missing his car, he couldn't even move it. He called them again and said that no one has trimmed the tree and asked them to come by. He received another tag, this was dated 2-22-2016 and it states tree was pruned by DPW during the regular cycle 9-8-14 and no other obvious pruning is needed at this time. They contradict each other is what he is saying. Mayor Mignone stated it just depends on what pruning means. He also stated that there was also a follow-up by PSE&G, to which Mr. Calia agreed. Mr. Calia stated that when PSE&G came they were only concerned about their power lines, he is concerned about the two large limbs. Mayor Mignone read Shade Tree's email stating "in the past this tree was initially pruned by DPW after the resident's first request. The second request to prune the large limb over the property was denied since that limb is healthy and tree had just been pruned by DPW and now by the utilizes. We don't prune more than 1/3 of a tree every 1-3 years unless necessary for health reasons. The branch that fell must have been a new issue." Mr. Calia is saying they first said it needed pruning, Mayor Mignone agreed they are disputing that, they are saying that the branch you wanted pruned is not the one they decided needed pruning. Mr. Calia asked does the ordinance not affect them, they just seem to be immune to anything, the

way he sees it, he has a 70 foot lot and only has two trees, they planted a tree that's too big to fit in the allotted space, all you can do is look at it, you can't touch it, when it destroys your sidewalk that belongs to the town, here you go, fix the sidewalk. That is what is happening with this tree. Mayor Mignone thinks the question thinks this is a policy decision and it wasn't based on the health of this particular tree, so the Shade Tree Commission asked what is the consequence if this limb does get cut, is it really going to stabilize the tree or make the tree die or whatever, we need that opinion from them. Aside from that, this is something that we have been working on for several months, and Mr. Monaghan was covering the last time, for several modifications to the Shade Tree ordinance to which he had offered to which we need to look into and it is basically to, again they are volunteers and they have to operate within certain guidelines themselves, but with that being said they also need to be more accommodating in terms of how they deal with the public. An example he was using with Mr. Sarlo, if you made an application with the Planning Board and we say ok you make your application, the law says we have 45 days to make a decision, if we don't a decision, then shame on us, you get your approval. Shade Tree doesn't operate the same way, we have instances people have made requests to have trees removed or pruned and it could on for months if not for years and there is not timeline imposed on them to make a decision. One of the things he would look at at that point is well you know what if they missed their deadline the resident should have the right to either engage their own arborist or tree surgeon to come in and say they recommend this and it won't harm the tree and the resident should have the right to it. Particularly in the cases where the limb extends over private property, over the street, to him it's no different than if his neighbor's tree over hangs his fence you have the right to cut it, the property line you don't have that right with the Shade Tree, and that is one of the issue he asked Mr. Sarlo to look at. In this case it would give you the right to do it as long as you didn't kill or damage the tree, there would have to a balancing act. But right now you don't even have that as an option. Right now, the only option is to go back to Shade Tree and ask why this particular limb can't be cut and see what comes with that until we have a chance to change the ordinance. Mr. Calia said his concern with that was when the inspector came and it was already pruned in 2014 he found that it needed pruning and they didn't do any pruning and when he called about the pruning they came back and said it didn't need pruning now. Mayor Mignone said they did state they did some pruning in 2014, but they just may not have pruned that particular limb that you are concerned about. Mr. Calia said that if they did that then they wouldn't have said it needed to be pruned, this is dated after the 2014 pruning. Mayor Mignone stated again that there is a wide definition of what pruning is and what PSE&G's objectives are in terms of pruning may not be what Shade Tree's objectives are. Your points are well noted. These are concerns of various members of council have expressed and he thinks there is a desire to get these kinds of issues resolved and to give residents a little more piece of mind. When it comes to sidewalks and trees that is a completely different separate legal area we have been exploring versus cutting a limb. But we just want to work with Shade Tree to come up with a program and protocols that will be good for everyone so a resident can get some closure or satisfaction when they make a request that it's going through some type of process in a timely manner. You may not like the answer sometimes, but at least if you know the process and the end date and the appeal procedure, which we don't have either, then at least you can say you had your fair hearing and you can say you agree or disagree at the end of day, but at least it doesn't seem arbitrary. Mr. Calia said that right now he just felt he was being pushed to the side. Mayor Mignone understood, but he didn't think that was their intent, but with clearer protocol and clearer guidelines he thinks...Mr. Calia said he hopes there will be clearer guidelines and appreciated their time and thanked the Clerk for addressing the email he sent.

#### **MOTION TO CLOSE THE PUBLIC HEARING**

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

All in favor 5-0

**MOTION TO ADJOURN AT 7:56 PM**

Motion by Councilman Acquafredda, second by Councilman Bartelloni.  
All in favor 5-0

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Stephanie Evans, RMC  
Borough Clerk