

M I N U T E S

Regular Meeting of the Mayor and Council
Monday, July 11, 2016
8:00 P.M.

CALL THE MEETING TO ORDER -

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

SILENT PRAYER - FLAG SALUTE

Mayor Mignone called for a moment of silent prayer and asked Councilman Acquafredda to lead the salute to the flag. The Mayor asked that everyone keep in their prayers the five officers who were brutally murdered in Dallas.

SUNSHINE STATEMENT -

Mayor Mignone read the statement under the Sunshine Law as follows: "Adequate Notice of this meeting has been made by sending notice on December 18, 2015 to THE RECORD NEWSPAPER, by positioning on the bulletin board in the lobby of the Borough Hall and filing a Notice of the same with the Municipal Clerk".

ROLL CALL - Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busted, Councilwoman Davis, Councilman Papaleo and Mayor Mignone were present; Councilwoman Murphy was absent.

APPROVAL OF MINUTES -

Motion by Councilwoman Davis, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council work session and regular meeting of June 6, 2016 as amended.

Councilwoman Busted- stated that there was a question about who was directing the County to request the improvements to Midland and Fifth and asked that the minutes reflect that the recommendation came from Gary Ascolese.

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

PROCLAMATIONS & AWARDS - NONE

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

Motion by Councilman Acquafredda, seconded by Councilman Bartelloni to open public comments on any issue on the agenda.

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

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

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

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

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Davis, seconded by Councilman Bartelloni to approve the salary increase of John Mauthe, part-time Police Dispatcher from a Step II hourly rate of \$20.02 to Step III - \$21.08, effective July 13, 2016.

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

Motion by Councilman Bartelloni, seconded by Councilwoman Busted to approve the salary increase of John Mauthe, Jr. part-time Police Dispatcher from a Step I hourly rate of \$18.97 to Step II - \$20.02, effective July 1, 2016.

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

Motion by Councilman Bartelloni, seconded by Councilman Papaleo to approve the change of assignment of office hours for Nicole Florio, to 29 hours a week in the Planning/Zoning/Assessor Office, subject to the Tax Collector having discretion to require hours as needed without limitation, effective July 12, 2016.

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

Motion by Councilman Bartelloni, seconded by Councilman Papaleo to approve the salary increase of Paul Kochansky, Patrol Officer from a 2nd year probation salary of \$37,142.00 to Patrol Officer 18th grade - \$45,701.00, effective June 2, 2016.

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

Motion by Councilwoman Davis, seconded by Councilwoman Busted to approve the salary increase of Christopher Cheevers, Sergeant in the Police Department from an annual salary of \$137,120.43 to \$139,659.70, due to an increase in longevity from 8% to 10%, effective July 30, 2016.

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

Motion by Councilman Bartelloni, seconded by Councilwoman Davis to approve the salary increase of Joseph Starost, Sergeant in the Police Department from an annual salary of \$137,120.43 to \$139,659.70, due to an increase in longevity from 8% to 10%, effective July 23, 2016.

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

Motion by Councilman Bartelloni, seconded by Councilwoman Busted to approve the salary increase of Patrol Officer Patrick Diamond from an annual salary of \$54,127.00 to Patrol Officer 16th grade - \$62,245.00, effective July 23, 2016.

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

Motion by Councilman Papaleo, seconded by Councilwoman Davis to approve the salary increase of Peter Stitz, Mechanic II in the Department of Public Works from a Step III salary of \$62,821.00 to Step IV - \$63,228.00, effective July 22, 2016.

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

Motion by Councilman Bartelloni, seconded by Councilwoman Davis to approve the hire of Christian Lau, 407 Elm Avenue as a School Crossing Guard, at an hourly probationary rate of \$16.00 with a six-month probationary period, effective date contingent upon training and medical examination.

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

CORRESPONDENCE -

Report - Alan P. Negreann, Admin/CFO-6/13/16
Re: Damage to Public Property
Letter - BCUA - 6/13/16
Re: Award of Environmental Awareness
Letter - Challenge Grant - Roosevelt School
BCUA - 6/13/16
Re: Award of Environmental Awareness
Report - Challenge Grant- Cherry Hill School
Alan Negreann, Admin/CFO - 6/16/16
Notice - Re: Revenue Report
SUEZ Water of N.J. - 6/15/16
Re: Public Hearing on Distribution
Notice - System Improvement Charge
River Edge Board of Ed - 6/20/16
Letter - Re: Meeting Notice - 6/22/16
State of New Jersey, DEP - 6/20/16
Re: Suspected Hazardous Substance
Letter - Discharge Notice - 896 Summit Ave.
TTI Environmental, Inc. - 6/24/16
Re: NJDEP-Public Outreach Plan,
Van Saun Park
Report - Alan Negreann, Admin/CFO-7/6/16
Re: Farmer's Market Report - June
Report - Bergen County JIF-7/5/16
Re: Loss Control Report-June 2016
Letter - Ferraioli, Wielkocz, Cerullo & Cuva, PA
Re: Audit Report
Memo - Tax Collector - 7/6/16
Re: Mailing of Estimated Tax Bills

MONTHLY REPORTS -

Library Board - June 2016
Tax Collector - May 2016
Historic Commission - April 2016
Environmental Commission - No Quorum
Board of Health - June 2016

ORDINANCES - 1ST READING -

Stephanie Evans, Borough Clerk read the title of Ordinance #1866 as follows:

Ordinance #1866 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RIVER EDGE (1998) CHAPTER 206 - "FEES"

Description: Increase in fees for: Building Department, Police Officer Application, Parking for River Edge Road, Hackensack Avenue and Grove Street, Tax Sale Notice Mailing Fee, Banner Fee, Solicitors Permit and Establish a Farmer's Market Weekly Vendor Fee.

Motion by Councilman Bartelloni, seconded by Councilman Papaleo to approve the first reading of Ordinance #1866 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1866

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RIVER EDGE (1998) CHAPTER 206 - "FEES"

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

SECTION I:

Chapter 206 of the Code of the Borough of River Edge is hereby amended and supplemented by the addition and changes thereto of the

following which shall be added or changed to the list of fees and charges on file with the Borough Clerk.

Section 206-2 - Schedule of Fees

Sub-section I -

(1) MINIMUM FEE

The minimum fee for a basic construction permits covering any or all of building, plumbing, electrical, elevator or fire protection work shall be \$75.00 for use groups R-3, R-4 and R-5. The minimum fee for all subcodes for all other use groups shall be \$100.00. All fees shall be rounded to the nearest dollar amount.

(2) The BUILDING SUBCODE fee shall be:

a. For new construction:

Fees for new construction shall be based upon the volume of the structure in accordance with N.J.A.C. 5:23-2.28.

\$.08 per cubic foot of building or structure volume for Use group R-3, R-4 or R-5;

\$.09 per cubic foot of building or structure volume for all other Use groups;

Use group classification shall be according to the building subcode as adopted by N.J.A.C. 5:23-3.

b. For renovation, alteration and repair:

Fees shall be based upon the estimated cost of work.

<u>Estimated Cost</u>	<u>Fee</u>
\$1 to \$ 50,000	\$21.00 per \$1000
\$50,001 to \$100,000	\$19.00 per \$1000
\$100,001 to and above	\$18.00 per \$1000

c. For additions;

\$.08 per cubic foot of building or structure volume for the added portion for all use groups.

d. For combinations of renovations and additions the sum of the fees computed separately; renovation and addition.

e. For construction of a swimming pool:

Above grade (R-3, R-4 & R-5)	\$ 50.00
(All other use groups)	\$ 500.00
Below grade (R-3, R-4 & R-5)	\$ 500.00
(All other use groups)	\$ 950.00

f. For the construction and erection of a fence greater than six feet (R-3, R-4 & R-5)

(R-3, R-4 & R-5)	\$ 50.00
(All other use groups)	\$ 75.00

g. Installation of flammable liquid storage tanks:

1 - 550 gallons	\$ 75.00
551 - 1000 gallons	\$ 165.00
1001 - or more gallons	\$ 235.00

h. Abandonment of flammable liquid storage tanks:

R-3, R-4 or R-5	(per tank) \$ 75.00
All other use groups	(per tank) \$ 150.00

i. New or alterations to flammable or combustible liquid tank supply, vent or dispensing piping or dispenser:

Piping	\$ 65.00
Dispenser (each)	\$ 50.00

j. The plan review fee for the installation or alteration of elevator devices as defined in N.J.A.C. 5:23 - 1.4; Use group R-3, R-4 or R-5 and within dwelling units of R-2

Per each device	\$ 70.00
All other use groups	\$ 365.00

k. For the construction or alteration of a sign;
[business/occupant identification] \$1.50 per square foot of
the surface area of the sign.

[for sale/lease] (each) \$ 25.00

l. For the demolition or removal of a building or structure shall be \$200.00 for a structure of less than 5,000 square feet in area and less than 30 feet in height, for one or two-family residences (use group R-3 or R-5 of the building subcode) and \$325.00 for other use groups.

m. For asbestos removal per N.J.A.C. 5:23-8.9
Certificate of occupancy after abatement \$ 15.00

n. For lead abatement per N.J.A.C. 5:23-4.20
Certificate of occupancy after abatement \$ 28.00

o. Tents (excess of 900 square feet or more than 30 feet in any dimension)

R-3, R-4 or R-5 \$ 60.00
All other use groups \$ 120.00

(3) The Plumbing Subcode fee shall be:

a. Per fixture or stack for all fixtures except as listed below. \$ 20.00

b. For special devices such as grease traps, oil separators, water cooled air conditioning units, refrigeration units, utility service connections, sewer pumps, interceptors, gas piping (not in conjunction with an appliance installation), gas service entrances, active solar systems, pool heaters and underground lawn sprinkling system \$ 75.00

c. Sanitary sewer connection or sanitary sewer replacement \$ 75.00

d. Gas heating appliances including all gas burning equipment, such as furnaces, space heater, etc. except residential domestic hot water heaters;

Use group R-3, R-4 or R-5 \$ 75.00
All other use groups \$ 95.00

e. Oil heating appliances including all oil burning equipment:

Use group R-3, R-4 or R-5 \$ 75.00
All other use groups \$ 95.00

f. Gas clothes dryers (each) \$ 25.00

g. Gas ovens or ranges (each) \$ 25.00

h. Residential (R-3, R-4 or R-5) hot water heater \$ 60.00

i. Domestic water to well cross connections \$100.00

j. Storm drains:
Per roof drain \$ 20.00
Per storm drain connection \$ 50.00

(4) The Electrical Subcode fee shall be as follows:

a. Total number of electrical fixtures & devices;

(1) 1 through 25 \$ 50.00

(2) Each additional 25 \$ 8.00

To include:
Lighting fixtures, wall switches, florescent fixtures, and heat detectors, communication outlets, light standards eight feet or less in height including luminaries, emergency lights,

electric signs, exit lights or similar electric fixtures and devices rated 20 amperes or less including motors or equipment rated less than one horsepower (hp) or one kilowatt (kw);

- | | | |
|------|---------------------------------------------------------------------------------------------------------------------|-----------|
| (3) | Each replacement of wiring involving one branch circuit or part thereof | \$ 20.00 |
| (4) | Each storable pool or hydro massage bath tub | \$ 20.00 |
| (5) | Each underwater lighting fixture | \$ 20.00 |
| (6) | Household electric cooking equipment up to 16 kw | \$ 20.00 |
| (7) | Each fire, security or burglar alarm control unit | \$ 20.00 |
| (8) | Each receptacle rated from 30 to 50 amperes | \$ 20.00 |
| | 51 amperes or more | \$ 60.00 |
| (9) | Each light-standard greater than eight feet in height including luminaries | \$ 20.00 |
| (10) | Each communication closet | \$ 20.00 |
| (11) | Each panel board, switch board, switch gear, motor control center, or disconnecting means rated 225 amperes or less | \$ 60.00 |
| | 225 to 1000 amperes | \$ 116.00 |
| | 1001 or more amperes | \$ 576.00 |
| (12) | Each electric sign rated 21 to 225 amperes including associated disconnecting means | \$ 60.00 |
| (13) | Each utility load management device | \$ 60.00 |
- b. Each motor:
- | | | |
|----|--------------------------------------------------------------------------------|-----------|
| a. | greater than one horsepower and less than or equal to ten horsepower | \$ 20.00 |
| b. | greater than ten horsepower and less than or equal to fifty horsepower | \$ 60.00 |
| c. | greater than fifty horsepower and less than or equal to one hundred horsepower | \$ 116.00 |
| d. | greater than one hundred horsepower | \$ 576.00 |
- c. Each electrical device or transformer or generator:
- | | | |
|-----|----------------------------------------------------------------------------------------|-----------|
| (1) | greater than one kilowatt and less than or equal to ten kilowatts | \$ 20.00 |
| (2) | greater than ten kilowatts and less than or equal to forty five kilowatts | \$ 60.00 |
| (3) | greater than forty five kilowatts and equal to one hundred twelve and a half kilowatts | \$ 116.00 |
| (4) | greater than one hundred twelve and a half kilowatts | \$ 576.00 |
- d. Each service panel:
- | | | |
|-----|-----------------------------------------------------------------|-----------|
| (1) | less than or equal to 200 amperes | \$ 60.00 |
| (2) | greater than 200 amperes and less than or equal to 1000 amperes | \$ 116.00 |
| (3) | greater than 1000 amperes | \$ 576.00 |
- e. Each service entrance:
- | | | |
|-----|----------------------------------------|----------|
| (1) | less than or equal to 200 amperes | \$ 60.00 |
| (2) | greater than 200 amperes and less than | |

	Or equal to 1000 amperes	\$ 116.00
(3)	greater than 1000 amperes	\$ 576.00
f.	Each sub panel:	
(1)	less than or equal to 200 amperes	\$ 60.00
(2)	greater than 200 amperes and less than or equal to 1000 amperes	\$ 116.00
(3)	greater than 1000 amperes	\$ 576.00
g.	Swimming pools, Spas, Hot Tubs and Fountains:	
(1)	Permanently installed private (R-3, R-4 & R-5)	\$ 116.00
(2)	Temporary installed private (R-3, R-4 & R-5)	\$ 75.00
(3)	Permanent or temporary private (all other use groups)	\$ 150.00
(4)	Public: basis of number of electrical fixtures and rating of electrical devices involved in accordance with (4)a. through (4)f. above.	
h.	Protective Signaling systems (Fire and Burglar Alarm Systems)	
(1)	less than 20 devices	\$ 75.00
(2)	more than 20 devices	\$ 100.00
i.	Primary Transformers, Vaults, Enclosures, Substations	
(1)	Not over 200 kVA	\$ 52.00
(2)	Over 200 to 300 kVA	\$ 70.00
(3)	Over 300 to 400 kVA	\$ 85.00
(4)	Over 400 to 500 kVA	\$ 95.00
(5)	Over 500 to 600 kVA	\$ 110.00
(6)	Over 600 kVA	\$ 125.00
j.	For the purpose of computing fees, all motors except those in plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.	
k.	Photovoltaic systems	
(1)	1 to 50 kilowatts	\$ 60.00
(2)	51 to 100 kilowatts	\$ 116.00
(3)	greater than 100 kilowatts	\$ 576.00
(4)	The Fire Subcode fee shall be as follows:	
a.	Sprinkler system;	
	1 - 20 heads	\$ 135.00
	21 -100 heads	\$ 200.00
	101- 200 heads	\$ 300.00
	201- 400	\$ 500.00
	401- 1000 heads	\$ 825.00
	1001 or more	\$1000.00
b.	Standpipe system:	
	Each riser	\$ 200.00
c.	Pre-engineered suppression system:	
	Co2 Suppression	\$ 150.00
	Halon Suppression	\$ 150.00
	Foam Suppression	\$ 150.00
	Dry Chemical	\$ 150.00
	Wet Chemical	\$ 100.00
d.	Kitchen hood exhaust system:	\$ 200.00
e.	Automatic fire alarm system/smoke, heat and carbon monoxide detectors:	
	1 - 5 detectors	\$ 50.00
	6 - 20 detectors	\$ 100.00
	21 - 100 detectors	\$ 200.00
	101 - 200 detectors	\$ 350.00

201 - 400 detectors	\$ 475.00
401 - 1000 detectors	\$ 600.00
1001 - or more detectors	\$ 800.00
Control panel replacement	\$ 50.00
Fire Alarm Control Panel (except Use Group R-3, R4 & R5)	\$ 100.00
Other devices	\$ 15.00
f. Heating appliance:	
Chimney, vent piping or liner (not in conjunction with a heating unit installation)	\$ 60.00
Solid fuel burning appliance	\$ 75.00
g. Incinerator	\$ 365.00
h. Crematorium	\$ 365.00
i. Emergency Response Radio System:	
0 - 12,000 SF	\$ 580.00
12,001 - 24,000 SF	\$ 700.00
24,001 - 50,000 SF	\$ 850.00
50,001 - 100,000 SF	\$1100.00
100,001 - 150,000 SF	\$1350.00
150,001 - 200,000 SF	\$1600.00
200,001 - 350,000 SF	\$1900.00
350,001 - 500,000 SF	\$2200.00
500,001 - 750,000 SF	\$2500.00
750,001 - SF	\$2800.00
j. Water main for Fire Service	\$ 135.00
k. Fire Hydrant on private property (yard hydrant)	each \$ 135.00
(5) Elevator Safety Subcode	
A. Witnessing acceptance tests and performing inspections:	
1. Elevator devices in structures not in use group R-3, R-4 and R-5;	
a. Traction and winding drum elevators:	
1 - 10 floors	\$ 340.00
Over 10 floors	\$ 567.00
b. Hydraulic elevators	\$ 302.00
c. Roped hydraulic elevator	\$ 340.00
d. Escalators, moving walks	\$ 302.00
e. Dumbwaiters	\$ 76.00
f. Stairway chairlifts, inclined and vertical wheelchair lifts and	\$ 76.00
2. Additional charges for devices equipped with the following features:	
a. Oil buffers	\$ 60.00
b. Counterweight governor and safeties	\$ 151.00
c. Auxiliary power generator	\$ 114.00
3. Elevator devices in structures in use group R-3, R-4 and R-5	\$ 227.00
This fee shall be waived when signed statements and supporting inspection and acceptance test reports are filed by an approved qualified agent or agency in accordance with N.J.A.C. 5:23 -2.19 and 2.20.	
4. Witnessing acceptance tests of, and performing inspections of Alterations	\$ 76.00
B. Routine and periodic tests and inspections for elevator devices	

in structures not in use group R-3, R-4 and R-5:

1. Six month routine inspection:
 - a. Traction and winding drum elevators:

1 - 10 floors	\$ 211.00
over 10 floors	\$ 271.00
 - b. Hydraulic elevators \$ 151.00
 - c. Roped hydraulic elevators \$ 211.00
 - d. Escalators, moving walks \$ 211.00

 2. One year periodic inspection and witnessing of tests of elevator devices, which shall include routine inspection:
 - a. Traction and winding drum elevators:

1 to 10 floors	\$ 302.00
over 10 floors	\$ 362.00
 - b. Hydraulic elevators \$ 227.00
 - c. Roped hydraulic elevators \$ 302.00
 - d. Escalators, moving walks \$ 484.00
 - e. Dumbwaiters \$ 120.00
 - f. Manlifts, stairway chairlifts, inclined and vertical wheelchair lifts \$ 183.00

 3. One year periodic inspection charges for elevator devices equipped with the following features:
 - a. Oil buffers (per oil buffer) \$ 60.00
 - b. Counterweight governor and safeties \$ 120.00
 - c. Auxiliary power generator \$ 76.00

 4. Three or five year inspection:
 - a. Traction and winding drum elevators:

1 to 10 floors (5 year inspection)	\$ 513.00
Over 10 floors (5 year inspection)	\$ 646.00
 - b. Hydraulic and roped hydraulic elevators:

Three year inspection	\$ 378.00
Five year inspection	\$ 227.00
- (6) Certificates and other permits
- a. Certificate of Occupancy:

New construction fee shall be in the amount of 10% of the new construction permit fee that would be charged by the Department. The minimum fee shall be \$100.00, except for one or two family (use group R-3, R-4 or R-5 of the building subcode) structures of less than 5,000 square feet in area and less than 30 feet in height, and structures on farms, including commercial farm buildings subject to N.J.A.C. 5:23-3.2 (d), for which the minimum fee shall be \$50.00.

 - b. Certificate of Continued Occupancy:

Structure. (R-2, R-3, R-4 or R-5)	\$ 75.00
Add each dwelling unit	\$ 35.00
All other use groups	\$ 125.00

 - c. Certificate of Occupancy granted pursuant to a use group change shall be \$ 240.00
 - d. Certificate of Approval/Compliance:
- | | (Periodic Inspections) | |
|--------------------------------------|------------------------|---------------|
| | <u>w/o insp</u> | <u>w/insp</u> |
| 1. High pressure boilers (12 months) | \$ 35.00 | \$ 250.00 |
| 2. Refrigeration system (12 months) | \$ 35.00 | \$ 250.00 |
| 3. Pressure vessels (12 months) | \$ 35.00 | \$ 250.00 |
| 4. Hazardous Uses and Places of | | |

- 5. Assembly (3 months) Cross-connections and backflow preventers \$ 75.00
- 6. Annual electrical inspections of swimming pools, spas or hot tubs (3 months) \$ 75.00
- 7. Elevator devices as set forth under elevator subcode fees in this ordinance. \$ 75.00
- e. First issuance or renewal of a Temporary Certificate of Occupancy \$ 35.00

1. Exception: There shall be no fee for the first issuance of the temporary certificate provided the certificate of occupancy fee is paid at that time.

2. Exception: Where a written request for a temporary certificate of occupancy is made for reasons other than uncompleted work covered by permit (such as uncompleted work required by prior approvals from state or municipal agencies), no renewal fee will be charged.

- f. Application for a variation \$ 50.00

(8) Plan Review

The fee shall be 20% of the amount to be charged for the Construction Permit and shall be paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the Construction Permit. This fee is not refundable.

(9) Miscellaneous

The fee for a Construction Permit for any item requiring a Construction Permit not specifically addressed shall be \$60.00 unless otherwise specifically set by other subcode or municipal ordinance.

(10) Training Fee

In order to provide training, certification and technical support programs required by the Uniform Construction Code Act and the regulations promulgated there under, the Enforcing Agency shall collect in addition to the fees specified above, a surcharge fee as per N.J.A.C. 5:23-.19(b). Said surcharge fee shall be remitted to the Construction Code Element, Division of Housing and Development, Department of Community Affairs on a regular quarterly basis.

(11) Annual Permits

The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers who are employed by the facility, and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building, fire protection, electrical and plumbing. Fees shall be as follows:

- a. 1-25 workers (including foreman) \$ 425.00/worker
- each additional worker over 25 \$ 165.00/worker

b. Prior to the issuance of an annual permit, a training registration fee of \$100.00 per subcode shall be submitted by the applicant to the municipal construction official, who shall forward the fee to the Department of Community Affairs, Construction Code Element, Bureau of Technical Services along with copies of the construction permit (Form 170). Checks shall be made payable to the "Treasurer, State of New Jersey."

(12) Fee Schedule Revision

The Construction Official shall, with the advice of the Subcode Officials, prepare and submit to the Borough Council, biannual, a report recommending a fee schedule based on the

operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the New Jersey State Uniform Construction Code Act.

(13) Private Onsite Inspection and Plan Review Agencies
Private on-site inspection and review agency under contract shall comply with the regulations and fees pursuant to N.J.A.C. 5:23 et. seq.

(14) Administrative Surcharge
A fifteen percent (15%) surcharge fee shall be added to each subcode fee in which plan review and inspections are performed by an onsite agency under contract with the municipality.

Sub Section J - Amend as follows: Public Defender Application fee: up to \$200.00 (Per Public Law 1997 C256 C.2B:24-17) The fee in whole or part is waivable by the Judge of the Municipal Court

Sub Section K - Tax Sale notice mailing fee: \$ 25.00

Sub-section M. Amend as follows:

Police Officer Application Fee	-	\$149.00	(2016)
	-	\$152.00	(2017)
	-	\$155.00	(2018)

Sub Section Q - Construction Code Department Miscellaneous fees

a. Fence less than (6) six feet		
Use Group R-3, R-4 & R-5		\$ 50.00
All other Use Groups		\$ 65.00
b. Driveway		
Use Group R-3, R-4 & R-5		\$ 50.00
All other Use Groups		\$ 65.00
c. Dumpster permit (not on owner's property)		\$ 50.00
d. Continued Certificate of Occupancy (resale)		
Use Group R-3, R-4 & R-5		\$100.00
All other Use Groups per structure		\$125.00
and per tenant		\$ 50.00
e. Continued Certificate of Occupancy (tenant change		
all Use groups except R-2, R-3, R-4 & R-5)		\$100.00

Sub-section DD. Amend as follows: River Edge Commuter Parking Fees

(1) Parking of Vehicles for River Edge Resident		
Quarterly	-	\$ 70.00 (2017)
Annual	-	\$216.00 (2017)
Quarterly	-	\$ 72.00 (2018)
Annual	-	\$220.00 (2018)

Amend as follows: Grove Street Commercial Business Parking Fees

(1) Parking of Vehicles for River Edge Resident		
Quarterly	-	\$ 70.00 (2017)
Annual	-	\$216.00 (2017)
Quarterly	-	\$ 72.00 (2018)
Annual	-	\$220.00 (2018)

Add as follows: Hackensack Avenue Parking Fees

(1) Parking of Vehicles for River Edge Resident		
Quarterly	-	\$ 65.00 (2016)
Quarterly	-	\$ 70.00 (2017)
Annual	-	\$216.00 (2017)
Quarterly	-	\$ 72.00 (2018)
Annual	-	\$220.00 (2018)

Sub-section EE - Miscellaneous Fees - Amend as follows:

Banner Fee	-	\$ 27.00 (2017)
Solicitors Permit	-	\$ 25.00 (2017)
Farmer's Market Weekly Vendor Fee	-	\$ 25.00 (2016)

SECTION II:

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

SECTION III:

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

SECTION IV:

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

ATTEST:

Mayor Edward J. Mignone

Stephanie Evans, Borough Clerk
Dated:

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

Stephanie Evans, Borough Clerk read the title of Ordinance #1867 as follows:

Ordinance #1867 -BOND ORDINANCE TO AMEND SECTION 6 OF THE BOND ORDINANCE (ORD. NO. 1822) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE RIVER DELL MIDDLE SCHOOL SAFETY IMPROVEMENT PROJECT AT PORTIONS OF MIDLAND AND WOODLAND AVENUES IN THE VICINITY OF SUCH SCHOOL, A GENERAL IMPROVEMENT, AND THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS, CURBS AND DRIVEWAY APRONS ALONG AND IN FRONT OF A PORTION OF WOODLAND AVENUE, A SIDEWALK IMPROVEMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$205,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED MARCH 2, 2015.

Description: Increase the cost of non-construction expenses authorized in Ordinance 1822 from \$55,000 to \$66,000.

Motion by Councilman Bartelloni, seconded by Councilwoman Busteed to approve the first reading of Ordinance #1867 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1867

BOND ORDINANCE TO AMEND SECTION 6 OF THE BOND ORDINANCE (ORD. NO. 1822) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE RIVER DELL MIDDLE SCHOOL SAFETY IMPROVEMENT PROJECT AT PORTIONS OF MIDLAND AND WOODLAND AVENUES IN THE VICINITY OF SUCH SCHOOL, A GENERAL IMPROVEMENT, AND THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS, CURBS AND DRIVEWAY APRONS ALONG AND IN FRONT OF A PORTION OF WOODLAND AVENUE, A SIDEWALK IMPROVEMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$205,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED MARCH 2, 2015.

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

Section 1. Section 6 of Ordinance No. 1822 entitled:

"BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE RIVER DELL MIDDLE SCHOOL SAFETY IMPROVEMENT PROJECT AT PORTIONS OF MIDLAND AND WOODLAND AVENUES IN THE VICINITY OF SUCH SCHOOL, A GENERAL IMPROVEMENT, AND THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS, CURBS AND DRIVEWAY APRONS ALONG AND IN FRONT OF A PORTION OF WOODLAND AVENUE, A SIDEWALK IMPROVEMENT, IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$205,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

adopted by the Borough Council of the Borough of River Edge, in the County of Bergen, New Jersey (the "Borough") on March 2, 2015 (the "Prior Ordinance") is hereby amended to increase the amount of the cost of the purposes authorized in the Prior Ordinance estimated to be used for non-construction expenses from \$55,000 to \$66,000 (an increase of \$11,000), and shall hereafter read as follows:

"Section 6. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$205,000, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$205,000, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$66,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law."

Section 2. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 3. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Attest:

Edward J. Mignone, Mayor

Stephanie Evans, RMC
Borough Clerk

Dated:

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

Stephanie Evans, Borough Clerk read the title of Ordinance #1868 as follows:

Ordinance #1868 - AN ORDINANCE REGULATING COMMUTER PARKING FOR THE PARKING LOT LOCATED AT THE CORNER OF HACKENSACK AVENUE AND GRAND AVENUE IN THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY

Description: Establish Regulations for the new Hackensack Avenue Commuter Parking Lot

Mayor Mignone-explained that this property has been owned by the Borough for a number of years and by making it a commuter parking lot it will open up approximately 14 spaces for the public and be a small revenue generator for the Borough.

Alan Negreann-said that he placed a chart in front of the Mayor and

Council showing the differences in some of the parking restrictions but on the whole, Grove Street, Hackensack Avenue and River Edge Road all have the same parking regulations. He continued to explain some of the small differences.

Councilwoman Busteel-asked if this new lot will mirror the regulations of the upper lot on River Edge Road?

Alan Negreann-said that it will mirror Grove Street and the River Edge Road commuter lot.

Councilwoman Busteel-was under the impression that the town didn't own the commuter lot.

Mayor Mignone-explained that we own both upper and lower lots on River Edge Road.

Councilwoman Busteel-asked if it will only mimic the lower lot?

Alan Negreann-explained that there are a couple of small differences in the upper lot because of its unique nature to serve the commercial businesses as well as commuters.

Councilwoman Busteel-thought that they may want to prohibit commercial vehicles in the Hackensack Avenue lot as well. She asked if the Police Department can weigh in on that.

Alan Negreann-stated that there must have been problem at that particular location and does not recommend putting that into the other ordinances at this point in time.

Councilwoman Busteel-stated that she was just speaking of the new lot at Hackensack Avenue.

Mayor Mignone-stated that it would preclude them from getting a commuter permit if they are commercial vehicle.

Councilwoman Busteel-if someone parks there, can the Police enforce it?

Mayor Mignone-said that he believes so and if not they would have to have that addressed. Since this is the first reading, they can have an answer by the next meeting.

Councilman Papaleo-asked for clarification on the chart that Mr. Negreann supplied.

Motion by Councilman Papaleo, seconded by Councilman Bartelloni to approve the first reading of Ordinance #1868 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1868

AN ORDINANCE REGULATING COMMUTER PARKING FOR THE PARKING LOT LOCATED AT THE CORNER OF HACKENSACK AVENUE AND GRAND AVENUE IN THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY

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

Section I: *Hackensack Avenue Commuter Parking Regulations.*

Section A. The regulations to establish parking at the Hackensack Avenue Commuter Parking Lot for River Edge residents only, subject to all requirements set forth in this section.

Section B. Only vehicles with numbered stickers and resident district number stickers will be permitted to park in the designated parking spaces at the Hackensack Avenue Commuter lot.

Section C. - Parking Regulations

- (1) All vehicles are to be parked head in, in front of the numbered signs designated for parking.
- (2) Parking in any area other than described in Subsection (1) is prohibited.
- (3) The River Edge Police Department is authorized to prohibit parking whenever necessary for the public safety or when an emergent situation exists.
- (4) In addition to the penalties herein imposed, any vehicle parked in violation of this section may be towed away, at the owner's expense.

- (5) Hackensack Avenue Commuter Parking Permits. River Edge residents shall submit applications for quarterly and yearly permits as follows:
- (a) First quarter: December 16th
 - (b) Second quarter: March 16th
 - (c) Third quarter: June 16th
 - (d) Fourth quarter: September 16th
 - (e) Yearly: January 31st
- (6) Parking permitted Monday through Friday 5:00 a.m. to 7:00 p.m. Permits shall not be required to park in the Hackensack Avenue Commuter Parking Lot on Saturdays and Sundays.
- (7) Application for permit shall be restricted to one application per registered vehicle. Each applicant shall submit the parking fee with his application as established by the Borough of River Edge along with a copy of his or her license and registration.

Section II: *Enforcement*

This ordinance is to be enforced by the Police Department of the Borough of River Edge or any other person or persons designated by the Mayor and Council of the Borough of River Edge.

Section III: *Penalty*

Violation of this Ordinance shall be considered a motor vehicle parking violation and shall be subject to the same penalties as those in effect for parking violations on the streets of the Borough of River Edge.

Section IV:

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

Section V:

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

Section VI:

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

Attest:

Mayor Edward Mignone

Stephanie Evans, Borough Clerk
Dated:

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

ORDINANCE - 2ND READING - NONE

RESOLUTIONS - By Consent

Motion by Councilman Bartelloni, seconded by Councilwoman Davis to approve resolution #16-252 through #16-277 and #16-279 through #16-290.

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

#16-252 Resolution to Go Into Closed Session and Exclude Public

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

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

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

1. That the public shall be excluded from the August 8, 2016 work session meeting and discussion of the hereinafter specified subject matter:

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

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

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

3. This resolution shall take effect immediately.

July 11, 2016

#16-253 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the Design of a Stormwater & Sewer Project for 2016

WHEREAS, there exists a need for expert professional engineering services related to the design of a stormwater and sewer project for 2016; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund in the amount of \$2,000.00; 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, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

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

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

WHEREAS, the Mayor and Council have discussed this matter at a work session on July 11, 2016; and

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

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

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

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

July 11, 2016

#16-254 Resolution to Adopt an Updated Stormwater Pollution Plan for the Borough of River Edge

WHEREAS, a Stormwater Pollution Plan was prepared for the Borough of River Edge in September of 2004 providing an explanation of policies and procedures which would assist the Borough in its compliance with its Stormwater Pollution Permit issued by the State of New Jersey; and

WHEREAS, the original Stormwater Pollution Plan was prepared by the Borough Administrator and the Superintendent of Public Works; and

WHEREAS, an update to the Stormwater Management Plan was adopted by the Governing Body on November 16, 2009 via resolution #09-429, resolution #11-191, dated May 16, 2011, May 6, 2013 via resolution #13-201 and February 18, 2014 via resolution #14-99 and 2015 via resolution #15-387; and

WHEREAS, an update has been prepared by the Borough Administrator and reviewed by the Superintendent of Public Works who is the Stormwater Pollution Coordinator for the Borough; and

WHEREAS, this matter has been reviewed by the Mayor and Council at a work session on July 11, 2016; and

WHEREAS, the State of New Jersey, Department of Environmental Protection requires that the Borough periodically update its Stormwater Pollution Plan to reflect changes and accomplishments.

NOW, THEREFORE, BE IT RESOLVED that said updated Stormwater Pollution 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.

July 11, 2016

#16-255 Refund of Construction Bond for Shade Trees to Nagy Garas, 368 Hillview Terrace, Franklin Lakes, New Jersey for the Property Located at 395 Bogert Road, Block 1002, Lot 38.01

WHEREAS, Nagy Garas deposited a cash construction bond for shade trees adjacent to the property located at 395 Bogert Road in the amount of \$1,194.98 in September 2013; and

WHEREAS, the Shade Tree Commission has performed an inspection and has determined that the tree at this location was not affected by construction activity; and

WHEREAS, the Mayor and Council have discussed this matter at their work session of July 11, 2016; and

WHEREAS, the Shade Tree Commission recommends that the bond in the amount of \$1,194.98 be released.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund of \$1,194.98 from the Trust Other Account to:

Nagy Garas
368 Hillview Terrace
Franklin Lakes, NJ 07417

July 11, 2016

#16-256 Refund of Construction Bond for Shade Trees to Labib Development, for the Property Located at 206 Oak Avenue, Block 1205, Lot 8

WHEREAS, Your Home Team deposited a cash construction bond for shade trees adjacent to the property located at 206 Oak Avenue in the amount of \$12,425.30 on June 26, 2013; and

WHEREAS, the Shade Tree Commission has performed an inspection and has determined that the tree at this location was not affected by construction activity; and

WHEREAS, the Mayor and Council have discussed this matter at their work session of July 11, 2016; and

WHEREAS, the Shade Tree Commission recommends that the bond in the amount of \$12,425.30 be released.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund of \$12,425.30 from the Trust Other Account to:

Labib Development
1184 Windsor Road
Teaneck, NJ 07666

July 11, 2016

#16-257 Resolution Supporting A-536/S-2107 to Clarify Volunteer Position Do Not Impact Retirement Benefits for Public Employees

WHEREAS, in 2014, the New Jersey Division of Pension and Benefits issued a notice concerning bona fide severance of employment-post retirement employment restrictions for individuals covered by any New Jersey State administered retirement system, in order to preserve Internal Revenue Service (IRS) "qualified status" of PERS, TPAF, PFRS, SPRS and JRS plans, so as to protect retirees from a 10% excise tax penalty on their monthly retirement payments; and

WHEREAS, N.J.A.C. 17:1-17.14.2(a) defines a "bona fide severance from employment" as "the complete termination of the employee's employment relationship with the employer for a period of at least 180 days;" and

WHEREAS, if an individual returns to public employment, even as a volunteer, with the former employer prior to satisfying the requirements of a bona fide severance from employment, the employee will be required to repay all retirement benefits received from the date of retirement and may be required to re-enroll in the same or different retirement system; and

WHEREAS, Division of Pensions and Benefits have advised employees that they must sever all relations with their employer, including volunteer positions, for 180 days or they risk losing their pensions; and

WHEREAS, public employees tend to volunteer in the communities

they live and work in as volunteer fire fighters, First Aid responders, celebration committee members or PTA's, to name a few; and

WHEREAS, for volunteer firefighters and first aid responders they would have to reapply to the volunteer organization as a new member, and, as a new member, they would be required to take all necessary test and training including physicals and agility test; and

WHEREAS, employees affected by the Division of Pensions ruling are at least 55 years of age who in their volunteer positions tend to be mentors to the new and younger members typically providing guidance and direction; and

WHEREAS, volunteers are the backbone of communities providing services to the residents at no cost to taxpayers while freely giving of their time and expertise; and

WHEREAS, Assembly members Holly Schepisi and Anthony Bucco and Senators Paul Sarlo and Thomas Kean, Jr., have introduced legislation to correct the Division of Pensions directive, and to promote continued volunteerism; and

WHEREAS, A-536 and S-2107 would provide that the retirement of a member of the Public Employees' Retirement System (PERS) or a member of the Police and Firemen's Retirement System (PFRS) who (1) on the date of retirement has attained the service retirement applicable to that member and is a volunteer firefighter with the same employer from whose Employment the member retires; and (2) remains a volunteer firefighter after retirement, will be a bona fide severance from employment, notwithstanding that the retired employee maintains the relationship of a volunteer firefighter with the same employer from whom the member retired, provided that the qualified status of PERS and PFRS under federal law can be maintained.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of River Edge supports A-536 and S-2107, to permit retirees to continue to serve their fellow citizens as volunteers, without loss of their retirement, and without being forced to accept a separation from volunteer service.

BE IT FURTHER RESOLVED, that we urge our State Legislators, Senator and Assembly Members to support these bills, with voice and vote.

BE IT FURTHER RESOLVED that copies of this Resolution are forwarded to our Legislators and to the Governor and Lieutenant Governor of New Jersey, the Senate President, the Assembly Speaker, the Senate Republican Leader and the Assembly Republican Leader, and to the New Jersey League of Municipalities.

July 11, 2016

#16-258 Resolution Establishing a Policy for Use of Social Media in the Borough of River Edge

WHEREAS, the Borough of River Edge ("Borough") has determined there is a need to address the use of the Internet and wireless communications by the Borough, its employees and agents to provide information online; and

WHEREAS, to encourage the responsible use of Social Media to further the goals of the Borough and the missions of its departments and affiliated boards, commission and authorities the Borough has determined to adopt a policy regulating same; and

WHEREAS, the Mayor and Council has determined that said policy is in the best interest of the Borough.

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

1. The Social Media Policy attached hereto is hereby adopted by the Borough of River Edge as part of the Borough Administrative Policy and is applicable to all Borough

employees, agencies, and departments as well as any affiliated government or non-government agency or officials.

2. This Resolution hereby amends and supersedes all prior Resolutions that are inconsistent herewith.
3. This Resolution shall take effect immediately.

July 11, 2016

#16-259 Resolution to Approve the Corrective Action Plan for the Fiscal Year 2015 Audit Report for the Borough of River Edge

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a "Corrective Action Plan" outlining the actions to be taken by the Borough of River Edge relative to the findings and recommendations in the annual audit report; and

WHEREAS, the "Corrective Action Plan" shall be prepared by the Chief Financial Officer with assistance from other officials affected by the audit findings and recommendations; and

WHEREAS, the Governing Body is required by resolution, to approve said "Corrective Action Plan"; and

WHEREAS, the "Corrective Action Plan", as prepared by the Chief Financial Officer and approved by the Governing Body, shall be placed on file and made available for public inspection in the office of the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby approves the "Corrective Action Plan" for the year 2015 Audit Report submitted by the Chief Financial Officer.

July 11, 2016

#16-260 Resolution to Confirm Construction of an Approved Plan or Design for the River Dell Middle School Safety Improvement Project

WHEREAS, N.J.S.A. 59:4-6 provides in pertinent part that neither the public entity nor a public employee is liable for an injury caused by the plan or design of public property or any improvement thereto where the plan or design was approved in advance of construction by the Governing Body of the Borough of River Edge or a public employee exercising discretionary authority on its behalf of where such plan or design was prepared in conformity with standards previously approved by the Governing Body of the Borough of River Edge; and

WHEREAS, the River Dell Middle School Safety Improvement Project improvement to public property has been designed by Costa Engineering Corporation, 325 South River Street, Hackensack, New Jersey 07601; and

WHEREAS, Costa Engineering has certified that the construction of the River Dell Middle School Safety Improvement Project has been done in accordance with the plans and specifications of the project; and

WHEREAS, the Governing Body of the Borough of River Edge wishes to record its confirmation of the construction of said design.

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

1. Plans and specifications entitled "River Dell Middle School Safety Improvement Project" prepared by Costa Engineering Corporation dated April 10, 2015 be, and hereby are, approved as constructed.
2. The improvements described herein above have been completed and have been inspected by Costa Engineering Corporation and they have certified to the Governing Body of the Borough of River Edge that said improvement has been constructed in accordance with the above referenced design.

3. The Borough Clerk shall archive this resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan, design or construction of the improvement.

July 11, 2016

#16-261 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

WHEREAS, the Borough of River Edge received a Performance Bond from A-Team Concrete, Inc., 104 George Street, South River, New Jersey 08882 on January 28, 2016 for the Curb Replacement Project at Oxford Terrace; and

WHEREAS, the amount of the Performance Bond was \$65,771.00; and

WHEREAS, the Borough Engineer has certified that the final inspection has been made and approval is given with regard to the project known as Curb Replacement Project at Oxford Terrace; and

WHEREAS, A Team Concrete, Inc. has provided a Maintenance Bond in the amount of \$65,740.00 which will run for a period of two (2) years from April 15, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Performance Surety Bond for A Team Concrete, Inc. on file with the Borough of River Edge be released in the amount of \$65,771.00.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to send a copy of this resolution to A Team Concrete, Inc., 104 George Street, South River, New Jersey 08882 and Bondex Insurance Company, 30A Vreeland Road, Florham Park, NJ 07932.

July 11, 2016

#16-262 Amend Agreement with Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 169 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey, 07436 for Professional Services as Labor Attorney for the Borough

WHEREAS, there exists a need to retain legal services for the purpose of Labor and Employment Services; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 69 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436 on January 1, 2016 via resolution #16-03 in the amount of \$3,000.00 and amended on May 2, 2016 via resolution #16-193 in the amount of \$3,000.00; and

WHEREAS, additional funding is required for legal services; 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, Matthew Giacobbe, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Matthew Giacobbe, Esq. 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 Matthew Giacobbe, Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on July 11, 2016; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-168 of the Current Fund in an amount not to exceed \$4,000.00.

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

1. The Mayor and Clerk are hereby authorized to execute an amended agreement with Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 169 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436 in the amount not to exceed \$4,000.00.
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.

July 11, 2016

#16-263 Amend Agreement with Robert Costa, Borough Engineer, for Professional Services Related to Design & Inspection Work for Fifth Avenue Improvements, Section 3

WHEREAS, there exists a need for expert professional engineering services related to Design & Inspection Work for Fifth Avenue Improvements, Section 3; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Robert Costa, Borough Engineer via resolution #15-249 dated June 15, 2015 in the amount of \$30,000.00 and

WHEREAS, additional funding is required for professional services related to Design & Inspection Work for Fifth Avenue Improvements, Section 3; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1835-100 of the Capital Fund in the amount not to exceed \$2,200.00; and

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

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

WHEREAS, the Mayor and Council have reviewed this matter at a work session on July 11, 2016.

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 amended agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$2,200.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

July 11, 2016

#16-264 Approval for Waiver of Certificate of Insurance for River Edge PBA Local 201 Event

WHEREAS, the River Edge PBA Local 201 desires to hold an

event at the River Edge Swim Club, Inc. on Friday, June 10, 2016;
and

WHEREAS, the Borough of River Edge has received quasi insurance coverage for the River Edge Swim Club; and

WHEREAS, the Bergen County Municipal Joint Insurance Fund guidelines require a Hold Harmless agreement and a Certificate of Insurance when third parties are utilizing Borough facilities or under the coverage of the Joint Insurance Fund; and

WHEREAS, the Mayor and Council at their meeting of June 6, 2016 have been informed as to the event to be held and are in favor of and support this event.

NOW, THEREFORE, BE IT RESOLVED that the requirement of a submission of a Certificate of Insurance for this event is hereby waived retroactive to Friday, June 10, 2016.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Ezio Altamura of the GJEM Agency, the Borough's Risk Consultant.

July 11, 2016

#16-265 Resolution to Refund Planning Board Escrow Money to Gary Goursky, 620 Kinderkamack Road, Block 617, Lot 17

WHEREAS, the following application has been made to the Planning Board for Site Plan approvals and has since received such approval; and

WHEREAS, all professionals have been paid.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to refund the following to:

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Amount</u>
617/17	Gary Goursky 620 Kinderkamack Road River Edge, NJ 07661	\$85.00

July 11, 2016

#16-266 Resolution to Refund Planning Board Escrow Money to Joseph Caleca for the Property Located at 830 & 834 Park Avenue, Block 213, Lots 12 & 13

WHEREAS, the following application has been made to the Planning Board for Site Plan approvals and has since received such approval; and

WHEREAS, all professionals have been paid.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to refund the following to:

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Amount</u>
213/12 & 13	Joseph Caleca 561 Victory Place River Vale, NJ 07675-0000	\$1,122.50

July 11, 2016

#16-267 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to Fifth Avenue, Section 4 Design & Inspection

WHEREAS, there exists a need for expert professional engineering services related to Fifth Avenue, Section 4 Design and Inspection; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1865-100 of the Capital Fund in the amount of \$30,000.00; 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, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

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

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

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

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

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$30,000.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

July 11, 2016

#16-268 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on Dorchester Road

WHEREAS, on or about July 11, 2016, the Borough of River Edge granted permission to Johnny Porco, 183 Dorchester Road, River Edge, New Jersey, to hold a block party on Dorchester Road between Elm Avenue and Oak Avenue on Saturday, July 16, 2016 starting at 11:00 a.m. to midnight (rain date July 17th) in accordance with Borough Ordinance #1678; and

WHEREAS, Mr. Porco has requested that the possession and consumption of alcoholic beverages be permitted in connection with said block party; and

WHEREAS, Borough Code Section 114-15 allows the Governing Body to permit the possession and consumption of alcoholic beverages in or on a public street or sidewalk in connection with an authorized block party.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge that persons age 21 and over be and hereby are permitted to possess and consume alcoholic beverages at the block party

described above, on the date and time specified herein.

July 11, 2016

#16-269 Resolution of Certification of the Annual Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by the Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52-27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body has reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C.5:30-6-5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or members of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge, hereby states that it has complied with N.J.S.A. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

July 11, 2016

#16-270 Purchase of Fire Research LED Lights for Engine #2 and #4

WHEREAS, the Borough of River Edge desires to purchase several fire research LED lights for Engine #2 and #4 from 10-75 Emergency Lighting, 14 First Avenue, Unit 3, Haskell, New Jersey 07420; and

WHEREAS, the vendor, 10-75 Emergency Lighting is an approved State Contract participant bearing the State Contract #A81334, A81347; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1859-450 of 6th Capital Fund in an amount not to exceed \$11,973.28; and

WHEREAS, N.J.A.C. 5:34-1.2 requires that any local contracting unit purchasing pursuant to N.J.S.A. 40A:11-12 must award the contract by a resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to accept the State Contract bid on Fire Research LED Lights for Engine #2 and #4 as per the State's specifications in an amount not to exceed \$11,973.28.

July 11, 2016

#16-271 Refund of Performance Escrow for the Property Located at 572 Bogert Road, Block 615, Lot 12

WHEREAS, Betsy Jacob and Christian Guzman, deposited \$1,000.00 in the Trust Other Fund to complete grading and seeding within 90 days of the project completion at the property located at 572 Bogert Road, Block 615, Lot 12; and

WHEREAS, the Borough Engineer has performed all final inspections.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund:

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Amount</u>
615/12	Betsy Jacob Christian Guzman 572 Bogert Road River Edge, NJ 07661	\$1,000.00

July 11, 2016

#16-272 Authorize Cancellation of Accounts Payable

WHEREAS, there exists various accounts payable on the books of the Current Fund; and

WHEREAS, the various purchase orders and contracts creating these accounts payable have been investigated and it has been determined that these should be cancelled.

NOW, THEREFORE, BE IT RESOLVED, that the following accounts payable in the following amounts are hereby cancelled.

<u>P.O. #</u>	<u>Vendor</u>	<u>Amount</u>	<u>Description</u>
26939	Kenneth DelPercio	\$ 339.69	Elec. Eng. PSB Generator
27438	Robert Costa	\$ 500.00	Sewer-155 Valley Road
28107	Robert Costa	\$ 260.00	ADA County Road Program
28890	Lincoln National Insurance	\$18,360.00	LOSAP forREVAS
28891	Lincoln National Insurance	\$ 8,160.00	LOSAP for Fire
29688	Borough of Paramus	\$ 9,594.60	90 Units-Sewer

July 11, 2016

#16-273 Amend 2016 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services approved the insertion or increase of any special item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion or increase of an item of appropriation for an equal amount; and

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for Alcohol Education and Rehabilitation Fund in the amount of \$966.90; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

3. Miscellaneous Revenue - Section F

Unappropriated Reserve for
Alcohol Education & Rehabilitation.....\$966.90

BE IT FURTHER RESOLVED that the like sum of \$966.90 and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations excluded from the "CAPS"
Public & Private Programs Offset by Revenues

Unappropriated Reserve for
Alcohol Education & Rehabilitation.....\$966.90

BE IT FURTHER RESOLVED that the Borough forward two (2) copies of this resolution to the Director of Local Government Services.

July 11, 2016

#16-274 Resolution to Refund Planning Board Escrow Money to Hisao Saiki and Rumiko Saiki for the Property Located at 490 Kinderkamack Road, Block 804, Lots 9, 10, 10.01 & 12.01

WHEREAS, the following application has been made to the Planning Board for Site Plan approvals and has since received such approval; and

WHEREAS, all professionals have been paid.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to refund the following to:

<u>Block/Lots</u>	<u>Name & Address</u>	<u>Amount</u>
804/9, 10, 10.01 & 12.01	Hisai Saiki Rumiko Saiki 986 Wildwood Road Oradell, NJ 07649	\$796.25

July 11, 2016

#16-275 Resolution to Refund Planning Board Escrow Money to Main Auto Supply, Inc., for the Property Located at 620 Kinderkamack Road, Block 617, Lot 17

WHEREAS, the following application has been made to the Planning Board for Site Plan approvals and has since received such approvals; and

WHEREAS, all professional have been paid.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to refund the following to:

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Amount</u>
617/17	Main Auto Supply, Inc. 620 Kinderkamack Road	\$1,847.50

July 11, 2016

#16-276 Resolution to Refund Planning Board Escrow Money to First Health Care River Edge, LLC, for the Property Located at 91 Route 4 East, Block 1415, Lot 1.01

WHEREAS, the following application has been made to the Planning Board for Site Plan approvals and has since received such approval; and

WHEREAS, all professionals have been paid.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to refund the following to:

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Amount</u>
1415/1.01	Sills Cummis & Gross P.C. The Legal Center One Riverfront Plaza Newark, NJ 07102-5400	\$4,199.00

July 11, 2016

#16-277 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to River Edge Low & Moderate Street/Curb/Sidewalk Improvements, Phase 3 (Oxford/Rutgers)

WHEREAS, there exists a need for expert professional engineering services related to River Edge Low & Moderate Street/Curb/Sidewalk Improvements, Phase 3 (Oxford/Rutgers); and

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

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund in the amount of \$500.00; 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, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

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

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

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

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

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$500.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

July 11, 2016

Councilman Bartelloni-stated that they had received a letter from Mr. Sarlo, the Borough Attorney requesting that this resolution be tabled in light of recent developments.

Motion by Councilman Bartelloni, seconded by Councilman Papaleo to table resolution #16-278.

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

TABLED

TABLED

TABLED

#16-278 Resolution in Support of Senate Bill S-2254 and Assembly Bill A-3821 Which Affirms the Legislative Intent of the Fair Housing Act

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that "present and prospective fair share of the housing in a given region...shall be computed for a 10-year period" (see N.J.S.A. 52:27D-307(c); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct "gap period" obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this "gap period" issue arises out of COAH's inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called "gap" obligation, the households counted in the "gap period" may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of "builder's remedy" lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, hundreds of New Jersey's municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State's failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out

of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities;

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

1. The Mayor and Council hereby support the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality's present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called "gap period".
2. The Mayor and Council urge members of the New Jersey Senate, General Assembly and the Governor to swiftly and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.
3. A certified copy of this resolution shall be sent to Hon. Chris Christie, Governor; Hon Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

July 11, 2016

#16-279 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development Grant of \$44,264.00 has been proposed by the Borough of River Edge for the River Edge Senior Bus Dispatcher(s) Wages XI and Senior Bus Driver Wages XVI in the municipality of River Edge; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of River Edge; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of River Edge hereby confirm endorsement for the aforesaid project.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

July 11, 2016

#16-280 Acknowledge Receipt of Certification of Request for Emergency Purchases - Stormwater Repair/Road Collapse on Elm Avenue Between Adams and Jefferson

WHEREAS, the Superintendent of Public Works has certified that an emergency condition exists in the Department of Public Works for the emergency repair to the storm system line on Elm Avenue between Adams and Jefferson at an estimated cost of \$30,000.00; and

WHEREAS, this condition constitutes an emergency affecting the public health, safety and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby

confirm and acknowledge the receipt of Certification of Request for
Emergency Purchases for this emergency.

July 11, 2016

#16-281 Resolution Permitting the Possession and Consumption of
Alcoholic Beverages at a Block Party on Seventh Avenue

WHEREAS, on or about July 11, 2016, the Borough of River Edge granted permission to Cindy Bequeaith, 745 Fifth Avenue, River Edge, New Jersey, to hold a block party on Seventh Avenue between Webb Avenue and Continental Avenue on Saturday, September 10, 2016 starting at 12:00 noon to 10:00 p.m. (rain date September 11th) in accordance with Borough Ordinance #1678; and

WHEREAS, Mrs. Bequeaith has requested that the possession and consumption of alcoholic beverages be permitted in connection with said block party; and

WHEREAS, Borough Code Section 114-15 allows the Governing Body to permit the possession and consumption of alcoholic beverages in or on a public street or sidewalk in connection with an authorized block party.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge that persons age 21 and over be and hereby are permitted to possess and consume alcoholic beverages at the block party described above, on the date and time specified herein.

July 11, 2016

#16-282 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development Grant of \$1,800.00 has been proposed by the Borough of River Edge for the River Edge Senior Citizen Activities Project IX in the municipality of River Edge; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of River Edge; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of River Edge hereby confirm endorsement for the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

July 11, 2016

#16-283 Amend Agreement with Anthony Suarez, Esq., Werner, Suarez, Moran, 1 University Plaza, Suite 117, Hackensack, New Jersey 07601 for Professional Services as Special Counsel for COAH

WHEREAS, there exists a need for Special Counsel for legal services related to COAH; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Anthony Suarez, Esq. Werner, Suarez, Moran, 1 University Plaza, Suite 117, Hackensack, New Jersey 07601 on August 3, 2015 via resolution #15-288 in the amount of \$2,500.00; amended on October 5, 2015 via resolution #15-366 in the amount of \$3,000.00 and amended on January 19, 2016 via resolution #16-59 in the amount of \$5,000.00; and

WHEREAS, additional funding is required for legal services; 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, Anthony Suarez, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Anthony Suarez, Esq. 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 Anthony Suarez, Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on July 11, 2016; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-172 of the Current Fund in an amount not to exceed \$2,500.00.

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

1. The Mayor and Clerk are hereby authorized to execute an amended agreement with Anthony Suarez, Esq., Werner, Suarez, Moran, 1 University Plaza, Suite 117, Hackensack, New Jersey 07601 in the amount not to exceed \$2,500.00.
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.

July 11, 2016

#16-284 Authorize Richard D. Kraus, Esq. to Enter Into a Stipulation of Settlement with F & A Park Associates, LLC, Block 213, Lot 6, 864 Park Avenue

WHEREAS, Richard D. Kraus, Esq., Suite 14, One University Plaza, Hackensack, New Jersey, 07601 has handled the litigation of the Borough of River Edge v. F & A Park Associates, LLC, 864 Park Avenue, Block 213, Lot 6; and

WHEREAS, Richard D. Kraus, Esq. has recommended stipulation in the above stated matter; and

WHEREAS, the Mayor and Council have considered these recommendations at their work session of July 11, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby authorize Richard D. Kraus, Esq. to enter into a Stipulation of Settlement for the years 2012, 2013, and 2014 the taxpayer has withdrawn its appeals, accepting an assessment of \$550,000.00 for 2015 and 2016 and an assessment not to exceed \$500,000.00 for the year 2017.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to forward a copy of this resolution to James Anzevino, the Borough's Tax Assessor and Richard D. Kraus, Esq.

July 11, 2016

#16-285 Amend Agreement with Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey for Professional Services for Expert Legal Services

WHEREAS, there exists a need for Expert Legal Services for tax

appeal representation; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Alan P. Spiniello, Esq. via resolution #16-09 dated January 1, 2016 in the amount of \$5,000.00 and amended via resolution #16-137 dated March 7, 2016 in the amount of \$10,000.00; and

WHEREAS, additional funding is required for Expert Legal Services for tax appeal representation; 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, Alan P. Spiniello, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Alan P. Spiniello, Esq. 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 Alan P. Spiniello, Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on July 11, 2016; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-174 of the Current Fund an amount not to exceed \$8,000.00.

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

WHEREAS, the rate of pay shall not exceed \$125.00 per 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 Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey, 07601 in the amount not to exceed \$8,000.00.
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.

July 11, 2016

#16-286 Authorize Tax Collector to Refund 2nd Quarter Tax Overpayments due to the 2013 Homestead Benefit Credit

WHEREAS, the 2013 Homestead Benefit Credits were received and revised billing for the 2nd Quarter 2016 was issued; and

WHEREAS, taxpayers paid the original 2nd Quarter Tax amount billed creating an overpayment in the 2nd Quarter; and

WHEREAS, the tax office has received written requests from the following homeowners to refund the overpaid taxes directly to the homeowner.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to refund the following tax amounts and adjust her records accordingly.

Block/Lot	Name/Address	Amount
207/26	Rudolf Rasch	779.85

37 Richard Court
River Edge, NJ 07661

213/16	James G. Anastos 10 Elm Court Toms River, NJ 08757-4711	66.31
502/11	Cha, In Ho & Yoon Ja 4 Adrian Way River Edge, NJ 07661	1,050.00
506/9	Michael & Philomena McNamara 223 Adams Avenue River Edge, NJ 07661	686.56
807/18	Anthony & Tammy Daniele 138 Kensington Road River Edge, NJ 07661	620.48
1205/2	Daniel & Claire Rosenbaum 170 Oak Avenue River Edge, NJ 07661	921.85

July 11, 2016

#16-287 Authorize Tax Collector to Transfer a 2nd Quarter 2016 Tax Overpayment to the 3rd Quarter 2016 Taxes

WHEREAS, the tax office has received a 2nd quarter 2016 tax overpayment on the following property; and

WHEREAS, a written request was received from the homeowner, who made the overpayment, to transfer the overpayment to the next quarter due.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector adjust her records by transferring the 2nd quarter 2016 tax overpayment to the 3rd quarter 2016 taxes as follows:

<u>Block/Lot</u>	<u>Owner/Property</u>	<u>from 2nd Qtr. 16</u>	<u>to 3rd Qtr.16</u>
102/1	Diane Nafornta 942 Laurel Avenue River Edge, NJ 07661	69.81	69.81

July 11, 2016

#16-288 Authorize Tax Collector to Refund 2nd Quarter 2016 Tax Overpayments

WHEREAS, the tax office has received a duplicate payment and/or tax overpayment for the 2nd Quarter 2016 taxes on the following properties; and

WHEREAS, a written request was received from the homeowner and/or their Mortgage Company/Title Company to refund the overpaid amount directly to the homeowner.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
212/12	Toby Tider 809 Park Avenue River Edge, NJ 07661	12.21
409/35/C0026	Barbara Grub 351 Hudson Avenue Albany, NY 12210	5.07

807/22

Thomas & Maria Higgins
146 Kensington Road
River Edge, NJ 07661

5.90

July 11, 2016

#16-289 Authorize Tax Collector to Adjust the 2016 3rd Quarter 2016
Billing due to Preliminary Billing Differences

WHEREAS, the following taxpayers requested that the 2016 preliminary taxes be adjusted based on their successful 2015 County Board Judgments; and

WHEREAS, the adjustment was made through Resolution #15-390; and

WHEREAS, the tax duplicate does not reflect the adjusted 2016 preliminary taxes; and

WHEREAS, the 3rd Quarter 2016 taxes were calculated based on tax duplicate's pre-adjusted 2016 preliminary amounts; and

WHEREAS, an adjustment was made on June 20, 2016 to correct the billing based on the 2016 Assessed Value on each property and the estimated tax rate of 3.287 before mailing the following tax bills.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector increase the 3rd Quarter 2016 taxes and ratify this action as of June 20, 2016 and adjust her records accordingly.

<u>Block/Lot</u>	<u>Name/Address</u>	<u>3rd Quarter Billing as Per Duplicate</u>	<u>3rd Quarter Corrected Billing</u>	<u>Adjustment</u>
108/1	GUO 209 Hillside	2,660.33	3,063.26	402.93
213/10	UEJIMA 844 Park Ave.	(1,687.82)	1,646.60	3,334.42
501/39.02	CILIA 685 Fifth Ave.	4,023.42	4,506.78	483.36
Total Tax Adjustment:				4,220.71

July 11, 2016

#16-290 Authorize Refund from Recreation Dedicated Account and Trust
Other Account

WHEREAS, residents had signed up and paid in full for the use of Memorial Park; and

WHEREAS, the residents were unable to use the park due to the inclement weather conditions and have requested a refund; and

WHEREAS, a resident had signed their child up and paid in full for the Recreation Summer Camp Program; and

WHEREAS, the child is not able to attend due to a change of plans and the resident has asked for a refund; and

WHEREAS, a refund will be made to the following:

Nancy Davis 804 Summit Avenue River Edge, NJ 07661	\$ 50.00	Park Use
Therese M. Spiniello 914 Woodland Avenue River Edge, NJ 07661	\$ 50.00	Park Use

YNJ Student Council \$ 50.00 Park Use
666 Kinderkamack Road
River Edge, NJ 07661

Sung Park \$170.00 Camp Program
29 Jordan Drive
River Edge, NJ 07661

NOW, THEREFORE, BE IT RESOLVED that a total of \$170.00 be refunded from the Recreation Dedicated Account and \$150.00 from the Trust Other Account to the above listed residents.

July 11, 2016

Councilwoman Busted read resolution #16-291 into the record.

Motion by Councilwoman Busted, seconded by Councilwoman Davis to approve resolution #16-291.

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

#16-291 Payment of Bills

WHEREAS, vouchers for the payment of goods and services rendered to the Borough of River Edge have been received; and

WHEREAS, each bill has been checked by the receiving department, approved by the Chief Financial Officer and Borough Clerk and reviewed by the three members of the Finance Committee.

NOW, THEREFORE, BE IT RESOLVED that bills as listed now be confirmed for payment from the appropriate funds as follows:

CURRENT ACCOUNT	\$1,525,815.80
CAPITAL ACCOUNT	\$ 170,830.03
RECREATION ACCOUNT	\$ 10,274.41
ANIMAL WELFARE ACCOUNT	\$ 22.80
TRUST OTHER ACCOUNT	\$ 24,052.47
OPEN SPACE ACCOUNT	\$ 4,537.85
TRUST OTHER DEVELOPERS ACCOUNT	\$ 16,398.75

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

July 11, 2016

OPEN HEARING OF THE PUBLIC -

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

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

Cindy Bequeaith-745 7th Avenue-complained about the way PSE&G trimmed trees and brought a picture of a neighbors tree where they cut everything off on the street side leaving all the branches on the side closest to the house. She feels that they completely unbalanced the

tree. She referenced the Borough ordinance where the homeowner is responsible for the town trees even though they didn't plant it and asked, in this circumstance, if this tree is weakened and does damage to the home, is the homeowner still responsible? She feels that it is wrong because homes are now in danger of having problems because of the way the trees have been cut. She asked if a resident could put the town on notice by stating that.

Mayor Mignone-said that he doesn't think there is a way to indemnify PSE&G.

Cindy Bequeaith-said that she's not asking that.

Joseph Monaghan, Esq.-the question as he understands it, is that whether you as a homeowner can put the town on notice that this tree is unbalanced and we're not to trim it to make it balanced, therefore if something happens, we're going to look to the town.

Cindy Bequeaith-replied, yes especially since we're not allowed to do anything with the trees.

Mayor Mignone-stated that we have to start with whether the premise is correct that the tree is in fact unbalanced. He continued to say that he has been a part of several meetings and has been out there with PSE&G to know that they do not arbitrarily come around and cut the trees. They spend hours, if not weeks evaluating each tree to determine how to prune each one. The Mayor explained that Liz Stewart has also been involved with the tree pruning because they have to obtain permits through the Shade Tree Commission before they can do any work. PSE&G has their arborist determine what's safe to be cut or not to be cut. The Mayor noted that he has seen several trees on Kinderkamack Road that were pruned and never thought they would still be standing but they seem to be doing okay after several years of odd pruning. He doesn't understand why Mrs. Bequeaith would blame that on the town if PSE&G are the ones pruning the trees.

Councilwoman Davis-stated that she has not seen any that are one sided but has seen where they've basically cut a "V" to avoid the wires.

Councilwoman Davis asked what the address is?

Mrs. Bequeaith-referenced her neighbor's tree again and said that she can't believe that anyone would okay that.

Mayor Mignone-said that trees don't work that way, it's like a retaining wall. If the root structure can support the tree underground because of the cantilever, that doesn't mean it's unbalanced. He's not saying that they did a root analysis, but it certainly might have played into their decision to determine whether a tree is stable. He doesn't feel that PSE&G would make a tree unstable deliberately especially because they had to get approval and a permit from Shade Tree. He again said that they had a pruning plan for each tree.

Cindy Bequeaith-told Councilwoman Davis that the address for the tree is 730 7th Avenue.

Mayor Mignone-said that the other option is that they make a request that the tree be taken down. PSE&G had given the town the option that if they didn't like how trees were pruned aesthetically, we would have the option to take it down but without removing stumps, curbs or sidewalks.

Cindy Bequeaith-asked who the homeowner would make the request to if they wanted the tree to come down?

Mayor Mignone-replied, the Shade Tree Commission.

Cindy Bequeaith-commented that she doesn't agree with the Borough's policy on making homeowners responsible for sidewalks and trees.

Mayor Mignone-explained that the policy is not unique to River Edge and it's common practice in other towns as well.

Cindy Bequeaith-disagreed.

Mayor Mignone-said that it's a very common practice and although it may be a double standard, anything in the right of way, even though the Borough owns it, the homeowner is required to maintain. Whether it's a sidewalk, curb, planting strip, a tree, sewer or water lateral, etc., it's a standard procedure.

Cindy Bequeaith-said that she would be happy to bring examples of places that don't require that because she's lived there.

Mayor Mignone-feels that it's common practice in the vast majority of towns. The Mayor stated that previously they discussed modifications and changes to the tree ordinance which would give the residents more say into how the trees are addressed going forward.

Cindy Bequeaith-explained that a few years ago the town took a tree in front of her house down and in the process damaged the curb. She asked if that would be her responsibility to fix it even though she didn't cause the damage?

Mayor Mignone-replied, yes the town can give the homeowner a directive to fix it even if it's broken by a plow.

Cindy Bequeaith-asked if anyone else finds this to be unfair?

Mayor Mignone-stated that it's not a question of whether it's fair or not.

Cindy Bequeaith-asked if any of the Council members find this to be fair?

Councilwoman Davis-stated that she does have an issue, but that's the way it is. She said she's experienced problems when trying to sell a house where people can't get a C.O. until they fix the sidewalks that were pulled up by the tree roots. She said you have to accept it because that's the way it is.

Councilman Papaleo-stated that personally he feels that what PSE&G is doing to our trees is just an abomination. He knows that the Mayor was speaking truthfully when he says that PSE&G is speaking with Shade Tree and arborists, but still finds it unsettling. If half of a tree is missing, that worries him and he totally understands what Mrs. Bequeaith is saying. As for who should be paying for curb repair, he feels that there are a few issues. If you want to make it the towns responsibility, the town will have to increase taxes which they don't want to do. If they change the ordinance to make it the towns responsibility to repair curbs and sidewalks, which is something that we could do, would be an enormous cost. He has spoken with council people from other towns about the way they look at it but it's not a small expense. He doesn't feel it's fair to hold this Council responsible for decisions that the community and leadership made over 30 years when the trees were originally planted. As for where does justice lie? Justice lies somewhere in the middle and we are looking at what should be done with sidewalks and curbs. Councilman Papaleo stated that the Mayor and Council do not have it in the budget to change the ordinance taking full responsibility without raising taxes substantially. He further stated that these are not easy questions to answer and again said that he understands Mrs. Bequeaith's frustration. Councilman Papaleo feels that this is a complicated matter that has no simple solution. He said that if there was a cost effective way to do it, they would have done it already. The final part is that when you buy into the town, there have been rules in effect for over 30 years and when you say that you dislike the rule, it doesn't make it unfair because these were the rules when you bought into the town. He stated that going forward, how can they alleviate some of the financial burden and make it a bit more fair moving forward is the question that this Council has already begun to struggle with and they don't have a simple solution. Councilman Papaleo stated that Mrs. Bequeaith's concern with the Shade Tree Commission is another question that this Council has been discussing because they are an independent municipal organization within the Borough. He said that yes, it's unfair and no, there's no easy solution but thanked Mrs. Bequeaith for coming and talking about it. He feels that it adds to the discussion that they will continue to have in dealing with many of the issues that she brought up.

Nancy Lustenberger-737 7th Avenue-stated that in the 90's they lost their house to a fire and the tree in front of the house was destroyed at which time the town took the tree down. Shade Tree came to her door and asked if they could replace the tree and she said absolutely. PSE&G asked that they plant it a little further in than where they wanted it. While they were away, the tree was planted in a different location and her neighbor who did not want another tree, got one on the other side of her driveway. She immediately went to Shade Tree and was told that there was nothing they could do because the trees were already planted. Mrs. Lustenberger said that although the trees are beautiful, they are the type of tree that should be in a backyard to provide shade. PSE&G came by to do pruning and completely destroyed the one side.

Councilman Papaleo-asked if they were that disrespectful?

Nancy Lichtenberger-said that they've been asking for these trees to be pruned back a little and even offered to do it themselves and were told that they couldn't. She doesn't understand why PSE&G could come in and butcher them.

Mayor Mignone-said that PSE&G has a higher authority given to them by the BPU to protect the power lines which gives them authority over the Shade Tree Commission. The Mayor again stated that they are in the process of discussing changes to some of the provisions in the shade tree ordinance such as giving the resident the right to trim a borough tree if it is hanging over their property. He's asked the commission to come up with specific guidelines letting the public know what can be done and what can't. He also feels that they need to make decisions in certain timeframes and if not, they should lose the right

in determining what needs to be done. The Mayor said that there are certain things that Council can control within the ordinance. Nancy Lustenberger asked if they've thought about planting a different type of tree?

Mayor Mignone stated that that's something that Shade Tree has changed over the years.

Nancy Lustenberger asked if there is any way that she can request that one of the trees be taken down?

Mayor Mignone replied yes, should would have to make the request to the Shade Tree Commission and they would make the determination. The Mayor said that he can probably tell her what they're answer's going to be and feels that the problem there is that there is no appeal process. As of now, that is the procedure. The Mayor would like to change the ordinance so that if a resident wanted to get their own arborist to support what they want to do, we should allow them to do so. Nancy Lustenberger assumes that she has no recourse even though she tried to have them pulled out right after they were planted.

Mayor Mignone gave an example of a situation where the Shade Tree Commission allowed a resident to take a town tree down at their own expense. The Mayor said that they know there's a lot of unresolved issues and they're trying to be fair to the Shade Tree Commission because we know that have limited time availability but would like them to be more responsive to the public. The Mayor also stated that we all appreciate our volunteers, but at the same time if you're going to volunteer, then you have to put in the time and commitment that goes with it. The Mayor said that part of the commitment is being courteous and responsive to our residents.

Alan Negreann stated that in some instances where a request has been made to take a tree down, the resident has offered to make a donation to replace that tree somewhere else in town.

Cindy Bequeaith stated that several years ago when the town tree in front of her property was cut down, the Shade Tree Commission told her and her husband that they are vehemently opposed to cutting down trees in town because it reduces property values. She feels that the way that the trees have been pruned by PSE&G, is a detriment to the value of the home.

Mayor Mignone suggested that Mrs. Lustenberger make the request to remove the tree to the Shade Tree Commission and let them go through their process and see how it turns out. The Mayor also stated that PSE&G is rightfully concerned about protecting the power lines because they don't want fires or power outages.

Councilman Papaleo asked that Mrs. Lustenberger and Mrs. Bequeaith come back and let them know what happens after they reach out to the Shade Tree Commission.

Lou Grasso - 172 Lozier Terrace suggested that the Borough have some type of program where they receive bids from contractors so whenever a resident had a problem with the sidewalk, they would get a wholesale price from the contractor and once the work was done, the resident would reimburse the Borough.

Mayor Mignone stated that we have had programs like that in the past and the problem is the generally we can't guarantee sufficient quantity to get a wholesale price that would make it worthwhile. The second part is for instance, if we only have a handful per year, you won't get a contractor to come in at a low cost.

Alan Negreann stated that we've had a couple of failures in the past with this type of program.

Mayor Mignone again said that they understand the issue and as Councilman Papaleo said, if it was an easy fix we would have done something by now. He knows that other towns are struggling with the same problem and have tried different programs as well.

Councilwoman Davis explained that if a resident needs a certificate of occupancy, the Building Department does give them a name of a company, if the sidewalk is not broken, to come and lift it and cut the roots.

Mayor Mignone said that unfortunately that's not always the case especially if a tree needs to come down, it makes it more complicated.

Lou Grasso commented that a neighbor of his had the sidewalk lifted and tree roots cut and during the next big storm, the tree came down.

Mayor Mignone said that he came across a company a few times at different conferences, that have come up with a patented saw that can shave off part of the concrete to remove the displacement. They were going to be doing work in Bergenfield and he asked them to let him know when they would be there because he was interested to see how it worked out. The Mayor thought that if it worked out there, maybe we could do something like that on public property. The Mayor thanked Mr. Grasso for his suggestions and assured him that they are open to

ideas.

Peggy White-Center Avenue-told a story that many years ago when they first moved in, Bergen County offered residents free trees and when they got there, they were little twigs. She planted them in her back yard in the 50's and now they are so large that she wishes she could afford to have them trimmed.

Cindy Bequeaith-thanked everyone who was involved in putting together the July 4th festivities.

CLOSE HEARING OF THE PUBLIC -

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

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

COUNCIL COMMENTS -

Councilwoman Busted-recognized the efforts of the River Edge and Oradell Police Departments in putting together the 4th Annual Junior Police Academy. Her son participated and she felt that it was a wonderful opportunity for young people to understand what law enforcement is about and to continue to build a relationship with the River Edge Police Department. She thanked Sergeant Abate who runs it for River Edge and the other officers who donated their time to make it successful.

Councilman Bartelloni- reported that he had given the Roosevelt School 3rd graders a tour of Borough Hall and thanked Stephanie for being there and helping out. He explained to them what goes on at the Council level as well as what goes on in our different departments. He thanked Officer Prisdorf for giving them a tour of the Police station which was exciting for him too because he had never taken a tour before. He said that the students had a great time and liked looking at the wanted posters and the breathalyzer equipment. Councilman Bartelloni feels that it's something that they should try and do yearly because the 3rd grade classes do a civics lesson.

Mayor Mignone-also agreed and feels it's important to include civics in the curriculum especially in the elementary level and thanked Councilman Bartelloni for getting involved.

Councilman Bartelloni-said that the students asked a lot of great questions and he had a great time doing it. He commended the July 4th Committee for doing a great job again with the parade and festivities. He did receive a complaint from a resident which has been an ongoing complaint, about not being able to hear from the speakers on the stand. Mayor Mignone-thought that it was new equipment.

Councilman Bartelloni-said that he heard several complaints regarding the sound and noted that the speakers at the car show worked really well and suggested that we look into getting the same system.

Mayor Mignone-thought that they had the same p.a. system because he had a hard time hearing when they were giving the awards out at the car show.

Councilman Bartelloni-thought that the Cultural Center did a fantastic job with the car show and noted that there were several new participants this year. He also attended the vintage baseball game which was held at New Bridge Landing Historic Park and found it very interesting to see how they played back then. He found it to be a very worthwhile event and encouraged everyone to go next year. Councilman Bartelloni said that the Mayor keeps reminding him that government works very slowly and asks that he be patient. Councilman Bartelloni admitted that patience is not his strong suit. He said that REGAL presented through him to the Recreation Commission, a list of improvements that they would like to see done to the fields at Roosevelt. They've also explained their position as to why Roosevelt fields are the only fields that make sense. It is Councilman Bartelloni's hope that the Recreation Commission will discuss this at their July 20th meeting. He had set up a meeting with Councilwoman Busted, the Mayor, Bobbi Conway, and Superintendent Ben Dov to try and talk about these issues and was told that the Recreation Commission would like to meet with him before they met with the Board of Ed. He was then told that the Recreation Commission wanted to meet amongst themselves before meeting with him and the Board of Ed. He's frustrated because he feels that this is what happens in government resulting in nothing getting done. Councilman Bartelloni will be attending the Recreation Commission's meeting on July 20th. He also explained that the list of improvements that REGAL is looking for is nothing that we don't already have in

Memorial Park for Little League. He feels that it's well past time that our girls have the same thing and even though Title 9 does not apply to municipalities, the equal protection clause that comes up, whether it's 7 Eleven or something like this, definitely applies. This topic is something that Councilman Bartelloni will keep bringing up at every meeting because he feels it's important. He stated that he's not sure who maintains the fields but noticed that the infield at Cherry Hill is basically becoming a grass field right now. He's not sure if anyone is using that field at this time. He also mentioned that the grass is getting high and clover is starting to take over on the fields at Roosevelt. The fields at Roosevelt are the ones that are currently being used to play games. He voiced his concern about the small white flowers on the clover because they attract bees. He would hope that someone will be mowing the field because he would hate to see anyone get stung by a bee while they trying to play a game. Again he said that he will keep pushing this issue because he thinks it's one of fairness.

Mayor Mignone said that he concurs with Councilman Bartelloni's objectives and he has requested that the Recreation Commission allow him to address them at their meeting on the 20th. The Mayor explained that one of the issues at Roosevelt is that it's not our field, it's Board of Ed property. We've had interlocal agreements that govern the use of the fields and states whose responsible for maintenance. He feels that the agreements are very vague and one of the issues that has to be looked at is updating the agreements and getting the Board of Ed's perspective about improvements to the field. At the Recreation meeting, the Mayor will bring up a few issues such as a coherent comprehensive upgraded plan for the parks, the lighting project at KBG, AED's, etc. He stated that like the Shade Tree Commission, the members are appointed by the Mayor and Council but they are independent. He hopes that they will have a good opportunity to see where they stand and let them know what the desires of the governing body are in terms of setting priorities and work with them to accomplish mutual goals to improve all the recreation facilities in town. He again asked for Councilman Bartelloni's patience because he feels that there is a consensus on how to move forward to make sure everyone is on the same page and that we do things in an orderly fashion. He doesn't want to do things piece meal or be reactive, which has been too often the case in the past, not just with Rec projects but other projects as well. Councilman Papaleo agreed with the Mayor and Councilman Bartelloni's statements regarding the playing fields and the fact that the girls should have an equal field to play on. He reported that he communicates fairly regularly with John Lynch and had the opportunity to meet with Pete Stitz on his last visit to the DPW. John told Councilman Papaleo how valuable Pete is to his department and how he recently was able to save the Borough a substantial amount of money by removing an engine, taking care of the frame, sealing the frame and putting in a new engine which gave the vehicle another 10 - 15 years instead of having to replace it. He commended John's leadership and Pete Stitz's work. Councilman Papaleo said that he received a text message about a slight cave in or depression in the road from Councilman Bartelloni. John did look at it and notified PSE&G and was told that they will be repairing the road by Manning Court. He thanked John for handling this in a timely fashion. Councilman Papaleo commended the Beautification Committee for continuing to doing a great job and feels that they are tireless workers that take care of and maintain our public spaces.

Councilman Acquafredda attended the Historic Commission meeting and found it very interesting because it adds a whole new dimension to the town. He reported that they are looking for donations of artifacts, generally old photos. Councilman Acquafredda said that if anyone has any old photos, they will accept the donation and eventually will be displayed in the proposed Community Center. Councilman Acquafredda reported that part of the discussion were their concerns about the famous two houses that they would like to designate as historic. One of the two homes is replacing their windows and they weren't sure how they obtained permits. They were going to make an inquiry to the Building Department about the permits.

Mayor Mignone asked if this was on a house that was already designated? Councilman Acquafredda replied, the house on Spring Valley.

Mayor Mignone stated that the houses have not been designated yet so he didn't think they needed permission.

Councilman Acquafredda said that he understands that but is just relaying what the discussion was at the meeting. He said that it was an interesting meeting and very well organized. He also reported that they're trying to put together archive files in an electronic format which then could even be viewed at the Library. He feels that it's a worthwhile and massive undertaking. He encouraged anyone who has photos that are starting to get yellow to bring them to the Historic Commission and they

will gladly accept them. He also reported that they did discuss the corner stone of the American Legion and they are going to respect the wishes of the Legion. Councilman Acquafredda said that he, Councilwoman Busteed and Councilwoman Davis attended the River Dell graduation ceremony where approximately 250 students graduated and was pleased that they were able to have the ceremony outside. He is looking forward to the Planning Board meeting this Thursday.

Councilwoman Davis-reported that she, Councilwoman Busteed and Mayor Mignone attended the SCORE luncheon and discussed the possibility of using our senior bus to bring our seniors to the Farmer's Market. She followed up and found out that there were only 3 people who would be interested. Alan spoke with Carol Mah and hopefully they might be able to work something out. As far as the Farmer's Market, she thinks that they are doing well. She reported that they started with 6 vendors and since then they've added Sanducci's, an ice cream vendor, clothing vendor, popcorn vendor and Dennis Flowers. She also reported that a vendor called Borough Hall to inquire on how to be a participant and she will there tomorrow selling wooden signs. Next week there will be a vendor selling candles. Mayor Mignone-said that he can't thank Councilwoman Davis and the Farmer's Market Committee enough for spear heading and getting the market up and running especially after what happened last year. He knows that the success is because of the efforts of the entire committee and he was told by some of the vendors that they have had record days compared to the previous two years. All of the vendors expressed to him that they all intend to continue through the dog days when sometimes the attendance isn't what they would hope it would be. The Mayor feels that we're off to a good start and it will only improve from here. He also commended the July 4th Committee, Councilman Bartelloni as Liaison and Bobbi Conway for putting together another successful event. The Mayor attended the Car Show on Sunday and was pleased to see so many people and participants. He feels that it has become almost a regional event because there were over 230 cars which might have been a record. A member of the Cultural Center had asked the Mayor to make an announcement that they are always looking for new members and will welcome anyone who is willing to help them with the many activities that they sponsor during the year. Mayor Mignone wishes everyone a happy July and looks forward to seeing everyone in August.

ADJOURNMENT - 9:13 P.M.

Motion by Councilman Bartelloni, seconded by Councilman Papaleo to adjourn the meeting at 9:13 p.m.

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

Edward J. Mignone, Mayor

Attest:

Stephanie Evans, RMC
Borough Clerk

Dated: