

M I N U T E S
Regular Meeting of the Mayor and Council
Monday, July 6, 2015
8:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 8:03 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

Mayor Moscaritolo called for a moment of silent prayer or reflection and asked Councilwoman Murphy to lead the salute to the flag.

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

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

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

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

ROLL CALL - Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone, Councilman Acquafredda and Mayor Moscaritolo; Councilman Cappola and Councilman Papaleo was absent.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the minutes of the Mayor and Council work session and regular meeting of June 15, 2015.

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

PROCLAMATIONS & AWARDS - NONE

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

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

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone and Councilman Acquafredda were present; Councilman Cappola and Councilman Papaleo was absent.

Jason Tuvel, Esq.-asked if he should comment on the 24 hour ordinance now or later when they have the hearing?
Mayor Moscaritolo-replied that they will be having the public hearing later.

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to

close public comments on any issue on the agenda.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone and Councilman Acquafredda were present; Councilman Cappola and Councilman Papaleo was absent.

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary increase of John Mauthe, Police Dispatcher from an hourly Step I, B Scale rate of \$18.60 to Step II, B Scale - \$19.63, effective July 13, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone and Councilman Acquafredda were present; Councilman Cappola and Councilman Papaleo was absent.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the retirement of Maureen Cronin, Library Assistant-Technical Services in the Free Public Library, effective July 1, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone and Councilman Acquafredda were present; Councilman Cappola and Councilman Papaleo was absent.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve the salary increase of Gomattie Birnbaum, Account Supervisor from an annual salary of \$62,743.00 to \$63,223.00 due to an increase in longevity from \$480.00 to \$960.00, effective June 19, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone and Councilman Acquafredda were present; Councilman Cappola and Councilman Papaleo was absent.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the resignation of Craig Maiocchi, Fire Inspector effective July 1, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone and Councilman Acquafredda were present; Councilman Cappola and Councilman Papaleo was absent.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary increase of Marc Abate, Patrol Officer from \$106,630.00 to \$115,160.00 due to performing the duties of Sergeant for 75 consecutive days, effective June 29, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone and Councilman Acquafredda were present; Councilman Cappola and Councilman Papaleo was absent.

CORRESPONDENCE -

Letter - Bergen County Utilities - 6/15/15
Re: Award of 2015 BCUA Environmental Awareness Challenge Grant to Stepping Stone Learning Center

Letter - Board of Chosen Freeholders-6/19/15
Re: Final Adoption Ordinance #15-12

Letter - Board of Chosen Freeholders-6/19/15
Re: Final Adoption Ordinance #15-13

Letter - State of New Jersey DEP - 6/22/15
Re: Hazardous Discharge Notification- 584 Kinderkamack Road

Letter - Neglia Engineering Associates-6/22/15
Re: NJDEP Flood Hazard Verification- Overflow Parking Improvements, Van Saun County Park, Paramus

Letter - Craig Maiocchi - 6/25/15
Re: Letter of Retirement

Letter - State of New Jersey DEP - 6/29/15
Re: Underground Storage Tank - 876 Summit Avenue

MONTHLY REPORTS -

Planning Board - February, March, April & May, 2015
Beautification Committee - No Quorum - June, 2015
Environmental Protection - No Quorum - June 2015
Shade Tree Commission - April, 2015
Historic Commission - May, 2015
Traffic & Safety Committee - May, 2015

LIAISON REPORTS -

Councilwoman Murphy - Liaison to Shade Tree Commission, Library, Environmental Protection Commission, Green Team, Technology Committee, New Milford and Oradell Shared Services Committee - had no report.

Councilman Cappola - Liaison to Recreation Commission, Senior Citizens co-liaison, Beautification Committee - was absent.

Councilwoman Busteed - Liaison to Senior Citizens, Co-liaison, Historic Commission, Traffic & Safety Committee, July 4th Committee and Board of Health - thanked the Mayor for re-activating the Traffic & Safety Committee and reported that they met last week and they are currently reviewing pedestrian issues at the corner of Midland and Kinderkamack that were brought to their attention by a resident who appeared at their meeting. She is happy to see that there has been a lot of action and recommendations that have been brought forth by the Committee. Councilwoman Busteed congratulated the July 4th Committee, Bobbi Conway the Recreation Director and other committee members for putting together a successful weekend of events.

Councilman Mignone - Liaison to DPW, Zoning Sub-Committee, Redevelopment, New Milford and Oradell Shared Services Committee, Technology Committee - had no report. Councilman Mignone stated that since John Lynch is in the audience tonight, he asked if he had anything to report on.

John Lynch - reported that two trees went down on Continental Avenue which resulted in five utility poles coming down. PSE&G and the DPW worked together to get the area up and running as quickly as possible.

Mayor Moscaritolo - stated that the tree that came down was on private property, another tree that's dead on the same property and a Borough shade tree that is leaning into the street. He asked if John is going to request that Shade Tree to come out and mark them?

John Lynch - said that the last he knew, the Code Enforcer was looking into with the tree on private property but he will look into the other one. He also informed everyone that milling has started today, basins continue to be repaired and trees and grass continue to be cut and trimmed.

Mayor Moscaritolo - requested that a few extension cords be provided to run from the American Legion building for the Car Show this weekend.

John Lynch - said that he received that request and reminded everyone that the Legion is closed but there is are outlets on a utility pole on Continental Avenue that can provide the service needed.

Mayor Moscaritolo - said that he doesn't know if that is enough because they wanted three cords.

John Lynch - stated that they could put a junction there.

Councilman Acquafredda - Liaison to Construction Code Official, Property Maintenance, Planning Sub Committee, Technology Committee, River Edge and River Dell School Boards - had no report.

Councilman Papaleo - Liaison to Police Department, Fire/Fire Prevention, River Edge Alliance Against Alcohol & Drugs, Local School Board Sub-Committee - was absent.

Mayor Moscaritolo - River Edge Ambulance Service, Local School Board Sub-Committee - had no report from the Volunteer Ambulance Service. The Mayor reported that the sub-committee met with the Superintendent of Schools and members of the River Edge Board of Education and discussed several issues such as parking on Wayne Avenue, changes in the school's enrollment figures and changing election locations.

ORDINANCES - 1ST READING -

Stephanie Evans, Borough Clerk read the title of Ordinance #1841 as follows:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, "VEHICLES AND TRAFFIC", ARTICLE IV, SCHEDULE II: PARKING PROHIBITED DURING CERTAIN HOURS

Motion by Councilwoman Murphy, seconded by Councilwoman Busteed to approve the first reading of Ordinance #1841 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1841

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, "VEHICLES AND TRAFFIC", ARTICLE IV, SCHEDULE II: PARKING PROHIBITED DURING CERTAIN HOURS

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, and State of New Jersey, that Chapter 400 "Vehicles and Traffic" of the Revised General ordinances of the Borough of River Edge is hereby amended and supplemented as follows:

Chapter 400, Article IV, Schedule II: *Parking Prohibited During Certain Hours* shall reflect the following:

Section I: the following shall be rescinded:

<u>Name of Street</u>	<u>Sides</u>	<u>Days/Hours</u>	<u>Location</u>
Wayne Avenue	Both	Monday thru Friday 8:00 a.m. to 4:00 p.m.	Between Bogert Road & Green Street

Section II: the following shall be added:

<u>Name of Street</u>	<u>Sides</u>	<u>Days/Hours</u>	<u>Location</u>
Wayne Avenue	Both	Monday thru Friday 9:00 a.m. to 2:00 p.m.	Between Bogert Road & Green Street

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

Section III:

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

Section IV:

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

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk
Dated:

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone and Councilman Acquafredda were present; Councilman Papaleo and Councilman Cappola were absent.

ORDINANCE - 2ND READING -

Stephanie Evans, Borough Clerk read the title of Ordinance #1840 as follows:

Ordinance #1840 - AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RIVER EDGE SO AS TO AMEND §152, BUSINESS ESTABLISHMENTS, SO AS TO SET FORTH HOURS OF OPERATION REQUIREMENTS FOR RETAIL BUSINESSES OPERATING IN RESIDENTIAL DISTRICTS AND C1 AND C2 ZONE DISTRICTS OF THE BOROUGH.

Ordinance #1840 was introduced by Councilman Acquafredda, seconded by Councilwoman Busted at the June 15, 2015 meeting as follows:

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BOROUGH OF RIVER EDGE ORDINANCE
ORDINANCE #1840

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RIVER EDGE SO AS TO AMEND §152, BUSINESS ESTABLISHMENTS, SO AS TO SET FORTH HOURS OF OPERATION REQUIREMENTS FOR RETAIL BUSINESSES OPERATING IN RESIDENTIAL DISTRICTS AND C1 AND C2 ZONE DISTRICTS OF THE BOROUGH.

WHEREAS, the Mayor and Council have recognized that in order for some retail establishments to provide optimal service to the community, it is necessary for them to operate twenty-four hours a day; and

WHEREAS, the Mayor and Council have the right to impose such regulation as is necessary to insure the health, peace, comfort and repose of its residents which may be affected by business establishments that operate with extended hours; and

WHEREAS, it is important to protect the character of the residential neighborhoods serviced by the businesses in contiguous C1 zones. The C1 zones is located in the midst of the Borough which is essentially residential in character. Therefore reasonable restrictions in the business hours of operation are necessary to prevent an intrusion on the privacy of these areas, to protect the quiet enjoyment of the residents in their homes during late evening and early morning hours, restricting excessive noise, light, littering and traffic.

WHEREAS, The C-2 Zone District of the Borough includes 24 hour transit served by bus, train and State highway. The C2 Zone District is commercial in character. It would serve both the public good and business community to permit, subject to certain regulations, extended hours in the C-2 Zone District of the Borough;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of River Edge, County of Bergen and State of New Jersey that § 152-4 is hereby amended to read as follows:

SECTION 1: §152-4 Permitted Hours of Operation.

A. All retail businesses located in the C-2 zone district shall be permitted to operate twenty-four hours a day provided that they meet the following regulations in addition to the other regulations set forth herein:

1. There are two employees on continuous duty in that part of the business establishment to which the public is invited. At any business establishment which is a gasoline service station and conforms to the requirements of River Edge Code Chapter 416, Article VI, § 416-21, or is a legal nonconforming use, only one such employee will be required to be on duty of the business establishment:

2. Each establishment is equipped with a security camera, approved by the Chief of Police of the Borough of River Edge, capable of monitoring and recording activity where cash is maintained on the premises; and

3. Accepts exact change only for cash purchase transactions of more than \$5 during the hours between 11:00 p.m. and 5:00 a.m.; and

4. Conspicuous signs placing the public on notice for the security camera and exact change policy are posted on the

premises. Said signage shall be subject to the approval of the Chief of Police of the Borough of River Edge.

5. The business establishment shall employ a security officer on the premises or have in operation a security device approved by the Chief of Police of the Borough of River Edge. The security device may consist of a silent and/or audible burglar alarm connected to a central security monitoring system designed to activate police response, a closed-circuit television connected to a central security monitoring system designed to activate police response or such other device which can be activated instantaneously to notify law enforcement officers that a crime or disorderly persons activity is in progress.

6. The names, address and telephone number of the security officer's employer, if other than the business establishment, shall be provided to the Chief of Police. Any security agency providing the security officer must be licensed by the State of New Jersey. If the security officer is an employee of the business establishment, he or she must demonstrate that he or she has received appropriate training; the training must be determined to be adequate in the reasonably exercised discretion of the Chief of Police.

7. At any business establishment selling gasoline, no security officer may carry or maintain on premises any firearm, whether he or she is licensed to do so. Any security officer carrying or maintaining on premises a firearm or any weapon must be licensed, if appropriate, and must notify, in writing, the Chief of Police of the firearm or weapon and the security officer's license. Written notice must be provided at least 48 hours before the security officer takes the firearm or weapon onto the property.

B. The provisions of this section shall not apply to establishments licensed for the sale of alcoholic beverages pursuant to Chapter 114, Alcoholic Beverages of "The Code of the Borough of River Edge" whose hours and mode of operation are governed separately by Borough ordinances and by N.J.S.A. 33:1-1, et. seq. of the laws of New Jersey pertaining to alcoholic beverages.

C. All retail businesses located in the C-1 zone district shall only be permitted to operate between the hours of 5:00 a.m. to 11:00 p.m. daily provided they adhere to the regulations set forth herein.

D. All retail businesses located in any other district in the Borough shall only be permitted to operate during the hours set forth in the resolution of approval or between the hours of 5:00 a.m. to 11:00 p.m, whichever is more restrictive. Further the retail businesses must adhere to the regulations set forth herein.

E. The foregoing restriction shall not apply to any business already established and in operation on the date this ordinance is adopted where approved hours of operation differ from the requirements of the above subsections.

SECTION II: The remaining portions of Chapter 152, Business Establishments, shall remain in full force and effect except as modified hereunder. All parts and provisions of any ordinance which are inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistencies only.

SECTION III: 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 effect the remaining provisions of this ordinance, which shall be severable therefrom.

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

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk
Dated:

OPEN PUBLIC HEARING ON THE ORDINANCE - Ordinance #1840

Motion by Councilwomanb Murphy, seconded by Councilman Acquafredda to open public hearing on Ordinance #1840.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteded, Councilman Mignone and Councilman Acquafredda were present; Councilman Papaleo and Councilman Cappola were absent.

Carolyn Monaco-302 Howland Avenue-stated that she is a 40 year resident of River Edge and is in favor of 7-Eleven staying open 24 hours. Her reasoning is that as a senior citizen, she is looking for more ratables, and looking to encourage more business into our neighborhoods so that she can afford to stay in her home. She hopes that with the new structures in the CVS complex we can keep our taxes at bay and would support other businesses that need to stay open in order to make a profit.

James Campbell-Bogert Road-stated that he is a long time resident of River Edge and he also supports 7-Eleven. He continued to say that because he travels a lot there are many times he doesn't get back into town until 12 or 1 a.m. and feels it would be nice to have some place to go to get a sandwich or something to eat.

Jason Tuvel, Esq. - Gibbons, PC-stated that he represents 7-Eleven, Inc., the tenant located at 584 Kinderkamack Road and introduced Kenneth Barnes, Director of Real Estate. Mr. Tuvel explained that they were in attendance at the last meeting where they had asked the Mayor and Council to table this ordinance because they believed it lacked any factual basis or support of evidence or data for this ordinance to move forward. During the past several weeks they've submitted OPRA requests to try and uncover what data the Borough accumulated to support this ordinance. They found that there isn't any data, studies or analyses to support this ordinance. He outlined some of the legal arguments that they have and presented two witnesses on behalf of 7-Eleven, Kenneth Barnes, Director of Real Estate and Professional Planner, Dave Roberts from Maser Consulting. Mr. Tuvel said that in terms of a legal argument in a case like this, they all revolved around constitutional issues. Property owners, businesses owners, individuals have the right to utilize and operate their businesses in the manner that they see fit. Mr. Tuvel stated that he's not saying that a municipality can't pass ordinances to somehow restrict it but because this is a constitutional right, case law states that it can't be done on a whim, speculation or conjecture. There has to be factual support, data and public need that's been identified. Mr. Tuvel found that in response to the OPRA request, they found that there were no Police and crime studies, Planning studies, noise studies and light studies that were done to cause the need to restrict the hours of operation in the C1 zone which would be appropriate. Mr. Tuvel feels that 7-Eleven has been targeted as a result of this ordinance because if you review all of the minutes, 7-Eleven is the epicenter of all of the discussions, especially since there are 3 other businesses that have been grandfathered in for 24 hour operation. Mr. Tuvel again stated that there is no evidence of public need for this ordinance and if there was, there is no evidence that this ordinance has been narrowly tailored to address that public need. Mr. Tuvel also stated that if the Council chooses to table this ordinance tonight, it doesn't mean that it can't be revisited if problems do occur.

Kenneth Barnes-Regional Development Director for 7-Eleven-believes that it's important for the Mayor and Council to have an understanding of how 7-Eleven works before making any decisions. Mr. Barnes has been employed by 7-Eleven for 41 years holding several different positions along the way. He explained that 7-Eleven is open 24 hours because it's what they're known for not because they make a lot of money from 1 - 5 a.m. They pride themselves for always being there for their customers. He explained their loss prevention program which resulted in 70% reduction in robberies in the first year of the program which is nationally recognized. He feels that it's important for elected officials to take into consideration the fair and ethical treatment of the applicants that come before them to invest in the community. He continued to say that between the landlord and 7-Eleven, there's an extensive investment being made right down the street at a store that is currently under construction and he would never have approved that site if they knew they would not be able to be open 24 hours. When they came before the Planning Board and received approval for that right, they proudly proceeded to invest in the

Borough. He also said that by reversing that decision with this ordinance, crosses a line with the fair and ethical treatment of applicants. He respectfully requests that they do not move forward with this ordinance and offered to answer any questions they might have about 7-Eleven.

Councilwoman Murphy-doesn't agree that anyone should be able to open up a business as they see fit and feels that there needs to be guidelines to make sure it's an appropriate business. Councilwoman Murphy asked Mrs. Monaco and Mr. Campbell if they were contact by 7-Eleven to come to the meeting tonight?

James Campbell-replied no and explained that he came because of an article that he read in the newspaper last week.

Mayor Moscaritolo-asked Mr. Barnes if all of their stores are open 24 hours?

Kenneth Barnes-replied that 95.6% of the 55,000 stores are open 24 hours.

Mayor Moscaritolo-asked if Mr. Barnes has reviewed the proposed ordinance and also asked if he understands that there is a distinction between the C1 and C2 districts?

Kenneth Barnes-replied yes to both questions.

Mayor Moscaritolo-asked if he is correct that they are planning on a second 7-Eleven here in town?

Kenneth Barnes-replied that yes, they are looking at properties.

Mayor Moscaritolo-asked if they are under contract to have another convenience store here in town?

Kenneth Barnes-replied, yes we are.

Mayor Moscaritolo-stated that the other store is in a different commercial district than the one at 584 Kinderkamack Road and under the proposed ordinance that second store, if it goes forward, would be allowed to be open 24 hours.

Councilwoman Murphy-said that she's done some research and it says that 10% of their business is done from 12 a.m. to 5 a.m. and asked if that was correct?

Kenneth Barnes-replied that he is not sure of the exact percentage but he thinks that's a little high.

Councilwoman Murphy-asked Mrs. Monaco and Mr. Campbell if they were aware that there is another proposed 7-Eleven site a half a mile south of the one under construction at 584 Kinderkamack Road?

Councilman Cappola arrived at 8:50 p.m.

David Roberts, Maser Construction-Professional Planner-presented the Mayor and Council with a handout and explained that the handout is a visual aid of his review of the proposed ordinance from a land use prospective and regulations for the two different zones. Mr. Roberts gave a summary of his report.

Councilman Mignone-asked if he looked to our neighbors to the north, Emerson and Oradell, to see how they handle the Kinderkamack corridor?

David Roberts-stated that his firm did a study which he was not part of in South Hackensack.

Councilman Mignone-suggested that he take a look at it because they have the same makeup that we do with residential abutting the Kinderkamack corridor and they allow 24 hour operation. He continued to say that they limit it based on certain types of uses and their ordinances are simple three line ordinances.

Jason Tuvel-cited quotations from some of the cases that he feels are relevant to this matter. He stated that as of right now, there is no public need for this ordinance. He asked that his and Mr. Roberts documents be made a part of the record. He asked Mr. Sarlo for a copy of Ms. Bogart's 2015 memorandum that he had previously requested.

Tom Sarlo, Esq.-stated that he would provide him with a copy.

Kenneth Barnes-gave a history of the 584 Kinderkamack Road property and feels that something is wrong when the Borough courts a business, gives approvals and then changes the rules after the fact. He again stated that he would never had approved this site if they were told at the very beginning that they would not be allowed to be open 24 hours.

Jason Tuvel-stated that it is their position that the Mayor and Council do not have enough information or have established a public need to adopt this ordinance and respectfully asked that they table this ordinance.

Damian Albergo, Partner -Cole Schotz PC- represents 584 Kinderkamack Road LLC, the owner of the property that is leased to 7-Eleven and he speaks in opposition to this ordinance. He explained the issues that directly affect his client and the process that they went through to gain approval for this site. He continued to say that this proposed ordinance is a complete about face from what the Planning Board promised the owner of the property and the Mayor and Council's action tonight potentially jeopardizes his client's substantial investment in this property as well as 7-Eleven's investment. Mr. Albergo said that the decision that they

make tonight will send a message to the broader business community whether this is a place that keeps its promises to business investors in this town. The decision is also important to the residents whether the Mayor and Council are serious about lowering the tax burden by encouraging business investment or whether their taxes will potentially increase by sending the Borough down a costly litigation path. As someone who grew up here, he is very familiar with this property which was the site of the old Shell Gas Station which has been a vacant eye sore for a long time. He thinks 7-Eleven will provide services to our residents that will benefit everyone. Mr. Albergo respectfully asked that if they decide to adopt this ordinance as written, that they do the decent thing and accept his client's provision and grandfather them under the old ordinance. He feels that it was very clear when they received approval from the Planning Board that 7-Eleven would be operating 24 hours a day. He feels that this ordinance is based on fear and speculation with no evidence to support proof a need. He continued to say that if there is a need in the future, they can deal with it then. Mr. Albergo feels that this is a very clear targeted attack on 7-Eleven which is very arbitrary and capricious and would not stand up in court. He again urged the Mayor and Council not to pass this ordinance because in doing so, they would be taking a position that his hostile towards business.

Alphonse Bartelloni-719 Oak Avenue-opposes the ordinance and hoped that the Council had the best intentions to pass it because they fear for the quality of life for the residents of River Edge. If that is the case, he cautions them to do their homework because Mr. Tuvel was not here tonight to educate them, he was here because he is preparing a record to challenge the ordinance in a lawsuit. He urged the Mayor and Council not to waste taxpayer money on litigation and table this ordinance or let it die for now. Mr. Bartelloni stated that when CVS moved to the south end of town many residents who lived at the north end of town found it to be an inconvenience and would go to New Milford CVS instead. He feels that the possibility of having two 7-Elevens in town would be a benefit because it would keep our residents in town.

Michael Krey-879 Park Avenue-stated that after listening to everyone's comments this evening he feels that we're basically moving shells around. He commented that when CVS and Sanducci's moved they left empty storefronts which does not make River Edge look very appealing. He feels that we need to be attracting new business not discouraging new business and also feels that the empty storefronts do more harm than good. Mr. Krey said that if River Edge wants to attract new businesses and have them invest in the community, to change the rules in the middle of the game doesn't make sense. If he was an investor and thought that it was a potential danger that he would run into, he wouldn't come here. Mr. Krey stated that after listening to the comments from the attorney's, he knows that if this ordinance passes we're looking at litigation and the possibility of having a reputation of being "anti-business". He continued to say that we have someone who is willing to invest in the community and give Kinderkamack Road a facelift and would hope that they don't mess with that.

Thomas Didio-Owner of the Van Burean Apartment Property-stated that he is not against the 7-Eleven but has concerns about the 24 hour operation and lighting that might be bothersome to his tenants. He did not support the first application because the building was too large but did support the second application with the current building.

Councilman Mignone-stated that management of Van Buren did support the application at Planning Board and the only issue that was raised pertained to vermin. Councilman Mignone said that it was known at that time that they wanted to operate 24 hours.

Thomas Didio-stated that he didn't know at that time they were planning to stay open 24 hours because he wasn't at the meeting.

Councilman Mignone-stated that someone from the complex was at that meeting because it's in the minutes.

Thomas Didio-stated that he doesn't understand why a business needs to be open at 2 a.m. causing lights from vehicles to shine on his tenants next door.

Councilman Mignone-explained that the lighting can be mitigated by putting up fencing, etc., and they would have to comply with the ordinance so there would be no impact.

Thomas Didio-said that they won't know the impact of lighting on his property until the building is up.

Councilman Mignone-replied, correct and the Code Enforcer would have to make sure that it meets the requirement of the ordinance. Councilman Mignone stated that he drives by there every night and has seen the security spot line by the Ideal Service Station property. He mentioned that there will be four new street lights which will be brighter than anything coming off of the building. He stated that all of these impacts have to be mitigated and all of these issues were brought up at the

Planning Board.

Thomas Didio-feels that any lighting from any parking lots will impact the neighbors. He hopes that there can be some compromise that can be made as far as the hours of operation.

CLOSE PUBLIC HEARING ON THE ORDINANCE - Ordinance #1840

Motion by Councilwoman Murphy, seconded by Councilman Mignone to close public hearing on Ordinance #1840.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteded, Councilman Mignone and Councilman Acquafredda were present; Councilman Papaleo and Councilman Cappola were absent.

Councilman Cappola-feels that several people have made valid points but they should have been made two years ago and thinks that at this point it wouldn't be right to renege on what was agreed upon.

Councilwoman Busteded-stated that she was on the Planning Board at the time of the application and did vote for the 7-Eleven application but also feels that they do have a responsibility to balance quality of life issues for our residents. Councilwoman Busteded stated that since the first reading of this ordinance she's had an opportunity to speak with residents and after hearing from the applicants and their attorney's, she feels that it would be prudent to table the ordinance at this time. She would like to do more investigation and planning work with our Planner to make sure that we get it right. She stated that if the motion to table fails, she would like to talk about how they can provide accommodation for this particular business and then move forward to review an ordinance restricting the hours of operation in C1.

Councilman Mignone-agrees with Councilwoman Busteded and stated that he has many issues with the language of the amended ordinance and how it will cause problems. He feels that it's clear that we didn't do our due diligence and that there is no rationale to change the ordinance. He feels that by adopting this ordinance, all that they're doing is moving it down town. He feels that all of the problems associated with 24 hour businesses are still going to be there and evidently that's alright as long as it's not across from Clarendon Court. He feels that because there is a potential second 7-eleven coming in, we've rushed into a poorly thought out proposal to try and keep one and get rid the other. He agrees that it sets a bad precedent by making us look not only business unfriendly but business hostile and is not a good way to conduct business. He stated that there may be appropriate changes that need to be made but he doesn't feel that this is the way to do it. He again stated that he agrees that it should be tabled tonight.

Mayor Moscaritolo-stated that he also was on the Planning Board when this application was approved and remembers that several residents came out and objected to the intention that they would be open 24 hours. The Mayor further stated that he voted to approve the 7-Eleven but at the same time when the issue of 24 hour operation came up it was about how best to review or update the current ordinance and the criteria that had to be met. The Mayor continued to say that this amendment could affect the new CVS/Total Wine shopping center who potentially could be open 24 hours if they met that criteria. He continued to say that there were many suggestions along the way as to how to update the ordinance, the latest being how to protect the quality of life by looking at where the residential areas are and restrict the hours of operation. He feels that the simple solution was to restrict the hours of operation in C1 and allow it in C2 which has a buffer zone. The Mayor feels that it would solve the problem particularly since it didn't just apply to 7-Eleven, it applied to any business in C-1, particularly since this applicant intends to open a second store where it would be allowed. The Mayor stated that this ordinance isn't targeting 7-Eleven because if they wanted to be hostile to 7-Eleven, they wouldn't allow 24 hours anywhere. He explained that the reason for this ordinance is that they're trying to carefully balance the interest of our resident with those of the business community. The Mayor feels that this ordinance passes the rational basis test because it only affects the properties that are contiguous to the R zones. The Mayor doesn't think that this ordinance should be tabled tonight, he feels that they should vote on it. He has no problem discussing the affect of the ordinance on this particular applicant at 584 Kinderkamack Road but feels that it shouldn't stop them from proper planning and quality of life for all of our residents. The Mayor commented on Mr. Bartelloni's statement that if we're going to do it, let's do it for the right reason. The Mayor feels that we're doing it for the right reasons. Mayor Moscaritolo has spoken to many people who want to maintain and protect the quality of life here in town and feels that this is one way to do it.

Councilwoman Busteded-wanted to clarify her comments. She stated that she

has said from the beginning that it's important to protect the quality of life for our residents. She also said that we have to have thoughtful proactive planning in the Borough and she's concerned that this ordinance does not pass that test at the present time. She absolutely thinks that they need to balance the quality of life in the Borough but also thinks that they have an obligation to make sure that all of their planning decisions are as thoughtful as they can be.

Councilman Mignone-stated that he would like to believe what the Mayor says but after citing several statements that the Mayor made during previous meetings, he doesn't believe that this isn't about 7-Eleven. Councilman Mignone agrees with Councilwoman Busted's comments regarding balancing the quality of life but he also feels to change the rules at this stage of the game is poor public policy. He feels that there are ways to balance the needs of the community and prevent future issues that may arise but again stated that if we're going to do this, let's do it right.

ADOPTION - Ordinance #1840

Motion by Councilwoman Busted, seconded by Councilwoman Murphy to **TABLE** Ordinance #1840.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Acquafredda were present; Councilman Papaleo was absent.

OPEN PUBLIC HEARING - Person-to-Person, Place-to-Place Liquor License Transfer - Barbara A. Edwards Chapter 7 Trustee for 259 JOHNSON AVENUE, INC., t/a DINALLO'S

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Acquafredda were present; Councilman Papaleo was absent.

Justin DeCrescente, Attorney for the Transferee Applicant-offered to answer any questions.

Mayor Moscaritolo-asked if he received a copy of the objection?

Justin DeCrescente-replied yes.

Mayor Moscaritolo-stated that the objection was due to the lack of sufficient parking. He noticed when he passed by the other day that there are large logs in the lot.

Justin DeCrescente-explained that the logs are in the middle of an easement and the proposed existing location for the license is entitled to half of that ten foot easement. He was told by the current land owner, Paul Schmidt that the logs should not be there.

Mayor Moscaritolo-explained that the problem is that we have nothing in writing from Paul Schmidt. The Mayor continued to say that if we were to accept what the objector says in the letter, they indicate that it's a 130 seat restaurant which under our ordinance would require one parking space for every 2.5 seats or 52 parking spaces. The Mayor was under the assumption that right now there were only 15 spaces.

Justin DeCrescente-stated that they've had preliminary discussions about the possibility of putting up an outdoor tent area or possibly valet or street parking in the area. He explained that whether or not the parking spaces are sufficient shouldn't have any impact on the transfer of the license.

Mayor Moscaritolo-asked how they can they grant a liquor license and ignore the rest of the Borough Code?

Justin DeCrescente-stated that that would be a zoning issue that would be addressed separately.

Mayor Moscaritolo-thinks that they should get their parking variance and then come back for approval of the liquor license transfer?

Justin DeCrescente-explained that they only found out about these issues recently and decided to come before the Mayor and Council to find out what the concerns are so that they can be addressed.

Mayor Moscaritolo-stated that until they received the objection, they didn't have an issue. He continued to say that the objection raises legitimate issues of insufficient parking which they may have to

address in the future. The Mayor suggested that it would be better if they got a parking variance, a lease for the property across the street for parking or something so that they can move forward and have that issue resolved.

Justin DeCrescente-said that they would be willing to entertain any of those suggestions but Mr. Schmidt informed him that the restaurant was in operation long before the adjoining property was available for parking and Mr. Schmidt felt that the parking could be addressed through valet or an agreement with the office building next door.

Mayor Moscaritolo-stated that they just want to make sure there is a parking solution before moving forward.

Justin DeCrescente-introduced the Sokul Gjevukaj who is the proposed transferee of the liquor license and currently owns other restaurants in the area.

Mayor Moscaritolo-asked Mr. Gjevukaj for the names of the other restaurants and asked if they have a liquor license.

Councilwoman Murphy-asked if he has a partner?

Sokul Gjevukaj-provided the names and said that they do have a liquor license and his brother is a partner.

Mayor Moscaritolo-had the understanding that there is a restriction that one person can only have an interest in two liquor licenses?

Justin DeCrescente-stated that this restaurant will be in Mrs. Gjevukaj's name.

Councilwoman Murphy-questioned why his brother's name wouldn't be on this license?

Justin DeCrescente-stated that she will be an owner of the business as well and all of the businesses that they own are run by family members.

Mayor Moscaritolo-asked for the spelling of his wife's name.

Councilman Mignone-asked what type of arrangement did the prior owner have with regard to the parking.

Justin DeCrescente-replied that he believes it was a lease or a contract but they were never given a copy of the contract. He continued to say that they started negotiations, but negotiations didn't go that well.

Councilman Mignone-asked Mr. Sarlo what legal grounds we have not to approve this transfer and would zoning be a reason not to grant approval?

Tom Sarlo, Esq.- stated that the Alcohol Beverage Control Handbook indicates special conditions that the Governing Body can be impose. However, they specifically say conditions may not be imposed for matters not directly related to Alcohol Beverage Control such as zoning matters or to compel payment of property taxes. He continued to say that they would still need to get a C.O. and if they can't get their C.O. because they're deficient in parking they would be required to get a variance whether they approve this or not. He explained that you have 60 days to either approve or deny or the applicant can waive the 60 days. Mr. Sarlo's opinion on a transfer to transfer, is that the Governing Body cannot take into consideration zoning matters when making their decision.

Mayor Moscaritolo-asked if they have a C.O. yet?

Justin DeCrescente-replied no, the contract is complicated and contingent upon approval of the transfer. Once they receive approval, they could close on the purchase of the liquor license and then assume the existing lease with the current landlord.

Mayor Moscaritolo-asked if that has to be approved by the bankruptcy trustee?

Justin DeCrescente-explained that the bankruptcy court has approved the contract for the purchase of the license and now they're waiting for the approval of the liquor license transfer in order to close.

Mayor Moscaritolo-asked if the liquor license transfer is approved would they get an assignment of the lease?

Justin DeCrescente-replied yes, they may actually enter into a new lease agreement under the same terms.

Mayor Moscaritolo-asked if they will change the name of the restaurant? The Mayor also stated that they will need a C.O., parking, etc.

Justin DeCrescente-made reference to Councilman Mignone's question regarding the parking situation and explained that the adjoining property owner did offer to rent the property but at an exorbitant rate.

Tom Sarlo-stated that they can get approval for the transfer tonight but they will still have to get the C.O, etc.

Councilman Mignone-stated that he doesn't see why we should hold them up.

Mayor Moscaritolo-asked what the ABC handbook says about special conditions that they can impose.

Tom Sarlo-explained that some of the cases restrict noise for an outdoor patio situation on a transfer to transfer.

Mayor Moscaritolo-asked what kind of food will they serve.

Justin DeCrescente-replied, Italian.

Mayor Moscaritolo-asked if they were going to keep the tent that's currently there?

Justin DeCrescente-said his client intends to make it look nicer so he's

not sure what he's going to do.

Mayor Moscaritolo-asked if there is going to be outdoor alcohol consumption because if so, they would have to list that in the resolution.

Justin DeCrescente-said that his client would like to serve alcohol outside once he cleans up the area.

Councilwoman Murphy-asked that this be tabled because she would like to do more research.

Councilman Acquafredda-asked why table it because they will still have to go before the Zoning Board for the C.O.?

Councilwoman Murphy-feels that since she has new information she would like time to examine it.

Councilman Acquafredda-stated that our Borough Attorney has given a legal opinion and feels that there's no need to table it.

Justin DeCrescente-stated that his client has no objection if they would like to table the matter.

Mayor Moscaritolo-stated that they will list it for the August 3rd meeting. The Mayor stated that the State has extended everyone's renewal until September so they still have time.

Councilman Mignone-asked what they will be researching that they don't already have.

Justin DeCrescente-replied that he wants to make sure that they've researched the parking issues to the Mayor and Council's satisfaction.

Councilman Mignone-said that it's irrelevant because the zoning issues will have to be addressed at the Planning Board. He doesn't feel that the Mayor and Council have any information before them which would cause a denial of the transfer. For that reason, he doesn't understand why we would want to keep this on the docket. He feels that they should approve the transfer now and let the Planning Board handle the details.

Councilman Cappola-exited the meeting.

CLOSE PUBLIC HEARING - Person-to-Person, Place-to-Place Liquor License Transfer - Barbara A. Edwards Chapter 7 Trustee for 259 JOHNSON AVENUE, INC., t/a DINALLO'S

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

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteded, Councilman Mignone and Councilman Acquafredda were present; Councilman Papaleo and Councilman Cappola were absent.

Motion by Councilwoman Murphy to **Table** the liquor license transfer.

No Second.

RESOLUTIONS - By Consent

Motion by Councilman Acquafredda, seconded by Councilwoman Murphy to approve resolution #15-253 through #15-279.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteded, Councilman Mignone and Councilman Acquafredda were present; Councilman Papaleo and Councilman Cappola were absent.

#15-253 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 3, 2015 work session meeting and discussion of the hereinafter specified subject matter:

Closed Session Docket #	Item Title or Description	Statutory Reference
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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 6, 2015

#15-254 Amend Certification of Chief Financial Officer with Regard to the Contract with J.A. Alexander, Inc. for the 2015 Riverside Cooperative Road Improvement Program

WHEREAS, on May 18, 2015 via resolution #15-198, the Borough of River Edge awarded a contract to J.A. Alexander, Inc. for the 2015 Riverside Cooperative Road Improvement Program; and

WHEREAS, the amount of the contract was for \$395,000.00; and

WHEREAS, the Chief Financial Officer had certified that funds were available from Account #04-2150-55-1806-500 of the Current Fund in an amount not to exceed \$395,000.00; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that it does hereby accept the revised certification of funds provided by the Chief Financial Officer which indicates that \$395,000.00 is available from Account #04-2150-55-1829-350 of the Capital Fund.

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

July 6, 2015

#15-255 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on Madison Avenue

WHEREAS, on or about July 6, 2015, the Borough of River Edge granted permission to Rosa DiStefano-Amapani, 249 Madison Avenue, River Edge, New Jersey, to hold a block party on Madison Avenue between Fifth Avenue and Elm Avenue on Saturday, July 25, 2015 (rain date July 26th) starting at 3:00 p.m. in accordance with Borough Ordinance #1678; and

WHEREAS, Mrs. DiStefano-Amapani 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 6, 2015

#15-256 Authorize Severance and Accumulated Absence Payments to

Maureen Cronin

WHEREAS, Maureen Cronin, Library Assistant-Technical Services has retired as an employee of the Borough of River Edge Free Public Library on July 1, 2015; and

WHEREAS, the Borough of River Edge adopted Ordinance #585, on September 9, 1973 and amended it via Ordinance #814 dated March 21, 1982 and Ordinance #1736 dated September 6, 2011; and

WHEREAS, Ordinance #585 as amended provides for severance pay when an employee serves the Borough after twenty (20) years or more of continuous service; and

WHEREAS, the River Edge Free Public Library Board of Trustees adopted a Personnel Policy on November 16, 2010; and

WHEREAS, Section #3 provides for the payment of any unused vacation due her in that calendar year; and

WHEREAS, the River Edge Free Public Library Board of Trustees adopted the Borough's Personnel Policy & Procedure Manual on November 13, 2012; and

WHEREAS, Section V, Subject 1 of the Personnel Policy and Procedure Manual of the Borough of River Edge states that the Municipal Governing Body shall approve all payments for accumulated absences and other severance payment; and

WHEREAS, a certification by the Chief Financial Officer in accordance with N.J.A.C. 5:30-15.4 has been received and is on file with the Borough Clerk in the amount of \$6,987.64.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of River Edge that the Chief Financial Officer and the Finance Department are hereby authorized to make payment to Maureen Cronin for any amounts due per Ordinance #585 and accumulated vacation or other time as certified by the Chief Financial Officer.

July 6, 2015

#15-257 Authorize Borough of River Edge to Go Out to Bid Jointly with the Borough of New Milford for Garbage Collection

WHEREAS, the Borough's garbage collection contract will expire in October 15, 2015; and

WHEREAS, the Mayor and Council discussed going out to bid jointly with the Borough of New Milford at their work session of June 15, 2015; and

WHEREAS, the Mayor and Council believe it is to the benefit of the residents to bid jointly with the Borough of New Milford to try to reduce costs.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge will bid jointly with the Borough of New Milford for Garbage Collection in both municipalities.

July 6, 2015

#15-258 Authorize Clerk to Go Out to Bid for Garbage Collection Services

WHEREAS, the Borough of River Edge desires to go out to bid for garbage collection services.

NOW, THEREFORE, BE IT RESOLVED that the Clerk be authorized to advertise in THE RECORD for the purpose of providing said service.

July 6, 2015

NOW, THEREFORE, BE IT RESOLVED that a total of \$50.00 be refunded from the Trust Other Account to the above.

July 6, 2015

#15-262 Authorize the Application for a Grant from the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry for Implementing the New Jersey Shade Tree and Community Forestry Assistance Act

WHEREAS, the Borough of River Edge desires to further the public interest by obtaining a grant from the State of New Jersey Forest Service in the amount of \$3,000.00 to fund the review and revision of the Management Plan.

NOW, THEREFORE, BE IT RESOLVED that Sandy Moscaritolo or the successor to the office of Mayor, is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in the amount not less than \$3,000.00 and not more than \$3,000.00 and (c) to execute any amendment thereto which do not increase the Grantee's obligations.

BE IT FURTHER RESOLVED that the Governing Body of the Borough of River Edge authorizes and hereby agrees to match 100% of the requested grant amount of \$3,000.00 in compliance with the match requirements of the agreement. The availability of the match for such purposes will be made from in-kind services (volunteer work).

The Grantee agrees to comply with all applicable federal, state and municipal laws, rules and regulations in its performance pursuant to the agreement.

July 6, 2015

#15-263 Amend Contract with Robert Costa, Borough Engineer for Professional Services Related to the Design and Inspection of Catch Basins

WHEREAS, resolution #15-230 entering into an agreement with Robert Costa, Borough Engineer for professional services related to the design and inspection of the catch basin at 284 Kensington Road, Wayne Avenue, the intersection of Elm Avenue and Concord Drive and Greenway Terrace was approved on June 15, 2015.

NOW, THEREFORE, BE IT RESOLVED that resolution #15-230 be amended to reflect additional street locations; Voorhis Avenue and other various locations on file with the Borough Clerk.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby instructed to change her records accordingly.

July 6, 2015

#15-264 Amend Resolution #15-236 Authorizing Clerk to Go Out to Bid for Stormwater Drainage Improvements

WHEREAS, Resolution #15-236 authorizing the Clerk to go out to bid for stormwater drainage improvements was approved on June 15, 2015.

NOW, THEREFORE, BE IT RESOLVED that resolution #15-236 be amended to reflect additional street locations; Voorhis Avenue and other various locations on file with the Borough Clerk.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby instructed to change her records accordingly.

July 6, 2015

#15-265 Approve to Permit Sidewalk Sales on Fridays and Saturdays from July 1, 2015 to November 30, 2015

WHEREAS, the Borough of River Edge has enacted a streets and sidewalks ordinance in order to regulate the sale of goods on streets and sidewalks in the Borough of River Edge; and

WHEREAS, certain changes need to be amended in said ordinance in order to encourage business growth and sales in the present economic environment, and to update the ordinance;

WHEREAS, the Mayor and Council is desirous of permitting sidewalk sales for the remainder of 2015 prior to the adoption of an ordinance permitting sidewalk sales;

WHEREAS, the Mayor and Council wishes to establish rules and regulations for sidewalk sales within the Commercial Retail Districts; and

WHEREAS, the adoption of rules and regulations for sidewalk sales will assist the merchants in the Commercial Retail District to market their merchandise and enhance the esthetic beauty and safety objective of the Borough of River Edge;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that sidewalk sales shall be permitted by any retail or commercial establishment, conditioned upon the following:

A. PERMITTED SIDEWALK SALES

Sidewalk sales are permitted on all Fridays and Saturdays, including Holidays, during the period of July 1, 2015 through November 30, 2015, by any retail or commercial establishment where goods or services are sold upon the public right-of-way, namely, the sidewalks immediately in front of any place of business where the goods or services are sold. No merchandise may be displayed in the public right-of-way on non sidewalk sales days.

B. SIDEWALK

That area of the public right-of-way reserved for the pedestrian traffic from the curb to the front line of the building housing the retail or commercial establishment.

C. MINIMUM UNOBSTRUCTED SIDEWALK

Merchandise, inventory and goods, which are offered for sale within a store, may be displayed in front of the exterior store front within the public right-of-way in the Commercial Retail Districts.

Merchandise displayed within the public right-of-way must not occupy more than the merchant's store front width. Merchants may not use any portion of contiguous property owner's property to display merchandise. The display shall not obstruct the store front entrance. The top of the display shall not be higher than 8 feet about the sidewalk surface.

Merchandise displayed within the public right-of-way must not obstruct pedestrian traffic. A minimum of 3 feet must be maintained for pedestrian traffic to pass unobstructed in front of the store front displaying merchandise in the public right-of way.

Merchandise may not be attached to trees or utility poles. All merchandise must be removed at the end of each sidewalk sale day and placed indoors or off the public right-of-way. Temporary supports to display merchandise, such as racks, tables, carts and shelves must also be removed at the end of each sidewalk sale day.

July 6, 2015

#15-266 Authorizing the Transfer and Acceptance of Surplus Military Equipment from the United States Department of Defense 1033 Program for the River Edge Police Department

WHEREAS, Federal Law, informally known as the "1033" program permits the Secretary of Defense to transfer, without charge, excess United States Department of Defense personal property (supplies and

equipment) to state and local law enforcement agencies; and

WHEREAS, participation in the 1033 program allows local law enforcement agencies to obtain equipment they might not otherwise be able to afford, and to prepare for, and respond to, and recover from incidents of terrorism, natural disasters, emergency management situations and police coordinated responses; and

WHEREAS, the Municipal Council has authorized the River Edge Police Department to make application to the Department of Defense 1033 Program for military surplus equipment from the United States Department of Defense; and

WHEREAS, it is appropriate to establish a system of local oversight for municipal law enforcement agencies that participate in and acquire equipment through the 1033 program; and

WHEREAS, the acquisition of any property by a municipal law enforcement agency enrolled in any program established by the United States Department of Defense pursuant to 10 U.S.C. s.2576a shall be approved by a resolution adopted by a majority of the full membership of the governing body as per New Jersey Senate Bill 2364 and signed into law by Governor Christie on March 14, 2015;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge, County of Bergen and State of New Jersey that they hereby authorize the River Edge Police Department to acquire equipment pursuant to any program established by the United States Department of Defense pursuant to 10 U.S.C. s.2576a; and

BE IT FURTHER RESOLVED the authority granted pursuant to this Resolution specifically excludes firearms; riot gear or other equipment of a paramilitary nature or purpose; and

BE IT FURTHER RESOLVED the authority granted pursuant to this Resolution is intended to authorize the acquisition of equipment generally used for civilian purposes related to police response and police coordinated response in emergency management situations.

July 6, 2015

#15-267 Authorize Refund of Parking Permit for River Edge Road Lot

WHEREAS, a yearly parking permit for the River Edge Road Train Lot was issued and then returned to the Borough of River Edge.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to issue a pro-rated refund for the third and fourth quarters of 2015 to:

<u>Name/Address</u>	<u>Permit #</u>	<u>Amount</u>
Alexander Revzin 115 Kenwood Road River Edge, NJ 07661	003	\$100.00
Laura Revzin 115 Kenwood Road River Edge, NJ 07661	004	\$100.00

July 6, 2015

#15-268 Approve Renewal of Liquor Licenses

WHEREAS, application for renewal of liquor licenses have been filed with the Clerk of the Borough of River Edge by the following licenses; and

WHEREAS, reports have been received from the Police Department, Fire Prevention Official and the Department of Health that the following premises holding liquor licenses in the Borough have been found in order in accordance with the rules and regulations of this Borough and the required fees have been received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the Borough of River Edge that the following licenses be issued for the premises described for a period of one (1) year commencing July 1, 2015; and

BE IT FURTHER RESOLVED that Stephanie Evans, Borough Clerk, be directed to sign and deliver said licenses on behalf of the Borough of River Edge.

PLENARY CONSUMPTION LICENSES

0252-33-001-006 Barbara A. Edwards, Chapter 7 Trustee
259 Johnson Ave Inc. T/A Dinallo's
259 Johnson Avenue.
River Edge, New Jersey 07661 \$2,500.00

PLENARY RETAIL DISTRIBUTION LICENSES

0252-44-003-004 River Edge Liquor and Convenience Store, Inc.,
T/A Wine & Liquor River Edge LLC
504 Kinderkamack Road
River Edge, New Jersey 07661 \$2,500.00
0252-44-005-003 E.G. Holding Corporation, T/A Total Wine & More,
1001 Main Street, Store 303
River Edge, New Jersey 07661 \$2,500.00

PLENARY RETAIL CONSUMPTION LICENSE W/BROAD PACKAGE PRIVILEGE

0252-32-006-008 River Edge Inc.
T/A River Edge Diner & Restaurant
516 Kinderkamack Road
River Edge, New Jersey 07661 \$2,500.00

July 6, 2015

#15-269 Resolution to Oppose New Jersey Transit Fee Increase

WHEREAS, the Mayor and Council deem it necessary to recognize that on July 6, 2015 it was reported in the Bergen Record that based on budget documents for the coming year commuters could be hit with an N.J. Transit fare increase that might reach 9 percent in fiscal year 2016; and

WHEREAS, the Mayor and Council recognize that a large portion of the residents of the Borough of River Edge rely daily upon N.J. Transit buses and trains to provide the transportation needed to go to and return from their places of employment and education; and

WHEREAS, the Mayor and Council recognize that this fare hike would be the 5th such increase since 2002 to adversely affect the overburdened commuters and their families of our community; and

WHEREAS, the Mayor and Council recognize that such increases jeopardize the ability of River Edge residents to seek and/or maintain employment or attend colleges that would rely on the use of the N.J. Transit system and that same threatens to increase economic burdens upon the families of our community and fosters educational disparities in our state.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge officially call upon the N.J. Transit Board of Directors to vote down any call for an increase to fare and to seek all cost cutting measures available to provide for a cost efficient and affordable transit system for the residents of the State of New Jersey.

BE IT FURTHER RESOLVED that a copy of this Resolution should be provided to each member of the N.J. Transit Board of Directors and to the Board Secretary.

July 6, 2015

#15-270 Enter Into Agreement with Robert McNerney, McNerney & Associates, 266 Harristown Road, Glen Rock, New Jersey, 07452-0067 for Professional Services for Tax Appeal Appraisals

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

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

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

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

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

WHEREAS, the Chief Financial Officer has previously certified that funds are available from Account #01-2040-55-6400 of the Current Fund in an amount not to exceed \$11,800.00 of the Accounts Payable Account; and

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

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert McNerney not to exceed \$17,500.00; 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.

July 6, 2015

#15-271 Amend 2015 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services may approve 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 for an equal amount; and

WHEREAS, the Borough has received a donation for the Police Department in the amount of \$63.64.

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

Donation Police Department.....\$63.64

BE IT FURTHER RESOLVED that the like sum of \$63.64 and the same is hereby appropriated under the caption of:

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

Donation Police Department.....\$63.64

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

July 6, 2015

#15-272 Authorize Mayor and Clerk to Sign an Interlocal Services Agreement with the Borough of New Milford for the Joint Bid of Solid Waste Collection Services

WHEREAS, the Borough of New Milford and the Borough of River Edge desire to enter into an agreement for the Joint Bid of Solid Waste Collection Services pursuant to the provisions of the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.).

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge shall enter into an Interlocal Services Agreement with the Borough of New Milford for the Joint Bid of Solid Waste Collection Services.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of River Edge that:

1. The Mayor and Borough Clerk are hereby authorized to execute the Interlocal Services Agreement with the Borough of New Milford, subject to the approval of the Borough Attorney.

July 6, 2015

#15-273 Authorize Refund from Recreation Dedicated Account

WHEREAS, a resident signed their child up for the Summer Playground Program; and

WHEREAS, the child was unable to attend due to a change of plans; and

WHEREAS, the resident had paid in full for this program; and

WHEREAS, a refund will be made to the following:

Mr. Gene Bascom	
848 Park Avenue	\$170.00
River Edge, NJ 07661	

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

July 6, 2015

#15-274 Authorize Accounts Supervisor to Issue a Refund Check to Dutra Excavating & Sewer, Inc., 10 Stone Hollow Road, Montvale, New Jersey 07645 for a Street Opening at 259 Woodland Avenue

WHEREAS, the Borough of River Edge received a street opening permit from the following who surrendered \$500.00 for a bond and \$550.00 for the street opening application fee; and

WHEREAS, Dutra Excavating & Sewer, Inc. has requested a refund as there was no need to open the road for a repair.

WHEREAS, the Chief Financial Officer has certified that funds are

available from the Current Account in the amount of \$550.00 and the Trust Other Account in the amount of \$500.00.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to issue two checks to the following:

Dutra Excavating & Sewer
10 Stone Hollow Road
Montvale, NJ 07645

July 6, 2015

#15-275 2015 Salary Resolution

BE IT RESOLVED that the following officers and employees of the Borough of River Edge be compensated for the year 2015 in accordance with Ordinance #1818 effective January 1, 2015 as follows:

		<u>Annual</u>	<u>2015</u>	<u>Hourly</u>
<u>Department of Public Works</u>				
Mechanic I	Camera, W.	\$79,290		
Mechanic II	Stitz, P.	\$61,338		
General Repairer I	Stephen, R.	\$76,824	to 3/31	
General Repairer II	Tarpey, R.	\$64,532		
Equipment Operator I	Ader, S.	\$71,928		
Equipment Operator I	Schick, T.	\$71,928	to 3/31	
Equipment Operator II	Milito, J.	\$64,762	to 3/31	
Equipment Operator II	Schultz, E.	\$60,557	from 4/6	
Tree Trimmer II	Morse, K.	\$56,853		
Tree Trimmer II	Phillips, E.	\$52,881	from 2/2	
Laborer I	Duarte, J.	\$55,341		
Laborer I	Gallagher, F.	\$55,341		
Laborer I	Cornelio, J.	\$55,341		
Laborer I	Schultz, E.	\$55,341	to 4/5	
Laborer I	Szczecina, M.	\$55,341		
Laborer II	Dekker, T.	\$41,903		
Laborer II	Dekker, D.	\$29,226	to 6/22	
Laborer II	Dekker, D.	\$41,423	from 6/23	
Laborer II	Tarabocchia, N.	\$29,226	to 6/16	
Laborer II	Tarabocchia, N.	\$41,423	from 6/17	
Laborer II	DeCarlo, J.	\$29,226		
Laborer II	Preziuso, A.	\$29,226	from 6/16	

Bus Department

Bus/Van Driver	P/T Noone, J.	\$17.70
	P/T Quara, F	\$17.70

BE IT FURTHER RESOLVED, that any formal action by a governing body approving or disapproving a measure establishing or modifying the salaries, benefits, or other compensation of its employees shall occur no earlier than the tenth calendar day immediately following the meeting at which the measure was introduced and discussed.

BE IT FURTHER RESOLVED that the actions of the Chief Financial Officer, Accounts Supervisor and Payroll Clerk to pay these salaries and wages effective January 1, 2015 is hereby ratified.

July 6, 2015

#15-276 Authorize Clerk to Go Out for Bid for the River Dell Middle School Safety Improvement Project

WHEREAS, the Borough of River Edge desires to go out for bid for the River Dell Middle School Safety Improvement Project; and

WHEREAS, the Borough Engineer has submitted plans and specifications for the project entitled River Dell Middle School Safety Improvement Project; and

WHEREAS, these plans and specifications have been reviewed by the Governing Body and Borough Attorney at a work session held on July 6,

2015; and

WHEREAS, the Mayor and Council of the Borough of River Edge desire to memorialize their approval of the plans and specifications and the design elements contained therein for the project entitled River Dell Middle School Safety Improvement Project.

NOW, THEREFORE, BE IT RESOLVED that the plans and specifications for the project entitled River Dell Middle School Safety Improvement Project are hereby accepted and approved by the Governing Body of the Borough of River Edge.

BE IT FURTHER RESOLVED, that the Clerk be authorized to advertise in THE RECORD for the purpose of providing said service.

July 6, 2015

#15-277 Sale of Surplus Equipment

WHEREAS, the Borough of River Edge is the owner of various bicycles which are not needed for public use and subject to disposal; and

WHEREAS, the Borough of River Edge desires to sell these bicycles on or about July 4, 2015; and

WHEREAS, N.J.S.A. 40A:11-36 states that if the estimated fair value of the property to be sold exceeds \$2,500.00 in any one sale it shall be sold at public sale to the highest bidder; and

WHEREAS, the estimate of these bicycles is less than \$2,500.00 and thus may be sold at a private sale.

NOW, THEREFORE, BE IT RESOLVED that the River Police Department and the July 4th Committee is hereby authorized to hold a private sale of these bicycles, a list of which is on file with the Borough Clerk on or about July 4, 2015.

BE IT FURTHER RESOLVED that the proceeds will be deposited to the Borough's sale of asset account.

July 6, 2015

#15-278 Award Contract to Reggio Construction Inc., for the 2015 Community Development Block Grant ADA Curb Ramp Construction Project

WHEREAS, on June 30, 2015 (1) sealed bid was received from Reggio Construction for the 2015 Community Development Block Grant ADA Curb Ramp Construction Project; and

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

WHEREAS, the Mayor and Council have discussed this matter at a work session on July 6, 2015; and

WHEREAS, this contract is awarded on a unit price basis and maybe considered an "Open Ended Contract" under N.J.A.C. 5:34-5.3, in which case certification of funds is not required until such time as the services are ordered and prior to incurring the liability by placing the order, certification of availability of funds will be made by the Chief Financial Officer, and it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds from the Chief Financial Officer as appropriate.

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1806-400 in the amount of \$3,000.00; Account #04-2150-55-1814-200 in the amount of \$13,000.00; Account #04-2150-55-1815-200 in the amount of \$92,530.00 and Account #04-2150-55-1827-300 in the amount of \$2,000.00 for a total amount not to exceed \$110,530.00; and

NOW, THEREFORE, BE IT RESOLVED that the contract is hereby awarded to Reggio Construction, Inc., 1575 West Street, Fort Lee, New Jersey 07024 in the amount not to exceed \$110,530.00 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

July 6, 2015

#15-279 Enter Into Agreement with George M. Carter, 767 Park Avenue, Oradell, New Jersey 07649 as an Archivist

WHEREAS, there exists a need for an Archivist for the Certified Local Government Grant; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-214J-40-7430 of the Current Fund in the amount not to exceed \$5,000.00; and

WHEREAS, the Borough Administrator, Library Director and Historic Commission members have examined resumes, biographies, work experience; and

WHEREAS, the Borough Administrator, Library Director and Historic Commission members have reviewed price and other factors when considering supporting reasons for awarding this contract; and

WHEREAS, that rate of pay shall not exceed \$35.00 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 George M. Carter, 767 Park Avenue, Oradell, New Jersey 07649 in the amount not to exceed \$5,000.00.

July 6, 2015

Motion by Councilman Mignone, seconded by Councilman Acquafredda to approve resolution #15-280.

ROLL CALL VOTE: Councilwoman Busteded, Councilman Mignone and Councilman Acquafredda voted yes; Councilwoman Murphy voted no; Councilman Cappola and Councilman Papaleo were absent.

#15-280 Authorize Person-to-Person, Place-to-Place, Liquor License Transfer

WHEREAS, an application has been filed for a Person-to-Person, Place to-Place to transfer of Plenary Retail Consumption License #0252-33-001-005, heretofore issued to PEJA Corporation t/a Rugova for an liquor license with an address of 259 Johnson Avenue, River Edge, NJ 07661; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE BE IT RESOLVED that the Borough of River Edge Governing Body does hereby approve, effective July 6, 2015 the Person-to-Person, Place-to-Place transfer of the aforesaid Plenary Retail Consumption License to PEJA Corp. t/a Rugova from its former owner and location of 259 Johnson Avenue, Inc., t/a Dinallo's, 259 Johnson Avenue, River Edge to its new owners and

location PEJA Corp. t/a 259 Johnson Ave, River Edge, NJ 07661, and does hereby direct the Borough Clerk/ABC Board Secretary to endorse the license certificate to the new ownership as follows:

"This license, subject to all its terms and conditions, is hereby transferred to PEJA Corp. t/a Rugova effective July 6, 2015".

July 6, 2015

Councilman Mignone read resolution #15-281 into the record.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #15-281.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteded, Councilman Mignone and Councilman Acquafredda were present; Councilman Papaleo and Councilman Cappola were absent.

#15-281 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	\$1,027,699.61
CAPITAL ACCOUNT	\$ 138,744.80
RECREATION ACCOUNT	\$ 5,850.49
ANIMAL WELFARE ACCOUNT	\$ 9.00
TRUST OTHER ACCOUNT	\$ 17,543.20
OPEN SPACE ACCOUNT	\$ 10,440.22
TRUST OTHER DEVELOPER ACCOUNT	\$ 2,237.50

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

July 6, 2015

Motion by Councilwoman Murphy, seconded by Councilwoman Busteded to approve resolution #15-282.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteded and Councilman Acquafredda voted yes; Councilman Mignone voted no and Councilman Cappola and Councilman Papaleo were absent.

#15-282 Authorize Clerk to Go Out for Bid for the Cherry Blossom Park, Phase 1 Project

WHEREAS, the Borough of River Edge desires to go out for bid for the Cherry Blossom Park, Phase 1 Project; and

WHEREAS, the Project Engineer has submitted plans and specifications for the project entitled Cherry Blossom Park, Phase 1 to the Mayor and Council of the Borough of River Edge; and

WHEREAS, these plans and specifications have been reviewed by the Mayor and Council at work sessions held on April 6, 2015, April 20, 2015, and July 6, 2015; and

WHEREAS, the Mayor and Council of the Borough of River Edge desire to memorialize their approval of the plans and specifications and the design elements contained therein for the project entitled Cherry Blossom Park, Phase 1.

NOW, THEREFORE, BE IT RESOLVED that the plans and specifications for the project entitled Cherry Blossom Park, Phase 1 are hereby accepted and approved by the Governing Body of the Borough of River Edge.

BE IT FURTHER RESOLVED, that the Clerk be authorized to advertise in THE RECORD for the purpose of providing said service.

July 6, 2015

OPEN HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone and Councilman Acquafredda were present; Councilman Papaleo and Councilman Cappola were absent.

CLOSE HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone and Councilman Acquafredda were present; Councilman Papaleo and Councilman Cappola were absent.

COUNCIL COMMENTS - no comments.

ADJOURNMENT - 10:31 P.M.

Motion by Councilwoman Murphy, seconded by Councilwoman Busteed to adjourn the meeting at 10:31 p.m.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteed, Councilman Mignone and Councilman Acquafredda were present; Councilman Papaleo and Councilman Cappola were absent.

Mayor Sandy Moscritolo

Attest:

Stephanie Evans, Borough Clerk

Dated: