

**BOROUGH OF RIVER EDGE
MAYOR AND COUNCIL
WORK SESSION MINUTES
MONDAY, MARCH 20, 2017**

PRESENT:

Mayor	Edward J. Mignone	
Councilman	Alphonse Bartelloni	
Councilwoman	Ellen Busted	
Councilman	Dario Chinigo	(Arrived @7:25 PM)
Councilwoman	Mary Davis	(Exited @8:00 PM)
Councilman	Thomas Papaleo	

ALSO PRESENT:

Borough Attorney	Thomas Sarlo
Borough Administrator	Alan Negreann
Borough Clerk	Stephanie Evans

ABSENT:

Councilman	Vito Acquafredda
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Mayor Mignone called the meeting to order 7:00 PM by reading the Open Public Meetings Act.

BOROUGH ADMINISTRATOR'S TOPICS

1. **Stormwater Training for Mayor and Council** – Mr. Negreann explained if there was time the Mayor and Council could view the video on the Clerk's computer and the public is invited to attend and watch the video on Stormwater Regulations which the Mayor and Council are required to do by mandate.
2. **Municipal Open Space Trust Fund – November Ballot Question-** Mr. Negreann stated that the public question on the renewal Municipal Open Space Levy, as you aware we had a hearing on this topic previously and he is here tonight to ask if there is a motion to place this on the November ballot. We would do a resolution on April 3rd and as you aware it is a rate of .01 or 1 penny tax, raises about \$145,000.00 a year. A motion was made to place this public question on the November ballot.

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

All in favor 4-0

Absent: Acquafredda, Chinigo

3. **Tax Bill Stuffer** – Mr. Negreann stated that the Mayor and Council were provided a copy of the letter which would go into the tax bill each year and he wanted to know tonight if they were interested in continuing in using the same format, or change the format. If you want to the keep it the same we can start to work up the numbers and show it to you once again. If you want a change in the format than we can hold it over to another work session and bring your ideas to the table. Mayor Mignone stated he would be inclined to add a little more information, people still have a lot of questions about what makes a budget, so maybe putting a little bit more information helps. May be the Finance Committee or whoever else could come up with some way of presenting a better totality of it because he thinks its basic information and people have a lot more interest into what the budget is comprised of. Councilman Papaleo said that just from a teaching point of view to add a pie graph would probably go a long way into helping people visually look at it because right now you have decimals on there and it can be hard to process. Mayor Mignone said he also thinks that

looking at some broad categories year to year, revenues, total appropriations, and total surplus without going into too much detail about that but just give the big numbers that people can plug in and see where... Councilman Papaleo stated he thought that was a great idea but we have to be careful to turn the words revenue, surplus into common vernacular because right now they are not. Mr. Negreann asked if he should be guided by the Finance Committee, Mayor Mignone replied he would refer to the Finance Committee for this. Councilman Bartelloni said he could work something and disseminate it to Councilwoman Davis and Councilman Chinigo. Mayor Mignone said nothing too overly complicated and Councilman Bartelloni agreed and said just something on one page. Mayor Mignone said he was sure other towns have something if you look online, Councilman Bartelloni agreed.

4. **Local Budget Review – 2017 Budget** – Mr. Negreann explained that on certain years the Division of Local Government Services permits the Borough’s Chief Financial Officer to review the budget document to insure it is in compliance with all the State Statutes and Regulations. He distributed to the Mayor and Council the regulation as well as his checklist that he has gone through to insure that we are in compliance. Mr. Negreann provided his certification as well to that affect. The State does give the Mayor and Council the option of agreeing or not agreeing with the CFO on this, if you disagree than the review would go down to the State. During certain years, it is not every year we do a local budget review, there are mandated reviews on certain years by the Division, and next year our budget will go to them for review. If you agree with his certification than a resolution will be put on the April 3rd meeting confirming our compliance with all the statutory and regulatory requirements. The Auditor has reviewed the Introduced Budget documents and has signed off on it as well. A motion was made to accept the CFO’s certification and place this resolution on the April 3rd agenda.

Motion by Councilman Papaleo, second by Councilwoman David to Approve.

All in Favor 4-0

Absent: Acquafredda, Chinigo

5. **Budget Amendment** – Mr. Negreann is proposing that we amend the budget for 1 reason, the snow fall of March 14th, we did bill the County of Bergen for another \$2, 080.00, \$2,860.00, and we also incurred during that snow \$22,733.00 in expenses salaries and wages and other expenses, salt, gasoline diesel fuel, etc. If we amend the budget tonight we would include a revenue for the County services and expense so there is no effect on the tax levy. The way we would work this budget amendment for the other expenses he would be reducing the other public works salary and wage line and the other expense line and the petroleum line for the exact same amount that we would increase the emergency side. That would be a “zero” effect, not effect on the budget, no effect on taxes as well. The advantage to the Borough here is that by moving these expenses outside of the CAP it is also an exclusion for the Levy CAP as well for next year so we gain a little bit more CAP flexibility then we would if we just included these expenses in the normal budgets. There is a resolution in front of you tonight for that reason, he isn’t suggesting that we reopen the whole budget process although you certainly have the option of doing that tonight if you so desire. We have had a couple of other requests, John Lynch from DPW, has asked for another \$600.00 to repair a generator in the police dept., the OEM Coordinator has asked for a little over \$9,200.00 for a generator for the Ambulance, REVES as well. But what he is asking for tonight are these two amendments on the emergency snow. If you desire to pass this resolution tonight, we can stay on track to adopt the budget on April 3rd, this amendment will require a hearing and advertisement in which he and the Clerk will get done tomorrow. If you desire to open up the whole process for other amendments than he would recommend we schedule a special meeting one March 28th to deal with all of that and we may still have to extend out the budget calendar because of any

additional amendments you may want. He was prepared to take any questions. Mayor Mignone asked if we would have to open it up to add the \$600.00 for the generator or would that be able to be used from other existing lines. Mr. Negreann said he has been paid if from other lines and absorbed the cost at this point in time. Mayor Mignone said in speaking for himself he didn't know if we are a point to consider whether we need a generator for REVES and he thinks that needs a little more study and we are not prepared to put more money away at this point. Councilman Bartelloni asked if the generator was for the building, and Mayor Mignone replied yes he believed it for the building. Mr. Negreann stated he believed that there was recently a repair made to that generator but the OEM Coordinator received a quote on replacing the generator, this is not coming from REVES, it is coming from Emergency Management. Mayor Mignone clarified by saying this isn't something that shouldn't be looked at in the future, he was just saying we weren't prepared for it right now. Councilman Papaleo agreed with the Mayor. The Mayor stated he didn't want to necessarily open up the budget process again he would just want to recommend we pass the resolution making the changes Mr. Negreann stated. Councilman Bartelloni asked if they had one that works right now, which got repaired, but is on its last legs and it something for next year, Councilwoman Davis said it's very old. Mr. Negreann stated that was all he had on the budget amendment unless there are questions. Mr. Negreann pointed out that the resolution was attached to the revised agenda, if and when they were ready to look at it. Mayor Mignone asked if anyone wanted to make a motion. A motion was made to move Resolution #17-127, Amendment to the Approved Budget of 2017, and Net Zero Impact on the Budget.

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

All in favor 4-0

Absent: Acquafredda, Chinigo

6. **JIF Training – Status Report** – Mr. Negreann explained that this on Elected Official Training, we have had 2 elected officials take the training, this is just a reminder, and we have sent out the electronic instructions again, please go in do your training and provide us with the certificate. This will mean we will be able to reduce our insurance premium by \$250.00 for training session. The deadline is May 1st, but he will keep it on the agenda until everyone has taken the training. Mayor Mignone stated it takes about 20 minutes and he encourages to try and get it done as soon as possible.

FOR DISCUSSION

9. **Chief Cariddi – Towing Ordinance and Violations** – Chief Cariddi stated that he provided a report of breakdowns of tow fees that were charged relative to the snowstorm of January 7th and 8th. On it is listed 4 different tow companies that are collectively responsible for 24 tows in the borough, there is a breakdown of each of the tower's costs, in terms of fees that were included and his concerns that were raised as a result of a citizen's complaint that brought certain items on the tow bill to the attention of the police dept., specially within the town ordinance there are several provisions that govern the fees that tow services may charge. There is also a prohibition against them charging for anything that's not enumerated in the ordinance. In several of these cases he outlined for the council the towers charged fees including a "lock out" no key fee at a \$60.00 cost and that's not provided for in the ordinance. When the towers were questioned about the practiced they stated that because they had to remove the linkage on the vehicle because the car didn't have a key in it in order to free up the transmission, they were charging that as a separate fee. There is a section in the ordinance that does mention and "administrative fee", but the way it's listed in the ordinance there is some question as to exactly what it apply to, it is under section d. The ordinance appears to deal with issues having to deal with clean up, hazmat, spills, road clean, etc., and the administration charge is under that fee. Several of the towers stated it was their understanding that they were

charging an administrative fee because it was there and they have administrative cost in the office so they charge an administrative fee on each of their tows. There is another element in the ordinance that refers to a "yard fee" that can be charged, and when he asked how it was applied some towers stated that if they had to tow the vehicle again within their yard for any reason they charged a yard fee which was a \$60.00 fee. The \$60.00 fee is allowable by the ordinance as a "yard fee". The term "yard fee" is not specially addressed as to what it entails. Another tower stated to us that the only time he would charge for moving a car within the lot for example would be if an insurance adjuster came to the lot following a collision and needed the car towed to a separate location for an estimate or work to be done on the vehicle, than there would a "yard fee" attached under those circumstances. We have a couple of areas, 1 is that there are descriptions of procedures within the ordinance that probably need further clarification as to what they entail and when they are instituted and the 2 other areas involve fees being charged for things that are not being allowable under the ordinance. The last one is a practice that was engaged in by several of the tow services which is requiring cash for the release of the vehicle and that especially prohibiting the ordinance, the ordinance states they can take a credit card. In one case a woman had to walk a considerable distance to get to an ATM machine to withdraw cash to go back to the tow service. He had broken down in the report he provided in entire detail report including all the specific tow bills with the concerns enumerated in greater detail previously provided to Mr. Sarlo for his review and what he is asking the Mayor and Council to do at this point is to take some consideration of either a revision of the ordinance or of an adjustment made of some of the charges are in fact deemed by the Borough Attorney to be outside the scope that can be charged by the tow services to have those services liable for the difference in fee to be refunded to the customer. Please note that one of the tow services towed 12 of those 24 vehicles and 2 of those cases was only \$125.00 for the two, no winch was involved, not storage fees, (inaudible) and that was the entire bill of \$125.00. Three other cases there were tows that involved one day storage, no winch and those came to \$167.75. There were 2 at \$200.00 which were a tow, no winch, no storage. Four at \$242.75 that involved one day storage and a winch. There was one with 3 days of storage totaling \$328.15. That was all from one tower with 12 tows, there were no yard fees involved, no administrative fees, no lockout fees, and the vehicles were able to be picked up 24 hours a day, that particular business is open 24 hours/7 days a week. Several of the other businesses listed, in one case 7 tows at \$461.60 each, all the tows associated with it had a lock out fee, administrative charge, and a yard fee. Another tower had 3 tows at \$504.85 each, every one of those had a lock out fee, administrative charge, and yard charge. Another one had 2 tows at \$413.56 and 1 at \$477.68, both had a lock out charges and administration charges, one had a storage fee. If one tow company can do 12 tows with the average bill being just slightly over \$200.00 and having none of those disputed fees involved, he thinks it illustrates there is some discrepancies that need to be addressed. Mayor Mignone said he wasn't so sure they're discrepancies or they just ignored what our ordinance says. In his own personal opinion in whatever fees we are not supposed to be charging we should get refunded back to our residents and going one step further the one company he thinks we should take further action against the one who made the person walk to an ATM machine in the snow and then come back and then go back and then come again he thinks isn't the kind of practice we should want. It is bad enough for a resident, whether self-created or not gets into a situation where their car is towed then to pay \$505.00, has to walk in the snow to go get cash which isn't allowed, the harassing you can't come on a Sunday because it's a Sunday, or whatever, and then to have the attitude exhibited as he was told by this person who went through this is unacceptable. As the Chief stated there is one company here that seems to be very fair and bill according to our ordinance. He doesn't know how we can necessarily sanction that one particular tower but he knows we have done that in the past and to him maybe that is something we should explore a little further. Councilman Bartelloni and

Councilman Papaleo both agreed with the Mayor. Mayor Mignone stated that he could have asked the resident to come in but he didn't think it was necessary and it was very distressing for a resident to have to go through that. It's bad enough you get your car towed, he spoke with the Chief about the timing, there was some confusion he would say but again at the end of the day he would defend the ordinance which is necessary and he told the resident that it is necessary for public safety but you shouldn't add insult to injury with the way it was done in this case. He would suggest Chief Cariddi work with Mr. Sarlo to clean up the language on the ordinance and if we can do something with that one particular towing company he thinks we should pursue that. Mr. Sarlo said looking into seeing what we can do now with that one tower but obviously when that tower comes back to renew his license we can always invoke a hearing and bring him in and we can either based on all this either accept him or reject him at that point. He doesn't know if the Borough will have the authority to compel refunding, it is a contact between the person and the towing company and if they feel they were overcharged they would have to bring it to small claims court, we are just setting the ordinance and reviewing it on their behalf and compelling them to pay it he doesn't believe we have the authority to do that but the they have the right to do that. Mayor Mignone felt that we don't need to use them if they chose not to follow our ordinance, Mr. Sarlo said that was correct and we can bring them onto the carpet immediately and suspend them. Mayor Mignone asked if they are eligible to tow anytime, Chief Cariddi said they don't have a contract, they are on the list for tow services which are in a rotation which is based on an agreement with the provisions in our ordinance. Mr. Sarlo stated that the Borough can have a hearing and suspend them from the list based on this. Mayor Mignone asked if we had to have a list or if we could do an RFP once a year for services, Mr. Sarlo asked Chief Cariddi if it was sent out every year and see who comes in and then you do the back ground check. Chief Cariddi replied every year they submit applications to be on the tow list, they go through a review process, there is an inspection of the facilities themselves, they are supposed to have our ordinance posted in their offices and adhere to the fee schedules. Mayor Mignone stated it isn't an RFP process and Mr. Sarlo agreed because they come in and apply but if they, we had that one situation he believes a year or two ago we denied an application so we certainly can do that when they come back up for review, and he thinks we can do that now if they violated our ordinance. We can bring them in and have a hearing on them and suspend from the list for the remainder of the year. Chief Cariddi asked Mr. Sarlo if he would sit down with him and review the ordinance and make some determinations, Mr. Sarlo stated its two tracks, what happened and where do we go from here and that would be no problem and he would be happy to sit with him.

WORK SESSION CONSENT AGENDA

- 1. Approve the Change in Personnel Policy & Procedure Manual, Section II, Employment, Subject 15 – Separation.** Mr. Negreann explained that the Borough's Labor Attorney pointed out that one of the provisions had a mandatory retirement age for non-essential employees at 70, so this is language to bring us to compliance with the law where we can't mandate the age limit but it is based on whatever the pension systems require.
- 2. Approve Award of Contract to Cardiac Science Capital c/o Marlin Business Bank for the Leasing of Automatic External Defibrillators (AEDs).** Mr. Negreann deferred to Mr. Sarlo who has been very involved in the language of the agreement and has a status report. Mr. Sarlo stated the agreement has gone back and forth with Cardiac Science with about 8 areas of concern for him with the input from Mr. Negreann and everyone else, we have narrowed all those concerned down to 2 concerns and they are more as to 1-processing of payment, which he believes has been resolved, and the 2nd one

is late fees, boroughs always like to object to them because you have to approve the resolution and process it and if you don't have a meeting and so forth like that, but they are adamant that they do not provide, they stay with their language with regards to late fees and that is where we are stuck with on the late fees. He is working with Mr. Negreann on how to avoid that and if they could agree to provide us with the invoice ahead of time. Mayor Mignone asked when the fee kicks in, 30 days. Mr. Negreann explained that the language of the contract just says due date, they send you the bill and it just says due date he guesses. Mr. Sarlo said there is a grace period. Mr. Sarlo asked Mr. Negreann if this was a one time a year payment for three years so you know it's coming up, and Mr. Negreann agreed. Councilwoman Busted stated that the company was going to make an effort to send the invoice early. Mayor Mignone stated he didn't think there would be an issue and Mr. Sarlo agreed with that statement. Mr. Sarlo also added that the company was going to send an amended contract as well as his changes. Councilwoman Busted just wanted to confirm with Mr. Sarlo that the Recreation Commission could go forward with training for April 6, Mr. Sarlo replied absolutely. Mayor Mignone said the board has approved the Interlocal and we have so we get this done on the 3rd and are good to go. Councilwoman Busted asked if they could start inviting people to the training, Mr. Sarlo answered yes.

3. **Approve 3 year Agreement with Nature's Choice Corporation for Vegetation Disposal.** Mr. Negreann stated that Mr. Lynch got quotations and Nature's Choice was the best choice and the least costly. Mayor Mignone explained this was for vegetation disposal at \$14.00 a cubic yard, the other quotes were \$15.00 and \$17.99. Mr. Lynch's recommendation is Nature's Choice and that is on for consideration at the next meeting.
4. **Assume Decorative Street Lighting Relative to Route 4 Main Street Development.** Mr. Negreann explained that the Borough received notification from the attorney for the New Bridge/Hoffman Koos Development this is about a \$700 bill that they absorbed for the decorative lighting and we should refund that to them. We need to contact PSE&G and have the accounts turned over to us. Mayor Mignone asked if they were metered to the building now, Mr. Negreann said yes we have to have it changed. The Developer's Agreement requires that they put the utility in but it doesn't require that they maintain the service.
7. **Authorize Mayor to Sign Agreement with Nixle for License as a Government User.** Mayor Mignone explained this was just an administrative agreement for to sign so we can use Nixle as a Government user. Mr. Negreann added for non-emergency messages over Nixle.

Mayor Mignone explained that Items 5 & 6 had to do with the Community Center so we'll discuss so now if that ok. Council had no comments.

5. **Award Contract to Costa Engineering for Topographic Study of Block 503, Lots 2 & 3 (Library/Cultural Center/Legion/Tennis Courts)**
6. **Approve Resolution Rescinding Resolution #15-96 Entitled "Resolution Authorizing the River Edge Planning Board to Conduct a Preliminary Investigation to Determine Whether Lots 3 and 4 in Block 1303 on the Official Tax Map of the Borough Qualifies as an Area in Need of Redevelopment".**

Mayor Mignone explained that on Friday we received a proposal from DMR Architects and he spoke with Councilman Acquafredda and what we are asking them to do is basically firm up our conceptual design, making sure that it becomes a little bit more than conceptual design for us

that we address the need assessment properly, that we are looking at siting correctly, if we need to engage any of the stakeholders a little bit more, whether it's the Library or Shade Tree Commission, or Rec. Commission or other groups to get some last minute input on the programming for potential building they will handle that and bring us through a detailed primary design. Once that is done they will help us roll this out publicly and have some public input and once we do that (inaudible) you will have to be what we call a "capital review board" they would handle that for us and then once that's done they would go to final design, once we get our bids in, assuming that we have our allotted budget we go to construction, they would be our construction managers once we got to that point. The proposal tonight is broken down into several sections, page 7 show Task 1 incorporates three subtasks, Task 1 is a generic site visit, existing conditions, 2 talks about the programming and the concept phase, 3 schematic design which is a little bit more than a concept it would be a pretty detailed concept design (inaudible) attached to it. Those 3 tasks fees are \$32,000.00, which seems like a lot of money but when you are getting into the detail of the design now and the amount of input it is going to require he thinks it is a fair price. This is (inaudible) not to exceed, concurrent with this we also have a proposal from Mr. Costa because to proceed with more detail design we need to get a complete boundary topographical survey of the whole area including part of Monument Park, Cultural Center property, American Legion property, and the Library property, Mr. Costa has a total for that of \$12,000 tonight. This money can be taken from the trust account that we have for the Community Center and there is still adequate money to cover these fees at this point. If we proceed in a timely manner the DMR people say if it all comes together we could still be looking to get things out to bid this year and potentially break ground as long as there is no major changes or surprises in terms of scope or run into any kind of site conditions which we are not aware of at this point but nobody seems to think there will be a site issue to any type of difficulty that way. This will be on for consider at the next meeting. Councilman Papaleo said the only thing he has been in support of the center since he got on the council but we haven't yet seen any plans, not even basic plans as a council. He saw one briefly many months ago and we are moving ahead with this and the council still hasn't seen plans, when will, if we move ahead with this, if we approve this, does this lock us in to the plans as they are currently drawn. Mayor Mignone answered no, that's a concept, but in terms of the size that's not going to change, that is pretty much based on what our construction budget is, the layout may change and that is why we are going to do a little bit more programming to see if there is any tweaks we want to make internally, essentially we want to have one large meeting room and other spaces. Those other spaces will be determined through refining the programming. Councilman Papaleo said the council as a whole will have some input, and Mayor Mignone replied yes, and Councilman Papaleo was happy with that. Mayor Mignone went on to say that we will have some smaller stake holder meeting groups and you want to have a deliberative thoughtful process, he doesn't want to make this (inaudible) and we are going with the assumption that the concept of building against the Library does seem to be the most cost effective and getting the most use for both facilities out of doing this. There may be code issues with the Library that may have to be addressed so just be aware those are the things that you have to look out for and see whether what is going to be problematic and again we will talk more with Library about their more longer term needs and hopefully when we get past phase 2 we will have a pretty good feeling in terms of layout, an aesthetic, and most importantly a firm cost estimate. Councilman Papaleo stated that one of the things he wants to advocate for and to continue and he has been advocating for all along that we have some sort of outdoor porch or wrap around porch of some of type that is covered that has multiple access to the indoor space so that our summer program that the Recreation runs does not need to be cancelled during rainy days and in fact you can run both inside and outside activities on rainy days so we can accommodate our young families. Mayor Mignone said that was in there and in "architect speak" it says it understands that the Borough desires an assessment of the connectivity of the subject site to the community park across the

street. Meaning we want to incorporate the uses for both sides, we are trying to look at almost having a lawn area adjunct to it that is going to be open, and be able to cross program with what goes on across it and Memorial, that's all in there and that will be subject to the design. Councilwoman Busted said to follow that logic we have talked as a council about improving pedestrian crossing on Continental from the Community Center, the Library to the park, what you just said will incorporate that as well, not just the Community Center and the park. Mayor Mignone replied it would have to be natural, a necessary part of that. Councilwoman Busted stated that Councilman Acquafredda always insisted that consideration would that place during the construction of this projection and she wanted to make sure that didn't get lost. Mayor Mignone said nothing have been, there have been no concepts put forward at this point. It depends ultimately on the design and where the driveway entrances are located, where the doors are and those kinds of things, so it is certainly something that would be addressed. Councilwoman Busted said that we would have to move people from those two Borough properties safely and efficiently. Councilman Bartelloni said that the committee had some preliminary conversations with the proper architects in terms of using landscaping as well as the positioning of the driveways, so that people are less incline to try and cross Continental instead of using the crosswalks, this would direct people towards that. Mayor Mignone further explained that if the current concept stays where the current American Legion is that will be grass, there wouldn't be a driveway there. This is all preliminary but its part of a plan. Councilwoman Busted said Mayor Mignone was obviously familiar with DMR and asked if they have done other projects similar to this, Mayor Mignone replied they have done numerous project similar to this, and we have their qualifications, the Clerk has the hard copy. Mr. Sarlo stated that if there is any legal interaction with this firm, really there is none unless you want the contract reviewed, he would have to recuse himself. It's a family member that is Vice-President and General Counsel there. He wouldn't have to recuse himself from the entire program, but any interaction with them he would have to. Mayor Mignone went on to say DMR is eminently qualified to do kind of project or similarly built. Ours admittedly is a quite modest, most firms deal with bigger facilities. They certainly have the expertise and the vision. If you look at some of their designs you will find their architecture very traditional and it will suit and match the look of River Edge and the Library. They do work for many, many municipalities, they are right now doing all the redevelopment work in Hackensack. Councilman Chinigo has a quick question asking if we as a council had reached out to the Library Director or the Board for input because they have asked him several times about what's going on. Mayor Mignone's response was that this process has been ongoing for five years and everybody has had their opportunity, we have had surveys, we've had informal meetings, and part of the finalizing will a review... Councilman Chinigo said they seem to be in the dark, that is what he is being told. Mayor Mignone said he would respectfully disagree because this has been talked about since 2010, and in fact he ran in 2010 with this exact same concept that we are talking about now. Councilman Chinigo replied that everything we have looked we have been going since 2010, the concept that Councilman Papaleo has been talking about, Mayor Mignone replied yes that's been the concept and the Library is a stakeholder like the other groups and when we do the final programming we will be touching base with them again and making sure all their questions are answered, all their concerned are addressed, and we want consensus on a project like this, we want broad consensus because otherwise it's not going to work. That is how we have been trying to approach it, not make it piece meal, not make it political, not make it one group against the other, because that is a recipe for disaster or failure, so this moves us lightyears ahead and actually makes close to reality as we have been in the past five years, seven years.

There was a motion to move the Consent Agenda

Motion by Councilman Papaleo, second by Councilwoman Davis to approve.

MAYOR'S REPORT

1. **Cherry Blossom Park Fence** – Mayor Mignone reported that after all this came up about removing it he went back to the original plan and looked at the survey of the property and confirmed that the fence is actually 2 or 3 feet on the Board of Education property. He communicated this to the Board President who spoke with the Superintendent, making them aware of that. They were supposed to have a meeting today with Mr. Lyons, who has been out on medical leave but was supposed to return today, and they were to discuss what they want to do with it. It is in their hands now. Councilman Papaleo said that he believed Councilman Acquafredda is going to also be in touch with them, he has some feeling about the fence. He is the liaison and will reach out to them and will be having some conversations with them that was conveyed to him.

FOR DISCUSSION

4. **Senior/Community Center** – Done.
3. **Combined Zoning/Planning Board** – Mayor Mignone reminded everyone that Councilman Acquafredda has suggested at the last meeting we considered looking at having a single Land Use Board and Mr. Negreann had requested information from the Zoning Board Secretary regarding the number of applications. He thought that was helpful, but he doesn't know if that's (inaudible) or if that's a reason why you would or wouldn't do something like this because we all know one year you might have one or two applications and the next year you might have fifteen. To say that past history is predicative of the future you don't know that but he thinks there are certain significant efficiencies that would be accommodated by doing this and right now we have Nicole Florio who works as the Zoning Board Secretary, Planning Board Secretary, and she also works for the Tax Assessor, she is with actually three departments, so if we did have a single Land Use Board, Nicole just would be dealing with one Chairperson instead of two, one Attorney instead of two, 13 Board Members instead of 22, one agenda, it would make it easier for her to handle publications and public notices and things of that nature. The Recording Secretary would just have just 2 meetings rather than 3, again pairing one set of Minutes to a common standard for one Board. This would allow us the opportunity to come up with, even though we have been working on this but haven't advanced on it, a more simplified and lack of a better term professional application package. Our forms leave a lot to be desired in terms of the way our check lists are developed and the way we handle applications in general. Mayor Mignone also thinks that this will promote better planning on the Borough because now the Planning Board would be looking at the zoning applications and he thinks the Planning Board would be making a direct analysis a direct comparison as to whether these applications are consist with the Master Plan. He also thought it would lead us to decide whether, it would make it more obvious to the Planning Board if there are areas of the Zoning Board that needs to be changed. He also felt it provided better insight to the Planning Board overall for Borough planning. He also believes it just streamlines the process for residents and future developers. Based on that there are numerous towns that have done this and obviously the Legislator has encouraged this, because over the years it has said increased the threshold for towns' population to do without having to go to a referendum. It started out he believes, when the Legislator's law was first codified back in the 70's and population were under 2500, then it went to 7,000, then 10,000, now it's 15,000. Many towns have been doing it and for the most part in his experience with them is they work well. The only caveat in the law is that when there what they call a D variance in zoning, generally a use variance expansion not for conformance use a structure, height variance over 10%, density, not

complying with a conditional use is one more maybe, that himself as Mayor and Councilman Acquafredda as a Class III Member are not allowed to participate in that relegating the nine members of the Board to seven which is a standard Zoning Board size and per Land Use Law for a D variance you need five affirmative votes of a seven member board, so its set up to do that. Mayor Mignone thinks it is certainly worth us considering and moving forward with. It would require just an ordinance change, essentially the power, Mr. Sarlo can jump if he wants, we are not necessarily abolishing a board what the Legislator says is that the Planning Board assumes the Zoning powers. Mr. Sarlo agreed with that statement. Councilwoman Davis asked if there was different training, Mayor Mignone said the only difference with Zoning is the D variance because Planning usually doesn't get involved with, but they would certainly have to get that part of the training. We either move forward and list for introduction or move on it later. A motion was made to list combining the Planning and Zoning Boards together at the next meeting. He definitely felt there was an economy scale here and you do that more comprehensive approach to land use in the Borough by combing the two boards. Our neighbors to the north did it and we can see that it does work. Mayor Mignone said he would not want to say that cost savings is the driver because it is not necessarily the cost. Councilman Bartelloni agreed and he also thought it was the comprehensiveness. Mayor Mignone believed that was the major benefit to it. For the public a lot of time you will hear you going to save to and he would not want people to think that we are going to be saving tens of thousands of dollars doing this. Right now the compensation for our board professionals is pretty modest and isn't expected to change.

Motion by Councilman Bartelloni, second by Councilwoman Davis to approve.
All in favor 5-0

Councilwoman Busted agreed with everything but she hadn't heard why we wouldn't do this and addressed Mr. Sarlo. Mr. Sarlo stated that they have done it in his town and had no problems and it created efficiency. There is a cost savings, but he agrees with the Mayor it is minimal. A lot of towns are going to, the other thing is getting volunteers to do it and that are qualified, and really want to put the time in. We have had a problem with it and the towns that he has appeared before as an attorney representing the applicants in those type of boards he has had no issues at all. Mayor Mignone said he didn't have a chance to go through earlier years we had gotten, Nicole did a good job, but he actually went back and pulled old resolutions to see what some of them where specifically about. Between 2011 and 2014 we did not have any D variance applications, which means they are all bulk variances basically they would have been a house addition, a fence, a pool, a lot driveway issues, such as people coming in to expand their driveways have to go through the Zoning Board and 2016 they had 10 applications and out of the 10, 4 were for driveways, 1 was a backyard shed a little bit bigger than allowed, 1 pool, we had 2 small additions in the rear, 1 deck, 1 kitchen expansion, and we had what they call 2 sufficient applications, one was a tear down house that was rebuilt and required a D variance in height, and the other one was property on River Edge Road which was non-conforming use, non-conforming structure. Out of all of them we only had a handful of D variances. The Planning Board members may not be happy because they will have extra applications but in terms of, particularly in terms of once we saw 3 or 4 of these driveway applications I would hope the Planning Board would say ok let's try to look at a way to modify the ordinance so people don't have to go through the whole planning process to add 8 feet of paved area for a 2nd car.

2. **Ordinance on Abandoned Properties** – Mayor Mignone stated that the Clerk has distributed a copy of the last revised ordinance to the council and Mr. Sarlo was asked to

split out the vacant property versus abandoned property because we were getting up in some of the semantics about vacant properties, so we will just deal with abandoned properties right now which will cover most of these foreclosures cases like the one we had Mr. Getter testify to last time. Mr. Sarlo said he circulate it and made his revises at the end of November and his notes reflect that because there was going to be a potential change over in council we didn't want to do any introductions until 2017. We did partice it out and we are only focusing on the abandoned buildings which are mostly the foreclosure homes, unless there are any changes you have the revisions, and you would like an opportunity to look at it, on his end its ready for introduction. Mayor Mignone felt it was ready for introduction also, along with Councilman Papaleo, and Councilwoman Davis. A motion was made to introduce this ordinance at the next meeting.

Motion by Councilman Bartelloni, second by Councilwoman Busted to approve.
All in favor 5-0

7. **Library Grant Application for a Secure Charging Station** – Mr. Negreann explained that the Library Director indicated that he would like to make an application for this. We generally require a resolution to the Mayor and Council to make the application. He has also provided information to you for any additional cost which doesn't seem like anything of sufficiency and this would be a service to the general public to allow them to place their units into this charging station and recharge. He said it basically plugs into an outlet there isn't much maintenance. Mr. Negreann would like to get authority to put the resolution on for the next meeting. Councilman Papaleo voiced his concern about having to move it and if that would be an issue. Mayor Mignone said they are pretty mobile, he is attending a class at Rutgers and there is one in the hallway that just plugs in. Councilwoman Davis said she has seen them at convention. Councilman Papaleo said that from he read he wasn't certain that we would want to postpone but if that's not a problem than he supports it. Councilman Bartelloni asked if it went into a standard outlet and Mayor Mignone said that one he saw is like expansion with a shelf on it with different connections, he doesn't know what amps it draws but it isn't that much. Councilman Bartelloni said it is amazing that your phone and stuff doesn't require that much electricity. A motion was made to for the Library's Grant Application for a Secure Charging Station resolution be placed on the next meeting's agenda.

Motion by Councilman Papaleo, second by Councilman Chinigo to approve.
All in favor 5-0

6. **Fees for Tattoo Parlors** – Mayor Mignone felt it was premature, right now it is not a permitted use for our zoning, so if it's not a permitted use he doesn't see a need to address something that is not permitted at this point. If in the future it becomes necessary think we can address it but to do before hand before we have a need to he doesn't see a rationale, that's his personal feeling on it. Councilman Papaleo felt it was questionable to create fees for something that we don't permit. Mayor Mignone said it was sort of a nuance of the zoning code, if it's not prohibited but it's not permitted. It interesting all the redevelopment plans we have make it a prohibited use for some reason, that and a couple of other things. This is just something we will address when and if we need to. The Mayor asked if there was any further discussion, seeing none moved to next topic.
8. **Amend Chapter 222 of the Borough Ordinance Giving the Borough Clerk Issuing Authority for Raffle Licenses and Chapter 136 – Block Parties Serving Alcohol** – Mayor Mignone asked the Clerk to update this request regarding raffle licenses. The

Clerk explained that the process is a requestor drops off a raffle license application, she send a copy to the police dept. for review and waits for approval or denial. If approved a resolution goes before Mayor and Council. After the resolution is voted upon, the Clerk will send out the application with the resolution to Legalized Games of Chance Control Commission, and start the wait of the required 15 business days before releasing the raffle license number. Depending upon when the raffle is being held the timing of this may prove to be difficult since we are holding a public meeting only once a month. If the Clerk is the issue authority the process is much quicker. The majority of municipalities have their Clerks as the issuing authority for licenses. Mayor Mignone asked Mr. Sarlo if this was a common practice and his reply was yes it is very common practice and River Edge is in the minority on this one.

Mayor Mignone thought the Block Parties was something that should be handled administratively and is that something that could be handled this way or not. Mr. Sarlo felt we didn't have that many and we were serving alcohol he would prefer that it remain as a resolution for Mayor and Council. Mayor Mignone asked even though the police dept. reviews every application and we have standards, Mr. Sarlo said it a matter of preferences, Mayor Mignone there is also an appeals process, (simultaneous conversation) Mr. Sarlo asked if we got a lot of them, Mayor Mignone stated about a dozen, and Mr. Sarlo said that was a lot, Councilwoman Busted asked if they were often last minute. Mr. Sarlo said to try it, put it in there amend this and see if it works. Mayor Mignone said he is comfortable if there is an appeals process that if someone disagrees with the Clerk issuing something or questions something, they can appeal to the Mayor and Council to review it. Mr. Sarlo will change both ordinances as the Clerk being the issuing the authority with an appeal process appearing before the Mayor and Council with a concern or issue. A motion was made to list both ordinances at the next meeting.

Motion by Councilman Bartelloni, second by Councilwoman Busted to approve.
All in favor 5-0.

Councilwoman Davis with permission exited the meeting @ 8:00 PM

1. **Hackensack Avenue Lot – Overnight Parking** – Mayor Mignone explained that Mr. DeRosa was approached by one of the commercial vehicle owners who had received a summons about allowing overnight parking in this lot. He felt that this was probably the best place you could do it, it's not going to affect any residents on its own and get a little bit of revenue out of it. We would have to come up with some guidelines, his concern is the timing, if someone has a commuter space, and they start at 5AM, trying to get them out by 5 that is the only area there may be some conflict. Councilman Papaleo said this is something that the want the police dept. to speak because when you have overnight parking you can have many, he would worry about nefarious uses, if people know that cars can be there overnight they might stop by for different sort of liaisons, so would we install in lighting to make sure it was brightly light. He just thinks the police dept. should chime in on this, he wouldn't be comfortable voting on this until he heard from them. Mayor Mignone said that wouldn't the expectation, it was just to bring up the concept and figure out if it was something that can work. Mr. DeRosa was asked by at least 1 resident. Councilman Papaleo said that right now at the lease the police see that if there is a vehicle in the lot they know it's not supposed to be there. Councilman Bartelloni said he would talk to Chief Cariddi. Mayor Mignone said that maybe we'll see if there are other towns who have similar ordinances and what they require.

5. **Resolution of Support in Designating the Hackensack River as a Superfund Site –**

Councilwoman Busted made referred to the handout with the resolution from Oradell that the Clerk distributed in support of the EPA's findings to encourage that the EPA declare the Hackensack River a Superfund Site to accelerate the clean up along with some press articles that were out recently. She is asking the Mayor and Council to consider passing a similar ordinance as Oradell and Hackensack have done as well as some others along the Hackensack have done. She understands that we have some properties along the Hackensack that are listed by the EPA and she doesn't see why that would impact us showing support for the findings that the EPA has released. Mayor Mignone said we wouldn't want them coming to us looking to pay for the cleanup. He thinks it's premature, he thinks there are errors in the article. They keep referring to the samples that were taken in September, they have not be published and he doesn't know why they keep talking about results. The results they are referring to is data that is from 1999 - 2006 and that was what was used for preliminary assessment. They did take samples over last summer, like he said they finished last September, and a far as he can find on the EPA website or DEP website or anywhere any kind of, Rutgers or any kind of academic website he doesn't see those results. Furthermore the samples they did take were limited between mouth of Newark Bay and they didn't even go up all the way to Overpeck Creek because most of the contamination is in that stretch. They keep saying that the whole 22 miles is contaminated but there is no evidence of that, they haven't released the sample yet, not saying they may not be up this way but most of contamination are between where there are listed Superfunds Sites. Particularly by Berry's Creek and there are a couple of other facilities down that way. He would be curious to see and again when he looked the Riverkeeper had an article in their newsletter that keeps saying that they gave the Hackensack River a hazard racking of 50, he doesn't find that in any literature, he finds that they gave Berry's Creek a 50, but Berry's Creek isn't the same study. He would want to get some more information and see where, because apparently they may have taken more samples upstream to see what we are dealing with from up here. The site investigation they refer to in the preliminary assessment that the EPA did was basically just a site reconnaissance when they said they were looking to identify sampling sites and they were the ones who said there was no, and he doesn't think anyone has reported there is any contamination of the water column at this point they all thinks it's buried sediment. He just wants to be careful because he doesn't want to give the impress to the public that we have a running Love Cannel next to the Swim Club, particularly when we have river cleanups and we have people going in with canoes and taking water out with them. He would prefer to be a little more cautious and to be honest he can't speak to bureaucratic issues he doesn't see how if EPA wants to designate it as a Superfund Site how the DEP can say no. He just doesn't see logically or legally how that would work, the State doesn't have to list it as a State Site, but the EPA had no problems listing other sites. If it would demonstrate there are issues further north it maybe something we would like to consider but his reading of it is that there's a little bit too much being represented and not enough firm science as people like to say at this point but it's up to the council. Councilman Papaleo stated everything the Mayor said was well spoken and he sees his point but resolution of support he thinks simply encourages the EPA and DEP to keep it on their radar or to review it, and if there is a need than they act on their own regardless of our resolution of support. He sees the resolution as a positive thing, a proactive thing, he would support what Councilwoman Busted has said and he certainly understands and agrees with all the Mayor has said and an ounce of prevention is worth a pound of cure and he also thinks that it is a good idea to support the resolution. They certainly aren't going to declare it a Superfund Site if there is not just cause, the Federal government does not move quickly with these sort of issues so this is just encouraging the Federal government to continue to keep the Hackensack

River on its radar and he thinks that a good idea. A motion was made to support Oradell's resolution with a resolution from River Edge at the next meeting.

Motion by Councilwoman Busteed, second by Councilman Papaleo to approve.
All in favor 4-0

Councilman Bartelloni wanted to say that as a citizen of New Jersey and Bergen County, and someone who spent a lot of time on the Passaic River and the Raritan River as a kid, he was on the crew team in high school, he didn't actually swim in the Passaic River. He certainly enjoys rivers, streams, and lakes so on that front, and he did work while in law school as part of the environmental law clinic for the Riverkeeper, so he definitely isn't opposed to that as a citizen as a larger area and he guesses our Congressman and his letter to the EPA he has that larger he guesses has that larger delegation of authority and broader scope of view but his concern is as a Councilman of River Edge and a citizen of River Edge the potential to get swooped into any potential litigation that may come down the road as they try and determine responsible parties, that is his only concern. Mayor Mignone stated he agrees with that point, but his other point is its being sensationalized when they say 22 miles is contaminated. The laserdells may well prove to show that but we haven't seen that data but the report they are basing it off of does not show that, it shows all the contamination is from Overpeck Creek to the south. To make it should more than that and not having the data to publicly justify it that is where he has an issue. As he said maybe the data will show that and we may be more proactive if it's up here but right now, he has done this kind of studies, he has worked on the GE case on the upper Hudson in a previous profession incarnation, he has done a lot of this sampling work and the other thing people don't understand is the nuance don't because something is there doesn't necessarily mean it's dangerous, it depends on the levels, the use, and he thinks to create concern that may not be warranted that is his fear. He isn't saying this may be something that requires a lot of attention, but he just knows we are not at that point yet. He would just caution council to be very cautious in the wording of the resolution so it addresses what the state of affairs are today not necessarily affecting what we don't know. Councilwoman Busteed said she would just add whether just our community residents are going to be impacted by potential or existing contamination like our neighbors to the south are, we are all one community and we need to look out for one and other and us as a council saying we support what the EPA is saying and we want to see funds go to clean up this river that is more negatively impacting our friends to the south of us is not a bad thing. Mayor Mignone stated his point is that the EPA hasn't said that yet, there is no press release, no findings from the EPA at this point, and he hasn't found anything coming from the EPA that says this. They have a preliminary assessment, exactly what that means and it was not based on real data, they subsequently did that and he is sure that if supports their preliminary assessment than that will be released, but they have not done that at this point. He doesn't know where people are getting their information from because it is not publicly available. If the Congressmen, or the Riverkeeper has it send it to us he would like to see it because as he said it is especially something he finds interesting. Councilman Bartelloni stated his only concern was later on down the road because it's not with Superfunds Sites the EPA goes after the responsible parties and they make the pay for the cost. It not like its funded through the federal taxes, it's the responsible party, he is just, its largely an academic discussion, there are 105 Superfund Sites in New Jersey and they only cleaned up 30 to date in the last 40 years, Superfund came in 1982. Councilwoman Busteed stated we either pass a resolution support this or we don't they are going to come looking for responsible parties.(simultaneous talking) Councilman Papaleo stated that if we are the responsible

party we are the responsible party and if we're not we're not. We are just simply saying that we think it's a good idea especially given the history of the Hackensack River he doesn't see how it impacts negatively on the citizens of River Edge for the EPA for us to simply say that if there is a problem in the Hackensack River if there is problem upstream or downstream we think they should look into and he thinks our concerns about fresh water, maybe this concern is because he is a teacher, but lead in water and people have been trying to say isn't a big deal or a big problem but the school he was in they shut down four water fountains and they had to re-pipe them. He doesn't think there is a harm in simply saying we support the idea that we want to make sure the water is clean for our children. We don't even have the authority to approve this. Mayor Mignone asked where is the urgency at this point, Councilman Papaleo replied its not urgency, we are just simply saying it's a good idea. Mayor Mignone asked why not wait until there is more information, until they actually come out and see what the EPA says, the EPA has not said anything at this point (simultaneous talking) Mayor Mignone stated that it was being used as a political issue. People always want to talk about believing in the science, let's believe in the science when we get the science, we don't have it. It's interesting because the other issue our neighbors in the south are having is that a side from all the problems with potential sediments issues, Hackensack is one of three Bergen County communities which has combined sewers and the EPA has made this a major issue where three or four towns in this county will probably pay hundreds of millions of dollars of upgrades. Hackensack's position is yes we have combined sewers but it palls in comparison to quality of the Hackensack River as it is now. That is something that he has always advocated, address your main problems first. So if industrial contamination is your main issue sure that should be addressed first and not force towns to spend hundreds of millions of dollars doing something which is would have a marginal, he isn't saying wouldn't have an environmental benefit of itself, but marginal you have to put in context with what you what your receiving water is now. All he is saying is as it stands now there is not final report from the EPA and he doesn't know if political pressure is the way for the EPA to do something and the 3rd point is towards Councilman Bartelloni, even if they do list it he doesn't know how it becomes funded. That is the issue with Superfunds since 1980, we all know that because guys like him, goes to the attorneys not the clean ups. Councilman Bartelloni stated that the Mayor was right and that if you ever go to a case management conference on an environmental issue its 50-60 lawyers in a room and not much else gets done. He hasn't seen the language of the resolution, so to that extent he would like to see it, put it on and maybe we could talk about it. A motion was made to list this resolution at the next meeting.

Motion by Councilwoman Busteed, second by Councilman Papaleo to approve.
All in favor 4-0

UNFINISHED BUSINESS

- **Grove Street** – Mayor Mignone stated that two parking spaces were added and asked if anyone had taken the permits, the Clerk replied not yet.
- **Borough of River Edge Senior/Community Center** –
- **Shade Tree Commission** –
- **Sidewalk and Curb Responsibility** –
Mayor Mignone stated that there was any update with the Shade Tree or the Sidewalk issues. Councilman Papaleo said no Shade Tree just meet, he has his notes and he was going to briefly talk about their meetings during the Council Comments. There is nothing major there.

Mayor Mignone asked if there was any other old business, and Councilman Papaleo said

yes he wanted to talk briefly, just give census to the council, he thinks our holiday snow flake lighting along Kinderkamack and Main was a big plus and he was just wondering if the council has an opinion about did we leave it up to long, did we not leave it up long enough. He though the lighting was great to extend it because it really is winter lighting and he thinks a lot of people liked it. He did hear a few people who expressed some concern about it coming down, but he thinks they felt it was holiday lighting. He doesn't know if the council has only opinion because right now Beautification and DPW are both making that decision on when they come down. He doesn't think they came down to early or too late. Mayor Mignone agreed and thought things like the tree and other decorations you want those down in a timely fashion after the holiday, which we do, and as I tell John Lynch every year there is any mandated time, it's based on the weather and his availability of his men, and people are not happy if it takes an extra week or so that's the way it has to be. If we have 15° after New Year's and there is no imperative for John to make his men take those things down. He thought it was nice to keep them up a little bit after the holiday season too, with the except of the ones down at New Bridge Landing they don't cost anything because they are on unmetered poles, we pay the tariff flat rate, no matter if we use one light or thousand lights on it, so it's not an issue of frivolousness spending of taxpayers money. He looks closely and likes to review the situation down at New Bridge because we would have to look at the cost to see whether it's cheaper to have those to continue to be metered and we pay the bills or switch them to be unmetered and just pay the flat tariff, that's minimal, there's only a few that effected. He doesn't have a problem keeping them up a little longer, whatever we decide that is, that can be up to Beautification, or if the council wants to come up with a time frame. Councilman Papaleo stated right we are leaving up to the Beautification and DPW and their best judgement and the weather, it worked this year and he was thinking we could leave that way for now. Mayor Mignone agreed and stated that he only had one snarky email about it so that's not so bad, one of many various issues isn't so bad. He explained to the gentleman all the points we just made and he hoped that satisfied that person and he didn't get any negative comments on them and everyone was positive on them at least to him.

NEW BUSINESS

PAYMENT OF BILLS –

Resolution #17-126

By: Councilman Bartelloni **2nd:** Councilman Chinigo **RC:** 4-0

OPEN PUBLIC HEARING

By: Councilman Chinigo **2nd:** Councilman Bartelloni **RC:** 4-0

Joseph Zemaite, President PBA, Local 201 – He stated he was back again to discuss a previous vote on February 21, 2017 meeting there was vote on Resolution # 17-88 which extended the list for promotion for sergeant in the police dept. for an additional three months. The PBA already went on the record at a previous meeting stating our opinion that the list should have been left to expire. At the February 21, 2017 meeting Superior Officer Association President Curt Wilhelm wanted to speak to this but was asked to stand down by Council President Papaleo who was chairing the meeting at the time because it did not pertain specifically to the ordinance on the Table of Organization of the Police Dept. He was told there would another opportunity to speak during the meeting but unfortunately the time to speak was after the resolution was already voted on, so we are here tonight. He wanted to time tonight to review a few key elements, throughout his tenure with the River Edge Police Dept. he has seen multiple promotional lists be made and the respective protocol has been used. Throughout this tenure no list has ever been extended past

the year it went into effect plus one additional year, not a new hire list, not a sergeant's list, not a lieutenants lists. In this particular case it has been approved for an additional three months and the PBA would like to know why now, what's the exception, and what makes this different. He would like to discuss the usage of past practice, whenever the PBA has a concern about a policy that has been handed down from the Chief of Police and it goes to a grievance hearing in front of the Borough Administrator, the Borough Administrator relies on past practices on what decisions should be made. If for whatever reason the Borough Administrator does not make a decision the Public Employee Relations Commission better known as PERC will decide and many times they also will rely on past practice. In the nine years he has been a police officer with this dept. never has a list been extended past the one year extension mark, this would be past practice. As an example when Sergeant Abate was up on the list in August of 2012, Patrolman Abate at the time, went to the Chief specifically to ask him for an additional extension, he asked for the extension due to fact that Lieutenant Curran had made it known he was going to retire in August in 2013, therefore a space would have been freed up. He was told by the Chief it could not be extended because a new member had become eligible, that member was Dennis Griffith. In this case in March of 2016 the list was up for renewal and Daniel Lee was eligible, and he would like to note that Daniel Lee was eligible prior to the test being given just not at the time of certification of who would be eligible. In sticking with past practice though of one extension the list was extended for one year, fast forward to March 2017, not only has Daniel Lee been eligible but during this time period both Renata Sanches and Anthony Roman have become eligible as well. On February 21, 2017 this Mayor and Council decided to part ways with past practices and decided to extend the promotional list past the additional year extension for an additional three months. Again the PBA would like to know why, why now, what's the exception, and what makes this different. If the decision was not based on past practices how was it made, we are also under the impression on the failing of Ordinance 17-4 the Police Dept. Table of Organization there isn't a spot for a sergeant to be filled, so why now. As with anything that seeks to get passed, approved, or voted on within the borough the issue of cost is an important factor. The cost of the test for the number of members that would be eligible to take the new test is \$2,100.00 in total. He thinks this is an important clarification to make because he left a previous meeting where cost was discussed thinking each test that was distributed would cost \$2,000.00, that would be upwards of \$16,000.00 to give the test, that's not the case. It is \$2,100.00 as a total cost up to ten participants to take the test, additional participants would raise the cost approximately \$600-\$700. Other than the cost to take the test there is no mandatory cost that the borough must pay for out-of-pocket to go through the process. Based on the promotional policy ordinance as it is written the borough is not even required to give a written test. The PBA understands the Mayor and Council puts great weight into the Chief's opinion on these matters or decisions as he is the Chief of Police in this town. As the River Edge PBA Local 201 President he wants to make mention to the Mayor and Council that their membership now stands at 24 including the Chief it would be at 25. The membership includes members with rank specifically two lieutenants who each have twenty-nine years of service to the River Edge Police Dept., five sergeants with upwards of one-hundred years of combined services with the River Edge Police Dept. The majority of our membership agreed with failure of Ordinance 17-4 and also feel strongly that the promotional list should have expired. We feel it imperative that the Mayor and Council consider the PBA position and our opinion in this matters just as critically as they do when they consider the Chief's, as the PBA is encompassing as of the many years of experience that the members have. There is one word the membership of the River Edge PBA Local 201 is looking for from this department and Mayor and Council its consistency, when there is consistency in the way things are administered and tasks are executed and most importantly when there is consistency in the way promotions are handled it will make for a lot less questions, a lot less, a lot less uncertainty, and certainly a much smaller chance for potential liability. Speaking on behalf of PBA 201 we appreciate you taking the time to listen and once

again we hope we can move towards an amicable solution.

Mr. Sarlo advised Mayor Mignone to close the public comment hearings before making any comments.

Michelle Cariddi, 193 Wayne Ave. – She asked if the fees or the tattoo parlor were not permitted. Mayor Mignone explained that it was not a permitted use under our zoning. If you look at our zoning, it's not common, we have very specific permitted uses, and it says basically if it says it not permitted than it's not permitted sometimes you will see ordinances actually have prohibited uses, we don't have that. It is just the way our ordinance was structured. You would have to appeal before the Zoning Board for a use variance.

CLOSE PUBLIC HEARING

By: Councilman Bartelloni **2nd:** Councilman Chinigo **RC:** 4-0

Mayor Mignone stated that he wasn't going to comment on Mr. Zemaites at this point. Mr. Sarlo agreed and said to wait until after the closing the public hearing to make any comments, it's a policy or procedure, there is no legal issues. Mayor Mignone asked if the council wanted to make comments, Mr. Sarlo yes, he's not prohibited anyone from making comments if they so choose.

Councilman Bartelloni felt that since half the department was here something may as well be said to them. He honestly doesn't know what the council plans on doing, he doesn't know where the ordinance stands, he doesn't know what's going to happen with promotion to a sergeant or not, it's a three month extension, and the council passed that resolution, and we will have to wait to see whether or not any action is done within those three months. Then if the council determines to extend it past that point, he doesn't know. Everything is very much up in the air. In terms of the ordinance itself, he appreciates what you are saying in terms of the written than he guesses as you talked about past practice it's his understanding that the past practice and ordinance includes this is that there is a psychological assessment included as well and while yes the ordinance says may doesn't say shall, his understanding is that the past practice does include that psychological assessment specifically to determine whether or not the candidate has the emotional or mental condition, any emotional or mental condition that might adversely affect the performance supervisory law enforcement duties. There are two components, there is a written test, and there is a psychological assessment, so all the candidates would have to undergo that psychological assessment as well, so there is that additional cost as well, it's not just the written test. There is that additional cost which the council has not budgeted for, you were here, you heard about the budget, there is no money in this budget for any type of psychological testing or written testing, regardless of the cost. He thinks that is why the council extended the list because there is no budget for that, he doesn't think it was ever considered. He doesn't know if that was the answer you want but he thinks maybe that's why the list was extended because that was no money in the budget to undergo any type of testing, psychological, written or otherwise.

MOTION TO RE-OPEN TO PUBLIC HEARING

By: Councilman Papaleo **2nd:** Councilman Bartelloni **RC:** 4-0

Joseph Zemaites stated that he wanted to clarify the point that Councilman Bartelloni was making. He appreciated what he said last time on the vote, that if it wasn't going to move forward it should die. Councilman Bartelloni said he stand by that, if no action is going to be taken by the council the list should die. Officer Zemaites said he appreciated that and again if the argument you are going to lean on is the past practice than it should be across the board on everything, if you are going to lean on it for the psychological aspect, if you are going to lean on it for the written aspect than it should be for the length of time that the test is good for and the only other piece that he would comment to as far as the psychological exam goes is that he

believes, he knows from attending Mayor and Council meetings last time that the council after initially approving the psychological assessment then tried to go back and rescind that aspect of the testing procedure at which time you now discussion ensued after it had gotten he didn't know if it had made it to getting past, but a discussion had ensued and it ended up getting pulled off the table but there was a discussion about not doing the psychological component on the last sergeant's exam. Just to add some context here to your comments and just to, if we are going to lean on it for one thing than it should be leaned on across the board.

CLOSE PUBLIC HEARING

BY: Councilman Papaleo **2nd:** Councilman Bartelloni **RC:** 4-0

Mayor Mignone addressed Officer Zemaites by saying the Councilman's point is that you heard no discussion tonight from the council so obviously there has been no discussion on how to proceed at this point, so that we where we are tonight.

Joseph Zemaites said his concern is just that what is the change and that nobody is giving an answer to that question.

Mayor Mignone relied in all due respect he doesn't know if we have an answer for that or if necessarily an answer has to be provided this evening. He thinks that if the ordinance doesn't prohibit something if past practices and he is just speaking for himself circumstances can change. He was not involved with that process as you are aware so he doesn't know what went into the discussions and we will see where things go forward and we will have to address it one step at a time.

Councilman Bartelloni explained again like he said he doesn't know where the ordinance stands, what's going to happen if anything and it's his opinion that if nothing happens the list should not be extended after that three months and it dies. It just may reach a natural death on its own in sixty days and it's already been thirty days, it may just reach a natural death in sixty days. As he said as he sits here tonight he can't tell you what the council thinks, where anything is going, what's going to happen. He doesn't know.

Councilman Papaleo believed it was extended he made the motion so that we could deal with one issue, which was the Table of Organization separate from any issue from of a need to act because the list was going to expire. That was also why he ruled that the Sergeant could not speak, because we were dealing with one action. He doesn't believe he has no desire to extend the list beyond it, he made that motion and said at the time on the record and on video that we should pass that motion simply so that we can deal with one issue, the Table of Organization, without any argument or fear or persuasion that we had to rush it through, that we had to do one thing in order to meet a dateline for the other and so as a compromise he said lets extend it for three months and when he said that he thinks he was clear but maybe he wasn't that he wasn't looking to extend it again. This was simply to allow one discussion about an ordinance to be a pure or clean discussion without being influenced or forced by another discussion. He stands behind that decision, it was a good decision, and he has no desire to extend the list again. He doesn't know what is going to happen with the Table of Organization but he would like to say again on the record as soon as it failed he moved for a consideration of a Table of Organization that would simply add the administrative sergeant's position for the council to consider at that time there was no support. In addition Mr. Sarlo said this is something that should come up in a work session and he knows that at least one council person is considering bring that ordinance back and has shared that with him. He would not be in favor of removing the Captain's position if the ordinance came back, he would be in favor of adding the Sergeant's position, but as he said multiple times on the record just because the administrative sergeant's position was added does not mean that he would vote necessarily to fill it. He thinks a Table of Organization as he is on

the record as saying is just that, it give flexibility to the council and to fill a position if the need arises. He not yet fully convinced, he has said this also privately and publicly that the administrative sergeant's position is fully justified and that is the function of a Table of Organization, it gives us a limit as to how many officers we can have and it gives us the flexibility that if there is a need we should feel it. He doesn't know if that fully answers the question but that has been his consistent positon.

MOTION TO ADJOURN THE WORK SESSION AT PM

By: Councilman Bartelloni **2nd:** Councilman Papaleo **RC:** 4-0

Stephanie Evans. RMC
Borough Clerk