

M I N U T E S
Meeting of the Mayor and Council
May 21, 2012
8:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 8:00 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

Mayor Moscaritolo called for a moment of silent prayer and asked Councilman Papaleo 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 effecting their interest is discussed or acted upon.

In accordance with this act the Mayor and Council of the Borough of River Edge have caused notice of this meeting to be published by having the date, time and place thereof posted in the Borough Hall and notices have been sent to the Record and the Ridgewood News.

The mission of this governing body is to provide essential services through the establishment and implementation of public policy that will safeguard our infrastructure, provide honest, courteous and professional services; and establish a sense of trust and accomplishment with our residents. Through research and prudent planning we seek to minimize risks while improving our services. We are sensitive to the needs of our taxpayers while realizing that this governing body cannot be all things to all people within the revenue constraints imposed by state mandates, economic conditions and prevailing attitudes about taxation.

ROLL CALL - Councilman Cordts, Councilman Mignone, Councilman Bartelloni, Councilman Papaleo and Mayor Moscaritolo; Councilman Porco and Councilwoman Murphy were absent.

APPROVAL OF MINUTES -

Motion by Councilman Papaleo, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council work session and regular meeting of May 7, 2012.

ROLL CALL VOTE: Councilman Bartelloni and Councilman Papaleo voted yes; Councilman Cordts and Councilman Mignone abstained and Councilman Porco and Councilwoman Murphy were absent. Motion did not pass.

PROCLAMATIONS & AWARDS - NONE

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilman Cordts, seconded by Councilman Mignone to approve the salary change of Mary Anne Guiliano, Youth Services Librarian, for an additional \$2,000.00 due to an annual waiver of health benefits as per Section III, Subject IV of the Personnel Policy and Procedure Manual, effective January 1, 2012.

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

CORRESPONDENCE -

Letter	-	Bergen County Police Chiefs - 5/7/12 Re: Important Considerations for Policy Makers for Mergers and Shared Services
Notice	-	R.E. Planning Board - 5/7/12 Hearing on Amended Site Plan for 1035-1077 Main Street
Letter	-	EnviroTrac - 5/7/12 Re: Notice of Environmental Remedial Activities - 525 Hackensack Avenue
Letter	-	Eugene Austin - 5/9/12 Re: Thank you to Police and Fire Depts.

Letter - Robert Nafash - 5/9/12
 Re: Fire Siren
 Notice - River Edge Board of Education - 5/11/12
 Re: Meeting Notice May 16, 2012
 Letter - New Jersey Legislature - 5/11/12
 Re: Property Tax Relief
 Letter - Cablevision - 5/17/12
 RE: Digital Transition Project in NJ Systems

LIAISON REPORTS -

Councilwoman Murphy - Liaison to Shade Tree Commission, Library, Senior Citizens co-liaison, Technology Committee, July 4th Committee, New Milford/River Edge Shared Services Committee. - was absent

Councilman Cordts - Liaison to DPW, Beautification Committee, Traffic & Safety Committee, New Milford/River Edge Shared Services Committee, Oradell/River Edge Shared Services Committee - reported that he attended his first Beautification Committee meeting and commended them for their hard work and informed everyone that they started to do some town wide plantings. He also reported that the Shared Services Sub-Committee attended a meeting with representatives from Oradell and discussed compiling information for the following departments: Court, Code Enforcement, Dispatching and Building Department. He plans to set up a meeting with the DPW and Recreation departments to look at costs, overlapping positions and try to streamline things to cut costs and keep the labor under control.

Councilman Porco - Chairman to the Technology Committee - was absent.

Councilman Mignone - Liaison to Police Dept., Environmental Protection Commission, Green Team, Planning Board - reported that the River Clean-up took place on Sunday and thanked Greg Ogden, Peg White and Fred Newman for spearheading this worthwhile event. He also reported that the Green Team will be meeting on Wednesday to discuss whether they will pursue the Sustainable New Jersey Program re-certification. He explained that the certification will expire at the end of the year and how difficult the re-certification process is at this time. He stated that the Green Team has to weigh whether it's worth the time and effort because the promised benefits to certified towns has never come through. He reported that two applications were approved last week at the Planning Board; a Seven Eleven and a modified site plan for Huffman Koos. Councilman Mignone feels that both projects are important to the revitalization of the town.

Councilman Bartelloni - Liaison to Recreation Commission, River Edge and River Dell Schools, July 4th Committee, Senior Citizen co-liaison - reported that the Recreation Commission met last Wednesday and a discussion took place on whether or not to allow the Cultural Center to display 6 new cars on the pathways at Memorial Park during their car show. The Recreation Commission voted to allow the cars to be parked on the pathways with the requirement that the Cultural Center post a bond of \$2,000.00 in case there is any damage or need for clean-up. An issue about running extension cords from the Pavilion was brought up because in the past they used power from the American Legion. The topic of a Special Events Committee was also brought up and the consensus was favorable. The Commission did have for a concern regarding Bobbi's time because some thought this was a way to reduce her hours and responsibilities. He assured them that that was not the case. Councilman Bartelloni reported that the July 4th Committee met last week and sponsorship dollars have been somewhat light and hopes that more people will become sponsors. He stated that he and Kathleen Murphy will be reaching out to prior sponsors to remind them that the deadline is coming due if they want their name printed in the flyer for advertising. He informed everyone that the concert will be on July 3rd at 7:30 p.m. in Memorial Park and the parade will take place on July 4th at 11:00 a.m. He is still trying to get a dunk tank together and hopes that a few Council members would be willing to sit there for a half hour or so to get dunked.

Councilman Papaleo - Liaison to Fire/Fire Prevention, Construction Code Official, Property Maintenance, River Edge Alliance Against Alcohol & Drugs - reported that the Fire Department responded to 26 calls in April, totaling 106 calls to date. He gave the breakdown of the different types of calls that they responded to as well as the drills that were conducted. Councilman Papaleo reported that the Chairperson for the River Edge Alliance met with Alan and continues to work on where we are with the budget. The Alliance continues to receive requests from the Library and other sources for funding that has not been done but is being reviewed.

Mayor Moscaritolo - reported that he met with Kathleen Donovan and Ed Trawinski today and discussed different ideas regarding shared services and his pet project, the dog park. He had given the County Executive a petition signed by over two hundred local residents, resolutions from this Council, Oradell and Paramus in support of this park along with a map of a possible location that wouldn't affect residential homeowners in the vicinity. Ms. Donovan told the Mayor that she would get back to him in a week or so to let him know whether the County would move forward with this project. The Mayor explained that the County

has a large piece of equipment called a pothole filler which they are willing to loan out to municipalities. The only cost would be for materials. The Mayor also spoke to them about a GPS navigation system that we could piggy back on the County's contract which would be placed in municipal vehicles to monitor use and maintenance and would also obtain other pertinent information. The Mayor also spoke to the County Executive about the shape of our senior bus and she told him she would get back to him with information regarding the type of service the County bus provides. They also discussed a brine system which costs pennies to operate and cuts down on liability cases involving slip and falls on ice. The County Executive mentioned that some volunteer ambulance services are now hiring a third party billing company to bill for ambulance services which is generating a substantial amount of cash flow that the volunteer ambulance service can use and share with the municipality. The ambulance service and the town can set policies so that if you don't have insurance, it's still free but if you have insurance, the bill gets generated by the third party billing company and there is no balance billing to the resident. He feels that it is something that should be explored and suggests a meeting with members of REVAS to see if they are interested. The County Executive also spoke about the use of the Mahwah 911 Dispatch Center and how it is generating immediate savings to municipalities and will ask the Chief to look into it to see if that would be a way to save money. The Mayor also mentioned that he, Councilman Bartelloni and Councilman Cordts met with the Borough Administrator and Councilman Murphy of Oradell last week and had productive discussions on sharing services. The Mayor feels that one of the easiest services to take on would be to accept Oradell's leaves in the fall, grind them and sell the compost as we do now. The Mayor stated that Oradell spends a significant amount of money carting the leaves away and would be willing to pay us if we give them a discounted rate.

MONTHLY REPORTS -

Beautification Committee	-	April 2012
Library Board	-	April 2012

ORDINANCES - 1ST Reading

Councilman Mignone-stated that he thought we were going to limit the ordinance to street trees and not private trees.

Sam Cereste, Esq.-stated that we did discuss that, and after getting input from the Shade Tree Commission, they felt that it would be important to cover private trees especially in the process of a development and issuing building permits, etc.

Mayor Moscaritolo-stated that there is an exemption for trees on private property that are dangerous or need to be taken down.

Councilman Mignone-is concerned because if someone wants to put on an addition, they would be obligated to replace trees or post thousands of dollars in bonds.

Sam Cereste, Esq.-explained that that was not the intent.

Councilman Mignone-understands that it was not the intent, but he feels that it could happen under the ordinance as it reads now.

Mayor Moscaritolo-invited Liz Stewart and Jennifer Dougherty from the Shade Tree Commission to come up and join in on the discussion.

Councilman Mignone-asked for clarification on right of way issues and private property.

Jennifer Dougherty-explained that this ordinance pertains to large construction projects such as McMansions and not small construction or additions.

Councilman Mignone-again stated his concerns that the language is not clear.

Liz Stewart-stated that she was under the impression that legally they can't exempt them and explained that one way they can regulate it is through a permit. As each permit comes through they would determine if it is a small or large project.

Sam Cereste, Esq.-feels that the Shade Tree Commission is very much in tune with the concerns of our taxpayers and would like to see them given discretion over each project. Mr. Cereste continued by saying that basically they are looking at a way of finding out whether trees are going to be removed, which is tied into the building permit process so that there is an ability to address and evaluate. He feels that they should put confidence in the Shade Tree Commission because no one wants to put another burden on the taxpayer.

Councilman Mignone-is still concerned that the taxpayer will be burdened by having to get a survey or submit a tree replacement plan.

Sam Cereste, Esq.-explained many items that have been eliminated from previous drafts and feels that having the ability to monitor these conditions is just as important as the ultimate decision.

Mayor Moscaritolo-agreed with Sam and stated that the reason that it was included was so that they can keep an inventory of how many shade are lost every year.

Councilman Mignone-still has doubts about the way the language reads in this ordinance.

Sam Cereste, Esq.-explained that if someone doesn't agree with the Shade Tree Commission they could come before the Mayor and Council and make an appeal. He encouraged the Council to adopt this ordinance because they've met numerous times and made several changes. He believes that this is a good ordinance given all the factors in trying to be fair to the property owner as well as governing the street trees. Mr. Cereste stated that he added Section 10 and 11 because Bob

Byrnes made a suggestion that there should be more in the area of protection of trees. He gave several examples of some of the provisions that have been added.

Mayor Moscaritolo-stated that there was a question asked about what constitutes a right of way because originally, the definition said 25 feet from the center line of the roadway. He asked if that was taken out.

Sam Cereste, Esq.-replied yes, that was taken out and explained that typically a right of way is an area that is under the jurisdiction of the Borough which could be an easement. He continued by saying that it wouldn't be an encumbrance which is lien or impediment upon property but a right of way is passage way under the jurisdiction of the Borough.

Councilman Mignone-stated that the right of ways are listed on the tax map and depending on where the tree is located, there could be some debate whether it's on a right of way.

Councilman Cordts-stated that something like that recently happened to his neighbor who cut down a town tree thinking it was on her property.

Liz Stewart-stated that there aren't too many trees like that left in town but assured the Mayor and Council that they will work things out with the residents. She stated that they don't want to prevent people from doing construction but they also want to be able to save town trees.

Councilman Cordts-isn't sure if this is the right thing to do and is concerned that down the road, when new Shade Tree members get involved, they will interpret this language differently.

Jennifer Dougherty-again stressed that this ordinance is only for major construction not for small additions. She explained that many town trees did not survive after houses were torn down and feels that the Commission is actually looking out for the residents, not hindering the residents.

Councilman Mignone-agrees with that statement but doesn't understand why it has to be tied into private trees.

Liz Stewart-stated that the Mayor and Council asked them to put that language back in. She's feeling frustrated because they keep flip-flopping and would like them to make a decision. She continued by saying that most towns are doing this or have already done it and as volunteers, they really are going to concentrate on major construction.

Mayor Moscaritolo-asked if they have any changes to this ordinance.

Liz Stewart-replied, no we're good with the revision that came out this afternoon.

Councilman Bartelloni-stated that although he believes they would exercise their powers judiciously, legislation is not just written for today, it has to be written for the future as well. He's concerned that sometime in the future, a Shade Tree member may require everyone put a \$5,000 bond up no matter what size the project is.

Liz Stewart-stated that they could change the ordinance if they find that a large number of people were coming before the Council to appeal the Commission's decision. She hopes that they will give it a chance.

Sam Cereste-explained that he understands the concerns, but feels that it holds true for many of the Borough's ordinances as far as different interpretations. He again stated that he feels that they need to place confidence in the organization that's going to monitor this and if they feel its out of control, they have to address it as part of the legislative arm of the Borough.

Alan Negreann-stated that if there is no motion to introduce the ordinance tonight, he suggests that they go back into work session and have the discussion and deliberation over the ordinance until the Council is ready to introduce it.

BOROUGH OF RIVER EDGE
ORDINANCE #1765

AN ORDINANCE AMENDING CHAPTER 384, TREES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

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

Section I

§ 385-1 Purpose.

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

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

plans.

Section II

§ 385-2 Definitions.

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

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

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

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

ISA - means the International Society of Arboriculture.

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

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

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

Removal Plan - means a Protection and Removal Plan.

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

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

Shade Tree Replacement Fund - means "Trust Other Fund - Dedicated Shade Tree Commission Escrow Account." and is the dedicated depository account of the Shade Tree Commission for tree permit fees, tree replacement fees, expert fees and cash landscape bonds.

Section III

§ 385-3 Cutting or Removal Restricted.

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

Section IV

§ 385-4 Permit Required.

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

Section V

§ 385-5 Project Permit Application Process.

A. Project Permit Application Submission.

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

B. Application Contents.

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

1. The name and address of the owner of the land;

2. The description of the lands in question, including the lot and block numbers of the land as shown on the current Tax Map of the Borough of River Edge; a survey or plot plan locating public and private trees;

3. The purpose or reason for removing the tree(s);

4. The quantity, caliper size, location and species of tree(s) to be removed;

5. The proposed dates for commencement and completion of the project;

6. Name and address of the person having express charge, supervision, and/or control of the proposed removal of tree(s);

7. A statement granting permission to Borough officials or their employees to enter the premises and make surveys and inspections as the work progresses; and

8. A Tree Replacement Plan that includes quantity, caliper size, location and species of tree(s) to be replanted.

C. Jurisdiction

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

2. *The enforcement of this Ordinance shall be under the jurisdiction of the Shade Tree Commission.*

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

1. The Project Permit is granted; or

2. The Project Permit is granted subject to prescribed conditions attached to such notice; or

3. The Project Permit is denied, in which case the written notice shall state the reasons for such denial.

The determination and decision of the Shade Tree Commission shall be reviewable on written appeal to the Mayor and Council. Said appeal shall be filed within twenty-one (21) days of written notice of the decision of the Shade Tree Commission. The appeal before the Mayor and Council shall be a de novo hearing in which the Shade Tree Commission shall produce testimony concerning the denial of the Project Permit.

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

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

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

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

Section VI

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

A. Trees to be Removed		Replacement Trees	
Number of Trees tree	DBH (inches)	Number of Trees to be replaced	Caliper or Dollar Amount (inches)

1	4" to 11"	One (1)	2 to 2 ½	\$400
1	12" to 17"	Two (2)	2 to 2 ½	\$400
1	18" to 23"	Three (3)	2 to 2 ½	\$400
1	Greater than 24"	Four (4)	2 to 2 ½	\$400

B. The applicant shall post a performance or cash landscape bond to cover the cost of the replacement trees. Upon completion of the replacement tree mitigation, 80% of the bond shall be returned. The remaining 20% shall be held for twelve (12) months to assure survival of the trees. The entire bond shall be forfeited if the applicant fails to mitigate in a time period established in this ordinance. The tree replacement shall be completed within an eighteen (18) month period from issuance of the permit.

C. Weather permitting, the mitigation shall be completed upon issuance of a Certificate of Approval for the project or eighteen (18) months from issuance of the Project Permit, whichever sooner occurs.

Section VII

§ 385-7 Shade Tree Replacement Fund.

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

Section VIII

§ 385-8 Bonding Requirement (Street Trees)

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

Section IX

§ 385-9 Exemptions.

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

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

Section X

§ 385-10 Fees

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

A. Administration or Application Fee for the processing of each tree removal permit is \$25.00. Any subsequent application or request shall be subject to the same fee requirement.

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

Section XI

§ 385-11 Penalty.

Any person who violates any provisions of this ordinance shall be subject to a minimum fine of \$200.00 and a maximum fine of \$1,000.00 together with restitution for unlawful removal of trees.

Section XII

§ 385-12 Severability.

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

Section XIII

§ 385-13 Inconsistency.

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

Section XIV

§ 385-14 Effective Date.

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

Section XV

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

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk
Dated:

Jennifer Dougherty-stated that she is perplexed because she feels that they have worked very hard on this ordinance and have done everything the Mayor and Council has asked them to do. In this instance, the Council asked them to put private property back in and they did.

Mayor Moscaritolo-explained that the original version that Sam drafted had private property in it.

Councilman Bartelloni-commented that he thought it was supposed to be removed. Jennifer Dougherty-replied, we did.

Liz Stewart-stated that it's been so back and forth because other people got involved.

Jennifer Dougherty-stated that as a volunteer who has put a lot of time in on this ordinance, she finds the constant back and forth very upsetting.

Sam Cereste, Esq.-stated that in his personal practice with tree ordinances, he doesn't know of any town that doesn't regulate private trees.

Councilman Mignone-feels that if you want to protect the street trees, put an ordinance on to protect the street trees.

Councilman Bartelloni- stated that he will make a motion to approve the first reading if they strike the one paragraph.

Sam Cereste, Esq.-explained that private trees really governs the issuance of permits. It's not a matter of going on someone's property who just cut down a tree and telling them they have to post a \$5,000 bond. It's only when that person applies for a building permit, they would make an assessment if a tree is to be removed in conjunction with that permit. All that is being said is that whenever a permit is pulled, you must submit an application and there is a review process. That's all their asking for.

Councilman Bartelloni-gave a few examples of why this may not work.

Sam Cereste, Esq.-stated that nothing is fool proof.

Councilman Mignone-asked if it is legal to have a waiver for certain applications.

Mayor Moscaritolo-suggested that they introduce the ordinance and then amend it before it's adopted.

Motion by Councilman Papaleo, seconded by Councilman Cordts to approve the first reading of Ordinance #1765.

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

ORDINANCES - 2nd Reading - NONE

RESOLUTIONS - By Consent

Motion by Councilman Mignone, seconded by Councilman Bartelloni to approve resolution #12-181 through #12-196.

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

#12-181 Adopting 2012 Municipal Budget as Amended

WHEREAS, the 2012 Municipal Budget was approved by Resolution #12-111 on March 5, 2012; and

WHEREAS, in accordance with N.J.S.A. 40A:4-6, was advertised in THE RIDGEWOOD NEWSPAPER on March 16, 2012; and

WHEREAS, a public hearing on the budget was held on April 2, 2012; and

WHEREAS, the Budget was amended on April 17, 2012 via resolution #12-163, advertised on April 19, 2012 in THE RECORD with a hearing on April 23, 2012.

NOW, THEREFORE, BE IT RESOVLED that the Local Municipal Budget as Amended appropriating \$14,258,584.93 be hereby adopted for the fiscal year 2012.

May 21, 2012

#12-182 Amend 2012 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 Memorial Park Bench Program in the Recreation Department in the amount of \$1,000.00.

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 Memorial Park Bench Program.....\$1,000.00

BE IT FURTHER RESOLVED that the like sum of \$1,000.00 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 Memorial Park Bench Program.....\$1,000.00

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

May 21, 2012

#12-183 Resolution to Go Into Closed Session and Exclude Public on May 29, 2012 at 6:30 P.M.

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 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 May 29, 2012 meeting at 6:30 p.m. and discussion of the hereinafter specified subject matter:

<u>Closed Session Docket #</u>	<u>Item Title or Description</u>	<u>Statutory Reference</u>
12-5/29-1	Personnel - Interviews with Planning Professionals: Burgis Associates, Inc. Phillips Preiss Grygiel LLC Maser Consulting P.A Heyer, Gruel & Associates Remington, Vernick & Arango Engineers	N.J.S.A. 10:4-12(8)
12-5/29-2	Personnel - Hiring of Technical Assistant - Building Dept.	N.J.S.A. 10:4-12(8)

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.

May 21, 2012

#12-184 Amend 2012 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, revenues are on hand in the Grant Fund; and

State and Federal Grant Funds - Unappropriated

Drunk Driving Enforcement Fund.....\$3,143.55

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:

Drunk Driving Enforcement Fund.....\$3,143.55

BE IT FURTHER RESOLVED that the like sum of \$3,143.55 and the same is hereby appropriated under the caption of:

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

Drunk Driving Enforcement Fund.....\$3,143.55

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

May 21, 2012

#12-185 Amend 2012 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 deposit in its Unappropriated Reserve for State and Local Housing Grant in the amount of \$3,703.00.

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:

4. Miscellaneous Revenue - Section F

State/Local Cooperative Housing Grant.....\$3,703.00

BE IT FURTHER RESOLVED that the like sum of \$3,703.00 and the same is hereby appropriated under the caption of:

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

State/Local Cooperative Housing Grant.....\$3,703.00

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

May 21, 2012

#12-186 Amend 2012 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 grant for a Reserve for Clean Communities Grant Unappropriated in the amount of \$15,643.05.

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:

5. Miscellaneous Revenue - Section F

Clean Communities Grant.....\$15,643.05

BE IT FURTHER RESOLVED that the like sum of \$15,643.05 and the same is hereby appropriated under the caption of:

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

Clean Communities Grant.....\$15,643.05

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

May 21, 2012

#12-187 Authorize Clerk to Go Out to Bid for the Acquisition and Installation of the Public Safety Building Generator and Appurtenances Thereto

WHEREAS, the Borough of River Edge desires to go out for bid for the Acquisition and Installation of the Public Safety Building Generator and Appurtenances Thereto.

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

May 21, 2012

#12-188 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 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 May 21, 2012 meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session Docket #</u>	<u>Item Title or Description</u>	<u>Statutory Reference</u>
12-5/21-1	Litigation - Haggis v. River Edge, Daly v. River Edge	N.J.S.A. 10:4-12(7)

2. Any non-attorney client privilege communications will be released at the conclusion of the litigation subject of any orders of the court.

3. This resolution shall take effect immediately.

May 21, 2012

#12-189 Approval to Submit a Grant Application and Authorize Mayor, Administrator/CFO and Police Lieutenant to Sign "Drive Sober or Get Pulled Over 2012 Statewide Crackdown" Grant

WHEREAS, the Division of Highway Traffic Safety is offering \$4,400.00 in overtime enforcement grant funding to be utilized during the "Drive Sober or Get Pulled Over 2012 Statewide Crackdown" from August 17 - September 3, 2012.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby authorizes submission of an application for the above stated grant.

BE IT FURTHER RESOLVED, that the Mayor, Administrator/CFO and Police Lieutenant are hereby authorized to sign the New Jersey Division of High Traffic Safety's "Drive Sober or Get Pulled Over 2012 Statewide Crackdown" grant.

May 21, 2012

#12-190 Authorize Alan P. Spiniello, Esq. to Enter Into a Stipulation of Settlement with John and Jill McCabe, 87 Erskine Avenue, Block 1002, Lot 13

WHEREAS, Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey will handle the litigation of John & Jill McCabe v. Borough of River

Edge, Block 1002, Lot 13; and

WHEREAS, Alan Spiniello, Esq. has recommended stipulation in the above stated matters; and

WHEREAS, the Mayor and Council have considered this recommendation at their work session of May 21, 2012.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby authorize Alan Spiniello, Esq. to enter into a Stipulation of Settlement with an assessed value for calendar year 2010 of \$755,100; for the calendar year 2011 an assessed value of \$742,300. Appraisal Systems performed a town-wide reassessment for the calendar year 2012 and concluded an assessed value of \$642,800 and to our knowledge, the Plaintiff has not appealed that assessment.

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

May 21, 2012

#12-191 Resolution Supporting Assembly Bill #2977 Energy Tax Receipts
Property Tax Relief Aid (sponsored by Sarlo/Greenstein/Singleton)

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW THEFORE BE IT RESOLVED, by the Mayor and Governing Body of River Edge, that we join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

May 21, 2012

#12-192 Resolution of Support from Local Governing Body Authorizing the Sustainable Jersey Grant Funded by PSE&G

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of River Edge strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of River Edge is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by PSE&G.

THEREFORE, the Governing Body of the Borough of River Edge has determined that River Edge should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of River Edge, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by PSE&G.

May 21, 2012

#12-193 Authorize Tax Collector to Refund 2012 Tax Overpayments

WHEREAS, the tax office has received duplicate tax payments and tax overpayments due to homestead rebate credits for 2012 taxes on the following properties; and

WHEREAS, a written request was received from the homeowner to refund the overpaid amount directly to the homeowner.

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

Block/Lot	Name & Address	Tax Qtr. 2012	Refund Amount
110/17	Peter & Eileen Bittmann 100 Kenwood Avenue River Edge, NJ 07661	1 st	\$1,431.77
213/20	Robert & Marilyn Noll 798 Park Avenue River Edge, NJ 07661	1 st	\$ 568.94
303/7	Michael & Patricia Giampietro 795 Fifth Avenue River Edge, NJ 07661	1 st	\$ 202.33
411/13	Douglas & Dorothy Martin 744 Center Avenue River Edge, NJ 07661	1 st	\$ 635.77
812/4	Jun & Min Li Shi 175 Manchester Road River Edge, NJ 07661	1 st	\$ 34.06
909/25	Young Hee & Sam Sangwon Ryu 2 Fenway Court River Edge, NJ 07661	1 st	\$1,027.28
1004/12	Igor Factor 367 Kinderkamack Road River Edge, NJ	2 nd	\$ 267.33

1210/8 Elise A. Bene 2nd \$ 112.12
175 Lozier Terrace
River Edge, NJ

May 21, 2012

#12-194 Authorize Tax Collector to Refund a 2nd Quarter 2012 Tax Overpayment

WHEREAS, the Tax Office has received a duplicate tax payment for the 2nd quarter 2012 taxes on the following property; and

WHEREAS, a written request was received from their mortgage company to refund the overpaid amount directly to the mortgage company.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
311/13	Marlow Raguindin 715 Millbrook Road	\$871.42
Total:		\$871.42

Make check payable to:

LERETA, LLC
1123 S. Parkview Drive
Covina, CA 91724
Attn: Cathy Angelo

May 21, 2012

#12-195 Authorize Tax Collector to Refund a 2nd Quarter 2012 Tax Overpayment

WHEREAS, the Tax Office has received a duplicate tax payment for the 2nd quarter 2012 taxes on the following property; and

WHEREAS, a written request was received from their mortgage company to refund the overpaid amount directly to the mortgage company.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
801/15	Dimitry & Irvina Krasnovsky 184 Voorhis Avenue	\$746.46
Total:		\$746.46

Make check payable to:

HUDSON CITY SAVINGS BANK
West 80 Century Road
Paramus, NJ 07652
Attn: Refund Department

May 21, 2012

#12-196 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	\$122,197.55
CAPITAL ACCOUNT	\$111,989.15
RECREATION ACCOUNT	\$ 3,950.02
ANIMAL WELFARE	\$ 22.20
SELF INSURANCE ACCOUNT	\$ 2,653.21
TRUST OTHER ACCOUNT	\$ 7,096.55
OPEN SPACE ACCOUNT	\$ 6,197.04
TRUST OTHER DEVELOPERS ACCOUNT	\$ 867.00

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

May 21, 2012

OPEN HEARING OF THE PUBLIC -

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

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

CLOSE HEARING OF THE PUBLIC -

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

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

COUNCIL COMMENTS - None

ADJOURNMENT - 8:50 P.M.

Motion by Councilman Mignone, Councilman Papaleo to adjourn the meeting at 8:50 p.m.

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

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk

Dated: