

**BOROUGH OF RIVER EDGE
MAYOR AND COUNCIL
WORK SESSION MINUTES
TUESDAY, FEBRUARY 16, 2016**

PRESENT:

Mayor	Edward J. Mignone
Councilman	Vito Acquafredda
Councilman	Alphonse Bartelloni
Councilwoman	Ellen Busteed
Councilwoman	Mary Davis
Councilwoman	Kathleen Murphy
Councilman	Thomas Papaleo

ALSO PRESENT:

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

ABSENT:

None

Mayor Mignone called the meeting to order 7:10 PM by reading the Open Public Meetings Act.

BOROUGH ADMINISTRATION'S TOPICS

1. Nothing Listed

Mr. Negreann requested moving to the Consent Agenda first, stating there is item there that is a request from the River Edge Volunteer Ambulance Service.

WORK SESSION CONSENT AGENDA

1. Other Public Properties – Mr. Negreann explained that the Volunteer Ambulance Service requested to place some plaques on public property and the description isn't quite clear on the work session and he thinks the request is to post this at the "Y" on River Edge Road and he would also include other public locations. Mayor Mignone asked if they were advertising for volunteers, Mr. Negreann said yes. It could be in front of the firehouses, the front lawn of borough hall, thinks like that which we can discuss with them other public properties to cover other locations. Mayor Mignone said to give them wider discretion and it would be fine with the Mayor and Council, and it was up to them about the public property locations. Mr. Negreann said it was the size of a lawn sign. Captain Donna Sanders was in the audience and said the sign were already ordered. Mayor Mignone said the council would give Mr. Negreann the discretion of approving additional locations.
2. Transitional Aid Application – To Not Apply – Mr. Negreann explained that this aid was for municipalities that are in dire straits and there is a very severe memorandum that the town has to sign with the State giving up many of responsibilities and authorities of the governing body in order to receive the aid. Mayor Mignone stated it's not as if we were going to receive it, Mr. Negreann said not likely at all.
3. Increase in salary for Municipal Prosecutor from \$6,500 to \$8,500 – Mayor Mignone asked this was a recommendation from the Personnel Sub-Committee to increase the rate for the Prosecutor from \$6,500 to \$8,500, Mr. Negreann stated that was correct.

4. Approve the hire of Carol Byrne to the full-time position of Records Clerk in the Police Department at an annual B scale salary of \$34,797.00 – Mayor Mignone stated that this was a recommendation from Police Chief Cariddi after interviewing and going through the hiring process.

A motion was made to put these resolutions on for adoption at the regular 8⁰⁰ clock meeting.
Motion by Councilwoman Murphy, second by Councilwoman Busted to approve.
All in favor 6-0

FOR DISCUSSION

1. Municipal Open Space Allocation – Mr. Negreann showed his presentation displaying the various requests by the different entities. He stated the set amount would be \$145,238.96 there are a few years with unauthorized amounts that he added in making the total \$147,069.20, these are just the requests that were received to date, subtracting those it leaves a balance of \$146,633.00 leaving about \$436.20 that would be unallocated at this point. Councilwoman Busted asked at the last budget meeting there was around \$13,000 that Recreation thought was unallocated from the lighting detector system was that captured here in the unallocated. Mr. Negreann said no it isn't, what they have he thinks they looked at a portion of a budget that was previously approved for the lighting detection system and what they are saying is we need a certain portion of it so that is committed funds rights now. Councilwoman Busted asked if that was unallocated Open Space funds from a previous year, Mr. Negreann answered the unallocated is where there has been absolutely no resolution at all indicating what those funds would be used for. He believes the Rec. Commission is looking at a prior allocation by resolution of the council and now they are willing to say let's revise that and re-appropriate that money. Mayor Mignone asked if the money was still available or was it reallocated to something else for another date. Mr. Negreann answered by saying no it would be available if it was in the balance. Councilwoman Busted didn't understand why it didn't increase the \$147,069.20. Mayor Mignone stated it was already considered as if it was spent or committed in his book. Mr. Negreann stated there was a resolution committing those funds and it would take another resolution to liquidate that commitment and reallocate. Mr. Negreann said what you have is a recommendation. Councilwoman Busted said OK that was her question. Mayor Mignone said there were several other recommendations to reduce from the Rec. Commission. Councilwoman Busted stated there was the maintenance project, they were recommending reducing the cost to replace the benches in the dugouts, but she didn't recall that amount. They wanted to retain the hours of fence repairs that was a safety concern. Councilman Papaleo said first things first, we want to reallocate the \$13,000 Alan is saying we need a resolution so we need a motion and a second to that. Mr. Negreann answered yes and that resolution would appear during the next public meeting. Mayor Mignone said that would just increase the total available funds and not reallocate for anything specific at this point. A motion was made to increase the total available funds and not reallocate for anything specific.

Motion by Councilman Papaleo

Mr. Negreann wanted to state that he doesn't have anything in writing from the Rec. Commission. Mayor Mignone said that if that was what was allocated for that project and the project is closed out there should be a balance on the account. Mr. Negreann said he wanted to check, but he was hearing \$13,000. Mayor Mignone stated he wasn't committing MR. Negreann to the number, what he was saying was that if there was a budget allocated for a project and the project was closed out there has to be an outstanding balance somewhere, they are saying \$13,000 but it's not. Councilman

Papaleo said it was a motion to move whatever there is and to report back to the council what the amount is that they don't need. Mayor Mignone said also in writing the other ones they are recommending. Councilman Papaleo asked if a motion could be made to let them inform Alan during the week that way we could move forward with it. Mr. Negreann said that money would be applied the KBG grant. Mayor Mignone said that would have to be determined, and Councilwoman Busted agreed. Mayor Mignone said that tomorrow night was the Rec. Commission's meeting and have the chair provided this information as the council may revisit this. We are still going to reallocate the money for lighting protection and the general Open Space account, and then we can finally decide on how to allocate it when we get a better handle on it in terms of other projects. This will have an impact on our overall capital budget as well going back to see what we have to allocate for the lights or for the park if that is what is going to be done. Councilman Papaleo thought that what also maybe at the next council meeting we should continue with what Councilman Bartelloni mentioned, there seems to be a disparity between the fields the girls use and the fields the boys use. Also how that money is allocated by the Rec. Commission and if the disparity exists it needs to end. Mayor Mignone stated he didn't know if that was something the Rec. Commission would need to amend the policies for or if it is something we can amend. Councilman Papaleo stated that the borough was funding the commission through Open Space. Mr. Sarlo stated that at the end of the day if the Mayor and Council feels that the fields are not being taken care, or if there is one group that is not getting their fair share, he thinks the Mayor and Council has every right to step in and potentially allocate funding. Mayor Mignone said he didn't know if they was allocating funding as much allocating time or access. Councilman Bartelloni felt it was an access issue, there is disparity in the quality of the fields, Little League gets to play on versus what Regal gets to play on. There is more opportunity for Little League to fund raise because they have fences to advertise on, Regal doesn't. The girls on Regal don't know what it's like to hit a home run over the fence because there is no fence to hit a home run over. He believes what needs to be looked at is the overall access and probably what needs to be done is having the Rec. Commission meet with Regal and Little League representatives to work something out. He thinks there is a disparity that should be addressed. Mr. Sarlo stated the Rec. Commission is in charge of the fields, the Mayor and Council cannot allocate for use, but you can hope the commission is hearing this loud and clear as to the Mayor and Council's concerns and will address those concerns, eventually it will be the Rec. Commission. Mayor Mignone said it was still questionable on whether we are including the sculptor funding under this and if it was decided upon as to the Shade Tree allocation. He didn't think there were any issues with the others such as Beautification, DPW, the Memorial Gardens, and now were just tightening up the allocations. Mayor Mignone asked if there was any further action needed tonight by the Mayor and Council for Mr. Negreann. Mr. Negreann stated he was asked by the Recreation Director as the whether, it is somewhat related to the KBG Light Project, if we were able to change our application for Open Space from Cherry Blossom Park, Phase II to KBG. Mayor Mignone said he had asked them if they would consider and if they would like to consider that and it was doable by the County we could purse it, if not then we don't. Mr. Negreann said he would get back to the Rec. Commission and see if that was a priority they would like to establish. Mayor Mignone asked if that was from this year's allocation we are talking about, which is about another \$250,000 - \$30,000, Mr. Negreann agreed. Mr. Negreann said he would await the Council's decision on what they wanted him to do, traditionally he would prepare a resolution for each one of allocations. If they are some the Mayor and Council would to accept as this point he can prepare the resolutions for the next meeting or wait to do the whole thing then we can do all the resolutions together. Mayor Mignone asked if there

were any timing concerns at this point. Mr. Negreann said the only thing is the sooner you decide Open Space then you will know what to do with capital. Mayor Mignone asked as a procedural issue when is this funding actually collected, is it collected over the course of the year like the regular taxes, or do you take money and fill this... Mr. Negreann said he usually does it in two stage, take half of it this time of year after the resolutions are done, he takes the 2nd half... Mayor Mignone asked if it is moved from existing funds and then it gets moved back as the money comes in and goes to the trust fund, what he is saying is that if we had to collect the money over a course of a year the money would not be there until the end of the year, so we wouldn't be able to fund the project ahead of time. Mr. Negreann said that knowing once the resolutions are passed, the part that is moved ahead with their projects, we have the funds.. Mayor Mignone asked if any projects are in danger of not getting...Mr. Negreann said no, and Mayor Mignone asked if we could wait until the next meeting, which would be the first meeting in March and we should have all our answers and be able to finalize it. A motion was made to wait until the next meeting to finalize the allocations.

Motion by Councilwoman Murphy, second by Councilwoman Busted to approve.
All in favor 6-0

MAYOR'S REPORT – Mayor Mignone has nothing specific to report tonight.

FOR YOUR INFORMATION – Nothing

UNFINISHED BUSINESS – The following subjects were discussed:

- Shade Tree Commission – Mayor Mignone said that he had been following one incident right now where a resident has been having difficulties coordinating with Shade Tree Commission with regarding to getting approval to take a tree down which was approved by Zoning Board for a driveway widening. Typically again the Shade Tree Commission says they didn't receive the necessary information so they couldn't act. It became a he said, she said about who didn't follow-up, but the problem is this has been going on since December. He was told by Liz Stewart that apparently everything is in order for Shade Tree to come in and make a determination this month. But, as he has said before and several members also mentioned, as part of the Codification Committee, he would ask that while looking at ordinance, to move up the Shade Tree ordinance to more of a priority level to see if there are ways to improve the process as to the way this applications are handled. He thinks there is a way to clarify the appeals process, is there any way to ministerially approve certain applications without having to go back to the full commission every time. Things like this will make it easier for the residents, it become a little unclear to himself that between the resident and Shade Tree is that if the Shade Tree Commission approves a tree to come down, and the borough will pay for the tree to come down, even if it's for a construction project, they say yes but the stomp won't be removed. There is a lot of lack of clarity between the division and responsibilities and who pay for what. He thinks that in some cases the resident has the right to take the tree down and pay for it. Maybe the Codification Committee can take a look at the ordinance the way it stands and if it's appropriate to meet with some of the Shade Tree Commission and get their input as to where they see where things might be able to be moved, that would be a good first step on how to resolve it. From his standpoint we will need to help them have better means of communication with the residents and responding to the phone calls. He knows they have been struggling to improve that and in a lot of cases they have, but some cases residents still don't think it's enough, we have to respect the people on the commission who are volunteers who have limited time and find a way to at least sped up some of the communications and if

information isn't specifically needed for the commission to act, we need to have a clearer process so that the residents are more aware and not waiting for meeting with the expectation thinking their issue is addressed and founding out 2-3 weeks later the commission didn't have all the information and need to come back the following month. This problem isn't just with Shade Tree, it happens with the Planning and Zoning Boards, but usually people dealing with those boards have more experience and deal with professionals like the planners, engineers, or attorneys who are more attuned to the process and the homeowners themselves are not responsible for getting the information together. He just thinks we need to make the process a little more resident user friendly.

- Social Media Policy – Mr. Negreann stated there was a resolution on tonight's meeting. Several members of the council stated they had questions on this policy. Mayor Mignone began by saying that maybe he misread the policy or it just wasn't clear to him. Under Item 8 it talks about the Mayor designating liaison who is charged with oversight for some borough social media accounts. Then it goes to Item 12, it talks about the Borough Administrator or his designee monitoring the content of all the sites, and the Borough Administrator is the one authorized to remove prohibited content, in Item 15 he doesn't know if it was the intent to give that discretion to Alan or to the designee. Councilman Bartelloni said yes and no, the liaison's function would be to write what would be on the Borough's main Facebook page. We didn't feel in drafting this it was the responsibility we wanted to burden Alan with so we didn't list the Borough Administrator as that person. A lot of other resolutions and policies we looked at did do that and we didn't want to do that to Alan, so we created another position that would oversee the posting on the Borough's Facebook page. The liaison would also review other Borough Facebook pages, Twitter feeds, whatever, but would not have any authority over them. It would be reporting function, only the Borough Administrator or his designee would have the ability to remove material that was found offensive or didn't comply with the policy and have access to passwords. So there is really two layers of oversight and it was created intentionally. Mayor Mignone said he knew this was based on existing polices and enhanced as the committee felt as necessary. There was something about a provision in some of the other ones where they specifically mentioned where it should be very clear, Item 13, it speaks about the social media sites not to be used for making any official Borough communications to the public, there is also (inaudible) thing, it should be clear that the public cannot use that to report information to the Borough either, meaning you can't ask for an OPRA Request through this, you can't ask for a police report. Councilman Bartelloni stated he didn't have the policy in front him, but he did believe that language is in there somewhere, Mayor Mignone said that specific one he didn't see in the policy. Councilwoman Davis made reference to Item 21 has a list of things that are prohibited and subject to removal, letter J is subject to photographs or videos, she knows like on River Edge day the Ambulance Corp. would put out a picture of the ambulance and the members along with the Fire Dept., wondering why that was in there. Mr. Sarlo stated that with some of the things you need to be careful with, there have been other towns where the Fire Dept. has taken pictures of an accident scene, everyone was in agreement that was specifically something else. Councilwoman Busteded felt that "J" could be removed, Mayor Mignone again stated this was a baseline policy, but it's going to be adopted by resolution we have to adhere to it and people can make of it whatever they want and even something that says spamming or repetitive content, if we put up there every week join REVAS someone can come back and say that an offensive content, if someone wanted to be a needlier about something those are the kind of things, he understands there needs to be room for discretion. He doesn't want this turning into something, it has the potential to turn into a busy work-maker for someone.

Councilwoman Busted asked Councilman Bartelloni how he feels but she would be find with removing "J", Councilman Bartelloni would be fine with that. Councilwoman Busted mentioned "L", seeing if we are having some type of problems (inaudible) it wasn't intended to prohibit people from sharing what is happening in the Borough from a positive perspective or encourage people to get involved in Borough related activities, that is not the intent. (simultaneously talking) Mayor Mignone said that from his perspective the intent was more about disclosure, being more transparent as to whose is posting information. He wasn't mostly concerned with what they were saying in most cases it's so you don't have unanimous people prospering which can be opinions or something which really doesn't serve the group for which it represents. Which now brings him to last point he mentioned to Councilman Bartelloni today, is that as of now he would be the only individual that would be subjected to this policy because he decided to have a separate Facebook account as Mayor then having as a part of his personal one, which is still a cleaner way of doing it. If he goes by this then he couldn't put any personal information or personal opinions, so if he were to say "Today we had the opening of Francesca's Market, come on down, that's his opinion. If someone wanted to make an issue out of that then it's an issue. He doesn't think as an individual... Councilman Papaleo stated that wasn't an opinion, an opinion you have to take a position, you are not taking a position, that exclamatory, you are offering information. Mayor Mignone said "We had a wonderful event today" can be taken however you want. On the flip side we talk about emails, business versus official, whether you have cellphones which are personnel versus official, to him the clear way would to be have everyone have their own separate page. This policy makes that very difficult he thinks, and as individual he isn't speaking on behalf of the Farmers Market or on behalf of the Library, or any other borough entity as a reference to boards, commissions, committees or departments. He would feel the same way if one of you had your own council Facebook, there is no issue with that, it's clear, it's disclosed, and it's transparent as to what you are prospering. Councilman Bartelloni said here is the distinction he would make "Edward Mignone" Facebook page is your own, when you create a Facebook page that says "Mayor Edward Mignone" you are creating a page for the office of Mayor for the Borough of River Edge which is the distinction. On your own page you could say and do whatever it is you feel is necessary. The council is a membership of 6 as opposed to 1, the council would then have to make a page of "The Council of the Borough of River Edge" and that is where he thinks, not knowing how the rest of council feels, but he doesn't want to do that. He is happy with his Facebook page which he is diligent about not making any public comments about things going on in the borough. The same as his regular job, he doesn't go around making comments about his employer because it has a way of coming back. Mayor Mignone said that Councilman Bartelloni would be allowed to say on one page "I was at the Little League opening ceremonies today. Little League is a great organization" where he would be prohibited from saying that as Mayor based on the way the policy is written. Councilman Bartelloni said again you could say that in your private capacity, no one is stopping you. Mayor Mignone said but you had a "Re-elect Councilman Bartelloni" page that would be outside of the policy, Councilman Bartelloni replied yes, campaigns issues are real clear on that. Mayor Mignone said that if he posted "Re-elect Mayor Mignone" four years in advance he would be exempted from the policy, to him that doesn't address the spirit of the policy. The spirit of the policy is disclosure and openness, and he thinks this is opening the borough up to OPRA issues, it's like a cellphone, if you had posted something on your personnel Facebook page doesn't that become open to OPRA. Mr. Sarlo said that is why we talked about using your private email versus your borough email, and not hitting "reply to all" type of things, but if you have a personal account and it's not borough

related he doesn't believe, again a separate Facebook page, it wouldn't be OPRA'able. He understand the spirit of this you may have departments putting personal opinions out there, vote for so-and-so, that is restricted somewhere else, but putting other things in that was intent or the spirit was just to send out information to come join our organization. OPRA we deal with them as they come and if there is borough website anything posted there would be potentially open to OPRA. If it is a separate account and we get an OPRA request we can say this is not a borough website or borough Facebook page. Mayor Mignone asked but if person "A" a private citizen who is also a councilmember and their private Facebook page and there is an article about 7-Eleven and they put it up there, isn't that endorsement of position one way or the other, and why would that be exempted from the policy, whereas you were disclosing you are a councilmember you should have the right to express your opinion on something whether on something like that or whether it's the pipelines coming right down Kinderkamack Road. There was an article in the paper saying how horrible it is and you wanted to put it on your Facebook page so people can read it, you are taking a position now and saying as the Mayor of the borough I am not allowed to make that opinion. Mr. Sarlo said mixing it a little bit, if anything is in litigation no one should be putting anything out anywhere because we are in litigation that is why we go behind closed doors to discuss litigation. If it involves any litigation or any possible litigation no one should be putting anything out there. He did say the Mayor was correct, you do have every right to put personal views or opinions even though you are a councilmember can still have an opinion as a resident on certain things that are going on around town, again that would be for your personal email. Again if its litigation that should be. Mayor Mignone said the objective of the policy was for disclosure and transparency and he thinks in this respect it doesn't meet this objective, it certainly does with all the other groups because you have multiple people who maybe operating them or who is hiding behind the moniker of River Edge whatever, and this what it meant to address, it doesn't, and he doesn't know if it should, he is going to err on freedom of speech even if he doesn't agree with what people say. There are going to be example of what people say personal Facebook page which blurs the line between a public responsibility and a private responsibility. Councilman Papaleo made reference to Item 22, stating employees are prohibited from publishing or sharing any photographs, pictures, digital images, or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, or job related incident or occurrence on any website here is the River Edge Volunteer Ambulance Corp. and the River Edge Fire Department. The Fire Dept. has a structural fire as one of the photos, they have to take that down. The Ambulance Cor. has a picture of the Fire Dept. at a fire call. Does that or are we now prohibiting them from doing that because the language seems to but he is unsure. Mayor Mignone said that again we are investing that decision in Alan whose is going to have to make that determination. Mr. Sarlo said that if you have someone, such as the ambulance issue, if there is an overturned car and you see the license plate that's a problem. If you see a victim being carried out on a stretcher and that's posted, that a problem. If you have a photograph of just a house on fire and men working there he doesn't see that. That is where someone would need to monitor this. Mayor Mignone said that we are going to have to expend borough resources have these things determined. Where its Alan time or if it has to go to Mr. Sarlo for interpretation if it fits the policy or not. Councilman Bartelloni said here is the distinction in talking about First Amendment Rights, as an employee your First Amendment Rights aren't quite what they are when you are a private citizen. What we are talking about is borough employees, you can't mix up the two. First of all when you are on company time you shouldn't be posting to Facebook anyway, if you are being paid to do a job you shouldn't be taking pictures of it and say hey I'm going to post this on my social media account, you are not being paid to post on social

media. The volunteer firefighters are something different...Councilman Papaleo stated they are very different because sometimes they use those photographs for training. Councilman Bartelloni said he understood that and that fine, but there has to be some commonsense here as well, and that is what we are looking. Most of this goes to don't put things on that are offensive, threatening, pictures of people you are serving without their permission. In terms of the Mayor's Facebook page, he gets it, you are a one man department, it's an oddity, he guesses because he is the only person under "The Office of the Mayor", being only one person. But you do have your private account where you can post whatever you want. Mayor Mignone said yes but again you don't want to mix your political with your private because I have people that I am personal friends with who have no interest in politics and don't want to get involved with that and that is why you have separate and distinct pages. He further said that Councilman Papaleo that he knows of has referenced himself as a councilman which he thinks is fine, at least he discloses that. Other people may know you are a councilmember but they don't know if you are speaking in your official capacity if you said something or if you are not. Which way is better. To have it completely blurred when you don't say it but people know, in Tom's case he discloses it, or mine having it separate and distinct. He is talking about individuals, for groups and entities he thinks....Councilman Bartelloni said that what the Mayor is asking the council is to make determination, you are not speaking on behalf of the borough, you are still speaking on your individual behalf, but you just want to separate Facebook page that says "Mayor Edward Mignone" as opposed to "Ed Mignone". Mayor Mignone said that if he puts under his own page "Mayor of River Edge" then it doesn't apply, Councilman Bartelloni agreed, that would be separate. Former Mayor Moscaritolo has a Facebook page that says "Mayor of River Edge", you could certainly do that. He puts his employment on his Facebook page, he doesn't list that he is a councilperson, but again that's his decision and he typically doesn't post anything is related to politics on his page, it is for his friends and family. Mayor Mignone said that there is some political things, such as events he may have gone to, but that is a matter of somebody's opinion. Councilman Bartelloni said that was very clear that it is his personal Facebook page, there is nothing on there that links him to River Edge. Again you are asking us to say the "Mayor Edward Mignone Facebook page is not an official page. Mayor Mignone was saying that any of the council is not borough entity as described under this definition. Councilwoman Busteed asked if they could get back to one of the main reasons we are looking at this today is cause we have departments within the Borough of River Edge that have asked to have social media as additional communications with our residents which is one of the driving forces why we asked Mr. Sarlo draft this policy. Communication surveys went out to departments and they wanted to use social media to communicate information. Is the Borough Administrator comfortable giving them the ability to do that without a policy in place for how that should operate. Councilman Bartelloni said someone needs to be in charge of it. Councilwoman Busteed said maybe we take this in pieces bur we have employees of the borough who would like to communicate with the residents via social media. She thinks the governing body would be able to give him the frame work to do that. Mayor Mignone said they have had the ability to do this before. (simultaneous talking) Councilman Papaleo made reference Item 22 again stating it clearly says any job related incidence or occurrence, so they can't post...Mayor Mignone said that if this is supposed to be, social media is supposed to be proactive and giving out information then he doesn't know why we would entertain letting people comment because that leads to issues also, so if we are just giving out information people shouldn't be allowed to respond, you are getting into a whole other thing. We will talk about this later as to how it applies to the police, in talking with the Chief, it was discussed how some specific police dept. use

social media. There was a case where he had seen an incident that showed a sketch and description of someone that was put out there and everyone in town starting saying it looked like so-and-so, do you really want that? Why should people have the ability to even respond? Councilman Bartelloni said that was nothing in the policy that requires it to be, allows the public to make comments, but if you do have a department that wants to make comments you have to have rules in place for that. This policy we know that if you don't have rules and regulations in place thinks can go badly with Facebook pages. We saw in the last election cycle where Borough Facebook pages were being used to put forth political messages. Mayor Mignone said he didn't disagree with him, he was saying that is where you talk about transparency and disclosure, if that was clear people would have had to identify themselves at least then you would know where it was coming from. Councilman Bartelloni said you would still need someone to say that it had to come off. Councilwoman Murphy asked who would be the arbitrator of that, who will decide. Councilman Bartelloni said that would be the Borough Administrator, to which Councilwoman Murphy asked Mr. Negreann if he agreed with this. Mayor Mignone said he agreed with Councilman Bartelloni, but it was different. Councilman Bartelloni said the arbitrator would be whoever Mr. Negreann appointees. Mayor Mignone stated that Councilman Bartelloni was absolutely correct, that is the problem if you don't identify and we have seen Facebook pages which are ostensibly representing the borough and there have been no controls over them and no identification as who is making the postings, and no vetting of what is being said, and no accountability when things are said that are not correct. We do need that kind of oversight. He is just trying to figure out what is the happy medium here. For his personal Facebook he doesn't want borough resources worrying about whether he said he liked going to this event and someone wants to complain about it. Councilwoman Davis said that social media is only going to get more involved. Mayor Mignone stated that was why it is important to get a handle on it. He does agree that we need some framework of a policy. Councilwoman Murphy has a question regarding Item 10, where it says passwords, she thinks it's going to be a problem, Facebook doesn't allow you to share your password with anyone if you look at their, Mayor Mignone said you can let Alan, if he's the person, he can be the Administrator to that account. Councilwoman Murphy asked who the designee is, who is the Big Brother at the Kremlin. Councilman Bartelloni said there is no Big Brother, you are talking about borough personnel. Mayor Mignone stated this is a condition used in other policies he has seen regarding passwords. Councilman Bartelloni said that while he was at work today on the computer he was working on was not his computer, it was owned by his employer, his passwords his employer has, it is his password to login to his computer, yes, but his employer has those passwords. There is nothing different here, you are dealing with employees who want to use borough equipment and post borough messages and they have to give their employer that information. Mayor Mignone said that is a point if its borough equipment. Councilman Bartelloni said there is no Big Brother or Kremlin here, this is your boss saying give me your password. Mayor Mignone asked if he wasn't correct that a third party could be setup as an Administrator, you don't have to give them access, they don't have to have your information. Councilman Bartelloni said but again if you don't give them access to it what's the point? Mayor Mignone said you would have access, you would just be listed as an administrator, it's just a separate access point. Mr. Sarlo stated that if that person leaves and says they are not giving the password now you have...Mayor Mignone said that just goes to his point, if there is a 2nd administrator..Mr. Sarlo said that if you are posting under the auspices of the borough, the borough should have, no questions about it, should have oversight, control, and should access to the passwords in case something happens, or somebody leaves and they need to get in there. Councilwoman Murphy asked Mr. Sarlo

about something she was reading where if someone has the password and something is posted and nothing is done about it they are legally held accountable for the information that is being posted. Mayor Mignone replied that this policy basically says Alan has discretion to remove a post. Councilwoman Murphy said that whoever has these passwords if something is posted and say it is illegal and not reported, that person who has the password is held accountable for that as well. That was something she reviewed, and asked if Mr. Sarlo would like to look into that. Mr. Sarlo stated that makes no difference to the social media policy, if that is the case it is happening right now. If someone has the password and something is posted on whatever Facebook page right now and it's technically illegal they are technically.. that has nothing to do with this policy. This policy to him is actually giving some type of cover, with some sites we can say the borough is looking at what we are doing but he doesn't necessarily agree with that but that would be a case right now whether you have this policy or not. If somebody has passwords and something is being posted illegally then they could be on the hook now. That wouldn't change with regard to what's going on now. Councilwoman Murphy asked let's just say somebody posts something and Alan has that password he could also be held accountable. Mr. Sarlo replied by saying Alan isn't going to go in and change things, he is given the authority, he has the ability to tell them to take it down, he has the ability because he is overseeing it. Councilwoman Murphy said she wasn't sure if Alan was comfortable with this or his designee, who would that be? Councilman Bartelloni said that someone has to do it, you keep going Alan doesn't want to do it, he understands that, but someone has to do it. Someone has to be the grown-up and be in charge sometimes, and that is really what this is. Its saying listen you want to create Facebook pages and you want to disseminate information, but guess what you are employees of the Borough of River Edge, and sorry but you are not the boss, there is a boss, and that boss is going to have your passwords and your information. It's not going to be an elected official, part of this is making sure elected officials are not running the Facebook pages because we know that has been a problem and we need to curtail that. So people have to say who is going to be in charge so we don't have these problems anymore, things are not running amuck. You have to have organization and oversight that is how a business works, whether it's a government business or not, he gets that people don't want someone looking over their shoulder but unfortunately that's what happens when you are using borough equipment on borough time doing a borough job, you have oversight, that is the reality. Councilwoman Murphy asked about the volunteers using their own phone, which isn't borough equipment, how is that using borough equipment. Councilman Bartelloni replied they are still part of the borough. Mayor Mignone said that he was just anticipating some issues that he sees, he doesn't see a problem with policy in general, he thinks tweaking needs to be done as you go along. He is just concerned about unattended consequences, concerned about using borough resources for some of these things because....Councilman Bartelloni said he welcomes critique but at the same time offer me some solutions because he hears there are problems but no one has said who should be in charge, what changes should be made, and how it should be implement. Everyone has had this for several weeks now, so give us what you want to change. Councilman Papaleo stated he wanted Item 22 changed because he thinks it too broad as it is written right now, it covers all incidents and needs to be changed so the fire dept. can publish and REVAS can publish, just a little bit broader. Certainly not pictures of criminals... Mayor Mignone said this is where we are going to get into semantics that is going to be a problem, we need to a frame work ..Councilman Papaleo said as he reads it right now, REVAS for instance has a picture of them at the...Mayor Mignone said take REVAS and other emergency services out of it and think about other...Mr. Sarlo said they have a picture of an overturned car and if he is an attorney and he is involved in that case and he

needs a photo of a car and he sees it on there he is subpoenaing the borough to see who took that photo to bring him into court to authenticate that photograph. Councilman Papaleo asked if he was saying they shouldn't be doing that in the future, what about a building fire. Councilwoman Busteed asked Mr. Sarlo even if we didn't have this policy and you ran through that scenario what is this policy doing to protect the borough from having that photo subpoenaed, the policy isn't changing that, it could happen anyway. Mr. Sarlo said your policy is restricting what can go on there, to him that was the whole intent of the policy, putting in some oversight. Simultaneous talking about if oversight and/or restrictions should be in the policy. Mayor Mignone asked when does oversight become over-regulation. Councilman Papaleo said the borough council should have the authority to ask that a picture be taken down not to prohibit all photos of all incidents. Mr. Sarlo said now the person overseeing it, you have now put a liaison or an administrator to potentially...Councilman Bartelloni said the council can't do that job, you could have a Facebook post up there for 2 weeks before the council meets again. We are a deliberative body, we can't do that, we need one person to do that. There are just some things that we just can't do, it's not possible. Somebody has to do it. Councilman Papaleo asked what would the costs if we now give that job to say the deputy clerk and how often would she be expected to supervise these sites, that is a good question for us. Mayor Mignone made mention of number 12, the Borough Administrator or designee shall monitor content of all...Mr. Sarlo said he didn't allow any of those photos on Little Ferry's Facebook page or websites, they don't want to see any car accidents. To be honest they don't like some of the house fires either because if it is your house you are being reminded your house was in a fire. There are other ways of promoting yourself and using it as a tool than actually putting what you are doing basically on there. So take a pretty hardline approach on things like that. Put a picture of your fire truck...Councilman Bartelloni said he totally got it, but it's like saying if REVAS was taking a picture of them performing CPR on someone that would be offensive, similarly people could feel that invasion of their privacy by the borough posting a picture of their house on fire. There is a difference between the firemen geared up doing their job, but when they put the house...(simultaneous talking Councilwoman Murphy stated that it was public information, Councilman Bartelloni said let the news media handle it. Councilman Papaleo asked if REVAS and the fire dept.) Mayor Mignone requested this be brought back, he is assuming that there is a consensus that we want a frame work of a policy, is that safe to say. Councilman Papaleo agreed, as well as Councilwoman Murphy. Mayor Mignone went on to say the question is how we build on that, he didn't know the answer, do we want to go back to committee, adopt it and see what happens. Councilwoman Murphy asked why we couldn't take this and come back next time after having time to think about it. Councilwoman Busteed echoed Councilman Bartelloni's point by saying the council members have had the policy for well over 2 weeks and possibly longer, she is glad they are having this very deliberative conversation, but there was opportunity weeks before to provide comments and glad Councilwoman Murphy was sharing it now but she thinks this deliberative conversation at a previous meeting. Mayor Mignone said he takes part of the blame, but once you read it and you start thinking about how it's going to be implemented...Councilwoman Busteed said she understood and she is pleased that there is a consensus that they want a frame work going forward. Councilman Papaleo said that the fire dept. reached out to him regarding their concerns, he was wondering, he thinks this is something we should do, and he agrees with Mayor Mignone that the more he reads it the more he thinks about concerns/questions. We might want to schedule this for a work session and allow the different department to come and share their concerns about the policy before we adopt it. Mayor Mignone felt we know what their concerns are since Councilman Papaleo articulated them, they all know this has

been around because the Library Board commended about it at their meeting, REVAS and the fire dept. has commented as well, other than that he doesn't know what other entities Councilman Papaleo was thinking of. At the end of the day we are going to have a policy, we can't avoid it in this day and age. He wants something that is workable and makes sense and not subject to Alan getting calls asking did you see what's on this page, or that page. Councilman Papaleo felt we should have the departments (inaudible) administrators, turn over the passwords, that's appropriate. The questions he has is how restrictive are we going to make the policy and who is going to be responsible for doing it and where are we going to pay... Mayor Mignone said that is where he thinks they should talk to the Borough Clerk and Deputy, to him they would be the most likely people, whether it's acceptable and if it requires compensation, we need to talk about that. Councilman Bartelloni said that was fine and he was guessing that everyone wants it less restrictive, not quite sure who would be in charge of it, guessing the Borough Clerk as opposed to the Borough Administrator, is that fair. Mayor Mignone felt the Borough Clerk was the one who is ultimately responsible for the website and all that kind of information. The Clerk is the depository for the information not the Administrator. So whether something is informational in nature, or coming out from the borough or not it's going to be coming from the Clerk not through the Administrator. Councilman Bartelloni asked if there was anything else, we could do this in 5 lines-please turn over your passwords to the Borough Clerk and put your name of up there if you are so inclined and call it a day. It kind of seems that's what it has been taken down to, we just want to know who posted what. Only if you are a borough employee but not a volunteer and if it's going to bother you too much we don't want you to either. Councilman Papaleo thought #21 was great and essentially to just remove some language in #21 listing somethings under subject to removal and..he just isn't' ready to vote yet. Mayor Mignone said where it gives and takes it talks about the borough having 48 hours to respond to a request for information, he doesn't know if this should even be determined as the proper venue to request information, that is something that we have to look through OPRA making sure it not an OPRA'able request, those are the logistical things he sees. These are concerns when it becomes more reality based and we are going to implement this and start thinking about how it's going to apply. He certainly doesn't want Councilman Bartelloni or Councilwoman Busted taking this as a critic because they put a lot of time into it and the frame work is there and most of it he thinks is going to stay. It's just a matter of coming to a broader consensus and we will get there.

OPEN PUBLIC HEARING

Motion by Councilman Papaleo, second by Councilwoman Murphy.

All in favor 6-0

Pat and Dennis Young, 95 Lakeview Street – Experiencing an explosion of parked cars on Lakeview Street from the apartments. The number of apartments have not increased but the number of occupants have increased. Called the police on a number of occasions because of a parked car blocking their driveway and being left in front of their house for 2 weeks at a time. Asked if there was an ordinance as to how many people can live in a one or two bedroom apartment, are landlords to verify if the person signing the lease with their immediate family are the only ones who actually live there. Mayor Mignone suggested Mr. Sarlo address these issues. Mr. Sarlo stated those are two different things, parking and housing ordinances. He didn't know if there was something specific on the book about leases, there really is no occupancy as to how many people can reside at one apartment. If they want to throw a mattress on the floor they can, they are not converting it into another bedroom. That is something for the landlord to monitor, he doesn't know if the Mayor and Council could restrict how many people live in a one bedroom

apartment. The Mayor and Council did a good thing this year, they put together a Codification Committee who will look at ordinances and if they so choose to they can look at ordinances regarding rentals, it may not solve your problem. Mrs. Young asked about perking stickers on Lakeview, Bogert and Reservoir between the hours of 2am and 6am, Mayor Mignone stated that was something that was explored previously and Chief Cariddi wasn't in favor of, but that was something the Mayor and Council may look into again and if it is something that makes sense for the town. Mrs. Young mentioned that their driveway doesn't have the cut outs like everyone else maybe that was why people block their concrete driveway. Mayor Mignone said they could change that any time they want, that wouldn't be a borough responsibility. You are permitted by ordinance to have an opening of a certain size, you can go to the Building Dept. tomorrow and pick up permit to change that. Obviously it would be your responsibility to do it, there is nothing to prevent you from doing that.

Martin Leibowitz, 624-636 Kinderkamack Rd. – He had a complaint about Sanducci's customers parking in his spaces and now Sanducci's wants to have tables outside, he doesn't know how he is going to do it without taking away parking spaces. Mayor Mignone separated the two issues, there is a pending application before the Planning Board and he couldn't comment on it since he and Councilman Acquafredda both sit on the board. Mayor Mignone did explain for the rest of council that they are proposing a small patio in front of the building very similar to what the diner did, but very small scale outside dining. It was stated that there would be no removal of any existing parking spaces and the only reason they are coming to the Board was 1) they require probably a variance on lot coverage to remove the grass for a paved area and they would need a variance for monument sign which is not permitted under our code. We haven't seen the size, but he believes according to Mr. Costa it would be similar to what was proposed and approved for the diner. Without seeing the site plan, the concern was if it effect line of sight for the driveways. With that being said the Planning Board has no jurisdiction over whether or not to approve outdoor dining because that is per our ordinance, the ordinance was written so that seats on the outside do not require any additional parking spaces, the Planning Board would have no jurisdiction over that. We are probably looking at a variance for lot coverage, and he doesn't know what degree that would be and the board will have to decide that when they hear it. That is the jest of the application at this point. Mr. Leibowitz asked when the ordinance was made, and Mayor Mignone replied two or three year ago. The Mayor and Council cannot control and have no jurisdiction over there are issues between various property owners about parking. Mayor Mignone stated that the Police Chief was still present and could correct him if he was wrong. He is not saying this lightly, and wished there was way to get everyone to cooperate. Mayor Mignone asked Chief Cariddi under Title 39 we police that or we can't police it. Chief Cariddi said that on that private lot area we can't police for parking violations. Mayor Mignone asked if someone were to park in front of Mr. Leibowitz's business and go somewhere else and the police were called, Chief Cariddi said yes those particular spaces are assigned to that property, you have the ability to sign a complaint yourself. An officer would provide you the ticket and you would sign it. You could also provide for removal of the vehicle, it's under State Statutes 39 (inaudible) Car can be towed at the owners expense, if they never come to get the car you will get stuck for the tow bill. Mr. Leibowitz felt this was just aggravating the problem, you are making the problem, and now he has to solve the problem by calling the police. He doesn't have enough parking and you gave him a variance on what he has already and now he wants to go further. Mayor Mignone said with all due respect the council doesn't know what his parking requirements are for his building and if he complies with the ordinance either. Mr. Leibowitz said they do and it was beside the point. Councilman Acquafredda said it wasn't beside the point. (Simultaneous talking) Councilwoman Murphy asked what his address was, and confirmed it was the TV repair business and he repaired TV's there. Mr. Leibowitz didn't understand why the ordinance allows people to have more spots when they didn't have enough to

begin with. Mayor Mignone stated that Mr. Sarlo might be able to add to this if he had more information, also it is not unusual for an outdoor dining ordinance not to require additional parking. The theory generally is that when you have that ability you are not looking at a lot of seats, it's more of an ambience thing.. in the case of the diner and the case of this, you are talking about numbers in excess of the what the ordinance intended to create, the ordinance and he thinks Councilwoman Murphy was part of the original ordinance, the idea was for smaller locations like a pizza shop, an ice cream shop which may have 2-4-6 seats, he wasn't sure if the outdoor dining ordinance was applicable to some of these cases, that is a legal issue, and whether we have to revisit this issue going forward. With that being said he is proceeding under the law as it is today. Mr. Leibowitz said if you are increasing seating by 15 then you would need 15 parking spaces, which parking was an issue to begin with. Mayor Mignone said there are other ways that could be addressed, but the better venue is when the Planning Board hears the case you can come and make your objections. Remember the Planning Board will probably be deciding basically on a variance for impervious coverage, there will be no discussion on parking, it will come down to whether there is a planning justification to grant them a variance for impervious reduction. The signage is a different issue, they will have to make planning arguments meeting the positive/negative criteria. Everything there he thinks has been previously approved. Mr. Leibowitz mentioned there was another variance. Mayor Mignone stated that variance are legal. Look up and down Kinderkamack Road and you will see that no one meets the current set-back requirements, that is just the way these kind of streets developed over time and the ordinances reflect that. Generally when you have what is called downtown business district which is what we intend this to be, a lot of the times they don't have a parking requirement cause the idea is on-street parking or off-site lots. The idea is to maximize your buildings volume along the main corridors, any downtown usually has that or they jumped the first thousand foot from parking. There are a lot of variables that go into these kinds of situations. The best thing is for you to come before the Planning Board and make your case there. If you want to review the outdoor ordinance and come back and talk to use about that, it's your right also. Mr. Sarlo asked if the application was to put a concrete slab, Mayor Mignone replied by saying he hasn't seen it, he believes it's like a patio. Mr. Sarlo said the outdoor dining ordinance is very restrictive and it just talks about sidewalks and limited to 15% so it doesn't look like he is applying for an outdoor sidewalk café permit. Mayor Mignone said yes he is because, which is where the disconnect happens, he get a patio, this is what happened with the diner, the patio is a certain size, an extension for a patio and then they think that as long as comply with 15% set-aside they can have the outdoor dining. The use for outdoor dining is permitted by the other ordinance, it is sort of (inaudible) outdoor dining. Mr. Sarlo said they are going to allow dining on the outdoor patio, by extending into right-of-way in the sidewalk if... Mayor Mignone said no it never extends, our ordinance prohibits on the sidewalk and the right-of-way. Usually the idea to have outdoor dining is to have in the right-of-way but not what our ordinance says. Mr. Sarlo and Mayor Mignone discuss the borough's ordinance regarding outdoor dining and agreed this would be for another discussion.

Donna Sanders, Captain of the River Edge Ambulance Service – She stated that they would never post any of their calls on Facebook. They need to comply with HIPPA regulations. Councilman Bartelloni said that he was making a comparison, where you can say these are public events that is the prevue of a news media not necessarily the prevue of a government organization to post pictures. Although the fire dept. has a long standing history of posting pictures, maybe it's not the best thing to do, there is a difference between men gearing up and taking pictures of themselves, but when you start taking pictures of people's private residents, that family is sustaining a huge loss. Maybe they should just back off on that, something to consider not just regarding the social media policy but in a general policy. Ms. Sanders made a suggestion about thinking about having each dept. head that would have a Facebook page

monitor that site instead of putting that on the Borough Clerk. Councilman Bartelloni replied they would it's just that someone needs general...Mayor Mignone said you still need that borough oversight for all the departments, that is why it would seem logical for Alan since he is the Borough Administrator. Councilman Bartelloni said you have Facebook pages created not just by the municipal departments but by volunteer organizations as well so there isn't a department head per say, yes the policy does incorporate the department heads would monitor their own. Mayor Mignone most of the discussion was for illustrative purposes.

MOTION TO ADJOURN THE WORK SESSION AT 8:36 PM

Motion by Councilwoman Murphy, second by Councilman Bartelloni to Adjourn.

All in Favor 5-0

Stephanie Evans. RMC
Borough Clerk