

M I N U T E S
Meeting of the Mayor and Council
Monday, November 5, 2012
7:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 7:00 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 Cappola 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 - Councilwoman Murphy, Councilman Cappola, Councilman Mignone, Councilman Bartelloni, Councilman Papaleo and Mayor Moscaritolo were present; Councilman Cordts was absent.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the minutes of the Mayor and Council work session and regular meeting of October 15, 2012.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the minutes of the Mayor and Council work session meeting of October 22, 2012.

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

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council closed session meeting of June 18, 2012.

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

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council closed session meeting of July 2, 2012.

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

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council closed session meeting of August

6, 2012.

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

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council closed session meeting of September 4, 2012.

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

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council closed session meeting of September 7, 2012.

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

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council closed session meeting of October 1, 2012.

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

PROCLAMATIONS & AWARDS -

Mayor Moscaritolo read the Proclamation Declaring the Week of November 11 - 17, 2012 as New Jersey State Federation of Women's Clubs Membership Week as follows:

PROCLAMATION

WHEREAS, the New Jersey State Federation of Women's Clubs of GFWC was organized November 16, 1894 and has continued to exist as one of the largest and oldest nondenominational service organizations of volunteer women in the State of New Jersey, with more than 8,000 members in 226 local clubs; and

WHEREAS, members of the New Jersey State Federation of Women's Clubs of GFWC have worked in their communities to assist in activities such as founding New Jersey College for Woman (Douglas College); Preserving the Palisades; Saving the New Jersey Highlands; supporting The Community Food Bank of New Jersey; providing annual funding for Special Olympics, Operation Smile, CARE, and UNICEF; and

WHEREAS, the Woman's Club of River Edge, Inc., a member of the New Jersey State Federation of Women's Clubs of GFWC is celebrating 82 years of service to this community through scholarships for our High School; as well as our Library, Police and Fire Departments, Ambulance Corp, Girl and Boy Scouts; and

WHEREAS, the New Jersey State Federation of Women's Clubs of GFWC provides organizational structure and sponsored programming to enable women in their communities to have excellent resource materials in order to accomplish goals through volunteer service.

NOW, THEREFORE, BE IT RESOLVED, that, I, Sandy Moscaritolo, Mayor of the Borough of River Edge and on behalf of the Council do proclaim

The Week of November 11 - 17, 2012
New Jersey State Federation of Women's Clubs
MEMBERSHIP WEEK

in recognition of the many hours of service to this community and others.

Mayor Sandy Moscaritolo

Dated: November 5, 2012

Marge Garofalo accepted the proclamation on behalf of the Women's Club.

Mayor Moscaritolo read the award that River Edge Received from AAA of North Jersey - 2012 Annual Community Traffic Safety Awards Program

Mayor Moscaritolo asked John Lynch, Superintendent of Public Works to update the Mayor and Council on the recent storm.

John Lynch-stated that preparation before the storm included: the purchase of 25 yards of sand to make 1,000 sandbags, removal of equipment, secured the public works garage and sandbagged the building, fuel was topped off on the tanks, generators were tested, the back-up to the back-up generator was put up at the pump station, basins were cleaned at the yard to prevent water from coming in, they assisted the Fire Department in making sandbags, a light tower was rented, a portable generator was rented for Police and Borough Hall, DPW rear fence was removed which helps with clean-up. He continued to say that there were 11 Borough trees on houses which they needed a crane to remove, there were 3 trees on houses where no crane was needed, 10 trees which required PSE&G to cut power so that DPW could remove the trees, 4 homeowner trees were across the road which were removed to open the road, 8 trees were leaning and up-rooting which were removed, 9 borough trees which were across sidewalks, driveways or front lawns, 18 Borough trees across the roads, 7 trees were with hanging limbs which were 12 feet in diameter or larger and they cleared 26 large limbs that were blocking the roads during the storm. He continued to say that as far as the equipment, a pivot arm on one of the trucks snapped and explained that the truck is due for replacement in 2014 and has an estimate of \$3,000 to \$5,000 for repair. Garbage pick-up has resumed today, tomorrow recycling pick-up will resume, leaf pick-up began on Friday, November 2nd, main roads for traffic have been cleared and polling sites are done. The generator at the Wayne Avenue Pump Station is now off but the generator at the DPW and Borough Hall are still operating. He stated that Tom Smith has helped tremendously with getting fuel from the County, as well as Bob Costa who has also helped out with the fuel. Unfortunately, there was one employee injury which was caused by saw dust that got in both of his eyes scratching his corneas and luckily he is back to work with some blurred vision. He reported on damage to public property as follows: Memorial Park building has sustained major damage due to a tree that fell on top of the building which is now tarped and 2 headwalls on Elm Avenue were hit by trees causing major cracks. He reported that there are dozens of stumps and lifted sidewalks due to the fallen trees which have to be pulled and asked the Mayor and Council for clarification as to whether the policy of the sidewalk being the homeowner's responsible will stand or whether the Borough intends to repair all of the damaged sidewalks. He thanked the entire Mayor and Council and also thanked Kathleen and the Mayor for helping him tremendously. He also thanked Fire Company #1 for their food, Bob Costa for helping obtain fuel, Tom Smith, OEM Coordinator who help with getting the crane and fuel and for being in constant communication with him every few hours. He thanked the residents for their support and understanding as well as the Mayor and Council. He hopes that come budget time, the Mayor and Council will have a better understanding of what the needs of the DPW are after being involved in a storm like this. John said that they have had no other break-downs as far as equipment goes. Lastly, he commented that he is extremely proud of his department for their hard work and devotion during this emergency, especially because they were working in extreme and hazardous weather conditions.

Councilwoman Murphy-asked what is being done to prepare for the next storm?

John Lynch-stated that luckily all of the generators are still in place and they still have the light tower.

Councilwoman Murphy-asked if he has any update on how bad the storm will be?

John Lynch-said that he's heard what everyone else is hearing, 40 - 50 mph winds.

Councilwoman Murphy-asked if he is aware of any trees that might not withstand that type of wind.

John Lynch-stated that they constantly monitor the trees in town and take it day by day.

Councilman Papaleo-asked if the tree truck that had damage is out of commission?

John Lynch-explained that it was a dump truck that was damaged and is due to be replaced as a capital replacement program in 2014. It is out of commission as far as dumping is concerned.

Councilwoman Murphy-thanked John for starting the leaf pick-up so quickly after the storm.

Mayor Moscaritolo-thanked John and his department on behalf of the entire Borough for their hard work and dedication during difficult situations and for being a hands-on Superintendent. The Mayor was impressed with the hand signal communications that the department had with each other while cutting trees down.

Councilman Papaleo-stated that he watched them take down a tree on Continental Avenue and was very impressed with their professionalism and is thankful to have such a great group of men working for the town.

Councilwoman Murphy-publicly thanked John Lynch and the entire department by name for their hard work during the storm.

Mayor Moscaritolo-stated that by his rough calculation, it seems that the town lost approximately 70 trees and stated that the Council will revisit the sidewalk issue regarding the trees that uplifted the large slabs of sidewalks.

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the separation of Anita Gatto, Planning/Zoning/Assessor Clerk, effective October 29, 2012.

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

Motion by Councilman Bartelloni, seconded by Councilwoman Murphy to approve the resignation of Marissa Hone from the River Edge Volunteer Fire Department, effective immediately.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the reduction of hours for Anthe Siaflas, Senior Bus Dispatcher, from ten hours per week to five hours per week, effective October 16, 2012.

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

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the promotion of Kenneth Morse from Laborer I at an annual salary of \$44,375.00 to Tree Trimmer II - \$52,452.00, retroactive to October 30, 2012.

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

CORRESPONDENCE -

Letter	-	Anita Gatto - 11/1/12 Re: Letter of Resignation
Notice	-	River Edge Board of Education - 10/15/12 Re: Meeting on October 17, 2012
Letter	-	Fire Company #1 - 10/15/12 Re: Resignation of Marissa Hone
Letter	-	Cablevision - 10/18/12 Re: Launch of New Channels
Letter	-	State of New Jersey - 10/22/12 Re: River Edge Compost Facility - Notice of Compliance
Letter	-	Board of Chosen Freeholders - 10/18/12 Re: Ordinance Passed Concurring with R.E. Ordinance #1769

MONTHLY REPORTS -

Civil Rights Annual Report	-	2012
Library Board	-	October 2012
Police Department	-	September 2012
Beautification Committee	-	October 2012

ORDINANCES - 1ST READING -

Denise Dondiego, Borough Clerk read the title of Ordinance #1771 as follows:

Ordinance #1771 -AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RIVER EDGE (1998) CHAPTER 206 - "FEES"

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the first reading as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1771

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

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

SECTION I:

Chapter 206 of the Code of the Borough of River Edge is hereby amended and supplemented by the addition and changes thereto of the following which shall be added or changed to the list of fees and charges on file with the Borough Clerk.

Section 206-2 - Schedule of Fees

Sub-section L. Amend as follows: Police Outside Duty - \$135.00 per hour

Sub-section W. Amend as follows:

Towing Application Non-Refundable Filing Fee - \$135.00
Towing Application Renewal Filing Fee - \$135.00

Sub-section M. Amend as follows: Police Officer Application Fee -
- \$140.00 (2013)
- \$143.00 (2014)
- \$146.00 (2015)

Sub-section DD. Amend as follows: River Edge Commuter Parking Fees
(1) Parking of Vehicles for River Edge Residents -
Quarterly - \$ 65.00 (2013)
Annual - \$200.00 (2013)

Sub-section EE - Miscellaneous Fees - Amend as follows: Banner Fee - \$25.00

SECTION II:

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

SECTION III:

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

SECTION IV:

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

Mayor Sandy Moscaritolo

ATTEST:

Denise Dondiego, Borough Clerk

Dated:

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

Denise Dondiego, Borough Clerk read the title of Ordinance #1772 as follows:

Ordinance #1772 - AN ORDINANCE AMENDING CHAPTER 416, ZONING, ARTICLES IV, DISTRICT REGULATIONS AND VIII, CONDITIONAL USES; PLANNED RESIDENTIAL DEVELOPMENT OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF RIVER EDGE

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the first reading as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1772

AN ORDINANCE AMENDING CHAPTER 416, ZONING, ARTICLES IV, DISTRICT REGULATIONS AND VIII, CONDITIONAL USES; PLANNED RESIDENTIAL DEVELOPMENT OF THE REVISED GENERAL ORDINANCE 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:

§ 416-4. titled "Definitions and Word Usage," paragraph B, is amended to add the following definition:

DWELLING - DUPLEX

A building designed for or intended to contain not more than two (2) dwelling units arranged side by side with a common party wall, with no dwelling units being above or below each other, and each dwelling unit having separate front and rear or side access to the outside.

Section II:

Schedule I of the Zoning Ordinance titled "Schedule of Zoning District Use Regulations" is amended to add "Duplex Residential Buildings" as a permitted conditional use only in Block 213, Lots 1 through 22.

Section III:

There shall be added a new § 416-36.2 as follows:

§ 416-36.2 Duplex Housing District.

A. Duplex residential development shall be a permitted conditional use in Block 213, Lots 1 through 22, provided that the proposed use complies with the conditions and standards contained herein and upon issuance of an authorization therefor from the appropriate approving authority.

B. Procedure. Pursuant to N.J.S.A. 40:55D-1 et seq., the Planning Board may grant conditional uses as herein permitted. Application for a conditional use site plan shall be made in accordance with procedures set forth in Chapter 350, and the Planning Board shall act on the application in accordance with said procedures. In reviewing an application for any conditional use as herein provided, the Board may impose such conditions and safeguards as it deems appropriate with respect to, among other matters, the minimizing of traffic congestion by appropriate arrangements of entrances and exits to assure public safety. Requirements for conditional uses shall take precedence over any regulations for the zone in which said use is located. Said conditional use requirements shall be as follows:

(1) Use. Any duplex residence proposed under this Section shall contain not more than two (2) dwelling units arranged side by side with a common party wall, with no dwelling units being above or below each other, and each dwelling unit having separate front and rear or side access to the outside.

(2) Bulk Requirements.

(a) Minimum lot area shall be: 7,500 square feet.

- (b) Minimum lot width shall be: 70 feet.
- (c) Minimum lot depth shall be: 100 feet.
- (d) Minimum front yard shall be: 30 feet.
- (e) Minimum side yard shall be: 10 feet each.
- (f) Minimum rear yard shall be: 25 feet.
- (g) Maximum lot coverage shall be: 30% of total site area.
- (h) Maximum improved lot coverage shall be: 40% of total site area.

(3) Building Requirements.

(a) Maximum height shall be: 2 ½ stories and 30 feet inclusive of garage elevation which shall be treated as one story.

(4) The number of parking spaces shall be two (2) for each dwelling unit, including the garage.

(5) Driveways Requirements

(a) The curb cut or driveway depression shall not be greater than 32 feet in width.

(b) No more than one curb cut shall be permitted for servicing both duplex units.

(c) The paved driveway servicing each duplex unit shall not exceed 16 feet in width and shall terminate 8 feet or more from the side lot lines.

(d) The paved driveways shall be divided by a landscape median not less than 3.0 ft. in width and shall run the length of the driveways terminating at the front property line.

(6) Development subject to applicable Borough ordinances.

Any development in the **Zone District** shall be subject to all applicable ordinances of the Borough of River Edge. Where there is any conflict between the provisions of this section and the provisions of the Site Plan Ordinance and/or the Land Subdivision Ordinance, the provisions of this section shall prevail.

Section IV:

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

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

Section V:

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

Sandy Moscaritolo, Mayor

ATTEST:

Denise Dondiego, RMC
Borough Clerk
Dated:

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

Denise Dondiego, Borough clerk read the title of Ordinance #1773 as follows:

Ordinance #1773 - AN ORDINANCE AMENDING CHAPTER 384, TREES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the first reading as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1773

AN ORDINANCE AMENDING CHAPTER 384, 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 damage and removal of Borough trees associated with construction. This ordinance preserves and perpetuates the Borough's tree stock located on public property within the public right of way through the establishment of regulatory controls for the preservation of street trees .

Section II

§ 385-2 Definitions

As used in this ordinance, the terms hereinafter set forth shall be defined and deemed to have the following meanings:

Cash Landscape Bond - means a cash deposit in U.S. Currency, bank or certified check made payable to the Borough of River Edge.

Commission - means the Board of Shade Tree Commissioners of the Borough of River Edge including any of its duly appointed members and any of its duly authorized agents.

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

Gross Floor Area - means the gross floor area of a principal structure or building measured from exterior walls of the building or principal structure.

ISA - means the International Society of Arboriculture.

Public Property - means any road, easement, passageway or area under the jurisdiction and control of the Borough of River Edge.

Regulated Project - means any undertaking involving new construction or development of existing property affecting 50% or more of the existing gross floor area or demolition of an existing principal building affecting 50% of the total gross floor area.

Regulated Tree - Any living woody, deciduous or coniferous species which has a DBH of four (4") inches or greater measured four (4') feet above ground level. This definition shall apply to any tree, which is situated in or along any public property, park, field, public right of way, easement or encumbrance under the ownership or control of the Borough of River Edge. The term regulated tree shall also mean public tree(s) as provided in the context of the within ordinance.

Any species not qualifying as a "tree" under this definition shall be considered a stem and shall not fall within the purview of this ordinance.

Section III

§ 385-3 Tree Protection Permit Required

- (a) Any person undertaking a regulated project shall secure a tree protection permit from the Shade Tree Commission and will provide the Borough of River Edge with a Cash landscape Bond in the amount of up to \$5,000.00 for each Borough of River Edge street tree adjacent to said property for a duration of up to a maximum of three (3) years starting from the time a Certificate of Occupancy is issued. After two (2) years, the tree/trees will be evaluated by the Commission, and based upon the evaluation, the Commission will determine whether the Cash Bond be extended or utilized to remove and replace any or all of the Borough of River Edge trees at said property. Valuation of trees shall be based upon current ISA standards.
- (b) In the undertaking of a regular project, the owner, contractor or other person in charge thereof shall place such guards around all nearby trees as will effectually prevent injury to such trees.

Section IV

§ 385-4 Project Permit Application Process.

A. Project Permit Application Submission.

Upon filing of a demolition or building permit for a regulated project, a Tree Protection Project Permit shall be required for the removal and/or protection of public trees. 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; tree location placed on existing survey or plot plan need not be certified by any licensed professional;
3. The quantity, DBH, location and species of regulated tree(s);
4. The proposed dates for commencement and completion of the project;
5. Name and address of the person having express charge, supervision, and/or control of the proposed protection or removal of tree(s);
6. A tree protection plan.

C. Application Review

- (1) The Shade Tree Commission or its designee shall review the Project Permit application to determine applicability with this ordinance. The Shade Tree Commission shall then provide written notice to the applicant indicating one of the following determinations and the valuation of regulated trees and landscape bond amount:
- a. The Protection Permit is granted; or
 - b. The Project Permit is granted subject to prescribed conditions attached to such notice;
- (2) 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.
- (3) 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.
- (4) 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 project shall be determined in the same manner as an original application for a Protection Permit.
- (5) The applicant shall maintain a copy of the approved Protection Permit at the Project location. A copy of the Protection Permit shall be available for inspection by a representative of the Shade Tree Commission.
- (6) Cash Landscape bonds must be submitted and posted prior to the start of the project. It shall be the responsibility of the permit holder to make the cash deposit.

(7). The valuation determinations and decisions 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 supporting disputed tree valuations or actions.

In the event of a dispute concerning the release of a Case landscape Bond, said dispute shall be submitted to the Mayor and Council for final resolution and direction.

D. Jurisdiction

1. The Shade Tree Commission shall have jurisdiction concerning the assessment, protection or removal of regulated trees on public property. The protection assessment of regulated trees may be determined based upon the appraisal of a trained forester or licensed tree expert or a member of the Shade Tree Commission.

Section V

§ 385-5 Fees

An application for a Tree 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 VI

§ 385-6 Enforcement and Penalty.

The enforcement of this Ordinance shall be under the jurisdiction of the Shade Tree Commission or as delegated to the Borough's Code Enforcement Officer.

Any person who violates any provisions of this ordinance shall be liable for a fine as permitted by N.J.S.A. 49:64:12. In addition, the Court may require restitution for any destroyed and/or damaged tree, including the cost of removal.

Section VII

§ 385-7 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 VIII

§ 385-8 Inconsistency.

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

Section IX

§ 385-9 Effective Date.

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:

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

ORDINANCE - 2ND READING - NONE

RESOLUTIONS - By Consent

Councilwoman Murphy-asked for clarification regarding the payments that are made to the schools.

Alan Negreann-explained that we have the practice of splitting some of the payments because of cash flow and in this instance there is a school tax debt payment which is paid separately.

Councilwoman Murphy-questioned the donation listed on the payment of bills from Ben Schaefer for \$1,000 and the amount of \$1,599.20 that is listed under Recreation.

Alan Negreann-explained that there is a program set up for receiving donations for memorial benches and this is the purchase against the donation. He stated that he will consult with the Recreation Director to give additional clarification.

Motion by Councilman Papaleo, seconded by Councilman Bartelloni to approve resolution #12-372 through #12-388.

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

#12-372 Change in Personnel Policy & Procedure Manual- Use of Borough Property and Telephones

WHEREAS, the Borough of River Edge adopted a Personnel Policy and Procedure Manual on March 7, 1983 via resolution #83-58; and

WHEREAS, the Mayor and Council of the Borough of River Edge desire to change Section VI, Subject 9, with regard to Work Rules and Standards; and

WHEREAS, the Mayor and Council considered at their work session of October 22, 2012 making those changes to the Personnel Policy and Procedure Manual.

NOW, THEREFORE, BE IT RESOLVED that the Personnel Policy and Procedure Manual of the Borough of River Edge shall be changed in the following manner:

1. Add the following paragraph to Section VI, Work Rules and Standards, Subject 9, Use of Borough Property and Telephones

Employees authorized to use Borough vehicles for commuting to/from work will have a fringe benefit value added to the gross income (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the Internal Revenue Service).

November 5, 2012

#12-373 Change in Personnel Policy & Procedure Manual- Pay Periods, Computation and Distribution

WHEREAS, the Borough of River Edge adopted a Personnel Policy and Procedure Manual on March 7, 1983 via resolution #83-58; and

WHEREAS, the Mayor and Council of the Borough of River Edge desire to change Section V, Subject 1, with regard to Pay Periods, Computation and Distribution; and

WHEREAS, the Mayor and Council considered at their work session of October 22, 2012 making those changes to the Personnel Policy and Procedure Manual.

NOW, THEREFORE, BE IT RESOLVED that the Personnel Policy and Procedure Manual of the Borough of River Edge shall be changed in the following manner:

Terminal Leave Pay

Procedure

"The Municipal Governing Body shall approve all payments for accumulated absences and other severance payments pursuant to the requirements of N.J.A.C. 5:30-15.4".

November 5, 2012

#12-374 Resolution to Go Into Closed Session and Exclude Public on November 26, 2012 at 7:00 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 November 26, 2012 meeting at 7:00 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>
12-11/26-1	Potential Litigation-Tax Appeal- Route 4 Main Street, LLC v. Borough of River Edge 1025-1077 Main Street Block 1404, Lot 3.01 - Alan Spiniello, Esq.	N.J.S.A. 10:4-12(7)

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.

November 5, 2012

#12-375 Award Bid for the Howland Avenue (Section 6) Phase IV Roadway Improvement Project (from Colonial Court to Bogert Road) to Reggio Construction, Inc., 1575 West Street, Fort Lee, New Jersey 07024

WHEREAS, the Clerk was authorized to go out for bid for the Howland Avenue (Section 6) Phase IV Roadway Improvements Project (from Colonial Court to Bogert Road) via resolution #12-284 dated August 6, 2012; and

WHEREAS, the Borough of River Edge received one (1) sealed bid on October 10, 2012, from Reggio Construction, Inc. in the amount of \$145,551.08; and

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

WHEREAS, the Mayor and Council has discussed this matter at a work session on October 22, 2012; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1768-200 of the Capital Fund in the amount not to exceed \$145,551.08.

NOW, THEREFORE, BE IT RESOLVED that the bid is hereby awarded to Reggio Construction, Inc., 1575 West Street, Fort Lee, New Jersey, 07024 in the amount of \$145,551.08 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

November 5, 2012

Councilwoman Murphy-asked for clarification on this resolution.
Alan Negreann-explained that this is a grant that we received from the State and there is only a limited amount of Police overtime that we charge to the grant and the rest gets charged to the Driving While Intoxicated Grant. In all instances, the amount that is applied for does not match what the actual field operation is and if there is any grant money left over, it cannot be carried over and must be cancelled and go back into the State pot for future allocation. This means that we are not going to collect the receivable from the State.

#12-376 Authorize Chief Financial Officer to Cancel Grant Fund Appropriation and Account Receivable for the Drive Sober or Get Pulled Over 2012 Statewide Crackdown Grant

WHEREAS, the Borough of River Edge received approval for a grant through the Drive Sober or Get Pulled Over 2012 Statewide Crackdown Grant; and

WHEREAS, the Borough of River Edge has on its books and records a grant fund amount of \$1,791.60 of an Unexpended Appropriated Reserve; and

WHEREAS, the Borough of River Edge has on its books and records a grant fund amount of \$1,791.60 which represents an account receivable; and

WHEREAS, the Chief Financial Officer has investigated the grant fund Drive Sober or Get Pulled Over 2012 Statewide Crackdown Grant Unexpended Appropriated Reserve and Accounts Receivable and has recommended that they be cancelled.

NOW, THEREFORE, BE IT RESOLVED that the Chief financial Officer is authorized to cancel the Drive Sober or Get Pulled Over 2012 Statewide Crackdown Grant Unexpended Appropriated Reserve in the amount of \$1,791.60 and the Accounts Receivable balance of \$1,791.60.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby instructed to adjust the records accordingly.

November 5, 2012

#12-377 Resolution to Go Into Closed Session and Exclude Public on November 19, 2012 at 6:00 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 November 19, 2012 meeting at 6:00 p.m. and discussion of the hereinafter specified subject matter:

<u>Closed Session</u> <u>Docket #</u>	<u>Item Title or Description</u>	<u>Statutory</u> <u>Reference</u>
12-11/19-1	Personnel - Interview for Police Officer - Brian Gleason	N.J.S.A. 10:4-12(8)
12-11/19-2	Personnel - Interview for Police Officer - Anthony Perrone	N.J.S.A. 10:4-12(8)
12-11/19-3	Personnel - Interview for Police Officer - Vincent Ariana	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.

4. This resolution shall take effect immediately.

November 5, 2012

#12-378 Authorize Refund from the Trust Other Account

WHEREAS, a resident had requested use of Memorial Park and paid the full \$50.00 application fee; and

WHEREAS, the resident is asking for a refund due to cancellation; and

WHEREAS, a refund will be made to the following:

Kathi Rota
178 Oxford Terrace, Apt. #3
River Edge, NJ 07661

Park Facility Use

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

November 5, 2012

#12-379 Amend Agreement with Kenneth P. DelPercio & Associates, P.C., 313 Meadowbrook Avenue, Ridgewood, New Jersey 07450 for Professional Electrical Engineering Services for Investigation and Design for Upgrades to the Public Safety Building and Borough Hall Emergency Generator

WHEREAS, there exists a need to retain Professional Electrical Engineering Services for Investigation and Design for Upgrades to the Public Safety Building and Borough Hall Emergency Generator; and

WHEREAS, Borough of River Edge has previously awarded a contract to Kenneth P. DelPercio & Associates, P.C. via resolution #11-368 dated October 17, 2011 in the amount of \$5,000.00; and

WHEREAS, additional funding is required for the construction phase of this project; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund in the amount not to exceed \$2,000.00; and

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

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

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

WHEREAS, the rate of pay shall not exceed \$160.00 per hour.

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Kenneth P. DelPercio & Associates, P.C., 313 Meadowbrook Avenue, Ridgewood, New Jersey 07450 in an amount not to exceed

\$2,000.00.

2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

November 5, 2012

Councilwoman Murphy-asked for clarification on resolution #12-380. Alan Negreann-explained that this is an amount of money that was received from the State to offset our costs to make vacancy inspections of our apartment complexes. Although it is only \$16.00, the rules and regulations require that we process it in this matter and amend our budget for it and the money will flow to the grant fund where we will pay any bills for these inspections from the grant fund.

#12-380 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 \$16.00.

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

State/Local Cooperative Housing Grant.....\$16.00

BE IT FURTHER RESOLVED that the like sum of \$16.00 and the same is hereby appropriated under the caption of:

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

State/Local Cooperative Housing Grant.....\$16.00

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

November 5, 2012

#12-381 Authorize Cancellation of Accounts Payable

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

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

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

<u>P.O. #</u>	<u>Vendor</u>	<u>Amount</u>	<u>Description</u>
11537	Robert Costa	\$ 194.00	Design Kinderkamack Road
19791	Robert Costa	\$ 637.50	5 Fenway Court
21176	Robert Costa	\$4,585.32	Kinderkamack II & III, Design-Phase I
21178	Robert Costa	\$ 17.50	Ramps

November 5, 2012

#12-382 Report Investments Pursuant to the Cash Management Plan

BE IT RESOLVED that the following investments and deposits made pursuant to the Cash management Plan of the Borough of River Edge are hereby confirmed and accepted by the Governing Body.

Months of August, September and October, 2012.

<u>Name of Institution</u>	<u>Amount</u>	<u>Type</u>	<u>Book Value</u>	<u>Earned Income</u>	<u>Market Value</u>	<u>Int. Rate</u>
N.J. Cash Management Fund	\$10,000.00	CMF	\$10,000.00	\$3.64	\$10,003.64	.05

November 5, 2012

#12-383 Support for Superior Court Appellate Division to Hear Borough of Hopewell v Verizon on the Matter of the Payment of Business Personal Property Taxes

WHEREAS, N.J.S.A. 54:4-1 imposes a Business Personal Property Tax upon certain local telephone exchange companies; and

WHEREAS, the Borough of Hopewell has challenged the interpretation of the so called "51% test" to determine whether Verizon is required to continue to pay business personal property taxes to municipalities; and

WHEREAS, the Township of East Brunswick tax attorney has written to the Superior Court of New Jersey via a letter dated September 10, 2012, a copy of which is on file with the Borough Clerk and made a part of this resolution; and

WHEREAS, the Governing Body of the Borough of River Edge have discussed and reviewed the letter at their work session meeting of October 22, 2012; and

WHEREAS, the Governing Body of the Borough of River Edge is in agreement with the contents of the letter issued by the Township of East Brunswick tax attorney.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is instructed to send a copy of this resolution to the Superior Court of New Jersey, David Lonski, Esq., the Township of East Brunswick and the League of Municipalities.

November 5, 2012

#12-384 Acknowledge Receipt of Certification of Request for Emergency Purchases in the Department of Public Works, Police Department, Office of Emergency Management and Fire Department

WHEREAS, the Mayor has certified that an emergency condition exists in the Borough of River Edge; and

WHEREAS, Governor Christie declared a State of Emergency for Hurricane Sandy in the State of New Jersey; and

WHEREAS, Hurricane Sandy constituted an emergency condition affecting the health, safety and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby confirm and acknowledge the receipt of the Certification of Request for Emergency Purchases in the Department of Public Works, Police Department, Office of Emergency Management and Fire Department for this emergency.

November 5, 2012

#12-385 Ratification of a Declaration of an Emergency with Respect to Hurricane Sandy

WHEREAS, pursuant to the powers vested by Chapter 251 of the laws of 1942, as amended and supplemented, N.J.S.A. App. A:9-30 et seq.; N.J.S.A. 40:48-1(6); N.J.S.A. 2C:33-1 et seq., whichever law or laws apply, a local disaster emergency is declared to exist within the boundaries of the Borough of River Edge; and

WHEREAS, the aforesaid laws authorize the promulgation of such orders, rules and regulations as are necessary to meet the various problems which have or may occur due to such emergency; and

WHEREAS, by reason of the conditions which did and currently exists in certain areas of the Borough of River Edge, which may affect the health, safety and welfare of the people of the Borough of River Edge; and

WHEREAS, on August 27th - 28th the Borough of River Edge was subject to Hurricane Sandy; and

WHEREAS, it was necessary to ratify and provide for emergency purchasing and emergency actions by the appointed officials, employees and professionals of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge, that the period of October 29th - 30th is hereby ratified as a State of Emergency for the Borough of River Edge.

BE IT FURTHER RESOLVED that the appointed officials, employees and professionals of the Borough are hereby granted ratification of their activities taken during the State of Emergency and purchases made during to and after the State of Emergency related thereto, are ratified as authorized subject to the Emergency Purchasing Procedures of the Borough.

BE IT FURTHER RESOLVED that the Mayor, the Borough Administrator, the Emergency Management Coordinator and Borough Clerk are authorized to supply information and file for insurance reimbursement, any and all Federal Emergency Management Agency assistance for the Borough, its public property and residents.

November 5, 2012

#12-386 Support of A-3393, Legislation to Protect Residential Property Taxpayers from the Loss of Telecommunications Tax Support

WHEREAS, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

WHEREAS, the amendments sought to preserve revenues' to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax ("BPPT"); and

WHEREAS, the statute defines local exchange companies as those telecommunications carriers "providing dial tone and access to 51% of a local telephone exchange"; and

WHEREAS, Verizon's self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

WHEREAS, Hopewell Borough's challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

WHEREAS, Verizon's appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation's self-serving interpretation of the law; and

WHEREAS, as things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose more millions in the future; and

WHEREAS, remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to

preserve revenues to local governments; and

WHEREAS, we anticipate the introduction of companion legislation by Senator Bob Smith, as soon as the Senate next convenes;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of River Edge commends Assemblyman Caputo and Senator Smith and strongly supports A-3393, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation; and

BE IT FURTHER RESOLVED, that we urge our State Senator and our representatives in the General Assembly to join as co-sponsors of A-3393 and its companion bill; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon Bramnick, the Honorable Senate Republican Leader Thomas H. Kean, Jr., and our own State Senator and Representatives in the General Assembly, and to the New Jersey State League of Municipalities.

November 5, 2012

#12-387 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 Recycling Tonnage in the amount of \$16,622.74.

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

Unappropriated Reserve for Recycling Tonnage Grant.....\$16,622.74

BE IT FURTHER RESOLVED that the like sum of \$16,622.74 and the same is hereby appropriated under the caption of:

General Appropriations

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

Unappropriated Reserve for Recycling Tonnage Grant.....\$16,622.74

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

November 5, 2012

#12-388 Amend Agreement with Rogut McCarthy LLC, 27 Alden Street, Cranford, New Jersey 07016-2167 for Professional Services to Serve the Borough of River Edge as Bond Counsel

WHEREAS, there exists a need for a Bond Counsel for the Borough of River Edge to provide services such as preparation of bond resolutions and bond ordinances and closing documents as well as assistance with the official statement and the sale of short and long term debt; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Rogut McCarthy LLC via resolution #12-08 dated January 2, 2012 in the amount of \$3,000.00,

WHEREAS, additional funding is required for Bond Counsel Services for tax appeal representation; and

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

WHEREAS, Rogut McCarthy LLC has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of River Edge elected officials in the previous one year, which would prohibit the award of this contract and that the contract will prohibit Rogut McCarthy LLC from making any reportable contributions through the term of the contract.

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04/2150/55/1616/100 of the Capital Fund not to exceed \$1,500.00; and

WHEREAS, the rate of pay shall not exceed \$85.00 per hour:

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Rogut McCarthy LLC, 37 Alden Street, Cranford, New Jersey 07016-2167 in the amount not to exceed \$1,500.00.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

November 5, 2012

Councilman Mignone read resolution #12-389 into the record.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #12-389.

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

#12-389 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	\$7,214,660.31
CAPITAL ACCOUNT	\$ 2,143.81
RECREATION ACCOUNT	\$ 5,827.48
SELF INSURANCE ACCOUNT	\$ 1,395.00
TRUST OTHER ACCOUNT	\$ 2,568.43
OPEN SPACE ACCOUNT	\$ 85.42

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.

November 5, 2012

Mayor Moscaritolo-asked Tom Smith, Emergency Management Coordinator and Fire Chief John Mauthe to give the Mayor and Council an update regarding the storm. Chief Mauthe-informed everyone that on Monday, before the storm they started a 24 hour stand-by in the firehouse and since that time, there were 92 calls. He explained that most of the calls were carbon monoxide calls and one call required the boat. He informed everyone that a 7 man crew went to Silverton, New Jersey which is just outside of Toms River, to relieve and assist their fire department. As of now, both company's are operating again, as Company #2 was shut down and sandbagged for the 48 hours during the storm and all members responded from Company #1. He thanked Assistant Chief Cariddi for his help in organizing that move.

Mayor Moscaritolo-asked if there were any injuries or equipment lost?

Chief Mauthe-reported that 4 residents were transported to the hospital for carbon monoxide poisoning and explained that they may have to have a C.O. meter repaired because it was dropped in the water. Chief Mauthe felt that all communications went very well and thanked Tom Smith for his cooperation.

Councilman Bartelloni-asked if the reason the residents were taken to the hospital for carbon monoxide poisoning was because of the placement of generators in attached garages.

Chief Mauthe-replied yes, in some cases, but also residents did not place the generators far enough from their homes which caused fumes to enter through windows.

Tom Smith, Emergency Management Coordinator- felt that the whole operation went extremely well and stated that he and Stu Heinzinger, the Deputy OEM were in the Operations Center the entire time. He felt that coordination between all of the major departments was excellent and informed everyone that he will tabulate all of the calls and make a report for the Mayor and Council. Tom explained that the major problem in communication was getting information out to the residents especially because most residents did not have power. Although they had Nixle and Reverse 911, many residents still weren't able to receive updated information. Another major problem was that they didn't have the internet as a tool for getting information out and he has learned that there are boost type devices that can be used in these situations to alleviate that problem.

Councilman Bartelloni-commented that the upper part of the siren at Kensington and Elm looks like it's broken.

Chief Mauthe-stated that they are aware of it, they have made arrangements to have it repaired and it is currently secured and is still working.

Councilman Bartelloni-stated that depending on what type of cell phone service you had, it was very difficult to get a hold of people. He stated that during the last budget season, they did bring up replacing the siren system with the "God System" and thinks that it might be something that they should look into.

Mayor Moscaritolo-stated that another problem was that PSE&G sent an e-mail to Denise's Borough address, asking for pertinent information regarding trouble spots where trees with wires blocked roadways, which of course, she did not get because the e-mail was down. Councilman Papaleo was able to get a copy of that e-mail from Assemblywoman Wagner, forwarded it to the Mayor who in turn forwarded the information to Councilman Bartelloni who had e-mail in his home and e-mailed it to PSE&G.

Tom Smith-stated that fuel was also a big concern and thanked Neal Carroll and the County for arranging to have fuel deliveries daily over a 4 day period. He thanked Bob Costa for making a connection and obtaining diesel fuel for the Borough. He stated that he had gone over to Bergen Community College and picked up blankets, meals, water, etc. that were available, brought them back and distributed them to those in who needed it. He felt that the County coordination as well as local coordination worked out very well.

Mayor Moscaritolo-thanked both Tom and John for doing a great job during the emergency and felt very proud to see the community come together.

Councilwoman Murphy-suggested having a re-cap meeting to see how things can be improved upon.

Tom Smith-agreed and stated that he will get information together and come before the Mayor and Council at a future date.

Councilman Papaleo-thanked all of the volunteers and their families who give so much.

OPEN HEARING OF THE PUBLIC -

Jim Claffey-445 Kinderkamack Road-stated that because he didn't have power, there was no way for him to receive information from the town as to what was going on or what was available to residents. He asked that they look further into how to improve communications. He commended the River Edge Diner for opening and welcoming residents into the diner during the storm emergency.

Liz Stewart - Shade Tree Commission-thanked the Mayor and Council for approving the first reading of the Shade Tree Ordinance and informed everyone that they have a tree planting coming up and because they've been dealing with storms since 2008, they are choosing trees that don't interfere with wires. She understands that they will receive complaints, but assures everyone that they spend a lot of time researching trees and have a good working relationship with PSE&G to make sure they are pruned properly. She would prefer to postpone the planting until the spring but isn't sure she can

because she has a contractor already lined up. She assured everyone that they are constantly evaluating trees and recommending removal if they feel its necessary.

Councilwoman Murphy-asked if they have an estimated arrival date for the holiday tree?

Liz Stewart-replied, it will probably be delivered within the next three weeks.

Mayor Moscaritolo-voiced his concerns about the root system on that type of tree.

Liz Stewart-explained the root systems on different types of trees and the circumstances that cause them to fall.

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

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

CLOSE HEARING OF THE PUBLIC -

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

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

COUNCIL COMMENTS -

Councilman Papaleo - thanked John Lynch and the DPW workers for their heroic efforts and for doing a phenomenal job during the storm and noted that they slept at Borough for several days in between deployment. He also thanked Chief Cariddi, the Police Department and Auxiliary Police for deploying themselves 24 hours as they always do and their tremendous efforts as well. Councilman Papaleo also thanked the Ambulance Service and noted that they had 6 transports and thanked them for their efforts. He thanked the Fire Department, Chief Mauthe, Assistant Chief Cariddi and Deputy Chief Shultz, the entire department and their families for constantly giving their time and giving up their time with their families. He stated that they were constantly being called out time after time and was appreciative of the outstanding selfless service that they give to our community. Councilman Papaleo thanked Tom Smith and Stu Heinzinger for their patience and commitment, he thanked the Mayor and Kathleen for tireless work in trying to be everywhere and lend a hand. Councilman Papaleo thanked the Mayor for organizing a Halloween celebration on Saturday and feels that it was a huge success. He thanked the states of Missouri, Florida, Alabama, Texas for lending a hand by sending their utility workers to get our town and New Jersey back up and running. He also praised Governor Christie and President Obama for their cooperation and for working as team and also thanked Assemblywoman Wagner, Assemblyman Eustace and Senator Gordon. Councilman Papaleo mentioned an e-mail that was sent by Senator Gordon with information regarding claims and concerns as well as an explanation on a credit policy that Cablevision is offering. He thanked Gregg Cariddi and the other firefighters who went to Silverton, New Jersey to lend a helping hand. He also thanked everyone at Borough Hall for their efforts as well.

Councilman Bartelloni-echoed much of what Councilman Papaleo said and also feels that the Police, Fire, DPW worked tirelessly and are assets to the community. He also said that when a crisis like this happens, you really get to see how wonderful the people of the community are. He continued to say that while we are aware of what happened here, we should not forget what happened to people in Moonachie, Little Ferry, Staten Island and the shore communities who have truly been devastated by this storm. He encourages everyone to make a donation by texting the Red Cross to try and help those who have been hardest hit. Councilman Bartelloni encourages everyone to get out and vote on Election Day and wished everyone who is running, good luck. As far as communication, Councilman Bartelloni said that although we live in a cellular world he reminded everyone that many residents are not tech savvy, they don't operate smart phones, receive text messages or e-mail's or know how to operate a computer at all, so when you can't power these things it doesn't work at all. He feels that we do need to investigate other options to get information out to our residents in case of an emergency. He feels strongly that we need to have a community center that is open to the public in case of a crisis or emergency that residents go to and also provide long term housing for people. He also feels a need to look at options on how to communicate with each other during an emergency.

Councilman Mignone-echoed what Councilman Papaleo and Bartelloni said and feels that they owe a debt of gratitude to the dedicated volunteers and Borough employees and was pleased to see neighbors helping neighbors during this emergency. He thanked the residents for their patience and understands the

frustration of many residents regarding the lack of communication from the Borough. Councilman Mignone stated that although we are using all of the tools that are available to us, we need to look outside the box for other options. Councilman Mignone mentioned that Anita Gatto was one of the first employees he dealt with extensively while he was on the Planning Board and thanked her for always being helpful and courteous and wished her well in the future. Councilman Cappola-echoed everyone's comments and stated that he also felt confident that the town was in good hands during the storm. He thanked the Mayor for organizing the Halloween event and felt that it was important for the community to get together for a much needed break. He agreed that this storm brought out the best in a lot of people and again thanked everyone. Councilwoman Murphy-thanked the Fire Department, Police Department, Ambulance Service and DPW. She also thanked Mayor Moscaritolo for staying on top of PSE&G to make sure residents were actually receiving repairs. Councilwoman Murphy also encouraged everyone to get out and vote tomorrow and reminded everyone that SCORE will be celebrating their 40th Anniversary on November 19th at 12 noon. She thanked all those who helped organize the Borough Trick or Treat celebration at Cherry Hill School, especially Bobbi Conway, resident Van Duran and her catechist team, Kathy DeSavino and Special Events member Maxine Rumsby and to all the residents who participated and brought their own candy. She commented on Councilman Bartelloni's Halloween costume and also thanked the residents for their patience. Mayor Moscaritolo-stated that there are too many people to thank individually and feels that it wasn't just a matter of everyone did their job, it was the fact that everyone went above and beyond their job descriptions. He especially thanked the public for their patience and thanked those who offered random acts of kindness, such as Greg Horn, who showed up at the firehouse to help cook and serve meals. There was gentlemen at the Halloween event who came up to the Mayor and said that his power went on, he didn't need his generator anymore so if the Mayor knows of a family that needs one, let him know and he'll bring it over and hook it up. He said that Patrick from a utility company gave the Mayor his cell phone number and would tell him what lines were deactivated so that DPW could get in and cut the trees. He thought it was remarkable that he was able to ride around in Borough vehicles and talk to residents, see what was going on and view those who went above and beyond their job descriptions. He feels very proud to be the Mayor of this town. He also encouraged everyone to get out and vote tomorrow and urged everyone to prepare for the next storm that's coming.

ADJOURNMENT - 8:15 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to adjourn the meeting at 8:15 p.m.

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

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk

Dated: