

M I N U T E S
Regular Meeting of the Mayor and Council
Monday, June 15, 2015
8:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 8:01 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

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

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

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

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

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

ROLL CALL - Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda, Councilman Papaleo and Mayor Moscaritolo were present.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the minutes of the Mayor and Council work session and regular meeting of June 1, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Acquafredda voted yes; Councilman Papaleo abstained.

PROCLAMATIONS & AWARDS - NONE

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

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

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Jason Tuvel-Gibbons, P.C.-represents 7-Eleven Inc., and is here with regard to the 24 hour ordinance. He stated that 7-Eleven Inc. is the tenant at the property located at 584 Kinderkamack Road which is currently under construction and is tentatively scheduled to open in October. In addition, a developer, which he represents, has filed an application at the property on Main Street and Kinderkamack Road. Mr. Tuvel explained the many reasons why 7-Eleven requires or prefers 24/7

hours of operations. He feels that not everyone works 9 to 5 anymore and by having businesses open with good and services that are accessible to the public is something that 7-Eleven finds beneficial to their customers. They pride themselves in always being there for their customers. Mr. Tuvel continued to say that he gathers that the basis for the 24 hours of operation ordinance has a lot to do with loitering or crime prevention. He stated that 7-Eleven doesn't want any of those issues at their stores either because it would be bad for their business. He stated that because of that, they have trained their employees and have sophisticated security camera systems in order to be as safe and efficient as possible. Mr. Tuvel stated that the 7-Eleven on Kinderkamack Road is being built according to the ordinance that was in place at the time and if this ordinance, restricting the hours to 11 p.m. to 5 a.m, had been in effect, they would have never built the store. He continued to say that typically when a municipality enacts this type of ordinance there is usually statistical data, information or past acts that have occurred that results in passing an ordinance of this nature. He is not aware of anything that has occurred that has resulted in this ordinance coming about. He's asking that the Mayor and Council to table this ordinance for the time being because there isn't anything before the Council to necessitate a need for this type of ordinance. He suggests that they wait to see if there are any problems before passing an ordinance. He offered to answer any questions.

Councilwoman Murphy-asked if there is a conflict because he represents two competitors?

Mr. Tuvel-replied that they are not competitors, 7-Eleven is the tenant of both locations.

Councilwoman Murphy-asked for a tentative date for the opening of the store located at Main and Kinderkamack?

Mr. Tuvel-stated that they haven't received approval but hope to open by the middle of next year.

Councilwoman Murphy-asked if 7-Eleven's research shows that two businesses can be sustained within a half a mile from each other?

Mr. Tuvel-explained that they are both permitted uses in the zones and yes, they feel that they both will do well.

Councilwoman Murphy-asked if it's ever happened before that an ordinance was changed after construction began?

Mr. Tuvel-replied that he knows that ordinances have tried to be changed after businesses have been in operation for many years. He explained that they've worked with the municipalities to craft ordinances that have objective criteria which allowed 7-Eleven to do their business while at the same time preventing certain issues that municipalities want to prevent.

Councilwoman Murphy-asked if he could give examples of where that has happened?

Mr. Tuvel-stated that he doesn't have that information with him but he will research it and give the information to Mr. Sarlo.

Tom Sarlo, Esq.-asked Councilwoman Murphy if she is looking for additional security measures?

Councilwoman Murphy-replied no, she's looking to see if there was a 7-Eleven that was up and running and then ordinance had been changed, and what happened after that.

Tom Sarlo, Esq.-asked if she's referring to ordinances changing the hours of operation?

Councilwoman Murphy-replied, yes.

Tom Sarlo, Esq. - stated that he's not familiar with any.

Mr. Tuvel-stated that he will research the issue.

Councilman Mignone-explained that in 2011 the legislature amended the law from "change of decision rule" to a "time of application rule" and asked Mr. Tuvel if he would consider the ordinance that was in play at that time, to be affected by the time of application rule?

Mr. Tuvel-stated that he thinks that the ordinance that is being proposed this evening is a police power ordinance under Chapter 152 of the municipal code which is not the zoning ordinance.

Councilman Mignone-said that's correct, but Section 10 of the original ordinance which is codified as being repeated in this ordinance, gives the Planning Board the ability to grant relief from the ordinance as a C-1 or C 2 variance. Councilman Mignone read Section 10 of the ordinance which treats the hours of operation as if it's a C variance.

Mr. Tuvel-said that he didn't see that in the ordinance that was provided to him.

Councilman Mignone-explained that the new ordinance makes a reference that all of the previous existing sections of the ordinance remain intact

and this is from the existing ordinance. His point is that it was the intent of the original ordinance that the Planning Board did have jurisdiction over granting relief from the restricted conditions which he takes to mean security, the two people, exact change, etc.

Mr. Tuvel-asked Councilman Mignone for clarification and asked if he's referring to the current zoning ordinance.

Councilman Mignone-said he's referring to the current Chapter 152.

Mr. Tuvel-stated that he didn't see that in connection with the ordinance that was provided to him by Mr. Sarlo.

Tom Sarlo, Esq.-explained that that's the amendment.

Mr. Tuvel-asked if they're now referring to Section 10?

Councilman Mignone-replied, yes that's the amendment. He continued to say that the proposed ordinance said that besides the changes being proposed, all of the other conditions still stay in place. He stated that's how the current ordinance was written?

Mr. Tuvel-doesn't feel that it would apply to the C 1 zone. The way that the ordinance is drafted, there is no criteria for a C 1 zone. The C 1 zone is taken out and the C2 zone would still apply.

Councilman Mignone-stated that the original ordinance gives the Planning Board jurisdiction to grant relief and feels that there is a conflict with the existing ordinance.

Mr. Tuvel-asked Councilman Mignone if he thinks it's possible that this ordinance conflicts with this provision and the zoning code and that the time of the application rule can be applied to all instances.

Councilman Mignone-stated that he, Councilwoman Busted, Councilman Acquafredda and the Mayor did sit on the Planning Board when their original application was heard. He continued to say that it was represented that the 24/7 was a requirement of the letter of intent between the developer and 7 Eleven. There's been a lot of talk whether it was discussed, but the fact is that he found a letter from Arthur Neiss to Sam Cereste, the Borough Attorney sat the time, commenting that the board was advised that the 24/7 operation is a material term of the applicants letter of intent with the 7-Eleven Corp. Councilman Mignone feels that we should not be changing the rules now because at that time, the applicant demonstrated through testimony, that they would comply with all of the regulations that were required. He doesn't think it's appropriate that we change the rules now. He feels that for an ordinance that was not supposed to be about the 7-Eleven is all about the 7-Eleven and hopes that they do table the ordinance tonight. He further stated that he would like to work with 7-Eleven to put protections in place if need be and keep their obligation to the Kinderkamack Road site.

Mr. Tuvel-stated that he's just asking that the Borough give them a chance to work with the Council and their professionals to craft something to allow the site that has already been approved and is under construction to remain open for 24 hours. He stated that 7-Eleven is very excited to become a part of the community but if this ordinance goes through, it would be a big impediment to their business.

Mayor Moscaritolo-asked Mr. Tuvel if he has read any of the minutes?

Mr. Tuvel-replied that he has read March and April's minutes.

Councilman Mignone-suggested that Mr. Tuvel read the Planning Board minutes from January because the Board spent a large amount of time discussing the issue.

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

Motion by Councilwoman Murphy, seconded by Councilwoman Busted to close public comments on any issue on the agenda.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the hire of Camp Staff from June 29, 2015 through July 31, 2015 as per the list on file with the Borough Clerk's office.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the hire of Ralph Leonardi, 431 James Street, New Milford, NJ as a Fire Inspector at an hourly Step I Schedule A rate of \$23.21, with a six-month probationary period, effective June 16, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the satisfactory completion of the six-month probationary period for Nora Tibus, Crossing Guard effective June 16, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary increase of John Pampaloni, Sewer Operator from a Step II, B Scale salary of \$4,932.00 to Step III, B Scale - \$5,193.00, effective June 16, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the hire of Anthony Preziuso, 46 Marlboro Road, Clifton, New Jersey as Laborer II in the Department of Public Works, 40 hours per week at an annual salary \$29,226.00, effective June 16, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary increase of Richard Stephen, Road Foreperson in the Department of Public Works from an annual Step II salary of \$76,524.00 to Step III - \$80,551.00, effective July 1, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary change of Paul Kochansky, Patrol Officer from an annual salary of \$29,183.00 to \$37,142.00 due to 2nd year probation, effective June 2, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary change of Daniel Dekker, Laborer II in the Department of Public Works from an annual Step I salary of \$28,653.00 to Step II - \$40,611.00, effective June 23, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary change of Nick Tarabocchia, Laborer II in the Department of Public Works from an annual Step I salary of \$28,653.00 to Step II - \$40,611.00, effective June 17, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to

approve the salary change of Scott Ader, Equipment Operator I in the Department of Public Works from an annual salary of \$70,998.00 to \$71,478.00 due to an increase in longevity from \$480.00 to \$960.00, effective March 26, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary increase of Mary Anne Guiliano, Youth Services at the Public Library from an annual salary of \$53,989.00 to \$54,469.00 due to a longevity increase of \$480.00, effective April 11, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

CORRESPONDENCE -

Letter - Board of Chosen Freeholders - 6/1/15
Re: Introduction of Ordinance #15-12

Letter - Board of Chosen Freeholders - 6/1/15
Re: Introduction of Ordinance #15-13

Letter - County of Bergen-Open Space - 6/3/15
Re: Availability of Technical Assistance Grants

Notice - River Edge Board of Education-6/3/15
Re: Meeting Notice - 6/2/15

Letter - Bergen County Historical Society-6/1/15
Re: Vintage Baseball Game - 7/11/15

Letter - County of Bergen - 6/8/15
Re: Open Space Hearing - July 13, 2015

Notice - BCUA - 6/8/15
Re: Recycling Update

Notice - Borough of Paramus Planning Board - 6/8/15
Re: Hearing on 332 Route 4 East

Notice - River Edge Board of Education-6/8/15
Re: Meeting Notice for 6/10/15

Letter - PSE&G - 6/8/15
Re: Update on Important Matters for Customers

Letter - Numerous NJ Associations - 6/8/15
Re: Local Efforts to Implement Paid Sick Leave

Letter - Meadowlands Conservation Trust-6/8/15
Re: 2014 Annual Report

Letter - Letter to Governor Christie Notifying Him of Mary Donohue's Appointment to New Bridge Landing Park Commission

Letter - Avalon Bay Communities - 6/10/15
Re: Interest in Constructing Inclusionary Development in River Edge

MONTHLY REPORTS -

Library Board - June 2015
Recreation Commission - April 2015
Tax Collector - May 2015

LIAISON REPORTS -

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

Councilman Cappola - Liaison to Recreation Commission, Senior Citizens liaison, Beautification Committee - had no report.

Councilwoman Busteed - Liaison to Senior Citizens, Co-liaison, Historic Commission, Traffic & Safety Committee - had no report.

Councilman Mignone - Liaison to DPW, Zoning Sub-Committee, Redevelopment, New Milford and Oradell Shared Services Committee, Technology Committee - had no report.

Councilman Acquafredda - Liaison to Construction Code Official, Property Maintenance, Planning Sub Committee, Technology Committee, River Edge and River Dell School Boards - reported that graduation at the elementary school is next Tuesday and graduation at the high school is next Thursday.

Councilman Papaleo - Liaison to Police Department, Fire/Fire Prevention, River Edge Alliance Against Alcohol & Drugs, Local School Board Sub-Committee - reported that the Fire Department has responded to 147 calls to date and a few members placed flags on the graves of deceased members on May 23rd. Councilman Papaleo also reported that three members are currently enrolled in the Firefighter 1 Program at the Bergen County Fire Academy and commended them because it's a tremendous commitment. He continued to say that the Fire Department will participate in a vehicle extrication at River Dell High School in conjunction with the Oradell Fire Department. Councilman Papaleo attended the DARE graduation at the Middle School and was happy that it was a well attended event and very well organized. He is grateful for the good work that is done through the DARE Program.

Mayor Moscaritolo - River Edge Ambulance Service, Local School Board Sub-Committee - had no report.

ORDINANCES - 1ST READING -

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

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

Motion by Councilman Mignone, seconded by Councilwoman Murphy to **Table** the first reading of Ordinance #1840.

Councilwoman Busteed-asked if we were to move forward with #1840 and it passed down the road, would we be able to allow a business in that zone to be "grandfathered" the same as other businesses who are currently in that zone who operate 24 hours.

Mayor Moscaritolo-explained that they could amend the ordinance at any time to allow that type of relief.

Tom Sarlo, Esq.-stated that you can't pick and choose businesses.

Councilwoman Busteed-said that she understands that but there are businesses currently operating for 24 hours in that zone.

Tom Sarlo, Esq.-explained that the proposed ordinance reads that they would be grandfathered because they are operating at the present time.

Councilwoman Busteed-stated that they operating because they have a C.O. to do so.

Tom Sarlo, Esq.-replied, correct.

Councilman Mignone-stated that technically the only one operating in the C 2 zone is McDonalds. He continued to say that the Diner and the gas station are in C 1 zones.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilman Mignone voted yes; Councilwoman Busteed, Councilman Acquafredda and Councilman Papaleo and Mayor Moscaritolo voted no.

Tom Sarlo, Esq.-stated motion to table failed.

Motion by Councilman Acquafredda, seconded by Councilwoman Busteed to approve the first reading of Ordinance #1840 as follows:

BOROUGH OF RIVER EDGE ORDINANCE

ORDINANCE #1840

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

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

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

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

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

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

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

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

1. There are two employees on continuous duty in that part of the business establishment to which the public is invited. At any business establishment which is a gasoline service station and conforms to the requirements of River Edge Code Chapter 416, Article VI, § 416-21, or is a legal nonconforming use, only one such employee will be required to be on duty of the business establishment;
2. Each establishment is equipped with a security camera, approved by the Chief of Police of the Borough of River Edge, capable of monitoring and recording activity where cash is maintained on the premises; and
3. Accepts exact change only for cash purchase transactions of more than \$5 during the hours between 11:00 p.m. and 5:00 a.m.; and
4. Conspicuous signs placing the public on notice for the security camera and exact change policy are posted on the premises. Said signage shall be subject to the approval of the Chief of Police of the Borough of River Edge.
5. The business establishment shall employ a security officer on the premises or have in operation a security device approved by the Chief of Police of the Borough of River Edge. The security device may consist of a silent and/or audible burglar alarm connected to a central security monitoring system designed to activate police response, a closed-circuit television connected to a central security

monitoring system designed to activate police response or such other device which can be activated instantaneously to notify law enforcement officers that a crime or disorderly persons activity is in progress.

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

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

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

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

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

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

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

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

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

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated:

Councilman Mignone-stated that he has planning concerns with the way the ordinance has been crafted because they have not been given any guidance from Ms. Bogart except being told verbally that the C 2 zone is more appropriate for some reason. He continued to say that if you look at our zoning ordinance, the C2 zone is not a retail zone, it's a commercial office zone where 99% of the businesses are offices and not retail. He explained his reasons why he has concerns with the existing businesses in the C 1 zone which are across the street from the proposed 7-Eleven. He feels that there are still many issues that need to be addressed because it is his interpretation of the old ordinance that the Planning Board could grant variance relief as C1 or C2. He feels that there is so much ambiguity and unanswered questions and suggested that Ms. Bogart and Mr. Tuvel be invited to give their input before crafting an ordinance for introduction.

Councilwoman Murphy-said that because the tentative date to open is October, that gives them plenty of time to think about it and get more information.

Mayor Moscaritolo-stated that he was present at the Planning Board several years ago when there was an application for a convenience store on Kinderkamack Road. The Mayor stated that there were questions at the meeting regarding 24 hour operation and no one on the Board really knew what the 24 hour ordinance stood for. The application was subsequently approved. At that meeting, there were members of the public who live across the street who opposed the application due to the applicants stated intent that they wanted to be open 24 hours. The Board heard their sentiments and decided that it might be a good time to revisit the 24 hour ordinance. The Mayor stated that we're here today with a proposal that is rationally based and feels that you don't need to be a planner to see that between the C 1 and C 2 zones, the more appropriate area for the type of 24 hour retail businesses would be the C 2 zone which is further away from residential developments. The Mayor continued to say that on more than one occasion, they've heard not only from residents but from the Police Department about concerns regarding 24 hour retail businesses. This ordinance is crafting public policy to be in effect for the rest of the century or when the majority of the Council wants to amend it. The Mayor explained that this is not about any particular business, it's only drafting an hours of operation policy going into the future. The Mayor stated that the Borough Attorney drafted an ordinance exactly the way the majority of the Council had requested. The Mayor supports Mr. Sarlo's opinion that it's legal and valid and would stand up to a challenge in court. The Mayor said that it doesn't mean that they couldn't continue to work with any applicant who wants to give us a good reason to amend the ordinance to allow further relaxation. The Mayor continued to say that they are here today to balance the interest of businesses in the community with quality of life for local residents which is what they were elected to do.

Councilman Cappola-stated that although he may not be in favor of the 24 hour ordinance, he feels that they should allow a second chance to discuss it further. He continued to say that there was a time when they were begging for businesses to come into town and now that we have it, we're reneging on what was agreed to. He would like to see the ordinance tabled so that they can look into it further.

Councilman Mignone-disagrees that this ordinance is rational because if it was rational, you would have to have a planning justification why businesses and a shopping center on one side of Main Street is materially different than that on the opposite side of the same street. It doesn't explain why you can have C1 and C 2 zones past McDonalds because you could literally have two businesses next door to each other and one would be okay and the other wouldn't and that doesn't make sense to him. Councilman Mignone feels that it's clear that this ordinance was drafted to stop this particular application. Councilman Mignone cited some of the Mayor's comments during work session discussions in March regarding changes to the current 24 hour ordinance. Councilman Mignone feels that if this is not about 7-Eleven, then what's the rush to get this done tonight especially since there are numerous planning issues that need to be discussed with our Planner. Councilman Mignone stated that it's possible that once Ms. Bogart comes in and explains certain things, he'll be comfortable with the explanation. Because he has a Land Use Planner's license and has more of an understanding of these issues and he can look at the zoning map and see where the zone is, where the businesses are and how this

really doesn't make rational sense in terms of a public policy. He's all for revising an ordinance to protect the property owners, but feels that there are safeguards in place for our noise ordinance, lighting conditions, police protection and everything else and wants to make sure they do it right if they're going to do it. Mayor Moscaritolo-stated that the rational basis is that that's where the people live so we're trying to protect the quality of life for the people.

Councilman Acquafredda-wanted to clarify the record by saying that 7-Eleven had two applications before the Planning Board. The first one was for the main store development and a short time later they came back for a monument sign on the outside of the store. Councilman Acquafredda did not vote on the main application but he did vote against the monument sign which would be lit 24 hours a day, especially because it was characterized as a deal breaker.

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

Councilman Mignone-asked Mr. Sarlo if it's possible to ask the Clerk to draw up minutes of the closed session of May 18, 2015 where they discussed potential litigation for the 24 hour ordinance. He feels that it's pertinent to this ordinance? Tom Sarlo, Esq.-said that he would not recommend making the minutes public. He feels that it may jeopardize it because it's still under anticipated litigation.

ORDINANCE - 2ND READING -

Stephanie Evans, Borough Clerk read the title of Ordinance #1836 as follows:

Ordinance #1836 - BOND ORDINANCE TO AUTHORIZE THE KINDERKAMACK ROAD REGIONAL REVITALIZATION PROJECT (PHASE 3) IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,090,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Ordinance #1836 was introduced by Councilwoman Murphy, seconded by Councilwoman Busteded at the May 18, 2015 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1836

BOND ORDINANCE TO AUTHORIZE THE KINDERKAMACK ROAD REGIONAL REVITALIZATION PROJECT (PHASE 3) IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,090,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of River Edge, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of River Edge, in the County of Bergen, State of New Jersey (the "Borough"), is hereby authorized to undertake the Kinderkamack Road Regional Revitalization Project (Phase 3) (from Christie Avenue to the Oradell border) in, by and for the Borough, including roadway reconstruction, streetscape improvements, traffic signalization and construction and reconstruction of sidewalks, curbs and driveway aprons, where necessary. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. Said improvements shall be undertaken in accordance with plans and specifications prepared or to be prepared by the Borough Engineer, which plans and specifications are hereby approved and directed to be placed on

file in the office of the Borough Clerk and made available for public inspection during regular business hours.

Section 2. The sum of \$1,090,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. It is anticipated that a Transportation Alternatives Program grant in the amount of \$800,000 from the New Jersey Department of Transportation shall be received by the Borough to finance the cost of the improvements described in Section 1 hereof. Said grant funds shall be applied as set forth in Section 9 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the Borough, (2) it is necessary to finance said purpose by the issuance of obligations of the Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), (3) the estimated cost of said purpose is \$1,090,000, (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,090,000, and (5) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$290,000, which is estimated to be necessary to finance the cost of said purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. To finance said purpose, bonds of the Borough of an aggregate principal amount not exceeding \$1,090,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of the Borough of an aggregate principal amount not exceeding \$1,090,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental

Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of the Borough, and that such statement so filed shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,090,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose shall be applied to the payment of the cost of said purpose or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 10. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 11. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of such bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING - Ordinance #1836

Motion by Councilwoman Murphy, seconded by Councilwoman Busted to open public hearing on Ordinance #1836.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

CLOSE PUBLIC HEARING - Ordinance #1836

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilwoman Busted to close public hearing on Ordinance #1836.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

ADOPTION - Ordinance #1836

Motion by Councilwoman Murphy, seconded by Councilwoman Busted to adopt Ordinance #1836.

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

Stephanie Evans, Borough Clerk read the title of Ordinance #1837 as follows:

Ordinance #1837 - BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE SCHOOL SAFETY IMPROVEMENT PROJECT IN THE VICINITY OF RIVER DELL MIDDLE SCHOOL, CHERRY HILL SCHOOL AND ROOSEVELT SCHOOL IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$450,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Ordinance #1837 was introduced by Councilwoman Murphy, seconded by Councilman Papaleo at the May 18, 2015 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1837

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE SCHOOL SAFETY IMPROVEMENT PROJECT IN THE VICINITY OF RIVER DELL MIDDLE SCHOOL, CHERRY HILL SCHOOL AND ROOSEVELT SCHOOL IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$450,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of River Edge, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of River Edge, in the County of Bergen, State of New Jersey (the "Borough"), is hereby authorized to undertake the School Safety Improvement Project in the vicinity of River Dell Middle School, Cherry Hill School and Roosevelt School in, by and for the Borough, including construction and reconstruction of sidewalks, curbs and driveway aprons, and installation of ADA-curb ramps, enhanced crosswalks and crosswalk lights. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. Said improvements shall be undertaken in accordance with plans and specifications prepared or to be prepared by the Borough Engineer, which plans and specifications are hereby approved and directed to be placed on file in the office of the Borough Clerk and made available for public inspection during regular business hours.

Section 2. The sum of \$450,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. It is anticipated that a grant in the amount of \$315,000 from the New Jersey Department of Transportation Safe Routes to School Program shall be received by the Borough to finance the cost of the improvements described in Section 1 hereof. Said grant funds shall be applied as set forth in Section 9 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the Borough, (2) it is necessary to finance said purpose by the issuance of obligations of the Borough pursuant to

the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), (3) the estimated cost of said purpose is \$450,000, (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$450,000, and (5) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$102,000, which is estimated to be necessary to finance the cost of said purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. To finance said purpose, bonds of the Borough of an aggregate principal amount not exceeding \$450,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of the Borough of an aggregate principal amount not exceeding \$450,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of the Borough, and that such statement so filed shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$450,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose shall be applied to the payment of the cost of said purpose or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 10. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on

file with the Borough Clerk and is available for public inspection.

Section 11. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of such bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING - Ordinance #1837

Motion by Councilwoman Murphy, seconded by Councilwoman Busted to open public hearing on Ordinance #1837.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

CLOSE PUBLIC HEARING - Ordinance #1837

There being no comments by the public, motion by Councilwoman Murhy, seconded by Councilwoman Busted to close public hearing on Ordinance #1837.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

Councilman Mignone-suggested tabling this ordinance because at the last meeting there were discussions about possible duplication with the other DOT project. He thought that until they received clarification from Mr. Costa, they wouldn't vote on final adoption.
Councilman Acquafredda-agreed with Councilman Mignone that they did not receive clarification from Mr. Costa, but he will vote yes in anticipation that this information will be received.
Councilman Papaleo-is in agreement that Mr. Costa was supposed to provide information but will vote yes because he knows that Councilman Mignone and Councilman Acquafredda hold Mr. Costa to his word.
Mayor Moscaritolo-said that we have to hold Mr. Costa's feet to the fire and find out exactly what areas this money is going to be used for.
Councilman Mignone-doesn't understand why they can't wait two more weeks to get the information before voting to adopt this bond ordinance?

ADOPTION - Ordinance #1837

Motion by Councilwoman Murphy, seconded by Councilwoman Busted to adopt Ordinance #1837.

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

Stephanie Evans, Borough Clerk read the title of Ordinance #1838 as follows:

Ordinance #1838 - AN ORDINANCE TO AMEND ORDINANCE #1820 TO FIX THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY FOR THE YEAR 2015

Ordinance #1838 was introduced by Councilwoman Murphy, seconded by Councilwoman Busteded at the June 1, 2015 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1838

AN ORDINANCE TO AMEND ORDINANCE #1820 TO FIX THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, AND STATE OF NEW JERSEY FOR THE YEAR 2015

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge:

Section 1: The compensation for the part-time positions and officers of the Borough of River Edge for the year 2015 shall be as follows:

2015

Hourly

HISTORIC PRESERVATION FUND
CERTIFIED LOCAL GRANT

Document Scanner \$8.38 - \$35.00

Section 2: This ordinance shall take effect immediately after the first publication after final passage as provided by law.

ATTEST:

Mayor Sandy Moscaritolo

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING - Ordinance #1838

Motion by Councilwoman Murphy, seconded by Councilman Cappola to open public hearing on Ordinance #1838.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busteded, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

CLOSE PUBLIC HEARING - Ordinance #1838

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilwoman Busteded to close public hearing on Ordinance #1839.

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

ADOPTION - Ordinance #1838

Motion by Councilwoman Murphy, seconded by Councilman Acquafredda to adopt Ordinance #1838.

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

Stephanie Evans, Borough Clerk read the title of Ordinance #1839 as follows:

Ordinance #1839 - AN ORDINANCE APPROPRIATING \$12,000.00 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE PURCHASE OF A VEHICLE FROM THE RIVER EDGE VOLUNTEER AMBULANCE SERVICE

Ordinance #1839 was introduced by Councilwoman Murphy, seconded by Councilman Mignone at the June 1, 2015 meeting as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1839

AN ORDINANCE APPROPRIATING \$12,000.00 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE PURCHASE OF A VEHICLE FROM THE RIVER EDGE VOLUNTEER AMBULANCE SERVICE

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

SECTION 1. The purchase of a vehicle from the River Edge Volunteer Ambulance Service desired in Section 2 of this ordinance is hereby authorized as a purchase to be made by the Borough of River Edge, New Jersey for the purpose of the purchase of said vehicle, there is hereby appropriated the sum of \$12,000.00 of which \$12,000.00 is from the General Capital Fund Balance.

SECTION 2. The purchase is authorized as follows:

a. Purchase of a vehicle for the Department of Public Works from the River Edge Volunteer Ambulance Service.

SECTION 3. The appropriation shall be made from the General Capital Fund and no debt is authorized.

SECTION 4. This ordinance shall take effect immediately after the first publication after final passage as provided by law.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING - Ordinance #1839

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open public hearing on Ordinance #1839.

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

CLOSE PUBLIC HEARING - Ordinance #1839

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilman Mignone to close public hearing on Ordinance #1839.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

ADOPTION - Ordinance #1839

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adopt Ordinance #1839.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve resolution #15-227 through #15-251.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

#15-227 Resolution to Go Into Closed Session and Exclude Public

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, permits the exclusion of the public from a meeting in certain enumerated circumstances; and

WHEREAS, this public body is of the opinion that such circumstances will or presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

1. That the public shall be excluded from the July 6, 2015 work session meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session</u>		<u>Statutory</u>
<u>Docket #</u>	<u>Item Title or Description</u>	<u>Reference</u>

To be determined by reference to the Borough Clerk's Agenda for the above meeting.

2. It is anticipated at this time that the above stated subject matter will be made public within a reasonable time, the substance of which will be released after the Mayor and Council or the specific authorized public body has reviewed and specifically accepted the data.

3. This resolution shall take effect immediately.

June 15, 2015

#15-228 Amend Resolution #15-66 2015 Salary Resolution

BE IT RESOLVED that the following officers and employees of the Borough of River Edge be compensated for the year 2015 in accordance with Ordinance #1833 June 15, 2015 as follows:

2015

Historic Preservation Fund
Certified Local Grant

			<u>Hourly</u>
Document Scanner	Temporary Employee	Churley, M.	\$35.00
	Temporary Employee	Guiliano, M.	\$35.00
	Temporary Employee	Keleman, J.	\$35.00
	Temporary Employee	O'Connor, D.	\$35.00

June 15, 2015

#15-229 Authorize the Petty Cash Reimbursement for the Recreation Camp Program

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of Petty Cash Fund for the Office of the Chief Financial Officer of the Borough of River Edge; and

WHEREAS, said the petty cash fund was established by resolution dated January 3, 1983 by the Mayor and Council of the Borough of River Edge as amended by Resolution #90-149 dated August 6, 1990; and

WHEREAS, Resolution #87-169, dated August 3, 1987, established that the maximum amount of a single draw down on the Petty Cash Fund shall not exceed \$35.00; and

WHEREAS, Resolution #99-188, dated June 7, 1999 increased the maximum amount of a single draw limit to \$50.00; and

WHEREAS, the purpose of having a Petty Cash Fund is to eliminate staff time and paper work for small purchases which could be handled more cost effectively through a Petty Cash Fund; and

WHEREAS, the Recreation Commission of the Borough of River Edge operates a camp for its residents and has a unique need to purchase supplies for programs, activities and projects for the children of the camp on a daily basis; and

WHEREAS, the Mayor and Council recognize that the unique nature of a camp operation does not always lend itself to advance planning and there is an immediate need to purchase items such as first aid supplies, food and drink, and arts and crafts materials and the Governing Body considered this at their work session of June 15, 2015.

NOW, THEREFORE, BE IT RESOLVED that Geeta Birnbaum, Custodian of the Petty Cash Fund, is hereby authorized to reimburse the Recreation Director up to a single draw down limit of \$50.00 per slip and said authorization to initiate the day the Borough of River Edge camp opens and expire on the last day of camp operation, and as long as the Recreation Director complies with all other policies and procedures in effect for the Borough of River Edge with regard to the maintenance of its Petty Cash Funds.

June 15, 2015

#15-230 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the Design and Inspection of the Catch Basin at 284 Kensington Road, Wayne Avenue, the Intersection of Elm Avenue and Concord Drive and Greenway Terrace

WHEREAS, there exists a need for expert professional engineering services related to the design and inspection of the catch basin at 284 Kensington Road, Wayne Avenue, the intersection of Elm Avenue and Concord Drive and Greenway Terrace; 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 Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund in the amount of \$3,600.00 and Account #04-2150-55-1829-250 of the Capital Fund in the amount of \$5,000.00 for a total amount not to exceed \$8,600.00; and

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

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

WHEREAS, the Mayor and Council have examined resumes, biographies, work experience; and

WHEREAS, the Mayor and Council have reviewed price and other factors when considering supporting reasons for awarding this contract; and

WHEREAS, the rate of pay shall not exceed \$65.00 per hour as Borough Engineer and per hour rates as follows:

Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$8,600.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

June 15, 2015

#15-231 Award Contract for the 2015 Fifth Avenue Road Improvement Project, Section 2 to Marini Brothers Construction Company, Inc., 9 Lafayette Street, Hackensack, New Jersey 07601

WHEREAS, on May 27, 2015 (3) sealed bids were received for the 2015 Fifth Avenue Road Improvement Project, Section 2; and

WHEREAS, the lowest bid was received from Marini Brothers Construction Company, Inc.; and

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

WHEREAS, the Mayor and Council have discussed this matter at a work session on June 15, 2015; and

WHEREAS, the Chief Financial Officer has certified that funds are

available from Account #04-2150-55-1828-200 of the Capital Fund in an amount not to exceed \$125,920.00; and

NOW, THEREFORE, BE IT RESOLVED that the contract is hereby awarded to Marini Brothers Construction Company, Inc. in the amount not to exceed \$125,920.00 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

June 15, 2015

#15-232 Enter Into Agreement with Omdex Incorporated Consulting Engineers, 21 Cross Avenue, Midland Park, New Jersey 07432 for Professional Services Related to HVAC Engineering and Construction Support Services at the Library

WHEREAS, there exists a need for expert engineering services related to HVAC Engineering and Construction Support Services at the Library; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1789-100 of the Capital Fund not to exceed \$3,000.00; 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, Omdex Incorporated Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Omdex Incorporated Consulting Engineers 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 Omdex Incorporated Consulting Engineers from making any reportable contributions through the term of the contact; and

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

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 Omdex Incorporated Consulting Engineers, 21 Cross Avenue, Midland Park, New Jersey 07432 not to exceed \$3,000.00.
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 "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.
4. That a copy of this resolution be forwarded to THE RIDGEWOOD NEWS for publication.

June 15, 2015

#15-233 Approve the Appointment of a Representative to the Open Space Trust Regional Committee

WHEREAS, the Borough of River Edge has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:8A-1 et seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic Trust Fund; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Open Space Trust Regional Committee for the term of one year coinciding with the fiscal year July 1, 2015 through June 30, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Governing body of the Borough of River Edge hereby appoints Mayor Sandy Moscaritolo as its representative to participate on the Open Space Trust Regional Committee.

June 15, 2015

#15-234 Appointment of Representatives to the Community Development Regional Committee

WHEREAS, the Borough of River Edge has entered into a three year cooperative agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40a:8A-1 et seq. and Title I of the Housing and Community Development Act of 1994; and

WHEREAS, said Agreement requires that one municipal representative and alternate be appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1st through June 30th.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby appoints James Arakelian as the representative to participate on the Community Development Regional Committee and Wendy Walker as Alternate #2.

June 15, 2015

Councilwoman Busted-commented that this is a step in the right direction to provide communication vehicles for our Borough Departments and thanked the Borough Administrator for putting the policy in place.

#15-235 Approve Non-Emergency Nixle Message Policy and Procedure

WHEREAS, a Non-Emergency Nixle Message Policy and Procedure has been prepared providing an orderly explanation of operating policies and procedures which will aid in assuring an enhanced communication ability with the general public; and

WHEREAS, this policy and procedure was prepared by the Borough Administrator; and

WHEREAS, this matter has been reviewed by the Mayor and Council at a work session on June 15, 2015; and

WHEREAS, this Non-Emergency Nixle Message Policy and Procedure has been reviewed by the Mayor and Council for both form and content.

NOW, THEREFORE, BE IT RESOLVED that said Non-Emergency Nixle Message Policy and Procedure on file with the Borough Clerk is hereby approved and authorized for use by the Borough, and that any changes thereto shall not be made without approval by the Mayor and Council.

June 15, 2015

#15-236 Authorize Clerk to Go Out to Bid for Stormwater Drainage Improvements

WHEREAS, the Borough of River Edge desires to go out to bid for

stormwater drainage improvements for Kensington Road, Wayne Avenue, the intersection of Elm Avenue and Concord Drive and Greenway Terrace.

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

June 15, 2015

#15-237 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on Oak Avenue

WHEREAS, on or about June 15, 2015, the Borough of River Edge granted permission to John Kampmann, 787 Oak Avenue, River Edge, New Jersey, to hold a block party on Oak Avenue between Webb Avenue and Wales Avenue on Saturday, July 25, 2015 starting at 2:00 p.m. in accordance with Borough Ordinance #1678; and

WHEREAS, Mr. Kampmann has requested that the possession and consumption of alcoholic beverages be permitted in connection with said block party; and

WHEREAS, Borough Code Section 114-15 allows the Governing Body to permit the possession and consumption of alcoholic beverages in or on a public street or sidewalk in connection with an authorized block party.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge that persons age 21 and over be and hereby are permitted to possess and consume alcoholic beverages at the block party described above, on the date and time specified herein.

June 15, 2015

#15-238 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on Dorchester Road

WHEREAS, on or about June 15, 2015, the Borough of River Edge granted permission to Johnny Porco, 183 Dorchester Road, River Edge, New Jersey, to hold a block party on Dorchester Road between Elm Avenue and Oak Avenue on Saturday, July 11, 2015 (rain date July 12th) starting at 11 a.m. in accordance with Borough Ordinance #1678; and

WHEREAS, Mr. Porco has requested that the possession and consumption of alcoholic beverages be permitted in connection with said block party; and

WHEREAS, Borough Code Section 114-15 allows the Governing Body to permit the possession and consumption of alcoholic beverages in or on a public street or sidewalk in connection with an authorized block party.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge that persons age 21 and over be and hereby are permitted to possess and consume alcoholic beverages at the block party described above, on the date and time specified herein.

June 15, 2015

#15-239 Rejection of Bid for the Cherry Blossom Park Improvements, Phase 1 Project

WHEREAS, the Borough of River Edge received a sealed bid on June 9, 2015 for the Cherry Blossom Park Improvements, Phase 1 project; and

WHEREAS, the Clerk was authorized to go out for bid for the Cherry Blossom Park Improvements, Phase 1 project via resolution #15-179 dated May 1, 2015 and one (1) bid was received from MJ D'Arminio, Inc., 130 West Franklin Street, Hackensack, New Jersey, 07601 in the amount of \$122,250.00; and

WHEREAS, the Governing Body is rejecting the bid on the basis that the lowest bid exceeds the funding available pursuant to N.J.S.A. 40A:11-13.2(a).

NOW, THEREFORE, BE IT RESOLVED that the bid is hereby rejected by the Governing Body of the Borough of River Edge.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby instructed to return all appropriate bid materials to the bidder.

June 15, 2015

#15-240 Amend Agreement with Brigitte Bogart, 36 Harvey Court, Wyckoff, New Jersey as a Certified Municipal Planner for Professional Services Related to the Historic Element and Master Plan

WHEREAS, there exists a need for a Certified Municipal Planner for professional planning services related to the Historic Element and Master Plan; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Brigitte Bogart via resolution #14-264 dated June 16, 2014 in the amount of \$1,650.00; and

WHEREAS, additional funding is required for professional services related to the Historic Element and Master Plan; and

WHEREAS, the Mayor and Council has discussed this matter at the work session on June 15, 2015; 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, Brigitte Bogart has completed and submitted a Business Entity Disclosure Certification which certifies that Brigitte Bogart 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 Brigitte Bogart from making any reportable contributions through the term of the contract; and

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

WHEREAS, that rate of pay shall not exceed \$125.00 per hour:

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-028 in the amount not to exceed \$700.00.

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 Brigitte Bogart, 366 Harvey Court, Wyckoff, New Jersey, 07481-2060 in the amount not to exceed \$700.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

June 15, 2015

#15-241 Authorize Tax Collector to Refund a 2nd Quarter 2015 Tax Overpayment

WHEREAS, a 2nd Quarter 2015 overpayment due to the Homestead Rebate credit was received on a property known as Block 801, Lot 12 located at 172 Voorhis Avenue from Jae Lee Law, P.C., representing the buyer, Jae M. Lee and Emily K. Lee who is purchasing from Frank Breitbarth; and

WHEREAS, the tax office has received a written request to refund the overpaid amount to Jae Lee Law, P.C.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
801/12	Frank Breitbarth 172 Voorhis Avenue	\$408.64

Make check payable to:

Jae Lee Law, P.C.
2050 Center Avenue, Suite 120
Fort Lee, NJ 07024
Attn: Daniel S. Suh

June 15, 2015

#15-242 Authorize Tax Collector to Refund a 2015 2nd Quarter Tax Overpayment

WHEREAS, the tax office has received a duplicate and/or tax overpayment for the 2nd Quarter 2015 taxes due to the Homestead Rebate credit on the following property; and

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

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

<u>BLOCK LOT</u>	<u>HOMEOWNER/ADDRESS</u>	<u>AMOUNT</u>
1003/6	421 Mercer Avenue, LLC/Schlossberg 421 Mercer Avenue River Edge, NJ	\$812.80

TOTAL: \$812.80

Make check payable to:

Community Bank of Bergen County
Mortgage Department
18 Railroad Avenue
PO Box 7128
Rochelle Park, NJ 07662-7128

June 15, 2015

#15-243 Authorize Tax Collector to Refund a 2015 2nd Quarter Tax Overpayment

WHEREAS, the Tax Office has received a duplicate and/or tax overpayment for the 1st Quarter 2015 taxes on the following property; and

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

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
606/10	Lopez, Louis & Leida 164 Manning Avenue	\$98.27
Total:		\$98.27

Make check payable to: Mortgage Information Services, Inc.
4877 Galaxy Parkway, Suite 1
Clayborn, OH 44128
Attn: Albert Langford

June 15, 2015

#15-244 Authorize Tax Collector to Refund 2015 2nd Quarter Tax Overpayments

WHEREAS, the tax office has received duplicate and/or tax overpayments for the 2nd Quarter 2015 taxes on the following properties; and

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

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

<u>BLOCK LOT</u>	<u>HOMEOWNER/ADDRESS</u>	<u>QUARTER</u>	<u>AMOUNT</u>
303/7	Giampietro 795 5 th Avenue	2 nd	\$4,052.92
1108/25	Heydt, Charles 282 Taft Court	2 nd	\$ 37.87
Total:			\$4,090.79

Make check payable to:

CORE LOGIC TAX SERVICES
Mail Code: DFW 1-3
One Corelogic Drive
Westlake, TX 76262
Attn: Tax Refunds

June 15, 2015

#15-245 Authorize Tax Collector to Refund 2nd Quarter 2015 Tax Overpayments

WHEREAS, the tax office has received duplicate and/or tax

overpayments for the 2nd Quarter 2015 taxes on the following properties due to the Homestead Rebate credit; and

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

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

<u>BLOCK/LOT</u>	<u>HOMEOWNER/ADDRESS</u>	<u>AMOUNT</u>
106/17	Brock 926 Myrtle	743.12
110/8	Chavarriaga 295 Midland Avenue	788.81
305/60	Whitcomb 800 Millbrook Road	373.81
302/3	Carroll 321 Wales Avenue	360.29
304/21	Lee 788 5 th Avenue	853.55
401/7	Robinson 783 Bogert Road	810.71
406/3	Villalba 769 Kinderkamack Road	9.46
410/1/C0003	Kim 762 Center Avenue	791.27
617/4	Aversa 33 Madison Avenue	435.91
708/27	Ugarte 250 Dorchester	900.99
903/12	Tang 357 Valley Road	916.67
910/26	Longobardi 363 Oak Avenue	847.91
1209/7	Teresita 153 Van Saun Drive	1,000.00
	TOTAL:	\$8,832.50

Make check payable to:

Lereta LLC
1123 S. Park View Drive
Covina, CA 91724-3748
Attn: Refunds Department

June 15, 2015

#15-246 Authorize Tax Collector to Refund 2013 Taxes Due to a New Jersey Tax Court Judgment

WHEREAS, a Tax Court Judgment was entered 3/13/15 and the same was received on 4/16/15 by the tax office reducing the Assessed Value on the property owned by Lynne Litterini, known as Block 1005, Lot 6.01 located at 316 Kinderkamack Road for the year 2013; and

WHEREAS, the 2013 taxes were paid in full and the tax court judgment was entered March 13, 2015; and

WHEREAS, the 2013 taxes were paid in full.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor issue a check in the following amount and Tax Collector adjust her records accordingly.

BL/Lot	Old Value	New Value	Year	Refund
1005/6.01	476,100	420,000	2013	\$1,757.05
Total:				\$1,757.05

Make check payable to: Lynne Litterini
316 Kinderkamack Road
River Edge, NJ 07661

June 15, 2015

#15-247 Authorize Tax Collector to Refund a 2nd Quarter 2015 Tax Overpayment

WHEREAS, the tax office has received a duplicate and/or tax overpayment for the 2nd Quarter 2015 taxes on the following property due to the Homestead Rebate credit; and

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

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

BLOCK LOT	HOMEOWNER/ADDRESS	AMOUNT
812/6	Ryu, Jong Sung & Sujin Yim 167 Manchester Road	\$477.56
TOTAL:		\$477.56

Make check payable to:

Hudson City Savings Bank
West 80 Century Road
Paramus, NJ 07652

June 15, 2015

#15-248 Amend 2015 Budget

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

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for Alcohol Education and Rehabilitation Fund in the amount of \$1,237.60; and

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

Unappropriated Reserve for
Alcohol Education & Rehabilitation.....\$1,237.60

BE IT FURTHER RESOLVED that the like sum of \$1,237.60 and the same is hereby appropriated under the caption of:

General Appropriations

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

Unappropriated Reserve for
Alcohol Education & Rehabilitation.....\$1,237.60

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

June 15, 2015

#15-249 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to Design and Inspection Work for Fifth Avenue Improvements, Section 3

WHEREAS, there exists a need for expert professional engineering services related to Design & Inspection Work for Fifth Avenue Improvements, Section 3; 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 Chief Financial Officer has certified that funds are available from Account #04-2150-55-1835-100 of the Capital Fund not to exceed \$30,000.00; and

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

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

WHEREAS, the rate of pay shall not exceed \$65.00 per hour as Borough Engineer and per hour rates as follows:

Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$30,000.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

June 15, 2015

#15-250 Authorize Tax Collector to Transfer Homestead Rebate Credit Amounts from the 2nd Quarter 2015 to the 3rd Quarter 2015

WHEREAS, the 2012 Homestead Rebate Credits were received and revised billing for the 2nd Quarter 2015 was issued; and

WHEREAS, taxpayers paid the original 2nd Quarter Tax amount billed creating an overpayment in the 2nd Quarter; and

WHEREAS, the tax office has received written requests from the following homeowners and/or their mortgage companies to transfer the credit amounts to the 3rd Quarter 2015.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to transfer the following amounts and adjust her records accordingly.

<u>Block/Lot</u>	<u>Name/Address</u>	<u>Amount</u>
616/4	Martin 31 Tenney Avenue	385.60
701/30	Huggett 283 Voorhis Avenue	796.70
813/12	Bove 473 The Fenway	878.50
815/12	Machuca 461 Bogert Road	845.61
1108/32	Walker 318 Taft Road	835.24
1203/2	Gonzalez 162 Mohawk Drive	936.73
1205/13	Greenspan 244 Oak Avenue	1,000.00
1302/2	Kraft 244 Kinderkamack Road	318.74

June 15, 2015

#15-251 Authorize Tax Collector to Refund 2nd Quarter 2015 Tax Overpayments

WHEREAS, the tax office has received a duplicate payment and/or tax overpayment for the 2nd Quarter 2015 taxes on the following properties due to the Homestead Rebate credits; and

WHEREAS, a written request was received from the homeowner and/or their Mortgage Company/Title Company to refund the overpaid amount directly to the homeowner.

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

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
403/5	Robert F. Binetti 787 Kinderkamack Road River Edge, NJ 07661	\$1,050.00
412/5	Paul & Marguerite Krokus 690 Center Avenue River Edge, NJ 07661	\$2,100.13
616/3	Salvatore Buda 37 Tenney Avenue River Edge, NJ 07661	\$ 756.42
902/5	Richard & Mary Miller 255 Manchester Road River Edge, NJ 07661	\$ 376.69

1302/35 Thomas Ulbrich \$ 836.70
84 Elizabeth Street
River Edge, NJ 07661

June 15, 2015

Councilman Mignone read resolution into the record.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #15-252.

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

#15-252 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	\$204,843.76
CAPITAL ACCOUNT	\$ 7,922.00
RECREATION ACCOUNT	\$ 723.00
ANIMAL WELFARE ACCOUNT	\$ 25.20
TRUST OTHER ACCOUNT	\$ 4,273.64
OPEN SPACE ACCOUNT	\$ 1,997.71
TRUST OTHER DEVELOPER ACCOUNT	\$ 562.50

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

June 15, 2015

OPEN HEARING OF THE PUBLIC -

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

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

Sondra Berman-373 Oak Avenue-spoke with regard to the problems that they are experiencing with the election of officers at SCORE and would like to propose a closed ballot vote. Ms. Berman asked Mr. Sarlo if there is anything in the Bylaws about this unusual situation? Tom Sarlo, Esq.-explained that this Mayor and Council has no authority to intervene by recommending or deciding whether there is a closed or open ballot. He stated that the determination should be made by SCORE. Ms. Berman sent Mr. Sarlo an e-mail which he forwarded to the

liaisons because he's not the attorney for SCORE and is not here to mediate. He again explained that the Governing Body should not be involved in the day to day affairs of SCORE.

Sondra Berman-stated that there's nothing in the bylaws.

Tom Sarlo, Esq.-explained that in the bylaws there is a process for elections that is clear and set forth. The liaisons will be able to handle the elections.

Mayor Moscaritolo-explained the process for the elections. The Mayor stated that right now the liaisons would be involved but if SCORE would like, the Council could motion to ask the Borough Attorney to attend the meeting as well. He explained that once the candidates have been chosen, they can make a motion at that time whether they want an open or closed ballot. The Mayor said that everything was clarified in the ordinance.

Councilwoman Busteed-stated that right now the meetings take place during normal business hours and she is not available during those hours. She did have a conversation with several members in advance of the meeting tonight who want to move this process forward. Councilwoman Busteed had hoped that they would all come to the table with a clear mind and rational behavior and listen to one another and move forward.

Sondra Berman-stated that unfortunately that's not what's going on.

Councilwoman Busteed-said that they can't legislate behavior.

Sondra Berman-stated that someone of authority in an official capacity has to be there.

Councilwoman Busteed-explained that they are their own official capacity and that's something that they have to determine themselves.

Mayor Moscaritolo-said that he just read the bylaws and it specifically says "nominations from the floor".

Councilwoman Busteed-said that because she is not able to be there, she would like to make a motion that the Mayor attend the SCORE meeting to oversee the elections.

Mayor Moscaritolo-said that he has no authority but he is willing to run the meeting. The Mayor agreed to attend the June 29th SCORE meeting and asked that they have a copy of the bylaws on hand.

Michele Cariddi-Beautification Committee-thanked the Mayor and Council for always supporting the Beautification Committee and for agreeing to let them solicit the Boy Scouts, Girl Scouts and school age children to help them with weeding and landscaping.

Mayor Moscaritolo-thanked Michele and the Beautification Committee for their hard work in making River Edge look beautiful.

CLOSE HEARING OF THE PUBLIC -

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

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

COUNCIL COMMENTS -

Councilwoman Murphy-also attended the DARE event and said that it was great to see so many parents and kids in attendance. She reminded everyone of the upcoming July 4th events and encouraged everyone to come out and join the fun. Councilwoman Murphy also reminded everyone of the Farmer's Market tomorrow from 1 - 6:30 and informed everyone that resident Lou Davenport and his son Michael gave out reusable market bags at the last market. She invited everyone to check out his website secretsofthebeer.com.

Councilwoman Busteed-recognized and congratulated all of the newest River Edge Eagle Scouts. She commended the young men from Troops 184 and 2295 for this outstanding accomplishment.

Councilman Mignone-also congratulated Eagle Scout recipients from Troops 184 and 2295 and stated that between the two troops there were 9 young men who received the award. He continued to say that if you compare ourselves to other towns in Bergen County, we're at the top because of the many great programs we have. Councilman Mignone feels that we're sending good citizens out into the world and is also a good reflection on River Edge. He was fortunate to be able to attend Virginia Korteweg's open house fundraiser which raises money for gardens around the country. He said that her home is a beautiful place and a hidden asset of River Edge which

most people don't even know about. He thanked Virginia and Michele Cariddi for their efforts in keeping River Edge beautiful. Councilman Mignone stated that they're all in a position where they want to protect and enhance the quality of life for our residents in town. He again commented on the 7-Eleven ordinance and explained that the Planning Board made sure that all of the conditions such as lighting and noise that residents were concerned about were addressed. He continued to say that with regard to Councilman Acquafredda's comments about the sign, the reason the sign wasn't approved the first time was because they proposed an 11 feet tall and none of the members wanted a sign that large. As far as the 24 hours, the Planning Board was fully aware from the get go, that it was part of the entire application and a condition of the letter of intent between 7-Eleven and the property owner. He explained that the actual wattage of the sign is actually less than 200 watts and reminded everyone that four new 12 foot street lights will be placed along Kinderkamack which will have a greater impact on the homes across the street than the four foot 7-Eleven sign. Councilman Mignone stated that at one time or another, everyone on this dais has said that they didn't think it was proper to pull the rug out from an application after the fact. He again stated that he doesn't feel that this ordinance is well crafted and disagrees with pushing it through without thinking about the consequences.

Mayor Moscaritolo-congratulated the nine Eagle Scout recipients and feels that it's an amazing number to come out of River Edge especially since statistics show that 94% of Boy Scouts never get to that level. He commended Troops 184 and 2295 for this accomplishment and feels that this is a reflection not only of the scouts themselves, but a reflection of the Troop leaders, the parents and Mr. Dunleavy who have encouraged their children to continue the quest. The Mayor feels that the 24 hour ordinance is a quality of life issue and has been addressed in a responsible way by the Council this evening. The Mayor feels that history will prove that they've made a rational decision based upon the genuine concern to protect the quality of life in the commercial areas which are adjacent to where our residents live.

ADJOURNMENT - 9:20 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to adjourn the meeting at 9:20 p.m.

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

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated: