

MINUTES

Regular Meeting of the Mayor and Council
Monday, November 7, 2016
6:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Mignone called the meeting to order at 6:00 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

Mayor Mignone called for a moment of silent prayer and asked Councilman Papaleo to lead the salute to the flag.

SUNSHINE STATEMENT -

Mayor Mignone read the statement under the Sunshine Law as follows: "Adequate Notice of this meeting has been made by sending notice on December 18, 2015 to THE RECORD NEWSPAPER, by positioning on the bulletin board in the lobby of the Borough Hall and filing a Notice of the same with the Municipal Clerk".

ROLL CALL - Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteed, Councilwoman Davis, Councilwoman Murphy, Councilman Papaleo and Mayor Mignone were present.

APPROVAL OF MINUTES -

Motion by Councilwoman Davis, seconded by Councilwoman Davis to approve the minutes of the Mayor and Council work session and regular meeting minutes of October 17, 2016.

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes; Councilwoman Busteed abstained.

PROCLAMATIONS & AWARDS -

Mayor Mignone presented a Certificate of Recognition to Brian Coyman. The certificate read as follows:

*Certificate of Recognition
Presented to
Fire Department Lt. Brian Coyman*

Who selflessly gave his time, money and support to help raise over \$20,000 for 2 girls from Walton, New York who are suffering from cancer. Brian generously spent his own money to purchase a car which he drove in a Demolition Derby to help raise money for the family's medical expenses.

The Mayor stated that they are honored to be able to recognize Brian for going above and beyond for people outside the community and commended him for doing it as part of his daily life as a volunteer. The Mayor told Brian that he appreciates his dedication and the work he does for our town.

Mayor Mignone presented Former Fire Chief, David Stucke with the "You InspiRE" Award.

Mayor Mignone informed everyone that on October 11th, Dave was in a delicatessen in Haworth ordering breakfast when a man in line behind him suddenly collapsed. Dave, using his first responder training, immediately took over the scene and administered medical attention to the victim until Police and EMS arrived. When asked about it, Dave was very modest and shrugged it off by saying "all in a days work".

Mayor Mignone said that he's an everyday hero who just goes about it as if it's part of their daily lives. The Mayor said that he's very pleased to offer Dave the "You InspiRE" award.

Dave Stucke-said that the EMS training that's inside his soul started a few years ago when the Ambulance Corp. was in need of help for their daytime response and reached out to the Fire Department for volunteers. At that time he worked for the DPW and took basic first aid and help out with driving. He said that during that time he learned a lot from Mary Davis, Kate Beattie and the elders in the Fire Department. Since that time he it's been instilled in him to always look out for others and never turn your back on anyone.

Mayor Mignone-thanked Chief Schultz and Assistant Chief O'Connell for bringing this to their attention because many times acts like this go unnoticed and he is glad he had the opportunity to publicly recognize them.

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

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

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteed, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes.

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilman Bartelloni to close public comments on any issue on the agenda.

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteed, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes.

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the salary increase of Matthew Jung, part-time Police Dispatcher from an hourly probationary rate of \$16.00 to Step I - \$18.97, effective August 17, 2016.

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteed, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilwoman Davis to approve the salary increase of Brenton Prisendorf, Patrol Officer from a 2nd year probationary rate of \$46,008.00 to Patrol Officer 17th Grade - \$54,127.00, effective November 3, 2016.

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteed, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes.

Motion by Councilwoman Murphy, seconded by Councilwoman Davis to approve the hire of Carol Byrne as Planning/Zoning Board Recording Secretary at an hourly rate of \$19.17 with a six-month probationary period, effective November 8, 2016.

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteed, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes.

CORRESPONDENCE -

Notice	-	River Edge Board of Ed - 10/17/16 Re: Meeting Notice - 10/19/16
Letter	-	Board of Chosen Freeholders - 10/20/16 Re: Adoption of Ordinance #16-23, #16-24 & #16-25
Letter	-	Board of Chosen Freeholders - 10/20/16 Re: Introduction of Ordinance #16-26 & #16-27
Letter	-	State of New Jersey DEP - 10/20/16 Re: Ground Water Contamination at Van Buren Avenue & Kinderkamack Road
Letter	-	Board of Chosen Freeholders - 10/28/16

Report - Re: Resolution Recognizing
Peter Calhoun, Rogut McCarthy - 11/2/16
Letter - Re: Bid Tabulation Sheet
Board of Chosen Freeholders - 11/1/16
Re: Final Adoption of Ordinance #16-26 &
#16-27

MONTHLY REPORTS -

Recreation Commission - July, August & September
2016
Shade Tree Commission - September 2016
Fire Prevention - July through September 2016
Historic Commission - September 2016
Library Board - October 2016

ORDINANCES - 1ST READING -

Judy O'Connell, Deputy Clerk read the title of Ordinance #1873 as follows:

Ordinance #1873 - A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF STREET, CURB AND SIDEWALK IMPROVEMENTS PHASE II IN SAID BOROUGH, AND APPROPRIATING THE SUM OF \$68,493.00 FROM BERGEN COUNTY COMMUNITY DEVELOPMENT GRANT PROGRAM FUNDS TO PAY THE COST THEREOF

Mayor Mignone explained that this is the funding that the Borough received from the 2016 Community Development Block Grant for the Oxford Terrace curb and sidewalks improvements.

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the first reading of Ordinance #1873 as follows:

BOROUGH OF RIVER EDGE
COUNTY OF BERGEN
ORDINANCE #1873

A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF STREET, CURB AND SIDEWALK IMPROVEMENTS PHASE II IN SAID BOROUGH, AND APPROPRIATING THE SUM OF \$68,493.00 FROM BERGEN COUNTY COMMUNITY DEVELOPMENT GRANT PROGRAM FUNDS TO PAY THE COST THEREOF

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 shall construct street, curb and sidewalk improvements on Oxford Terrace and Rutgers Place. Such improvements shall include all work and appurtenances necessary and suitable for the use and purpose thereof. Such improvements shall be made in accordance with plans to be prepared thereof by the Borough and herein authorized to be made.

SECTION 2. The Borough shall expend \$68,493.00 for the improvement authorized in Section 1. hereof. Said sum of \$68,493.00 is a grant from the 2016 Community Development Block Grant Funds, County of Bergen and is appropriated by the Borough by special rider in budgets hereinbefore authorized.

SECTION 3. Such improvement is hereby determined and declared to be a capital improvement which the Borough may lawfully make pursuant to law.

SECTION 4. This ordinance shall take effect at the time and in the manner provided by law.

Mayor Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk
Dated:

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteded, Councilwoman Davis, Councilwoman Murphy and

Councilman Papaleo voted yes.

Judy O'Connell, Deputy Clerk read the title of Ordinance #1874 as follows:

Ordinance #1874 - BOND ORDINANCE TO AUTHORIZE THE ENGINEERING DESIGN PHASE OF THE CONSTRUCTION AND RECONSTRUCTION OF CURBS ON EXISTING SIDEWALKS AT PORTIONS OF RUTGERS PLACE AND OXFORD TERRACE IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, A SIDEWALK IMPROVEMENT, TO APPROPRIATE THE SUM OF \$3,720 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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.

Mayor Mignone - explained that this ordinance is the companion ordinance to #1873 which represents the design fee. The Mayor asked Alan if this is the entire design fee or just what's being assessed?

Alan Negreann replied that this is design not inspection.

Mayor Mignone asked if this is the amount that will be assessed to the property owners?

Alan Negreann replied, yes I believe so. He stated that the whole design fee will be a little higher because there is a public portion of the project as well such as the islands in Oxford Terrace which will not be assessed.

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve the first reading of Ordinance #1874 as follows:

BOROUGH OF RIVER EDGE
COUNTY OF BERGEN
ORDINANCE #1874

Ordinance #1874 - BOND ORDINANCE TO AUTHORIZE THE ENGINEERING DESIGN PHASE OF THE CONSTRUCTION AND RECONSTRUCTION OF CURBS ON EXISTING SIDEWALKS AT PORTIONS OF RUTGERS PLACE AND OXFORD TERRACE IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, A SIDEWALK IMPROVEMENT, TO APPROPRIATE THE SUM OF \$3,720 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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 engineering design phase (hereinafter referred to as the "purpose" or the "improvement") of the construction and reconstruction of curbs on existing sidewalks beginning at the intersection of Rutgers Place and Bogert Road and proceeding (A) on the northern side of Rutgers Place approximately 740 linear feet to the division line of Lot 1 and Lot 2 in Block 1401, as shown on the Tax Assessment Map of the Borough (the "Tax Map"), and (B) continuing on the southern side of Oxford Terrace approximately 500 linear feet along Lot 2 and Lot 1 in Block 1401 on the Tax Map. The improvement shall be undertaken along and in front of the following described property locations as shown on the Tax Map: Block 1401, Lots 1 and 2. It is hereby determined and stated that the Borough intends to adopt an ordinance to authorize the construction phase of the project.

Section 2. The sum of \$3,720 is hereby appropriated to the payment of the cost of the improvement described in Section 1 of this ordinance. Said sum so appropriated shall be met from the proceeds of the sale of the bonds authorized and the down payment made by this ordinance.

Section 3. The improvement shall be undertaken as a sidewalk improvement and the cost thereof not borne by the Borough shall be assessed in the following manner: an accurate account of the cost of the improvement shall be kept by an officer of the Borough and such cost shall be assessed upon the several properties fronting on the improvement in proportion to their respective frontage thereon pursuant to and in accordance with the provisions of Chapter 65 of Title 40 of the Revised Statutes of New Jersey. The portion of such cost which shall not be so

assessed shall be paid by the Borough as in the case of a general improvement which is to be paid for by general taxation.

Section 4. Before making said sidewalk improvement or awarding any contract for such sidewalk improvement, the Borough Clerk shall cause notice of the proposed sidewalk improvement to be given to the owner or owners of all real estate affected thereby. Such notice shall be served in accordance with the provisions of Chapter 65 of Title 40 of the Revised Statutes of New Jersey, in particular Section 40:65-2 to Section 40:65-6, and the proof of service shall be filed with the officer of the Borough in charge of the records of tax liens of the Borough within 10 days after service thereof.

Section 5. It is hereby determined and stated that (1) one hundred percent (100%) of the cost of the improvement shall be assessed against the owners of the properties fronting on the improvement and (2) the Borough will not contribute any money to the cost of said improvement and (3) no sidewalk assessments for such improvement have been levied or confirmed and (4) such sidewalk assessments may be paid in five annual installments.

Section 6. It is hereby determined and stated that (1) the making of such improvement is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$3,720, and (4) \$200 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$3,520, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$3,720, which is estimated to be necessary to finance the cost of such 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 7. It is hereby determined and stated that moneys exceeding \$200, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$200 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 8. To finance said purpose, bonds of the Borough of an aggregate principal amount not exceeding \$3,520 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 9. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$3,520 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 10. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and 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 bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute 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 11. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of 10 years computed from the date of said bonds.

Section 12. 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 said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$3,520 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 13. Any funds received from 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 such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 14. 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 15. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds and notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 16. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the 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 17. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Edward J. Mignone, Mayor

ATTEST:

Stephanie Evans, Borough Clerk

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteed, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes.

ORDINANCE - 2ND READING - NONE

RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Bartelloni to approve resolution #16-387 through #16-405.

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteed, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes.

#16-387 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 December 5, 2016 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.

November 7, 2016

#16-388 Approval to Submit a Grant Application and Authorize Mayor, Administrator/CFO and Police Officer to Sign "Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown" Grant

WHEREAS, the Division of Highway Traffic Safety is offering \$5,000.00 in overtime enforcement grant funding to be utilized during the "Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown" from December 9, 2016 - January 1, 2017.

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

BE IT FURTHER RESOLVED, that the Mayor, Administrator/CFO and Police Officer are hereby authorized to sign the New Jersey Division of Highway Traffic Safety's "Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown" grant.

November 7, 2016

#16-389 Resolution Authorizing Chief Financial Officer to Cancel Grant Fund Receivable and Appropriated Reserve for the Drive Sober or Get Pulled Over 2016 Statewide Crackdown

WHEREAS, the Borough of River Edge in 2016 received approval for a grant through the New Jersey Division of Highway Traffic Safety for a grant entitled "Driver Sober or Get Pulled Over 2016 Statewide Crackdown"; and

WHEREAS, the Borough of River Edge has on its books and records an account receivable of \$3,264.90 and an appropriated reserve of \$3,264.90; and

WHEREAS, the Chief Financial Officer has investigated the account receivable and appropriated reserve balance and has recommended that they be cancelled.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is authorized to cancel the grant fund account receivable in the amount of \$3,264.90 and appropriated reserve for the grant entitled: Drive Sober or Get Pulled Over 2016 Statewide Crackdown" in the amount of \$3,264.90.

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

November 7, 2016

#16-390 Amend 2016 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services may approve the insertion or increase of any special item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion or increase of an item for an equal amount; and

WHEREAS, the Borough has received a grant for Drive Sober or Get Pulled Over Year End Holiday Crackdown in the amount of \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

3. Miscellaneous Revenue - Section F

Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant.....\$5,000.00

BE IT FURTHER RESOLVED that the like sum of \$5,000.00 and the same is hereby appropriated under the caption of:

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

Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant.....\$5,000.00

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

November 7, 2016

#16-391 Cancel Unexpended and Dedicated Balances

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance and unused debt authorized may be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the following unexpended and dedicated balances of General Capital Appropriation be cancelled:

<u>ORDINANCE</u>	<u>UNFUNDED DEFERRED CHARGES</u>	<u>CAPITAL FUND BALANCE</u>	<u>CAPITAL IMPROVEMENT FUND</u>
1822	\$8,779.08		

November 7, 2016

#16-392 Enter into a Grant Agreement with the County of Bergen for the Purpose of Using Community Development Block Grant Funds

BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$68,493.00 in 2016 Community Development Block Grant funds for Handicapped Accessible Curb,

Ramps and Sidewalks in the Borough of River Edge.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Edward J. Mignone, Mayor to be a signatory for the aforesaid grant agreement.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Alan P. Negreann, Borough Administrator/Chief Financial Officer to sign all County vouchers submitted in connection with the aforesaid project.

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of River Edge is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

November 7, 2016

#16-393 Enter Into an Interlocal Agreement with the Northwest Bergen County Utilities Authority

This Agreement is made this 1st day of January, 2017, by and between the Borough of River Edge, a Municipal Corporation of the State of New Jersey located at 705 Kinderkamack Road, River Edge, New Jersey 07661, (hereafter "Borough") and the Northwest Bergen County Utilities Authority (hereafter "NBCUA") 30 Wyckoff Avenue at Authority Drive, Waldwick, New Jersey.

WHEREAS, the Borough of River Edge has a need for TV Inspection Services of the sanitary sewer system or other systems; and

WHEREAS, the State's Best Practices highly recommended that municipalities find ways to share services; and

WHEREAS, the Borough and NBCUA wish to enter into an a two-year agreement whereby NBCUA will provide TV Inspection Services of the sanitary sewer system or other systems, for the years 2017 and 2018; and

WHEREAS, this agreement is an open ended contract as per N.J.A.C. 5:34-4.9 and thus the certificate of availability of funds required by N.J.A.C. 5:34-5 shall be executed each time an order is placed, covering the amount of the order at that time; and

WHEREAS, the Participants are desirous of entering into an Agreement pursuant to the provisions of N.J.S.A. 40A:65.5 et seq whereby a Share Service Agreement can lower the cost of T.V. services to the taxpayers of the Borough and the users of the NBCUA; and

WHEREAS, each of the Participants has adopted an authorizing resolution pursuant to the provisions of N.J.S.A. 40A:65.5 et seq.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to enter into an agreement with the Northwest Bergen County Utilities Authority which is on file in the Borough Clerks office.

November 7, 2016

#16-394 Transfer of Funds

WHEREAS, N.J.S.A. 49:4-59 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budgeted appropriations.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be authorized:

FROM: Economic Development O/E	20-1742-100	\$10,000.00
TO: Fire Department O/E	25-2552-101	\$10,000.00

FROM: Tax Assessment O/E	20-1502-169	\$ 800.00
TO: Fire Hydrant Service O/E	31-4452-100	\$ 800.00
FROM: General Administration O/E	20-1002-028	\$ 2,200.00
TO: Maint. Public Library Water O/E	31-4453-177	\$ 2,200.00
FROM: Other Code Enforcer S/W	22-2001-011	\$ 2,000.00
TO: Planning Board O/E	21-1802-028	\$ 2,000.00
FROM: Sanitation Landfill O/E	32-4652-124	\$10,000.00
TO: Police Dept.-Dispatcher/Civilian S/W	25-2401-003	\$10,000.00
FROM: Sanitation Landfill O/E	32-4652-124	\$10,000.00
TO: Police Dept.- OT Officers S/W	25-2401-014	\$10,000.00
FROM: General Administration O/E	20-1002-028	\$ 2,000.00
TO: Telephone & Telegraph O/E	31-4402-077	\$ 2,000.00

November 7, 2016

#16-395 Amend 2016 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services may approve the insertion or increase of any special item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion or increase of an item of appropriation for an equal amount; and

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for State and Local Housing Grant in the amount of \$24.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

4. Miscellaneous Revenue - Section F

State/Local Cooperative Housing Grant.....\$24.00

BE IT FURTHER RESOLVED that the like sum of \$24.00 and the same is hereby appropriated under the caption of:

General Appropriations

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

State/Local Cooperative Housing Grant.....\$24.00

BE IT FURTHER RESOLVED that the Borough forward electronically the contents of this resolution to the Director of Local Government Services.

November 7, 2016

Councilwoman Murphy-asked for clarification on what DEDR, Cash Match and In Kind mean.

Alan Negreann-explained that the DEDR is the grant portion from the County of Bergen through the State of New Jersey. We are required to provide a cash match and there is some fundraising that goes on between the Police Department what used to be called the DARE Program and the Alliance which the Fun Run proceeds go towards. The In Kind service is the time that is spent by the Police Department, Alliance Committee and Chair for the volunteer work that goes on. The entire grant is composed of those three elements.

#16-396 Resolution to Authorize Submission of the Application for the River Edge Municipal Alliance to Prevent Alcoholism and Drug Abuse Grant for 2018

WHEREAS, the Governor's council on Alcoholism and Drug Abuse

established the Municipal Alliance for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Borough Council of the Borough of River Edge, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen.

NOW, THEREFORE BE IT that the Borough of River Edge, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the River Edge Municipal Alliance grant for fiscal year 2018 in the amount of:

DEDR	\$9,876.00
Cash Match	\$2,469.00
In Kind	\$7,407.00

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Approved: _____
Edward J. Mignone, Mayor

BE IT FURTHER RESOLVED that the Mayor and Councilwoman Busteed are hereby authorized to sign the Municipal Alliance to Prevent Alcoholism and Drug Abuse Grant.

November 7, 2016

Councilwoman Murphy-asked if all of the stops are existing or are there changes?

Alan Negreann-explained that he thinks it's routine and also thinks that the County had requested it after we made the change on the Wayne Avenue stop.

#16-397 Resolution Designating River Edge Bus Stops

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of River Edge, County of Bergen and State of New Jersey, that pursuant to N.J.S.A. 39-4-9e the following described locations are designated as bus stops:

RIVER EDGE COUNTY ROAD:

1. **Along Kinderkamack Road (RD503), northbound, on the easterly side thereof at:**
 - a. Between Grand Avenue and Main Street (mid-block) Beginning 60 feet north of the northerly curblineline of Grand Avenue and extending 135 feet northerly therefrom (13380).
 - b. Reservoir Avenue - (near side) Beginning at the southerly curblineline of Reservoir Avenue and extending 105 feet northerly therefrom (1318).
 - c. Howland Avenue - (far side) Beginning at the northerly curblineline of Howland Avenue and extending 100 feet northerly therefrom

(13182).

- d. Wayne Avenue - (far side)
Beginning at the northerly curblines of Wayne Avenue and extending 75 feet northerly therefrom (13183).
 - e. Windsor Road - (far side) (prolongation)
Beginning at the prolongation of the northerly curblines of Windsor Road and extending 100 feet northerly therefrom (13184).
 - f. Manning Avenue - (far side) (prolongation)
Beginning at the prolongation of the northerly curblines of Manning Avenue extending 100 feet northerly therefrom (13185).
 - g. Monroe Avenue - (far side) (prolongation)
Beginning at the prolongation of the northerly curblines of Monroe Avenue extending 100 feet northerly therefrom (13186).
 - h. Jefferson Avenue - (far side) (prolongation)
Beginning at the prolongation of the northerly curblines of Jefferson Avenue extending 100 feet northerly therefrom (13187).
 - i. Continental Avenue - (far side)
Beginning at the northerly curblines of Continental Avenue and extending 100 feet northerly therefrom (13188).
 - j. Washington Avenue - (far side)
Beginning at the northerly curblines of Washington Avenue and extending 100 feet northerly therefrom (13189).
 - k. Christie Avenue - (far side)
Beginning at the northerly curblines of Christie Avenue and extending 100 feet northerly therefrom (13190).
2. Along Kinderkamack Road (CR503), southbound, on the westerly side thereof at:
- a. Between Midland Avenue and Christie Avenue - (mid-block) Beginning 60 feet north of the northerly curblines of Midland Avenue and extending 135 feet northerly therefrom (13191).
 - b. Washington Avenue - (near side) (prolongation)
Beginning at the prolongation of the northerly curblines of Washington Avenue and extending 105 feet northerly therefrom (13192).
 - c. Between Continental Avenue and Carol Lane - (mid-block) Beginning 150 feet north of the northerly curblines of Continental Avenue and extending 135 feet northerly therefrom (13393).
 - d. Jefferson Avenue - (near side)
Beginning at the northerly curblines of Jefferson Avenue and extending 105 feet northerly therefrom (13394).
 - e. Monroe Avenue - (far side)
Beginning at the southerly curblines of Monroe Avenue and extending 100 feet southerly therefrom (13395).
 - f. Manning Avenue - (near side)
Beginning at the northerly curblines of Manning Avenue and extending 105 feet northerly therefrom (13396).
 - g. Windsor Road - (near side)
Beginning at the northerly curblines of Windsor Road and extending 105 feet northerly therefrom (13397).

- h. Wayne Avenue - (near side)
Beginning at the northerly curblineline of Wayne Avenue
and extending 105 feet northerly therefrom (13398).
- i. Howland Avenue - (far side)
Beginning at the southerly curblineline of Howland Avenue
And extending 100 feet southerly therefrom (13399).
- j. Between Reservoir Avenue and Rutgers Place (mid-block)
Beginning 50 feet south of the southerly curblineline of
Reservoir Avenue and extending 135 feet northerly
therefrom (13400).
- k. Between Rutgers Place and Reservoir Avenue - (Mid-
block) Beginning 220 feet north of the northerly
curblineline of Rutgers Place and extending 135 feet
northerly therefrom (13404).
- l. Grand Avenue - (far side)
Beginning at the southerly curblineline of Grand Avenue
and extending 100 feet southerly therefrom (13401).

That the Mayor and Council of the Borough of River Edge will enforce the needed traffic regulations governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

DATED: November 7, 2017

Edward J. Mignone, Mayor)

Stephanie Evans, Municipal Clerk

Chairman, Bergen County Board of Freeholders

County Clerk, Bergen County

#16-398 Amend Capital Budget

WHEREAS, the Borough of River Edge, New Jersey desires to amend the Capital Budget of said municipality by inserting thereon or correcting the items therein as shown on such budget for the following reason: Engineering Design Phase of the Construction and Reconstruction of Existing Sidewalks, Curbs and Driveway Aprons at portions of Rutgers Place and Oxford Terrace.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge in the County of Bergen as follows:

Section 1. The 2016 Capital Budget of the Borough of River Edge is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT 16-2
CAPITAL BUDGET OF THE BOROUGH OF RIVER EDGE
Projects Scheduled for 2016
Method of Financing

	Estimated Cost	Capital Improvement Fund	Bond/Notes Authorized
Engineering Design Phase of the Construction & Reconstruction of Sidewalks, Curbs & Driveway Aprons at portions of Rutgers Place & Oxford Terrace	\$3,720.00	\$200.00	\$3,520.00

November 7, 2016

#16-399 Authorize Tax Collector to Refund 2014, 2015 and 2016 Taxes
Due to a New Jersey Tax Court Judgment

WHEREAS, a Tax Court Judgment was entered on 9/16/16 and the same was received on 10/11/16 by the tax office reducing the Assessed Value on the property owned by Allen & Benkel Realty, Inc., known as Block: 1410 Lot: 3 located at 80 Grand Avenue for the year 2014, 2015 & 2016; and

WHEREAS, the 2014, 2015 and 2016 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
1410/3	1,039,400	957,500	2014	2,639.64
	1,039,400	957,500	2015	2,634.72
	1,039,400	957,500	2016	2,691.23
Total:				\$7,965.59

Make check payable to:

Michael I. Scheck, Trustee for Allen & Benkel Realty, Inc.
 Schneck Law Group LLC
 301 South Livingston Avenue
 Suite 105
 Livingston, NJ 07039

November 7, 2016

#16-400 Authorize Tax Collector to Adjust 4th Quarter 2016 Taxes for a Veteran Deduction Allowed

WHEREAS, the following homeowner filed a Veteran Deduction Application in the amount of \$250.00 and was approved by the Tax Assessor for the year 2016; and

WHEREAS, the deduction was not listed in the 2016 Tax Duplicate.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to adjust the 4th Quarter final taxes for the deduction amount.

Block/Lot	Name & Address	Deduction	Adjusted Amount
615/12	Guzman, Christian 572 Bogert Road	Veteran	\$250.00

November 7, 2016

#16-401 Authorize Tax Collector to Adjust 4th Quarter 2016 Taxes for a Veteran Deduction Allowed and Refund Overpaid Taxes

WHEREAS, the following homeowner(s) filed a Veteran Application for a deduction in the amount of \$250.00 and was approved by the Tax Assessor for the year 2016; and

WHEREAS, the deduction was not listed in the 2016 Tax Duplicate; and

WHEREAS, the taxpayer has paid the final taxes billed for the 4th quarter prior to the approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to adjust/credit the 4th quarter final tax billing and refund the taxpayer for \$250.00, overpaid taxes.

Block/Lot	Name & Address	Deduction	Adjusted/Refunded
1209/31	Howard Turner 185 Howland Avenue	Veteran	250.00
		Total:	250.00

Make check payable to: Howard Turner
 185 Howland Avenue
 River Edge, NJ 07661

November 7, 2016

#16-402 Authorize Release of a Performance Bond for P. Cipollini, Inc.,
for the Roof Replacement Clearstory Rehab Ductwork Modification Project at
River Edge Public Library

WHEREAS, the Borough of River Edge received a Performance Bond from P. Cipollini, Inc., 171 E. Blackwell Street, Dover, New Jersey 07801 for the project known as the Roof Replacement Clearstory Rehab Ductwork Modification Project at River Edge Public Library; and

WHEREAS, the Performance Bond was dated December 5, 2014 in the amount of \$343,000.00; and

WHEREAS, the Consulting Engineer has certified that the final inspection has been made and approval is given with regard to the project known as the Roof Replacement Clearstory Rehab Ductwork Modification Project at River Edge Public Library and recommends that the Performance Bond be released; and

WHEREAS, the Borough Clerk has received a Maintenance Surety Bond in the amount of \$345,600.00 which will run for a two (2) year period from September 30, 2016 to September 30, 2018; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the Performance Surety Bond for P. Cipollini, Inc. that is on file with the Borough of River Edge be released in the amount of \$343,000.00 and the Borough Clerk will send notice to Main Street America Group informing them of same.

November 7, 2016

#16-403 Amend Agreement with Alan P. Spiniello, Esq., 45 Essex Street,
Hackensack, New Jersey for Professional Services for Expert Legal
Services

WHEREAS, there exists a need for Expert Legal Services for tax appeal representation; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Alan P. Spiniello, Esq. via resolution #16-09 dated January 1, 2016 in the amount of \$5,000.00; amended via resolution #16-137 dated March 7, 2016 in the amount of \$10,000.00 and amended via resolution #16-285 on July 11, 2016 in the amount of \$8,000.00; and

WHEREAS, additional funding is required for Expert Legal Services for tax appeal representation; and

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

WHEREAS, Alan P. Spiniello, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Alan P. Spiniello, Esq. 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 Alan P. Spiniello, Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-174 of the Current Fund in the amount not to exceed \$7,000.00.

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, the rate of pay shall not exceed \$125.00 per hour;

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

1. The Mayor and Clerk are hereby authorized and directed to execute

the attached agreement with Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey, 07601 in the amount not to exceed \$7,000.00.

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

November 7, 2016

#16-404 Authorize Release of a Performance Bond for the Yeshiva of North Jersey, 666 Kinderkamack Road, River Edge, New Jersey 07661, Block 616, Lot 9

WHEREAS, in accordance with a Developer's Agreement with the Borough the Developer was required to provide a Performance Bond in the amount of \$178,800.00 to secure performance of all conditions of the Planning Board's Site Plan Approval; and

WHEREAS, the Borough has on hand a Letter of Credit in the amount of \$178,800.00 and a cash deposit of \$17,880.00; and

WHEREAS, the Borough Engineer has certified that the Developer has fully performed the project in accordance with the Planning Board and has recommended the release of the Performance Bond and cash deposit; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the above referenced Performance Bond be hereby released and the Accounts Supervisor is hereby authorized to release the cash portion of the Performance Bond in the amount of \$17,880.00 on the condition that the Developer first provide a Maintenance Bond, in the amount of \$26,820.00 to run for a period of two (2) years for all public improvements and facilities which are part of the project. The Borough Clerk will send notice to Capital One, N.A. informing them of same.

November 7, 2016

#16-405 Enter into Agreement with Robert Costa, Borough Engineer for Professional Services Related to Updating the Street Map for the Borough

WHEREAS, there exists a need for expert professional engineering services related to updating the street map for the Borough; 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 #01-2010-20-1652-169 of the Current Fund in the amount of \$2,406.50; 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 \$2,406.50; 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.

November 7, 2016

Councilwoman Busted read resolution #16-406 into the record.

Motion by Councilwoman Busted, seconded by Councilwoman Murphy to approve resolution #16-406.

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busted, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes.

#16-406 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	\$8,102,683.37
CAPITAL ACCOUNT	\$ 19,351.81
RECREATION ACCOUNT	\$ 2,321.71
ANIMAL WELFARE ACCOUNT	\$ 2.40
SELF INSURANCE ACCOUNT	\$ 4,346.00
TRUST OTHER ACCOUNT	\$ 22,234.81
TRUST OTHER DEVELOPERS ACCOUNT	\$ 2,465.00

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

November 7, 2016

OPEN HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteed, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes.

John Higgins-580 Clarendon Court-said that a year ago, they presented to the Mayor and Council a petition signed by more than 500 residents supporting the ordinance prohibiting businesses from opening in residential areas during night time hours. He also said that in addition, the Planner testified on behalf of the ordinance. He said that Chief Cariddi was asked to comment on crime involving convenience stores and he stated that convenience stores like 7 Eleven are high on the list of targets for night time robberies. They also presented case law from the Supreme Court stating that towns have a right to enact an ordinance in residential areas limiting night time business hours in order to protect and preserve the quality of life in those areas. He stated that they also submitted minutes from the Planning Board which showed that they never gave 7 Eleven the right to stay open 24/7. He stated that on October 3rd the Mayor and Council met in closed session to discuss 7 Eleven litigation. Because it was a closed session, they don't know what was discussed but they have a concern that the discussion may have involved a settlement. Mr. Higgins said that some people will tell tonight the night time incidents that have occurred involving 7 Eleven. He's told his neighbors that for the benefit of the Mayor and Council and their knowledge of what's going on, to document these incidents. He said that he's here tonight with several residents to say to the Mayor and Council that it's their expectation that they will defend this ordinance and if a proposal to settle the case by 7 Eleven comes before them, they reject it. Tom Sarlo, Esq.- said that we are in pending litigation so the Mayor and Council will not address any comments. He continued to say that they've had numerous closed session matters regarding 7 Eleven where he and Mr. Grodeck provided the Mayor and Council with the status. He's concerned that a resident has come up here mentioning one closed session and talking about terms of settlement. He feels the need to re-enforce to this Mayor and Council that closed session means just that, closed. If anything that is discussed in closed session gets out to the public, number one it's a violation of the law and number two, we have the potential to lose the attorney client privilege. If you don't think that 7 Eleven is monitoring each and every one of our meetings and watching them, you are mistaken because they are. Mr. Sarlo continued to say that it concerns him that a resident brings that up right after our last meeting. One thing that he's told them several times this year is that they do not address pending litigation because there are a lot of moving parts to this. They especially should not be repeating what is said during closed session. To have one closed session meeting referenced after having numerous closed sessions is a little concerning to him so he wants to re-enforce that to everyone.

Anne Marie Brown-574 Clarendon Court-said that last year she and several neighbors appeared before the Mayor and Council to express concerns about having a 24 hour 7 Eleven store in a residential zone in River Edge. Mrs. Brown explained that many people told her that her concerns were unfounded and a figment of her imagination. Mrs. Brown was pleased that the Mayor and Council did pass an ordinance limiting the hours of operation because she has found that her concerns have become a reality. She complained about the noise from the trucks that are making deliveries at all hours of the day and night. Trucks can be seen making deliveries from 9 a.m. to 11 p.m. typically banging their lifts, idling their engines and running their refrigeration units for upwards to 30 to 45 minutes at a time. She said that last night a delivery truck arrived at the store at 3 a.m. and left at 4:01 a.m. even though the store wasn't open. She said that idling can be heard through windows and over a television and numerous complaints have been made. In addition, there's consistently noise from patrons who come and go from the store and at times cars blast their radios while others shout to their friends as they walk down the block. Another concern was large groups of teens hanging out. She explained that not only do they hang out but they use the retaining wall and dumpster as a personal jungle gym. The other day she saw a teen sleeping in the parking lot which she has documented. She mentioned that another concern was traffic. She said that on a daily basis traffic backs up in front of the store because motorists have a hard time making a left both in and out of the parking lot making it difficult for Clarendon Court residents to get out of their block. They've noticed many tractor trailers parking on Kinderkamack to make deliveries, MTA buses and school buses that park on Kinderkamack Road to run inside to make a purchase. Both of which block the line of sight and she believes that both areas are no parking zones. There are high levels of dangers for pedestrians attempting to cross because there is no crosswalk and cars don't stop to let them cross. Mrs. Brown said the one area of concern that has not impacted them yet is crime

but she has noticed Police questioning patrons outside of the store. She herself has protected her family by increasing her security system which includes a video camera. Mrs. Brown encouraged the Mayor and Council stop by and see for themselves what's going on there. She also suggests that they go on Facebook and take a look at the River Edge Mom and Dad's page to see what people are saying about having two 7 Eleven's in town with both potentially being open 24 hours a day. They're not happy. She respectfully requests that they withhold the decision that they made a year ago to limit the hours of operation for businesses in a residential area. She feels that when CVS moved from Kinderkamack Road to the south end of town, people had a hard time getting used to it but eventually they adapted. She believes that people will adapt and go to the 24 hour 7 Eleven store located in the south end of town which would eliminate the need for two. Mrs. Brown respectfully requests that they uphold the ordinance that was passed last year.

Jerry Lim-572 Clarendon Court-stated that he lives across from the 7 Eleven and agreed with all of Mrs. Brown's comments. Last night he heard a car in the lot with loud music and slamming car doors and late at night he heard a garbage truck. He feels that it's not a good quality of life for the residents. He doesn't feel 7 Eleven will make that much money during night time hours to warrant being open 24 hours a day. He feels that they're not concerned with surrounding residents, their concern is about making money.

Paul McCusker-583 Clarendon Court-had attended several meetings where discussions took place regarding the resolution and feels that it was the right decision to enact the limitation of operating hours in the residential district. He attended the meeting after the litigation was filed to thank the Mayor and Council for doing the right thing and feels that most residents feel the same way. Mr. McCusker also said that the fact that litigation was filed really shouldn't surprise anyone because that was what they said they were going to do. At that time, Mr. McCusker asked that they vigorously defend the lawsuit and not give in to 7 Eleven's tactics. He realizes that during the course of litigation, eventually the topic of settlement will come up. Mr. McCusker asked that the position the town should take and one that the residents would support is that any discussion of settlement to modify the resolution in any way should not be entertained. He believes that the town's position has only gotten stronger recently because 7 Eleven has a store opening at the south end of town that will be open 24 hours. So from the town's perspective, he feels that the management of 7 Eleven won't want to go forth with a lawsuit and incur more litigation expenses when another store is opening down the street. In his mind, their motivation to fight this has gone down dramatically and again thanked them for passing the resolution and for defending the lawsuit up until now. He urges them to not settle with 7 Eleven and allow them to be open 24/7.

Tara Finley-571 Clarendon Court-agreed with what her neighbors have said and also feels that there is no need for two 7 Eleven stores in town. She complained about the noise and traffic on Kinderkamack Road and she has also noticed more littering. Ms. Finley asked the Mayor and Council to take their comments into consideration and try to understand where they're coming from.

Marylisa Santos-578 Clarendon Court-stated that she has seen the 7 Eleven open before 5 a.m. and complained about the lights on the outside of the building being too bright. She has noticed that although the lights on the inside are dim, if a patron pulls into the parking lot before 5 a.m., someone would open the door allowing the customer to come in. She agrees with the concerns that her neighbors have spoken about and from now on, when she witnesses something she will document it.

CLOSE HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busted, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes.

COUNCIL COMMENTS -

Councilwoman Murphy-extended her condolences to the family of Jeff Howes who recently passed away leaving behind six young children under the age of 9. She suggested that if anyone is interested in helping the family, to go to the GoFundMe page for more information.

Councilwoman Davis-reported that the Farmer's Market ended on October 18th after a very successful season and also reported that the Green Team discussed possible projects for next year. They asked that if there are

any remaining funds in the budget this year, they would like to help the Boy Scout with his tree farm project. She and Ellen had attended a luncheon at SCORE with their running mates and spoke to the members about what the Mayor and Council as a whole are doing for the seniors. Councilman Papaleo-stopped by the Cultural Center to view the exhibit that was put together by the Historic Commission. He commended them for doing a wonderful job in documenting the history of River Edge. Councilman Papaleo also reported that the Fire Department continues to visit the elementary schools to educate the children on fire safety. He feels that this is just another fine example of what our volunteer firefighters do. Councilman Bartelloni-said that since their next meeting isn't until December, he wished everyone a Happy Thanksgiving. He congratulated Brian Coyman and Dave Stucke for their good works. Councilman Bartelloni thanked and congratulated all of the volunteers for the River Dell Soccer Association who finished up their season this past weekend. He gave a special shout out to the 3 -4 Girls Breakers Champs in the Round Robin. He wished the candidates good luck in the election tomorrow. Councilwoman Busteed-reported that last Thursday she had the pleasure of representing the Borough to receive our Silver Award from the New Jersey Safe Routes to School which is a division of the Department of Transportation. River Edge was the only municipality in Bergen County to receive that level of award which is good for three years. She suggested that sometime in the future, to present the award to our crossing guards, members of the Police Department and Traffic & Safety who really do the hard work allowing us to achieve that level of award. She urged everyone to exercise their right to vote tomorrow and wished all the candidates the best of luck. Mayor Mignone-also extended his condolences and heartfelt thoughts and prayers to the family of Jeff Howe. He reminded the Council that the VFW will have their Veteran's Day Ceremony at Memorial Park on Wednesday at 10 a.m. The Mayor was also asked to extend an invitation to the Council by Rabbi Jacobson of Temple Avodat Shalom to a Kristallnacht service on Wednesday, November 9th at 7:30 p.m. The Temple is having a memorial service for Kristallnacht which happened on November 9-10, 1938 and a resident from Paramus who was a 12 year old from Vienna and lived through that night will be the speaker. The Mayor wished everyone a Happy Thanksgiving and encouraged everyone to get out and vote tomorrow.

ADJOURNMENT - 6:40 P.M.

Motion by Councilwoman Murphy, seconded by Councilwoman Davis to adjourn the meeting at 6:40 p.m.

ROLL CALL VOTE: Councilman Acquafredda, Councilman Bartelloni, Councilwoman Busteed, Councilwoman Davis, Councilwoman Murphy and Councilman Papaleo voted yes.

Edward J. Mignone, Mayor

Attest:

Stephanie Evans, Borough Clerk

Dated: