

**BOROUGH OF RIVER EDGE
MAYOR AND COUNCIL
WORK SESSION MINUTES
MONDAY, OCTOBER 19, 2015**

PRESENT:

Mayor	Sandy Moscaritolo
Councilwoman	Kathleen Murphy
Councilwoman	Ellen Busted
Councilman	Edward Mignone
Councilman	Vito Acquafredda
Councilman	Thomas Papaleo

ALSO PRESENT:

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

ABSENT:

None

Mayor Moscaritolo called the meeting to order at 6:42 PM by having a roll call.

CLOSED SESSION TOPICS –

CLOSED SESSION DOCKET #	ITEM TITLE OR DESCRIPTION	STATUTORY REFERENCE
15-10/19-1	Personnel Matters – Police Dept. Promotion to Lieutenant Document Review	N.J.S.A. 10:4-12(8)

EXIT WORK SESSION AND ENTER INTO CLOSED SESSION @ 6:43 PM.

Motion by Councilwoman Murphy, second by Councilman Mignone.

All in favor 5-0

ADJOURN CLOSED SESSION AND RETURN TO WORK SESSION @ 7:20 PM.

Motion by Councilwoman Murphy, second Councilman Mignone.

All in Favor 5-0

Mayor Moscaritolo called the meeting order by reading the Open Public Meetings Act.

OPEN HEARING – SHADE TREE COMMISSION – REFUND & FORFEITURE OF BONDS POSTED FOR 303 OLYMPA DRIVE AND 382 LEE AVE.

Mr. Negreann mentioned that he didn't know if Mr. Ira Erlichman was present for this. Liz Stewart state that she had just spoke with him outside prior to the meeting and explained the bond and the tree evaluation, and he stated now that he understood it he was fine with everything. This was a partial refund and partial forfeiture. Mr. Negreann stated there was a resolution on for tonight 15-381 for Council to consider the Shade Tree's recommendation. Ms. Steward stated there was a third one up for a vote tonight on 292 Voorhis Avenue for a complete refund, Mr. Negreann mentioned that was also list for tonight as well. Mr. Negreann stated that the Council had heard from Gabby Issa of 383 Lee previously, which was a request to hold back \$2,695.90, there is a resolution #15-380 listed tonight to do that, but Shade Tree should present

their case since the Council has already heard from Issa already. Ms. Stewart explained that the Shade Tree Commission voted at their previous meeting to forfeit the bond, the tree was in dangerous conditions a few weeks ago and during the summer it was declining rapidly. When the evaluation was first done in 2013 it was an evaluation of \$2,695.00, they left the bond when construction was started, which was pretty much a total knock down of the house, the entire property was a full construction site like you see, it wasn't just an addition. There was equipment on the lawn, patching of the soil, large amount of soil movement on the lawn, a big water tank in the front, a lot of digging, and there is where the tree roots were. The sidewalk, there was actually excavation for utilities next to the tree going out to the street, the tree roots were disturbed. We voted on this tree when the two year period was up, the tree did need to be removed and we felt that the contraction severely impacted this tree and it was stressed. Ms. Stewart pasted around the pictures of pre-construction and post-construction, which was also emailed to Council. She continued by saying that in the post-construction you could see up to last week sod was placed in the area between the curb and sidewalk and covered over the roots (something about oxygen) and the tree roots being covered by sod, you can see next to the stump what that looks like. It was disturbed very dramatically and we feel that caused the decline of the tree. Councilman Mignone asked if there were any tree protection standards that we give contractors saying that when they start the project here are 4 or 5 things you need to do. Ms. Stewart said no there isn't maybe it time Shade Tree put something in writing. Councilman Mignone said that was something that needed to be done, if there are not regular inspections, Mr. Costa has drainage issues and Mr. Brynes the Construction Official are going to go, there needs to be some kind of standard, whether it's through the ordinance or engineer on how to do this, certain practices are adhered to such as not storing materials near the roots, things like that, if they have to physically cordoned off the area and other factors at least then they can make a claim that they at least tried to do all they can to protect the tree. It's hard sometimes two year later to come back and say this is why it happened. This is not an insufficient amount of money. Councilwoman Murphy asked when they put the bond down are they given direction at that point. Ms. Stewart stated no but this type of construction the tree roots extend quite a distance beyond the crown of the tree, it is a mature Maple tree, the roots are expanding even beyond that, it is very difficult for a contractor to protect the roots completely. Then there are utilizes being done, which there is much choice about where those go, and then they are putting in a sidewalk maybe they don't pile the sod up maybe that would help protect it, maybe they remedy the soil after and fertilize, those things we can add in. She still thinks it's very difficult when you're doing something this size of a project to completely protect a tree, but yes we can add ... Councilman Mignone said now to your point a contractor can be penalized because United Water or PC decides they are going to put water or gas line in. Ms. Stewart stated that the town is penalized for a construction project because the neighbors are abusing a tree, no one is being penalized... Councilman Mignone is saying that if a constructor can't tell PSE&G where to put a gas line, Ms. Stewart said they are not being penalized, it's just doing business, and (inaudible) part of the business is putting up a bond for the tree and if somehow your business impacted the tree she felt that was fair and that was why Shade Tree came up with this. Councilman Mignone thought it was through the actions of contractor, how you are talking about Hold Harmless', 3rd or 4th Party Indemnifications or have the utility companies post bonds. Mr. Costa, Borough Engineer, joined conversation saying is there a choice yes, but on a house the gas main is on the side of a house for the gas meter, water is run in a trench. Usually one trench is dug for sewer and separate water slightly. He felt with the bigger homes an ordinance should be put together replacing the sidewalks, and curbs if they do more than 50% of the home and bring in (inaudible) trees. By time you bring in dumpsters, do all the excavation trees get damaged, it's inevitable with the amount of construction going on. Maybe not a bond, maybe they put up certain amount of money for replacement in the future if it goes bad. Not that you are hoping that and try and prove it what damaged the tree. If you do more than 50% construction then there is x amount of

dollars go into a fund. Ms. Stewart felt that you were losing a resource, if the tree is worth \$5,000.00 and everyone is leaving a generic amount of \$400.00 to replace a tree you are not really the worth of the tree out of it. Mr. Costa said the problem is some many of these larger trees you only a very small amount of room between the curb and the sidewalk. Roots definitely go to the left and right of the home, it's a difficult situation. If you cut the roots you compromise tree, half the tree goes down causing damage and you have that scenario. It's a catch-22, it's a difficult situation. Councilwoman Murphy asked what the Shade Tree would have recommended to protect the tree. Ms. Stewart said that since there was so much excavation, probably fertilizing it remedying the soil, irrigating it, and putting the sod like that. Probably at the time of construction limiting the patch of soil and the equipment that was there, keeping the site a little bit differently. Hearing no further comments, Mayor Moscaritolo stated the resolutions were on tonight's agenda.

BOROUGH ADMINISTRATOR'S TOPICS –

1. 2016 Budget Preparation – Mr. Negreann mentioned that he needed a little guidance on the Citizen's Budget Committee. Is he extending an invitation to those who participated last year, are there additional names you would like invitations to go out to? Councilman Papaleo believed at the last Council meeting a list of names was going to be done by email with a list previous members and then the Council would address it. He wasn't ready to address this issue at this time. Mr. Negreann stated he read the name out loud at the meeting but he would send out a follow-up email. A motion was made to table this issue under the next meeting.

Motion by Councilman Mignone, second by Councilman Papaleo.
All in favor 5-0

FOR DISCUSSION –

1. Jurisdiction County of Bergen Roads – Mayor Moscaritolo requested this issue to be tabled due to time constants. A motion was made to table this issue to the next meeting.

Motion by Councilwoman Busteed, second by Councilwoman Murphy
All in favor 5-0

2. Uploading Work Session Minutes onto the Website Prior to 2015 – Mayor Moscaritolo stated he had a chance to check the website for the work session minutes and he was able to find all the minutes for 2015, which is a tab right under 8PM meeting minutes. But when he went back to prior years, 2012-2014, the work session minutes are not scanned into the website. He felt they should be and they are currently in a hard copy form in a binder that the Clerk has in the office. He knows that it's probably a project and should be worked on in spare time maybe just doing 2014 for this year and if there is some time go back and upload the 2013 work session minutes, so they are available to the public electronically. Councilman Mignone stated that he spoke with the Clerk about another issue, he thought that maybe Councilwoman Murphy may have been there, his concern with the way the minutes are presented they are scanned as PDF's and they are not searchable. We tried to look at ways we could re-upload the minutes so you could actually search the documents for key words or whatever you were looking for. Right now if you wanted to look for a specific ordinance or whatever you have to literally scroll down each screen to try and find out where you are. He thinks wanted to look at this more holistically as to how we are going to manage our minutes and we could certainly incorporate the work session eventually, but he wanted to have a format there they are accessible and searchable because basically what he wounds up doing is having to print them out and read through them to find out whatever he is looking for. With technology

today we could make it a lot easier. The other thing is he doesn't know what about the Technology Sub-Committee meeting, but the website itself, capacity of the server, all those things we wanted to talk about to see whether, he didn't know how much space was on the server, there are other documents he felt should be uploaded also. This is a good topic for the sub-committee to look at. Councilman Papaleo asked when the last time the Technology Sub-Committee met. Councilwoman Murphy answered by saying it has been a long time. Councilman Papaleo felt the committee should decide or recommend to us, he was pretty sure there was a software program that could change a PDF into a document. He also stated the committee may want to think about whether we want to put something in the budget for someone to do this part-time because we pretty much turned the Borough into part time employees. Councilman Mignone stated that the Clerk had also mentioned the General Code offers these kind of services. We should look to see if it is more cost effect to have then do it. Councilman Papaleo felt asking the employees currently to do this, they seem to be at capacity, we need to think about who would have the time. Councilman Mignone stated that hopefully the budget could accommodate some funding for that kind of thing, it's not just the Mayor and Council Minutes, the Boards and Commissions you are not seeing any of that come up, through no fault of any individual, but when you have that volume of work you want to make these documents available and accessible. We need to come up with a real implementation plan. Mayor Moscaritolo stated that most of the substantive discussions that Council has is during the work session, the discussions during the 8PM meeting is a prepared agenda with ordinances and resolutions that are on it. When we discuss new and old business we do it in work session, it benefits the public that they be able to see work session minutes. There isn't a lot of technology involved because it is already printed and in a binder. We get correspondence already scanned and sent to us every week, there is no reason the Clerk's office can't scan, which he looked at the minutes for all of 2012, there are three pages, each work session minutes is between 3 and 4 pages. There isn't a lot of labor to scan 3 or 4 pages and put it under the 8PM minutes in the appropriate section on the website. This is what he supports and doesn't support calling a company getting an RFP, we already have the technology to do it. Everybody has software on their computer that can convert a PDF to something that is searchable and scanable and begin the process. Councilman Mignone stated that the meetings are available by video for the work sessions and they are online anyway for people could watch them right now. Councilwoman Murphy said she tried to look for them online and couldn't find a recent work session video. The Clerk asked if Councilwoman Murphy looked under the minutes for the video, and was asked when it would have been posted, her response was either the 6th or the 7th. Councilman Mignone stated that the difference is that Stephanie does prepare much more comprehensive work session minutes then we have had in the past. Mayor Moscaritolo stated that the minutes now for 2015, Stephanie is doing it exactly correct, if you go on the website for any meeting in 2015 since Stephanie has been here you will see there is a tab for the 8PM meeting and a tab for the work session minutes, but if you go back to 2014 for further there are no work sessions where we have had many substantive discussions. Some of which may become evidence in future litigation. And he would like them to be available. Councilman Mignone stated they are available to anyone who wants to OPRA them and the video is available.

3. Adoption of Policy for the Administration of Federal Grants – Mayor Moscaritolo stated he handed out a draft document that he received from the Grant Consultant, dated July 8, 2015 titled Procedure for Administration and Inspection of Federal Aid Highway Projects. According to our consultant these are the policies that were adopted by Garfield, who received a TAP Grant that we recently received, in order to move the

project to the first base we have to adopt a policy. He is requesting to adopt these policies to move forward with the project and not be in jeopardy of losing the grant. Mr. Negreann said that with all due respect to the grant consultants he has to say that he is not as well versed as they are in this particular grant but from what he has been reading from their the material they provided, Attachments 1, 2, & 3, are somewhat different than what you found in the handbook. He is concerned that by just adopting the handbook in total doesn't create the policies and procedures that these other attachments are looking for, he has many examples he could go through with the Council tonight on the attachments and questionnaires surveys that we have to respond to. He has reached out to several municipalities, especially Garfield and haven't heard back yet, and he would like to hear from the City Manager as to whether this is the document they adopted and what else they went through. Mayor Moscaritolo pointed something out to Mr. Negreann, who stated he hasn't seen it yet, but he has also reached out to Hoboken who has received a similar grant and they were not able to address this internally. They have done a joint agreement with Hudson County to administer their particular program and meet these requirements. Mr. Negreann also reached out to Denville, they will be sending something shortly that reflects their policies and procedures. He is just asking for a little bit more time to review everything that has been submitted. Councilwoman Busted stated that since receiving the document at 7PM and it is a lot to digest, she would like to understand more about the procurement of consulting services and whether or not it's included in the grant. She fully supports the TAP Grant but feels a little bit more time to digest the handbook and hear back from Mr. Negreann to understand what it involves before we adopt it. Councilman Papaleo just wanted to clarify that the grant isn't in jeopardy if we wait a little bit longer, Mr. Negreann needs extra time, and we all need to read this. Councilman Mignone stated that Mr. Negreann is the one who has to deal with this and has to feel comfortable with what we are required to do. Councilwoman Busted wanted to understand what the consulting services are, who pays for them, are they available, and are they part of the grant. Councilman Mignone wasn't sure what they meant in terms of consultant selection because obviously Mr. Costa would be doing the design most likely but there may be a procurement process required with prequalified firms, since nothing is specified it just says Consultant Services. Do they require a different inspector then from the design? Mr. Costa stated that since this requires Federal money he believes the new regulations requires the design engineer as one person and the inspecting engineer as someone different. Councilman Mignone questioned that TAP is Federal but administered through NJDOT. Mr. Costa was sure how it worked, he didn't think the grant pays for the design service fees or hard construction, councilwoman Mignone said it pays for an inspection if you include that in your grant application which he doesn't think we did, but you can include construction inspection if you include as part of the grant application. It was stated that if Mr. Negreann contacted the Little Ferry Administrator, he could help expedite it. Mayor Moscaritolo stated that Council has to adopt the policies and procedures the once we do that Mr. Costa can go to work putting together this project scope. Mr. Negreann wanted to read two questions from two documents and there are many pages. The procurement is probably the easier part of this whole process because in reading through it he believes we can do a competitive procurement for the services they require. But here is one question-does your system provide procedures for determining the reasonableness allocatability and allowability for the costs in accordance with 2CFR (inaudible) cost principals for State Local and Indian Tribal Governments. Another question does the LAP have written policies and procedures in place to ensure all steel or iron products are manufactured in the United States and ports with 23CFR 635.410, if yes do the procedures include provisions for receiving and documented by American certifications at the time of delivery and prior to

the steel or iron product being incorporated into the project. Procedures must specify that certifications be current, signed, dated and specific to the material. Procedures must specify that a log be maintained of all foreign steel placed on the project. If no and this is common to many of these questions, corrective action must be taken to formally adopt and implement acceptable to DOT policy and procedural controls prior to the authorize of Federal Aid funds. Mr. Negreann has a concern not only in adopting the policies and procedures but then from someone signing off and attesting to the fact that we have met these policies and procedures. Councilwoman Murphy asked if other people were following this policy. Mr. Negreann stated that are other towns that get grants and are in the same position as we are and are attempting to create these policies and procedures and follow them. Mayor Moscaritolo stated this was trickle down stuff that the Federal Government puts in here, we adopt it, and we have to put in our bid specs, it gets awarded, and the responsibility goes to contractor, which he has to follow, and we have to keep an eye over their shoulder. Councilwoman Murphy felt that other towns were doing it so there shouldn't be any issues. Mr. Negreann explained that he is trying to find out how other towns are doing it. Councilwoman Busteded felt it was prudent to wait for Mr. Negreann to have the information. Councilman Mignone asked for a copy of the grant agreement to see what the actually conditions area, Mr. Negreann didn't know if he has the full grant agreement at this point. Mayor Moscaritolo asked that this matter be placed next work session agenda.

4. 7 Eleven – Engineer Inspection – Mr. Negreann explained that an engineer was needed to perform inspections, a resume was provided of Richard Mehrman and his proposal to perform these services at an hourly rate of \$135.00 not to exceed \$2,500.00. These payment would come from Trust Other Developer Escrow Account where the developer, the amount of the money is required for these professionals' inspections. Mr. Mehrman has provided services in the past. Councilman Mignone expressed that he had a few concerns and questions about this. First of all Mr. Mehrman is limiting himself to \$2,000.00, according to the Developer's Agreement the Engineering Escrow was posted at \$15,600.0 so we should a verification as to what the current balance is. Secondly he doesn't understand why we are at 99% of completion of construction and we finally decide we haven't done any site inspections in the past 9 months. He went back to the January 2015 Planning Board meeting where the change of ownership of the 7-Eleven was brought before the Planning Board as an informational item by the Mayor. It was brought to attention of the Mayor that the property had changed hands and he was waiting to sign the Developer's Agreement. In going to the Minutes it mentions there was a change in ownership but it didn't mention anything about anything else. But if you go back to the actual video which he watched several times since that was the original 7-Eleven where they talked about the 24 Hour ordinance. Mayor Moscaritolo asked Mr. Costa what his opinion was whether the new owners would or going to change any of the site plan conditions, Mr. Costa said on the record that he had a conflict, he couldn't work for Mr. Puccio, he was a client, has known him for ten years, and he felt that Mr. Mehrman could fill his shoes to do the inspections, sign off on all the plans that Mr. Tuvel did for the application and resolution, he would hand off the file to whoever he was directed to, that was January 15th. The retaining wall has been built, curbs have been poured, light foundations have been installed, sanitary lines have been put in, and drainage lines. So if Mr. Puccio or whoever hasn't done the inspections that is going to be an issue he has to deal with, but to say now at the end of October that we didn't know there was an issue here he founds it a little questionable. Councilman Mignone stated he had no problem with Mr. Mehrman doing it, he was slated to do it according to the Planning Board, he just doesn't know why this is coming to light now and at this late

date. He didn't know if it should have been brought up during the Developer's Agreement, he doesn't know if Mr. Sarlo got involved (simultaneous talking) Mr. Sarlo commented that he doesn't understand how those inspections could not have taken place. Councilman Mignone said he had (inaudible) of the Planning Board Attorney at that time. It could have slipped through the cracks, but he would have assumed that Mr. Puccio or Mr. Tuvel was calling for inspections. Someone needs to contact them and see what they have done because if they haven't done inspections it could be an issue. Her concern would mostly be the retaining wall, the other things would be regular site work under a performance bond or maintenance bond. Again all he is saying is this was known in January. Councilwoman Murphy stated that no one was on record of every inspecting, Councilman Mignon replied he didn't know if that was true. Mr. Costa stated that prior to the ownership change and that happened after the Developer's Agreement up to that point his company handled the performance bond putting everything together working with Mr. Neiss, and didn't think Mr. Sarlo got involved, there was a lot of conversation because the owner of the property needed that to get done in order for him to ultimately sell the property. The Building Dept. was contacted for inspections on the building, but he thinks they proceeded at their own risk. The Puccio's certainly knew that Mr. Costa had a conflict and he is putting this on the record tonight, for many years, probably all the additions they have done on the Rockwood Country Club he was the engineer for. It should come as no surprise to them that he can't be on both side of the fence. He spoke with Mr. Mehrman at length a few weeks ago, it snot completely unusual that someone would come in after the fact, it is more difficult because now he needs to look at the file, review the file, whatever was required by the Planning Board he needs to make sure its implemented. As far as the retaining walls Mr. Tuvel should have been involved, ultimately there should be a letter from his office saying that he would have to certify the integrity of the walls, someone needs to certify that. Again if need be get the shovel out and prove they did it right, start some core sampling and forensics. They can core sample the pavement, the concrete, Mr. Mehrman can do a lot of stuff even though he wasn't there. Councilman Mignone stated he just finds it a problem with the timing when Mr. Costa knew about this since January that all. Everyone drove past this it knowing construction was ongoing, he is surprised the Code Official didn't say anything to anyone especially when they were pouring the curb, or installing the sewer line. Mr. Costa did say that it is a requirement because it is on a County road and the County inspector gets notified, which again he doesn't know since he isn't involved in the project. This is not Mr. Puccio's first project, the horse ran around the track, but they still need a Certificate of Occupancy, someone needs to look at all those documents to make it was done first correctly, was it done in accordance with the approval, and ultimately get whatever sign offs they need, make sure the bonding is in place moving into a maintenance bond at some point, make sure it doesn't fall apart and effect any public improvement. Mayor Moscaritolo stated that Mr. Costa was familiar with the site plan and asked if there was a Stormwater system. Mr. Costa said there was one stormwater system that was approved and it was part of the normal site inspection. Mr. Costa said that if you go to the south end of town with the mall we had preconstruction meetings before a shovel was in the ground. That's normally standard practice and known right up front whose is doing what. Councilman Mignone stated that part of it is the Borough's lack of communication, you informed the Planning Board, and you even said to Mr. Suarez "their attorney is in the same building as you". Councilwoman Murphy felt it was their project why wouldn't they stay on top of it, Councilman Mignone replied we don't know they weren't. Councilwoman Murphy stated that no one has any records of anything, no one has any names of anyone. Councilman Mignone asked Councilwoman Murphy who she asked that question on, he asked her if she checked with Nicole to see if there requests for

inspections, or Mr. Puccio to see if he had any requests. Councilwoman Murphy felt Mr. Puccio would have made that known. Councilman Mignone stated that when drives around Fort Lee and sees a project that he knows has been approved by one of the boards and he sees construction he stops to make sure that is what is going on. Mr. Costa was assuming he wasn't a part of it, but someone was supposed to be part of it. Mayor Moscaritolo said he checked with Nicole and asked her if Mr. Puccio had called for any inspections for site engineering and she said no. Councilman Mignone wanted Mr. Puccio called and asked if he called anybody. Mr. Costa said regardless of that someone needs to get involved and hopefully if you guys say yes, Mr. Mehrman will be involved and he will give him his entire file, he is more than capable to do this. A motion was made to hire Mr. Richard Mehrman to perform this engineering inspection. Mr. Negreann stated that there was a draft resolution that could be added to the agenda tonight. Mr. Costa said that if that is the money under the escrow it should be stopped, Councilman Mignone said it should be whatever the escrow is (simultaneous talking). Councilwoman Busted asked do you think its 18 hours of work and is that enough time. Mr. Costa's response was no. Councilman Mignone said that Mr. Mehrman doesn't need to review all the revisions of the plans, Mr. Costa has the final plan, stating that and signing off on the plan that should be built right now. Mr. Costa said prior to the sale of the property his responsibility was to get all the paperwork completed so we were involved up to that point. All that information he has in his office and will give it to Mr. Mehrman, and would sit down with him if needed. The dollar amount should reflect whatever is in the..(simultaneous talking). Councilman Mignone said there is dated procedure of Mr. Puccio feels that Mr. Mehrman is billing him to much there is an arbitration procedure.

Motion by Councilwoman Murphy, second by Councilman Papaleo to approve
All in favor 5-0

WORK SESSION CONSENT AGENDA –

1. Resolution Authorizing a Waiver for a Portion of the Police Outside Duty Rate for the Let It Grow Benefit Concert –
2. Approve Change Order #3 for Cherry Blossom Park Project, Downes Tree Service in the Amount not to exceed \$5,800.00 -
3. Amend Contract with Costa Engineering for Howland Avenue Improvements, Section 7 in the amount not to exceed \$3,000.00 –
4. Award Contract to Costa Engineering for Design & Inspection Work for Fifth Avenue Improvements, Section 4 in the amount not to exceed \$3,000.00 –
5. Adopt the Updated Stormwater Pollution Plan for the Borough of River Edge –
6. Approve Change Order #1 for the 2014 County Aid ADA Curb Ramp Program to Concrete Construction Corp. in the amount not to exceed \$20,145.19
7. Authorize Release of Shade Tree Bond in the Amount of \$2,257.11 to Robert & Jenny Babb, 292 Voorhis Ave. -

Councilman Mignone wanted #2 pulled out to discuss Change Order #3 Cherry Blossom Park.

Motion by Councilman Mignone, second by Councilwoman Murphy to move the following resolutions number 1, 3, 4, 5, 6, and 7 to the 8PM resolution list.

All in favor 5-0

Motion to move the Change Order #3 to the resolution list.

Motion by Councilwoman Murphy, second by Councilman Papaleo to move.

Mayor Moscaritolo wanted to explain that Phase I is now completed and all the equipment is gone, the fence will be up for just a few more days. The contractor ran into these unanticipated slabs of concrete that were stacked very high and had to be removed. The Change Order for \$5,800 he thinks more than half of that represent the removal of the slabs. There is a few dollars more for removing a portion of the degrading asphalt path so there is any what Mr. Miller calls a sheeting effect and then there is \$1,200 for some Cherry Trees. There were 25 or 40 species harvested from the tree farm that were used throughout the park. When he specially asked Ms. Conway whether or not this \$5,800 was allocated previously to this project and Mr. Miller was standing right here, both said yes, this was not additional money, it was money previously allocated, he believes there was \$6,500 or \$7,000 left so this \$5,800 would be included in that and this not new money. That was the explanation he received. Councilman Mignone stated he had a couple of issues to discuss. The issue with regard to asphalt driveway we spoke about that at length with Mr. Miller the first time when going over the design and he said it was an unsafe condition and should be removed, he said no it was going to be done in Phase II, you can't go back now and decide you want to change something that you decided not to include in the original project. Similarly with the landscaping that was a bid item that we choice not to award. You can't make a change order based on an alternate you chose not to award, that's illegal. The third thing is about the foundation, they knew there were foundation there, they had the surveys, it was for a water line could be relocate, there is no indication, in fact there is even a note from Mr. Miller saying they could work around it from late August and now all of a sudden we are paying \$3,000 to relocate a water line for an irrigation system. Mayor Moscaritolo said that wasn't in the change order and Councilman Mignone replied yes it is. He read from the change order "removal of the existing asphalt drive, load and remove excavated concrete debris, \$2,600. Mayor Moscaritolo stated that there was nothing about the water line. Councilman Mignone said that was why they had to relocate it because it conflicted with a water line that was what the email said. Mr. Miller is not here tonight obviously not here tonight to explain this. The sprinkler probably could have been relocated, may not but we don't have that answer. Mr. Miller wrote the asphalt pathway is projected to be renovated in the next phase, you are proposing to upgrade a portion now. Unless you donate that work, the governing body will have to determine if funding is available. First of all an engineer should not be putting writing a contractor should be offering to donate work because we chose not to award it. Landscaping was one of the alternates that was not awarded. Councilman Mignone further read Mr. Miller's email you are putting together a modified plan to install a share of the plant material, these are not bases for change orders. Going back to the original change order where we paid he believed \$2,200 to dispose of material in reviewing the notes it says the contractor shall responsively dispose of all materials excavated whatever nature at his own expense. He felt we were due a credit from the first change order for \$2,200 from when they charged to remove debris they were supposed to remove under the contract in the first place. Councilman Mignone felt the current change orders are not allowed under procurement rules, the first change order we should get credit for, and Mr. Miller should explain why, because right now this project is topping \$154,138.00 with the original \$52,000 grant. So right now the taxpayers are on the hook for \$102,138.00 for this project, that's over and above whatever budget we set aside. Please we are obligated to put in 6 benches at \$2,200 each and we paid \$4,000 for the Cherry Blossom Park sign. That's another \$17,000, including Mr. Miller's fees, which up 'til now for the park are about \$27,600.00. Councilman Mignone asked that Mr. Sarlo provide an opinion at this time as to whether these change orders were acceptable. Mr. Sarlo stated that his involvement with change orders, he doesn't review every change order because it wouldn't be economically feasible to the Borough. If Alan has an issue with a change order he would provide me with the

documentation and his concerns then I would review it, as we have done in the past with me reaching out to the engineer to discuss it. He hasn't received anything on this one and is assuming it's find to go forward. If the council is raising an issue he would be happy to review. Councilman Mignone said again he was looking for the reasoning, referring to Mr. Miller's email it went on to say we should converse about sodding the area since we are nearing the end of the seeding system, furthermore the area is going to look somewhat barren, so if we can add a portion of the landscaping that could be alternate that would be a plus. He had the ability, he had the time to work that into the plan and they chose not to do it. Now you can't modify the plan by change order on something that was a bid item. Councilman Mignone stated that was his position. Mr. Acquafredda agreed the first time Mr. Miller was a little liberal in his interpretation of the procurement law. The first one you can debate, to him there is no debate on this one. Councilman Acquafredda stated that on this change order specifically he did state for the record that he would keep a short lease on Mr. Miller and in fact for the three components of this change order the one could be possible is the removal of the concrete generated by the existing foundations which could be claimed it was a concealed existing condition, he would be open to vote to grant the money because of the unforeseen concealed existing conditions claim that could arise out of this since if we didn't provide extensive surveys. Councilman Mignone said there was a survey as to where the structure was located so they would have known there was the potential and the spec required them to do their due diligence, it said inspect (inaudible) demolition. Councilman Acquafredda said due diligence to Councilman Mignone and himself know could mean different things to different people, so now after the fact you are taking a stance that is very far right and his stance is more midway. Councilman Mignone said he was taking the stance for the Borough, Councilman Acquafredda feels Councilman Mignone is taking an extreme stance saying it is the contractor's fault, the previous issue we just discussed it should be the contractor's fault for not calling for inspections. The contractor is responsible for weighting means and technics of construction, only he is because it's his insurance on the line. In this case we are talking about a change order that can easily be separated into can and can't and he wouldn't grant any additional money for landscaping or the removal of the asphalt pad. Clearly those are items they were trying to stuff under the carpet, but being fair he would open to give the money to remove the existing foundation that had to be demolished. Partial approval for the change order if it can be done otherwise he can't vote for it. Mr. Negreann stated that there isn't a problem with revising the change order for just one of the items. A motion was made to revise the change order resolution for the amount of \$2,600.00. The rest can be resubmitted and if Mr. Miller and Bobbi Conway wish to appear and explain the necessity of those items we can handle it that way. Councilman Papaleo stated that he felt that the Borough Attorney should look into Councilman Mignone's position that some of these change orders are illegal so we know we have the authority to vote on this. Councilman Papaleo felt that Councilman Mignone being an engineer and Councilman Acquafredda being an architect, their professional opinions matter and Councilman Mignone is questioning two particular change orders and those should be reviewed and he would feel more comfortable with voting. Councilman Mignone stated that Mr. Miller could come in and explain and give his justification. Mr. Sarlo agreed stated that would be the first step. Councilman Mignone said the decision about the foundation in one email he found it said it was something they could address without removing it. Now all of a sudden we have to remove it with no discussion later on as to why this became necessary. It might well be necessary, but not having that answer he wouldn't approve a change order or stand up before the Mayor and Council in Fort Lee and do that either. He would be asked the same questions. When spending Borough money you want to make sure (simultaneous talking). A motion was made to amend the change order to \$2,600.

Motion by Councilwoman Murphy, second by Councilman Papaleo to approve amendment.
All in favor 4-1

Nay: Mignone

EXIT WORK SESSION AND ENTER REGULAR MEETING AT 8:15 PM

RETURN TO WORK SESSION AFTER ADJOURNING REGULAR MEETING AT 9:30pm

FOR DISCUSSION –

5. PSE&G's Request to Work on Weekends, 10-17 to 12-31 possibly from 7am to 7pm – Mr. Sarlo explained that PSE&G has been looking for approval and he didn't see any restrictions, he thought there was a restriction to do utility work on the weekends, but he didn't see it in the ordinances. He thought it would be beneficial to give them a yes or no authority to do it. His experience with PSE&G during the Energy Strong project which opened up about 80% of his streets, was the quicker you get these projects done, even though they may be minor inconvenience to the residents on weekends or nights it is so much better to get it done and not drag the project along especially with the winter approaching. Councilwoman Murphy asked what the notification process would be. Simultaneous talking about a letter being provided. Councilwoman Busted had a question, is there any complaints, concerns, or issues on what they have done so far. The majority response was nothing was heard. She continued regarding the template letter they want to do, since it gives a time frame along with hours of operation, it should be more specific in the letter to residents if we are to move forward with it. Councilman Mignone stated that given this time frame there are major holidays coming up and do we really want them working on these holidays. We need some discretion as to when they should be allowed to do this extra work. Mr. Sarlo mentioned that in one of the emails it listed the weekends, and it said that that the total weekends has increased approximately to 6 six weekend in total from Oct. 17 to Dec. 31. Your reply can state which weekends to avoid, he doubts they would be working on anyway, but you never know. A motion was made to allow the utility work except for holiday weekends

Motion by Councilwoman Murphy, second by Councilman Papaleo to approve.
All in favor 5-0

UNFINISHED BUSINESS –

1. Capital List – See Report
2. Grove Street
3. Library Roof and HVAC – Councilwoman Murphy asked Mr. Negreann if he has been in touch with Mr. Pulice and the roofing contractor, the Clerk answered by saying she had not heard from Mr. Pulice as of yet. Mr. Negreann stated that we have tried several times reaching out to Mr. Pulice to arrange for them to schedule them to appear before Mayor and Council and he hasn't contacted us.
4. Complete Streets -
5. Borough of River Edge Senior/Community Center –
6. Townwide Communications/Notifications –
7. Generator – Fire Company #2 –
8. Shade Tree Commission –
9. Social Media Policy – Councilwoman Busted stated this matter has been on the agenda for about a year, Mr. Sarlo has drafted a policy and this subject should be taken up by the Technology Committee and they need to set a date.
10. Sidewalk and Curb Responsibility-
11. Damage to Public Property –
12. LESO Program –

Councilwoman Busted brought up the NJ Transit project at the River Edge Railroad Crossing.

She mentioned had this was talked at in length about how the residents will be communicated with properly. Lt Walker approached her before the meeting informing her the Police Dept. has prepared communication for before, during, and after the event for the residents. The repair work will be done starting October 27 for a week, and effecting getting into the parking lot and the train service. She encourages everyone to sign up for Nixle to get the communications. She also stated that there was no communications form NJ Transit even though Lt. Walker has reached out to them. Councilman Mignone stated that he found their response to us for wanting to have them hold a public forum very disappointing. The DOT always does things like that, we were not asking for much and they wouldn't accommodate us.

Councilwoman Murphy stated that she received a complaint from a resident regarding the construction utilities vehicles taking up parking spaces in the parking lot, and now having to park their car in the two hour space and didn't want to be penalized because of the trucks being there. Councilman Papaleo stated that if they didn't ask for permission to be the lot then the police should remove them.

Councilwoman Murphy mentioned that she spoke with a resident today and this may be something for Mr. Sarlo to look into. The Airbnb they have somebody who has a home next to them that has their own open as an Airbnb. She has a few things for the Mr. Sarlo to look at and they are concerned about transient people moving through the house, they stay for a week, a month. She wanted to know what his thoughts were on Airbnb. In reading through the material she found that in Massachusetts it was a business zone and operating a transient lodge, it also had 24 hour component because it was potentially open 24 hrs. for transients.

Councilman Mignone wanted to discuss the Farmer's Market, tomorrow being the last day and it has been good success and glad it has been expanding and hopes next year it will come back even bigger and better. But he has a few concerns that he wanted to address, one of which was the resolution authorizing them was to expire on October 6th, and they went two weeks beyond, again he doesn't have an issue with, but this council never authorized them to further. He believes the council needs to look into codifying operation issues and how this thing is operated going into next year since that will be the third year and it seems like there are some issue coming up. We set three conditions, the location, the dates, and they had to have some kind of indemnification agreement. Councilman Mignone asked Mr. Sarlo if he ever issued any indemnification agreement of if a standard form was used. Mr. Sarlo stated that he did have a form and the council may now want to put this into an ordinance since this will be a yearly thing and to address some of the concerns. Councilman Mignone stated that the second item in reading the Board of Health Minutes from September 28, there was an incident regarding a resident complaint about one of the vendors doing some cooking at his house, and the vendor presented that he had a commercial kitchen which it turned out he didn't have this space to prepare his food. He was glad Ms. Cordts was present tonight, she had come to us earlier in the year about some kind of registration and licensing program and at that time I suggested we look at the existing food handler's license to see if we could modify that to accommodate them. He thinks that kind of incident proves we need a little more tightening an oversight of the vendors and give the Board of Health and the Inspectors some background information to go with. Further on they talk about meeting in July with several members of the board, including the Mayor, Councilwoman Murphy, and Ms. Manasse regarding the Korean Barbeque and he asked Ms. Capasso if that was the same vendor and she said it was. This was where the Councilwoman Murphy said the Board of Health was scaring off the vendors and it doesn't say much more than that. We need to come up with some happy compromise to allow the Board of Heath to do their job and work with the vendors so they don't feel that we are being problematic. We want to the vendors to be here and help the market grow. But the thing that got his attention the most was the

Last time a nominal fee of \$25.00 was discussed and it was stated that the vendors work at low margins and they couldn't afford the fee. Then the Health Inspector said in the Minutes that Joanna Adamiak was told by a vendor that he pays \$20.00 a week. Obviously this is problematic for a number of reasons, we never authorized collection of money, we never approved an ordinance setting any fee structure, and he asked Mr. Negreann if any fees have been deposited to the Borough from the market. It said that the Mayor, Councilwoman Murphy, and Ms. Manasse were apparently aware that for a variety of purposes the fee was being collected for either administrative costs, advertising, and petty cash. His question is are fees being collected at the market, if so by whom, and under what authorization. If certain people were aware of this under what authorization did they think that the market had to collect this? Councilman Mignone believes there is an application that vendors fill out, they initial that they review some rule and regulations of the Farmers Market, again from what he knows the council never approved any rules and regulations. There was a copy attached to one of the applications and what he found interesting was one of the market rules was it was the discretion of the manager that a non-refundable fee of \$25.00 would be required. Vendors will be made known when this fee will go into effect. Credit towards further market days will be issued due to inclement weather. Checks can be made payment to the River Edge Green Team. If these were collected, which he doesn't know if they were cash or checks, it also said the vendors must clean up the area or they would be subject to \$25.00 clean up fee. He doesn't know if anyone was ever charged this fee. Councilwoman Murphy said it's never been, they have made it as clean as it was before they got there. St. Peter's benefits from all the produce that was donated. Councilman Papaleo said that Councilman Mignone was just making a statement. Councilman Mignone stated that he had no problem with the market and he thought it has been fantastic and he enjoys going there. He is talking about how it's being administered and if money is being collected and it wasn't authorized through this council we should know about it and look into, that's all he's saying. The Mayor was quoted in the Minutes as having knowledge of this, so if it's under some authority tell us what the authority was we go forward. Councilwoman Murphy said she would check with the Green Team. Councilman Mignone said he spoke with Ms. Adamiak and said she spoke with at least three vendors who have acknowledged that they have made these payments, he didn't know if it was a one-time thing, a multi week thing or whatever. He didn't know if Mr. Sarlo was the one to look into this or Mr. Negreann or Chief Cariddi, he didn't know who it went to. But all he knows is we need to tighten up our end, whatever happened on the other end we will leave to other people. He doesn't think we should be having an organization or market under the offices under the Borough that doesn't have rules or regulations approved by council. Mr. Sarlo stated that if fees are being collected they need to be collected by a person that is bonded by the Borough. Otherwise you are opening up the Borough to some issues. Councilman Papaleo said that his recollection was we were passing a resolution as a trial and we fully intended to an ordinance at the end of this test year and he agrees with Councilman Mignone that an ordinance has to be done and he would also agree, he didn't know money was being collected and he thought that was something that was not going to occur.

Patricia Cordts, member of the Board of Health stated there was an emergency meeting that the Mayor attended, she was unable to attend, this came to her attention this weekend and she had no idea that money was being collected. She spoke with Inspector who spoke with a couple of the vendors and they did say to her that they paid \$20.00 a week to participate, who she spoke today. The Board of Health decided to process the ordinance and assign a fee at the next meeting, it will be a nominal fee, and we want accountability. She spoke with Ms. Capasso and Ms. Adamiak and she want to have files of all the participants, especially since participation has grown over the weeks. We didn't have all the paperwork and it's important and actually it was a neighbor that called the Board of Health regarding another neighbor (inaudible) Smoke saying he is cooking in his backyard and he is a vendor at the market. It is our job at the Board of Health to

look into that. We inspected him and he said yes does it in his backyard. He has a copy of his agreement and it says you must not cook at home, no home prepared items and he signed off on it. If it wasn't for the neighbor's concern and brought it to our attention we would have never known. We take the safety of our residents very seriously and for a neighbor to call us which is important and he said he had kitchen and he took himself out of the market. It's important that we have accountability for the vendors, we need paperwork to follow through with the vendors. It came to her attention this weekend about the money. We don't ask for a lot, maybe just (inaudible) for a season, where it's just a \$100 for everybody. So if you are collecting \$20.00 from each participant, that \$200.00 a week. Councilwoman said there has been a drop-off of vendors that we are down to maybe 7. Someone from the audience asked if they could comment, Mayor Moscaritolo stated it wasn't open to the public unless someone makes a motion. He stated that this really isn't on the unfinished business list it's really kind of like new business, but we are on the subject of the Farmers Market so make your comment Councilwoman Busted. She commented by saying the Board of Health has been addressing this issue of providing guidelines and mandates for the market for several months and the last time they met in September it was agreed upon that at the November meeting there would be a recommendation about whether or not the ordinance on the books is sufficient minds and what their procedures would be moving forward about making sure the manager knew what her responsibilities and that the vendors knew their responsibilities were and the vendors knew what the inspector's responsibilities were and who was ultimately accountable with the Board of Health. She wanted to commend them on doing all the steps and she believes in November you will have a recommendation and she doesn't know anything about money being collected. Councilman Papaleo wanted to know if money had been collected and if so where did the money go. He thought Councilman Mignone's questions were pertinent especially since has our counsel has told this council that someone collecting money needs to be bonded. Councilwoman Murphy said she will check on this tomorrow since there is a market, being the last market. Councilman Mignone asked the Mayor if he knew about it according to the minutes, said all three of you were aware of it as administrative cost, advertising, and petty cash. Is that what was said or not? Mayor Moscaritolo replied he hadn't read the minutes. Councilwoman Murphy said according to what's there it was at the discretion of the manager, but councilman Mignone was saying that in the Health Dept. Minutes they talk about this meeting in July and it said that Kathleen and Gigi stated that vendors couldn't afford to pay a yearly fee, Joanna Adamiak stated that our fee would be \$25.00 per season, but a vendor told her that he is paying a weekly fee pf about \$20.00, the Mayor, Kathleen, and Gigi stated the fee is for administrative costs, advertising, and petty cash. Is that a true statement or not. Mayor Moscaritolo asked if we said that simultaneously all at once the three of us. Councilman Mignone answered he didn't know he wasn't there but the Mayor were there. Mayor Moscaritolo said all he knows is he went to a meeting dealing with this Kin She Smoke guy who was cooking meat in his backyard and he knows that issue was dealt with by the Board of Health in a good way, they catch him and he was disinvited to the market and that was the end of that issue. Regarding the petty cash, if there is petty cash made payable to the Green Team or there is a bag of cash laying around he was sure they will find it. Councilman Mignone was asking if this statement was accurate in the minutes.

MOTION TO OPEN TO THE PUBLIC

Motion by Councilman Acquafredda, second by Councilman Papaleo to open.

Alphonse Bartelloni, 719 Oak Avenue – He asked Mr. Negreann if there have been any monies deposited into the Green Team, the Environment Commission, the Mayor's Wellness Commission or the Farmers Market for this \$20.00 fee that was being collected every week. Mr. Negreann stated he hadn't see any in the trust account for the Green Team. Mr. Bartelloni confirmed that Mr. Negreann was the Borough Chief Financial Officer and it would be his job to

collect that money and make an accounting of any offset money. Mr. Negreann said if it was so authorized by Mayor and Council. Mr. Bartelloni asked if it was and Mr. Negreann stated not to his acknowledge no. Mr. Bartelloni further commented that this Mayor and Council never authorized the collection the of this money, and he said to Mr. Sarlo there is evidence here that some type of criminal active was afoot. You can't just produce a bag of money Mr. Mayor, if you were aware that money was being collected and you did nothing shame on you. Mayor Moscaritolo said this wasn't a trial. Mr. Bartelloni said for the Mayor not to answer the question, it could implicate himself. He also stated that the Mayor knew money was being collected and this council didn't authorize it and you did nothing about it. Shame on you. Mayor Moscaritolo stated that Mr. Bartelloni was out of order. Mr. Bartelloni stated he wasn't out of order, but the Mayor was out of order because he knew money was being collected and you did nothing. Councilwoman Murphy stated this was not "A Few Good Men" and he wasn't auditioning for a role. Mr. Bartelloni said Councilwoman Murphy should be quite because she was part of it. Councilwoman Murphy jokingly said she bought an island in the Bahamas. Councilman Mignone said all that needed to be done was ask Chief Cariddi to interview the people who were at this meeting to see what was said, it was as simple as that. We will know who said what. Mr. Bartelloni said "shame on all of you who knew about this and did nothing. Mayor Moscaritolo thank Mr. Bartelloni for all his finger pointing and gesturing, very dramatic. Mr. Bartelloni said it wasn't dramatic because he was actually angry because he didn't like corruption. He didn't like Politian's doing things they are not authorize to do. Mayor Moscaritolo asked Mr. Bartelloni if he was making an accusations that he took money, Mr. Bartelloni said he wasn't, he was stating the minutes reflect that he knew something was going on. Mr. Bartelloni asked Mayor Moscaritolo if the minutes were inadequate, Mayor Moscaritolo said the minutes were the minutes, again Mr. Bartelloni asked if he was saying they were inadequate, Mayor Moscaritolo stated he hadn't reviewed them. Mr. Bartelloni said the minutes were read to him, and asking if the Mayor was saying the minutes were inadequate that he didn't say that. Mayor Moscaritolo said that was inadequate that three people said at the same time that we are collecting money for administrative, advertising. Mr. Bartelloni asked the Mayor again if he didn't say it, it's a simple question. Mayor Moscaritolo stated that he did not say that. Mr. Bartelloni asked if the Mayor was saying the minutes were inadequate. Councilman Mignone said that Ms. Gannon should be asked the minutes. Mayor Moscaritolo stated he didn't say they were inadequate. Mr. Bartelloni stated the answer couldn't be both Mayor. Mayor Moscaritolo asked who did the minutes, and if there was a recording. Councilman Mignone said it doesn't matter the meeting was attended by Mary Gannon, Arlene Faustini, Sam Yanovich, Joanna Adamiak, Adrienne Capasso, the Mayor, Councilwoman Murphy, and Ms. Manasse. Seven people were there, they all can be interviewed and asked their recollection, let the process find out who said what and when. Mayor Moscaritolo said Mr. Bartelloni should call the Bergen County Prosecutor's Office and have then start an investigation. Mr. Bartelloni asked why the Mayor was taking this lightly, if there is something going on, Mayor Moscaritolo said that Mr. Bartelloni was trying to create unnecessary (inaudible) you are just trying to pandering to the public, call the Prosecutor's Office and report, let them investigate. Mr. Bartelloni stated he was trying to create anything. Councilman Mignone stated that they were in the minutes, he didn't write the minutes. Councilman Mignone asked councilmembers Acquafredda and Papaleo if they read the minutes, both replied no. Mr. Bartelloni stated that if something should happen at the Farmers Market that shouldn't happen would you not be interested yourself in making sure that it didn't involve you somehow. Mayor Moscaritolo said that he was sure nothing (inaudible) happened at the Farmers Market. They are volunteers, everybody loves the Farmers Market, for anyone to come in and say they did something illegal or that they should be investigated or policed because somebody collected \$20.00, it probably went to pay for Councilman Mignone stated that were 18 vendors, and Councilwoman Murphy disagreed say there were only seven vendors, and Councilman Mignone stated that was \$140.00 per week collected and there was no authorization

to do it. Councilwoman Murphy stated she would check tomorrow Simultaneous talking. Mr. Bartelloni asked the Mayor shouldn't he as the Mayor be interested in whether or not something happened. Also if he was the chief law enforcement officer of the borough, Mayor Moscaritolo said he absolutely wasn't the chief law enforcement officer and we have a Police Chief. Mr. Bartelloni said he was the Mayor and should be interested in whether or not something happened instead of saying call the Prosecutor's Office. Mayor Moscaritolo thanked him for his comments.

Palolo Cilia, 685 Fifth Ave. – He stated he was also disturbed that some people are paying money to participate in the Farmers Market, he agrees it's a great idea that he endorses, but he is concerned about money being paid to some people. The Mayor should recuse himself and pick someone more independent to investigate this matter further. He would as the attorney what is the consequence if someone did indeed collect this money on behalf of the borough (inaudible). Mr. Sarlo said we were going way off course here. Councilman Mignone stated all that he is doing, is there was an issue raised at a public meeting that catch his attention because we never authorized money to be collected and all he is asking is let's find out what the facts are, that is all he is saying. And if the minutes are proven to incorrect then they will be proven to be incorrect, but he doesn't know who drafted them and Ms. Cordts wasn't at the meeting. The people who know are Ms. Gannon, Ms. Faustini, Ms. Capasso, Mr. Yanovich, and Ms. Adamiak then obviously Councilwoman Murphy, the Mayor, and Manasse they were there so they can reconstruct who said what and when, if there was a misunderstanding that will be brought to light, but if there wasn't and it seems there was some kind of money being collected where did it go and where is it and is there an accounting of it. Mr. Cilia said someone independent should look into it. Mayor Moscaritolo stated that the borough has a police department who can investigate if there are allegations of a crime. Simultaneous talking. Councilman Mignone said that is an issue here that just raises some concern that should be vetted, that all he was saying. He isn't accusing anyone of anything, he is going by what he read here tonight. Councilwoman Murphy stated she would have something for him tomorrow.

William Haggis, 208 Princeton - He just wanted to mention that he was a licensed investigated and the proper procedure is to file a police report on the allegation, but the process would be done properly by the Prosecutor's Office since it was a town issue. Councilman Mignone said he didn't have any allegations since he wasn't a party to this meeting and he was presuming that someone from that meeting would need to that claim. It just raises questions. Mr. Haggis stated that if you want to the whole process to be transparent it has its steps. Councilman Mignone stated that he doesn't think an allegation was made and he believes it just came out as part of a conversation because apparently the gist he is seeing that the Board of Health wanted to charge a fee for a license and they were told no the vendors couldn't afford the fee because of whatever, and then the Health Inspector said the information was vendors were already paying not \$20.00 a season, but \$20.00 a day. It seems incidental to me that this came out. Councilwoman Murphy said the accuracy of that could be found out, she knows that some vendors come and go, there's been quite a number of changes, and she can have accurate information tomorrow. Councilman Mignone is asking for clarification. Mr. Haggis said that usually once the Prosecutor's Office does and investigation everyone is pretty happy.

MOTION TO CLOSE TO PUBLIC

Motion by Councilman Acquafredda, second by Councilman Papaleo to close
All in favor 5-0

Mayor Moscaritolo stated he had a report on the LESO Program from Police Chief Cariddi indicating Sgt. Naprstek has the account up and functional. The search features are frustrating and there are copious warnings regarding use of the equipment, the police department is

coordinating with several other departments. Mayor Moscaritolo wasn't sure which departments on the LESO system. Councilman Mignone said that Fort Lee has been very active in this program and he knows that Sgt. Naprstek has reached out to the officer in charge over there and would be willing to work with him to shorten the learning curve and make it easier to the equipment and get stuff that will suit our needs.

NEW BUSINESS –

Councilman Mignone suggested that Mr. Sarlo look at the sidewalk dining ordinance to make sure that it accommodate the diner, we don't want a problem later on.

Councilman Papaleo asked about the status of the Library roof. Councilwoman Murphy supplied photos provided by John Lynch, and she requested that Mr. Pulice, the manufacturer, and the installed come in, but we haven't been able to get in touch with them. Councilman Papaleo asked if final payment was made. Councilman Murphy said she didn't think so. Also the pictures show the condition of how they left the roof. Councilman Papaleo stated that we are about to move into the winter. Councilman Mignone stated he didn't think it was a matter of the roof being water tight or constructed properly, there are some astatic issues and make allegations of workmanship and the manufacturer did not have an issue with issuing a warranty. Councilwoman Murphy stated there was about ten patched on one spot. Councilman Mignone said that this was explained to Councilwoman Murphy, they were not patches, and they were redundant over splices, where the spice didn't meet the manufacturer's desired length he made put an extra, Councilwoman Murphy said there was more than that in the pictures. Councilman Mignone said that the manufacturer who is warranting the roof said, Councilwoman Murphy stated the rounded part which is the front part they have, Councilman Mignone said the front part there is a problem. Councilwoman Murphy added that on the top there are other issues. Councilman Papaleo said regardless someone is looking into and we are going to get some sort of answer on it. Mr. Negreann said they will be before the council. Councilwoman Murphy stated that if this was done on your roof you wouldn't find it acceptable, to which Councilman Papaleo agreed. Councilman Papaleo confirmed with Councilman Mignone that the person guaranteeing the roof has no issues with the roof. Councilman Mignone stated the warranty is for 20-25 years, Councilwoman Murphy stated that was what they kept saying, you have a warranty. She also stated that John Lynch doesn't want to have to keep coming back every year they have a lead just because there is a warranty. That is how they referenced it, they gave a blanket warranty. Councilman Mignone said it was Garland Roofing and they have been around for a long time and it's not like...Councilman Papaleo said he assumed that they were going to make the trimming corrections. Councilman Mignone stated that was a separate issue and he found problems with the way that was handled himself. In going back to the design, Mr. Pulice was going to fix that because the way they tried to put over the barrel it wouldn't form properly due to the material they used. The buckling or rippling and they couldn't get the seams right, that part they were going to do completely over, as far as the roof goes that are other issues.

MOTION TO ADJOURN AT 10:06 PM.

Motion by Councilwoman Murphy, second by Councilman Papaleo to adjourn.

Stephanie Evans, RMC
Municipal Clerk