

**BOROUGH OF RIVER EDGE
MAYOR AND COUNCIL
WORK SESSION MINUTES
MONDAY, May 14, 2018**

PRESENT:

Mayor	Edward J. Mignone
Councilwoman	Ellen Busteed
Councilman	Dario Chinigo
Councilwoman	Mary Davis
Councilman	Joseph Gautier
Councilman	Thomas Papaleo

ALSO PRESENT:

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

ABSENT:

Councilman	Alphonse Bartelloni
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Mayor Mignone called the meeting to order at 6:30 PM by reading the Open Public Meetings Act and call for a roll call.

**Motion to Suspend Work Session and Enter Into Closed Session
Resolution #18-161**

**Motion by Councilman Bartelloni, second by Councilman Papaleo.
All in favor 6-0**

Closed Session Docket#	Item Title or Description	Statutory Reference
18-5/14-1	Potential Litigation Disability Rights of New Jersey Accessibility and Curb Cuts	N.J.S.A. 10:4-12(87)

FOR YOUR INFORMATION

1. **Robert Costa, Borough Engineer – 2017 Community Development Block Grant, Construction of Street, Curb, Sidewalk Improvements, Phase 3 – Oxford Terrace/Rutgers Place -**
2. **Robert Costa, Borough Engineer – The Undertaking of Storm and Sanitary Sewer Replacement on Kinderkamack Road (from Webb Avenue to River Edge Road) –**

Mr. Costa was presented and spoke about the above projects. He started by stating we received a grant from Community Development for Phase 3, Rutgers Place just off of Kinderkamack Road up to Bogert. This will be the remaining portion that didn't get done down there. Once we finish this phase he guesses the next step would be to send it back in to see if they will start funding the milling and paving of the streets down there once the curb is done. Mayor Mignone stated that was the present application. Mr. Negreann asked whether they would

do sidewalk improvements. Mr. Costa believed that she told us that she wasn't interested in doing sidewalks, for some reason she would rather do the, cars we can try either way. Mayor Mignone asked didn't we submit milling and paving already as a project. Mr. Negreann answered not as a part of this. Mayor Mignone said he was at the meeting and that is what he presented. Mr. Negreann asked on the application. Mr. Costa addressed the Mayor saying he was at the meeting he was sure that was what it was for and that would the funding for this year. Mayor Mignone replied yes for this application, this cycle yes. Mr. Costa said he didn't remember that and Mr. Negreann said he would have to go inside and the application. Mr. Costa said hopefully they will give us the money. But if you say its ok to go out to bid, this is ready to go, send it out to bid, then construct it, this will be the 3rd phase of that project. Mr. Negreann said we finish the curbs and then come back and mill. Mr. Costa went on to say once we finish the curbs then we go back in to mill and pave. Mayor Mignone asked the council if they had any questions on the specifics, to which there were none. Mayor Mignone asked if there were going to be special assessments on this one also. Mr. Negreann replied yes, the special assessments on this one also. Mr. Costa stated that the property manager there has a special affinitive for Mr. Negreann. Mr. Negreann stated that was quite alright she will be receiving quite a benefit on curbs and sidewalks which if Property Maintenance was sent down there she would have the full cost herself. Mayor Mignone asked if a motion was necessary and Mr. Negreann stated that he wasn't sure if authorize was given to the Clerk to out to bid on this already, but it wouldn't hurt to have a motion to approve the project as ready to go before public bidding.

Motion by Councilman Chinigo, second by Councilman Papaleo to approve.

All in favor 5-0

Mr. Costa continued to discuss River Edge Rd, the south side where it intersects with Kinderkamack, the storm sewer is compromised even though it is a county road and a county facility. Mr. Costa and Mr. Negreann met with the County several months ago and entered into an agreement in order to do the plans, bid the job, do the job and then River Edge would get reimbursed by the County. There is an Interlocal Agreement between the County and ourselves. The plans are complete and he met with the police to go over the traffic plans that will be required under this. Obviously River Edge Road is very heavily traveled in the morning and the evening. We did come up with detour plans and those plans are complete. He is going to drop them off at the Police Dept. so they can go through them very thoroughly. Mr. Costa feels that they need to get New Milford involved because it's going to affect them and we may need to set up some signage in New Milford. Also give some notice to residents and commuters at the train station. Once that takes place and everybody is on board with it, these will also go to the County to give them a last look and we will be ready to go to bid. We should be able to start construction during the summer when schools are out and there will be less traffic on the roads. The total project probably, depending on obviously who gets it, will be approximately 3 weeks, 4 weeks at the worst case, but he doesn't see it going that long. Mayor Mignone asked if the council had any questions for Mr. Costa on this project. Seeing there were none, Mr. Costa stated he had a set of plans here, he would also send a pdf if anyone wanted a set. Mr. Negreann asked the clerk if Mayor and Council signed off on a set of plans, to which the answer no. Mr. Costa said he was going to leave a set and would send

a pdf set so everyone would have it. A motion was made to authorize to go out to bid.

**Motion by Councilman Chinigo, second by Councilwoman Davis to approve.
All in favor 5-0**

BOROUGH ADMINISTRATOR'S TOPICS –

1. **Garbage Collection Bid** – Mr. Negreann started by saying that he sent a memorandum to the Mayor and Council summarizing the meeting that John Lynch and he had with New Milford. Please remember for the last several years we have done a joint with New Milford. The last time around it worked out very well for us and we received a very competitive bid. He told New Milford that we would get back to them in June because he would like to have guidance from the Council if they would like to do another joint bid with New Milford, is there were any other scenarios or alternatives that they want. We would need to discuss those because he and John Lynch would need significant amount of time to create specifications to go out on that bid as well. We have in the past, please remember, we looked at outside collection vs in-house collection, we looked at a shared service agreement with Paramus, we looked at twice a week pick-up for all year long, and an independent bid for River Edge itself. We have looked at a variety of options but that doesn't mean we can't continue to look to and do the best we can for the residents and tax payers of River Edge. This bid is a little bit unusual because the State of New Jersey has a set of specifications that we must follow for a significant part of the bid. There is another section that gives us a little bit more flexibility but one of the odd areas we must advertise for 60 days instead of 10 days. That factors into when you are going out to bid for this type of a service. We would like to anticipate that you will make your final decisions or have guidance for us no later than July so that we can work through August and September on any specifications. We can work with New Milford during October and November finalizing any specifications with New Milford, and that would start the clock on the 60 day bid advertising period for a January and December. By doing it this early we leave time for a rebid because it has been our experience that you go through once and the bids aren't perfect or not where you want them to be you need time to give another 60 days to put another bid out there to make your award. But we also found, and John can say to this, is that once the award is made both Public Works Departments need time to train the new collecting agent. There are procedures that have to be followed and the streets have to be learned. There is a training period between the Borough and the contractor to make sure we have a seamless transition and a good continuation of service. Mr. Negreann said this would be scheduled again for the 29th to hear the Council's wants and desires and that will allow us to get back to New Milford to let them know if we are interested in a joint bid. Mayor Mignone asked John Lynch if he could provide how much we have been paying for recycling in terms of man-hours. Mr. Lynch replied he would provide man-hours for pick-up.
2. **Update to Stormwater Pollution Plan – Oil Spill Contingency Plan** – Mr. Negreann began by saying every year a report is filled out for Stormwater regulations. This is a mandate by the Environmental Protection Agency and one of the questions asked is if we are looking at our Stormwater pollution plan and has it been updated. In years past Mr. Negreann has always taken a look at it and changed names of the Land Use Board representatives or our Environmental

Commission members and things of that nature. Last year Mr. Negreann and John Lynch worked on an oil spill plan which was adopted by the Mayor and Council in 2017. It basically describes a lot of steps and procedures if we were to have a spill in town. John has a fully equipped vehicle with the proper hazmat materials and equipment. This plan which looks at our resources, the risk, response strategy, employee responsibilities, detailed activities, notifications, lists of equipment, supplies, personnel, training, emergency contracts, and a listing of outside vendors that could be contacted in case of a spill. Mr. Negreann would like to update our pollution plan and make this a part of it so that it is memorialized for those that come after us and have access to it. If there are no objections he will have a resolution for the next meeting. Mr. Negreann stated to please remember that you are mandated to take this new land use Stormwater training. The Land Use Board will be hosting this training next door on the 16th at 6:30pm. He hopes that all can attend and there will be a sign in sheet and it lasts about 40 minutes. It is mandatory training for both the board and Mayor and Council. There is an online version if you miss this one, but this one is every easy. We will see what we accomplish on the 16th and will follow-up.

FOR YOUR INFORMATION –

3. **Tax Bill Stuffer** – Mayor Mignone stated that Councilman Bartelloni had emailed him earlier saying that there would be a draft ready for review tomorrow.
4. **Status of Financial Disclosure Statement** – Mr. Negreann said there were 59 people that had to submit that financial disclosure, and we have 14 who have not. As per our procedure it has been distributed to the Mayor and Council and we will send out an individual request for them to respond, this is a state law, so we are looking for full compliance and the backing of the Mayor and Council. He will keep everyone posted as to our progress on that.

BOROUGH ADMINISTRATOR'S TOPICS –

3. **LOSAP Policy** – Mr. Negreann explained that we have LOSAP which is an incentive plan for our volunteer firefighters and ambulance service. There is a payment that goes into it and after 5 years of vesting they can draw on that as a severance payment and an incentive to participate. There have been several instances where some members have wanted to or needed to withdraw their funds after vesting. The IRS basically allows for withdraw of funds if there is a financial need, a hardship. A hardship can fall into different categories and it is up to the Borough to basically be the gatekeeper to make sure that those hardship documentations are in place. The State of New Jersey has a rule that basically says that a withdraw can occur if the person withdraws just from the LOSAP plan, not necessarily servers employment with the Borough. We have a situation where the State is saying one thing and IRS is another. The application by Lincoln Financial just indicates a severance from employment that the individual has signed off. In the past he has approved these even though the individual hasn't proven a hardship but has indicated that there is a severance from employment. We also ask that person who is leaving to give us a letter of resignation so we have that in writing. The Fire Department would like to memorialize this policy of providing a withdraw on a non-hardship basis and has proposed some procedures for the reinstatement of that individual. Here we have somebody withdrawing their funds but now wants to come back into the plan and it proposes some conditions for that to occur. A draft ordinance has been created and he

would like to circulate it among the Mayor and Council to see if you have any questions. The Borough Attorney can take a look at it and we can discuss it further. Mr. Negreann just wanted the Mayor and Council to be informed about this so we can looking at the process of looking at an ordinance on this matter.

WORK SESSION CONSENT AGENDA

1. **Approve resolution authorizing Alan Spiniello Esq., to enter into a Stipulation of Settlement with ERMAC Holdings, LLT/TD Bank N.A. for the property located at 876 Kinderkamack Road, Block 211, Lot 1 for the years 2013, 2014, 2015, 2016 and 2017 for a potential refund in the amount of \$16,988.89**
2. **Approval to Waive the Police Outside Duty Fee for Joseph Baglieri, 142 Manning Avenue, River Edge, New Jersey 07661 for a Sewer Repair Project in the amount of \$678.80**

**Motion by Councilman Gautier, second by Councilwoman Busteded to approve
All in favor 5-0**

At 7:00 PM the Mayor presented proclamations to the recipients that were listed on the Regular Public Meeting agenda.

At 7:15 PM the Mayor and Council returned to Work Session Agenda

FOR DISCUSSION –

1. **Upgrade and Enhancement of Verizon Wireless Network by Deploying Small Network Nodes in the Public-Right of Way –** Mr. Negreann stated that we received this request from Verizon. It went to the Borough Attorney for a legal opinion and asked Mr. Sarlo to comment on it. Mr. Sarlo explained that an application was submitted back in December of 2016 but the Clerk didn't have it on file and he didn't receive it. There was a follow-up email in 2017 that went to his AOL account which he hardly checks, it actually went into his junk mail. It was never going to be looked at there. Eventually Verizon's attorney reached out to him and asked what was going on their application because they would like to start work. Mr. Sarlo didn't know what application, so it was resent asking to get it on right away. Basically they are looking, as their application indicates, to deploy small network nodes in the public-right of way. They need your approval to do that. However he never likes to say to clients that there is nothing you can do about it but unfortunately in a situation like this there is really nothing you can do about it. It enhances coverages for your residents, it enhances the 911 network, and under the Federal law it's something they are permitted to do. They have provided you with pictures of what they will look like and what they are planning on doing. If it meets your approval there is a resolution that has been prepared and it is on for tonight.
2. **Orange Ribbons on Borough property to support Gun Violence Awareness –** Councilwoman Busteded was contacted by the local Moms Demand Action Chapter asking if the Mayor and Council would be alright with them putting orange ribbons on Borough Hall and the Library property beginning June 1st in recognition of Gun Violence Awareness. Since there was no objection, request was approved.
3. **SCORE lease with Temple Avodat Shalom for Rental of Premises –**

Councilwoman Davis met with the Mah's and they asked if in the new lease the new hours could be 10am to 4pm. It was 9am to 3pm and the Temple cut back the hours to 10am to 3pm. They are requesting that the hours be 10am to 4pm now. They did speak with the bus driver and was told there was no problem for those hours. Mr. Negreann said there was an option for 2019 and he would recommend that the Contract's Committee reach out to the Temple to see if that change can be made. Let us know when this can be listed for your direction in 2019 and whether you will take that option or not for an additional year. Mayor Mignone confirmed that this would be referred to the Contracts Committee and make the request to the Temple. He felt that we would be doing the extension through 2019 because he didn't believe the Community Center would be online in time for the end of 2019. Mr. Negreann stated it would be brought back once he received word from the Contracts Committee.

MAYOR'S REPORT – No report for this evening.

UNFINISHED BUSINESS:

- **Borough of River Edge Senior/Community Center** – Mayor Mignone explained that he and Councilman Bartelloni will be meeting with Mr. Costa to do the site work costs. He asked Mr. Negreann again last week to summarize all the various funding sources we have for this and assemble together and he thinks we have all the funding in place. We just have to button up some of the costs and get some of the fine details worked out and then we will be ready to bring the architect in and do a formal presentation to the council. We will also then start to have discussions with the public on this and hopefully by mid-summer we can authorize going out to bid on this and an opening by the end of 2019. It is still progressing and it looks very positive and hopefully at the next meeting we will be in a more formal position then.

Mayor Mignone also related that Councilman Bartelloni also received a quote for the ancillary equipment that we need to go live for TV. So maybe at the next meeting we will be in a position to move forward on that.

Councilman Papaleo had some information regarding the tree farm. We have approximately 100 trees that are at a state where they need be planted and we need to also streamline the tree farm. He along with the Cariddi's went to the Paramus Tree Farm and got some really sound advice from this very active and productive farm. One of the things that needs to be corrected is the need for access by row and right now we do not have that because of how closely planted the rows are. With these two things in mind we had hoped the County would be coming to claim some of our trees because Shade Tree determined that they are not the type of trees to be planted along a curb and they are in support of us planting them throughout the town. We were looking at the paper street and planting some along there to fill in a lot of empty space there. But we now know that Little Ferry has shown some interest and they might be coming and taking some of the trees. There was also a discussion Mayor Mignone, Councilwoman Busteded, and Mr. Negreann that we could also have the option of offering them to the residents, we do offer mulch, but we do have to have some sort of fee, maybe a \$5-\$10.00 fee for residents who would like one of our trees so we can modernize our farm and get it working better. He is hoping the Council will have a brief discussion on this or extend it, and by resolution we would allow residents

to get trees for a fee. He has already spoken with Mr. Lynch and it would work for him. We could offer trees to the resident, to Little Ferry, and if Bergen County still wants trees we can do that and start correcting some of the mistakes that we when we first designed the farm. Also it is necessary to thin-out the farm in order to maintain the good work that the Eagle Scout had done at the farm. A brief discussion was held between Councilwoman Davis and Councilman Papaleo regarding trees by the sidewalk with roots not lifting up it up. The Shade Tree Commission feels these are not the appropriate trees for the curb. Councilwoman Busted thought the idea of offering them at a nominal cost to the residents would be a good way to put them to use. She would not be in support of planting them along the paper street at this point, she thinks that would be imposition on the residents and as the Mayor said the roots could come up and what have you. Mr. Sarlo made a recommendation to let other neighboring towns know that we have these trees because we may find these towns are unaware that this is an option for them in addition to Little Ferry. She didn't know if Mr. Negreann could send something out to other Administrators or how that would work. A motion was made to support informing the other Boroughs and/or allowing the residents for a nominal fee to participate.

Motion by Councilwoman Busted, second by Councilman Papaleo to approve.

All in favor 5-0

It was established that Little Ferry was wanting about 25 of the Redbud trees, which at present aren't very big. Mayor Mignone mentioned that there was one at Cherry Hill School on the left of the front door, which you can recognize. It was felt that possible they were not fit for curbside due to the root system or something to do with the tolerance to road salt and we can get the actual details from Shade Tree. Councilwoman Davis said that the roots grow to the side lifting the sidewalk and the residents have to pay to get it fix before getting a C/O. Mayor Mignone asked Mr. Lynch what he thought the fee should be since DPW would have to dig up the tree, move to a truck and deliver it to the house, which is man-power and fuel cost. A discuss continued with regards to clearing out the 100 trees this year because they are at a level of maturity that makes it easier to move now rather than later. Mr. Negreann offered an opinion that DPW should deliver the trees to our residents and he will be attending a meeting with the Cooperative this week and will survey them and will report back. Mayor Mignone asked the Clerk to send out an email to local clerks saying that we have them and to get in touch with her. A \$25.00 fee was mentioned and the Mayor asked Mr. Lynch if he felt that was reasonable to which he agreed.

Councilman Chinigo asked for an update on the crosswalks at 7-Eleven and the one at Wayne. Mayor Mignone said that he didn't know about 7-Eleven because the County is supposed to do it and they are deficient on that. Mr. Costa stated that the Wayne one is ready to go, it was just sent back to the County for their approval. Mayor Mignone asked that Mr. Costa contact Mr. Femia's office and ask about the crosswalk at 7-Eleven. Mr. Costa stated that he will send an email and cc Mr. Connolly and Mr. Costanzia and others.

NEW BUSINESS

Councilwoman Busted said that she had a request from two students from the Fifth Grade at Roosevelt from the Ecology Club are doing an Eco-Challenge, who

wrote letters asking the Borough to consider additional recycling receptacles at the bus stops and other locations in town. Mr. Negreann stated it wasn't clear to him if they were talking about the Transit bus stops or whether they were talking about any school bus stops. Councilwoman Busteded replied that she believes the first letter, she knows the resident, and they live adjacent to a NJ Transit bus stop. She will let them know that we received it and they will be receiving a response.

OPEN PUBLIC HEARING

Motion by Councilman Chinigo, second by Councilwoman Busteded to open.

All in Favor 5-0

No Public Comments

CLOSE PUBLIC HEARING

Motion by Councilwoman Busteded, second by Councilwoman Davis to close.

All in favor 5-0

MOTION TO ADJOURN THE WORK SESSION @ 7:30 PM

Motion by Councilwoman Busteded, seconded by Councilwoman Davis to Adjourn.

All in Favor 5-0

Stephanie Evans, RMC
Borough Clerk