

**BOROUGH OF RIVER EDGE  
MAYOR AND COUNCIL  
WORK SESSION MINUTES  
MONDAY, SEPTEMBER 21, 2015**

**PRESENT:**

Mayor	Sandy Moscaritolo
Councilwoman	Kathleen Murphy (arrived at 6:45 pm)
Councilwoman	Ellen Busteed
Councilman	Anthony Cappola
Councilman	Edward Mignone (arrived at 6:40 pm)
Councilman	Thomas Papaleo

**ALSO PRESENT:**

Borough Attorney	Thomas Sarlo
Borough Administrator	Alan Negreann
Borough Deputy Clerk	Judy O'Connell

**ABSENT:**

Councilman	Vito Acquafredda
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Mayor Moscaritolo called the meeting to order at 6:30 PM by reading the Open Public Meetings Act.

**OPEN CLOSED SESSION –**

Motion by Councilman Papaleo, second by Councilwoman Busteed.  
All in favor 3-0

**CLOSED SESSION TOPICS –**

Closed Session Docket#	Item Title or Description	Statutory Reference
15-9/8-1	COAH Litigation Anthony Suarez, Esq.	N.J.S.A. 10:4-12 (7)
15-9/8-2	Personnel – Policy Department Officer Patrick Diamond	N.J.S.A. 10:4-12 (8)
15-9/8-3	Potential Litigation Custom Modulars-Police Outside Duty	N.J.S.A 10:4-12 (7)
15-9/8-4	Potential Litigation Solid Waste Bid	N.J.S.A 10:4-12 (7)

**Exited Closed Session and Enter Work Session at 7:00 PM.**

Roll Call: Councilwoman Murphy, Councilman Cappola, Councilwoman Busteed, Councilman Mignone, Councilman Papaleo.

**BOROUGH ADMINISTRATOR'S TOPICS –**

1. New Jersey DOT Fiscal year 2016 State Aid Program – Mr. Negreann explained that there are four options for grant applications. The first is Fifth Avenue, Section 4 this would finish off the road work where we left off after completing Section 3. Howland Avenue, Section 7 would be the final section of the roadway located where we left off on Howland Ave. just west of Kinderkamack Rd. and proceeds to Bogert Rd. Another option

would be might be called Section 4 or 5, this would be the portion between Midland Ave. and the High School, this section of roadway is used by residents, church patrons, and the High School, which was brought to our attention by the School Business Administrator. Rob Costa, the Borough Engineer, also indicated that you might want to consider just doing a program of just curbs, sidewalks, drive ways and aprons on Fifth Ave. where we currently resurfaced those properties. Those are the four options that we thought of, but if there are any others from the table they should be certainly be discussed. Mr. Negreann stated that if the Council could give him direction tonight that would be wonderful since the application is due I several weeks. Mr. Costa appeared before the Mayor and Council and said these options were discussed during or after a meeting of the Sewer Sub-Committee. Right now Phase II is 99% complete, Phase III will be going out to bid with the \$149,000.00, which will probably get us close to point right where we finished resurfacing coming south. The suggestion was made by the Police for the stretch from Midland north into the school because that section of Fifth is in very poor condition which was part of the original estimate, which was \$2 Million for the entire stretch. But at this point it appears that they are going to keep funding this and that is what he suggests, going from north to south. Councilman Mignone asked what the perimeters were, the length of road way, how much time, what is the cost. Mr. Costa said it would probably be close to that amount, but at the present time he doesn't have those exact numbers, he will send an email tomorrow morning. Councilman Mignone stated that again he doesn't want to get \$350,000 from DOT and the project turns into a \$450,000 project. Mr. Coast said he would get the number together, but right now he thinks every contractor is working, everything is under construction in Bergen County, some of the prices have definitely gone up and getting very difficult to have people perform some of these contracts. Things are tough to estimate, but he would add about 10% to 20% to the numbers if things continue, that is where we will be next year. Mayor Moscaritolo asked if that little section of Howland could be finished for \$150,000. Mr. Costa replied by saying that if the checkbook was turned over to him it would be done before the close of business in December. Mayor Moscaritolo asked if Howland would be done from Kinderkamack all the way to the Paramus boarder wit new sidewalks and curbs, Mr. Costa answer was yes. Mr. Costa stated that he and Mr. Negreann tried to up in for a discretionary grant, but for whatever reason DOT is just not funding that missing piece. Councilwoman Murphy asked how it got missed. Mr. Costa stated that we went from Bogert heading towards Paramus finishing that section, because of the County's involvement on Kinderkamack with the light and the intersection improvement, we went to Kinderkamack up to that point and in between there wasn't any funding, then the State stopped the funding. Mayor Moscaritolo felt that would be the project to go after, so the whole project is complete. Councilman Mignone asked when the application was due, to which Mr. Negreann stated it was October 28. Councilman Mignone aske to see the whole layout and what the costs are, again if that section of Howland is going to be less than \$150,000 we should be looking to do more. Mr. Costa stated that section of Howland has an estimate, every year we put in the same estimate, but he will review it to see where the numbers are, again adding 10%-20% to that number, he will email the information tomorrow morning. Mr. Negreann felt that information was stall since the last discretionary grant application. Mr. Costa said he would look at the information along with Fifth Ave. and sent it out to Council. Mr. Negreann stated this topic would go on the Oct. 5<sup>th</sup> agenda. Mayor Moscaritolo asked if we were limited to one application, Mr. Negreann said yes but we could put in some discretionary applications, but there is one municipal aid application.

## FOR DISCUSSION –

1. 24 Hour Ordinance – Chief Cariddi was the first to speak regarding this issue. Councilman Mignone asked Chief Cariddi to explain again as of now the hours of operation that the ordinance permits any business to operation 24 hours if they meet certain criteria, one is the security issue. What is the process for a company to come in and ask to operate 24 hours and what is your procedure, is there an application form. Chief Cariddi stated that any business that wishes to open between 11 pm to 5am has to meet one of two requirements. Either have two people on staff during those hours or have an alarm with a surveillance system in place. There is criteria set forth in the ordinance that governs that. Prior to a business opening they would go through the process with the Planning Board, the Building Department, and when it came down to the security aspect he would have one of his designees go to the location to assure they had adequate surveillance equipment and an alarm system and or staff to meet the ordinance requirements. We have done this recently with McDonalds when they opened the 24 hour drive-thru. The 11pm to 5am hours of operation was delayed until they got a camera system in place that met the statute, which was acceptable. Councilman Mignone asked that was the criteria is acceptable, do you send a memo around notifying that this business is allowed to operate during those hours. Chief Cariddi said that during this particular incidence there was correspondence from his office to the Clerk's office. Councilman Mignone asked if there was a review process every say 6 months, a year to make sure everything is still in accordance with the ordinance. Chief Cariddi said that periodically his officers are on site for one reason or another, a call for service or incident, at any of the locations that have these equipment in place have periodical checks done, which is pre-planned. Councilman Mignone said there is no license per say, or certificate stating they are allowed to operate 24 hours. He was thinking about the Dunkin Donuts that had been open for 24 hours, there is not statute of limitations, if they still had the criteria in place now, just cause they choose not to operate 24 hours does that mean that they are no longer allowed to, could they go back tomorrow or is there a whole new process. Chief Cariddi said that they don't have an application process with the police dept. If Dunkin Donuts were to open up again starting tomorrow night he would want to insure they had the equipment in place. Councilman Cappola asked if Dunkin Donuts ever have an incident of general concern such as robbery, violence, during the late hours of operating 24 hours. Chief Cariddi said that the most prevalent thing they had to respond to during the overnight hours was run-aways and loitering. Councilman Cappola asked Chief Cariddi how many times the bank at the south end of town has been robbed in broad daylight. Chief Cariddi said the most recent one was Hudson City near PNC bank, about a half a dozen. Mayor Moscaritolo handed Chief Cariddi a report and asked him to read the title and author into the record, Chief Cariddi read it was a publication from the U.S. Department of Justice, Office of Community Oriented Policing, Robbery of Convenience Stores. Mayor Moscaritolo asked if we were an area of community policing department, to which Chief Cariddi replied certainly. Mayor Moscaritolo asked him if he would consider a publication from the U.S. Department of Justice, Community Policing Department an authoritative source if you needed data. Chief Cariddi acknowledged it would be one of his sources. Mayor Moscaritolo stated that now that it has been distributed to him, it's a public record and it could be OPRA'd, members of the public can review the 81 pages. Mayor Moscaritolo stated he downloaded another study he asked Chief Cariddi to read the title and author. Chief Cariddi stated "1997 Multi-State Study of Convenience Store Robberies, by Charles Wellford, Joan MacDonald, Joan Weiss, Timothy Bynum, Robert Friedmann, Robert McManus and Anthony Petrosino, Justice Research Association, Washington, DC". Mayor Moscaritolo asked if he knew of that organization, Chief Cariddi stated he hasn't. Mayor Moscaritolo stated Chief Cariddi

wouldn't be able to comment as to whether this was an authoritative source for information. Chief Cariddi was unable to answer that without reviewing the document. Mayor Moscaritolo asked in terms of robberies or thefts during the hours of 11pm and 5am, do you have an opinion as to who are the most likely targets. Chief Cariddi explained first of all with the businesses that were open, robbery versus a burglary of a commercial business and in that category once you get past bar closures, depending upon the night of the week and location, often times there it can be an entire establishment or individual patrons in and around an establishment, there's gas stations, convenience stores, and diners that are open during that time. Mayor Moscaritolo asked about cab drivers, Chief Cariddi responded by saying that as a matter of fact he had previously addressed the Council about 6-8 months ago addressing this issue. He had presented his findings that convenience stores are second to cab drivers in terms of actually armed robberies. Mayor Moscaritolo asked Chief Cariddi if he understood that there was an ordinance on that may place restrictions on 24 hour businesses for a vote by this Council at the next meeting, October 5<sup>th</sup>. Chief Cariddi responded he was aware of this. Councilman Mignone asked Chief Cariddi how many times the BP gas station has been robbed and when was the most recent. Chief Cariddi response was there has been a number of incidents that range from a report of a robbery which turned out to be a theft of gas, to an assault on the service attendant that may or may not have been based on a robbery or a theft of gas gone badly by intoxicated parties. In terms of a clear intended armed robbery it's been some time, he couldn't place any specific incident. Councilman Mignone saying there are two 7-11's in New Milford, opened 24 hours and asked if Chief Cariddi was aware of any incidents there. Chief Cariddi said there was one on Queen Street and another by River Road near Henley, and he thought that was the one that was a subject of an armed robbery a little over two years ago. Councilman Mignone asked from a policing stand point would having a 24 hour operation on Hackensack Ave. or on Main Street or the approved bank pad on Rt 4 and Marginal Rd, which could be used for a 24 hour location under the proposed amendment would a 24 hour operation in proximity to a major roadway be more or less likely be a subject of a potential incident then somewhere else. Chief Cariddi stat that with respect to the location that was being referred to on Marginal Rd, the proposed mini bank as it was called, back in 2004-2005 if he calls correctly, he reviewed site plans for that location and had objections to a bank being put in that location because of the proximity to the highway and the facts that banks located in that area are already subject to an inordinate number of robberies. He felt the easy access to the highway at that location would, there is a police saying – stop and rob, that is how he categorize that location because it access to the highway. Councilman Mignone asked if there has been an increase in the number of calls to the CVS since they have moved downtown. Chief Cariddi stated they had quite a few calls there, they run the gamut of everything from ER calls to accidents in the parking lot to shoplifting, and it's a busy location. Councilman Mignone confirmed that the last request for a 24 hour operation was McDonald, have there been any other ones that the Council isn't aware of or projected or haven't applied for. Chief Cariddi said there was the diner, McDonald's drive thru Thursday through Sunday, BP gas station, Dunkin Donuts who opted out of the 24 hour operation, and that's it. Councilman Mignone said there has been no proliferation of requests even though this has been in effect for at least 30+ years, has anything been open 24 hours and now isn't open 24 hours. Chief Cariddi other than the businesses he mentioned he doesn't believe so.

Brigette Bogart, Borough Planner – Mayor Moscaritolo stated that some time ago the Planning Board had a general discussion about making recommendations for amending upgrading our hours of operation and you did a memo. Ms. Bogart stated she actually

prepared 3 or 4 memos regarding the conversations with the Planning Board that started over a year ago. Mayor Moscaritolo asked if her memos gave particular direction with recommendations for amending the hours of operation. Ms. Bogart replied that over the year it has progressed, the first memorandum basically re-irrigating the existing ordinance and explain to the board what the different options were as far and trying to understand what the board's goals and objectives were because she as the consultant can't prepare an ordinance without understanding what the board is trying to achieve. From there the Planning Board had requested she look at a different ordinances from the surrounding municipalities, which she provided to them which she felt were comparable and had appropriate ordinances from a planning prospective for hours of operations. The 2 or 3 memos detailing Paramus, Fair Lawn, and actually Garfield and from there, there was a number of discussions on what they wanted to achieve and she believes she prepared a recommended ordinance. Mayor Moscaritolo said there had been a lot of discussion about the 7-11 application, and he wanted to ask her her opinion as a planner does our Planning Board have the authority to set hours of operation. Ms. Bogart said no the hours of operation are kept in a completely different chapter in your Borough code. The Planning Board can only deal with land use regulations. The hours of operations is a code enforcement issue and the Planning Board has nothing to do with that. Mayor Moscaritolo said that would be subject to the general police powers of the Mayor and Council, Ms. Bogart stated that was correct. Mayor Moscaritolo asked if there was any documentation that she seen where the Planning Board approved 24 hour operation for the 7-11 application for Van Buren and Kinderkamack, Ms. Bogart stated she had not. Councilman Mignone asked about her original memo dated April 14, 2014, that was when you basically summarized the existing ordinance and gave 3 sample planning issues for consideration, talking about expanding hours for certain establishments such as bagel stores, coffee shops, private recreation clubs, gyms, add additional criteria for businesses operating including items such as buffering. When he reviewed the minutes from the Planning Board for April, May, June, July, August, and September there is no mention of any discussion on the planning board level about the ordinance. The first time it comes up is October, where the minutes say Mr. Neiss said "regarding 24 hours Brigitte has sent around her memorandum referring to the April 14, 2014", at that point the Mayor commented her is looking for more directive from the Planner. So nothing had happened as of October, in November, 2014 the minutes stated regarding the 24 hours operation "Mr. Neiss highlighted the fact the board's planner was not clear on how the board wanted the ordinance to be changed if at all". In December they said they will wait until January. Councilman Mignone stated he didn't see the minutes for the January Planning Board but he did watch the video. To him that was the only time he seen the proposed ordinance discussed at length, about an hour + discussion on various aspects on it. The vast majority of it had to more about the security issues, a lot of the discussion centered around what was going to happen with New Bride Landing businesses. There was talk about Habit Burger becoming a hang-out for college kids, there were concerns about whatever was potentially going in that stripe mall. It seemed most of the concerns centered around that plus the 7-11. From what he could tell at the end of that meeting, the recordings are not the best, it is very hard to hear who is speaking when, out of the hour and 15 minutes, an hour into to the meeting before anyone asked Mr. Bogart her opinion, and basically you raised some of the you made right now, from what he was able to tell from the meeting by the end of the meeting there was no review of a consensus, no direction given to you formally by the board, so he was wondering how from that discussion in March we sudden got an ordinance proposing a 200 ft. restriction for all 24 hour businesses. Was there any work product, discussion or correspondence between maybe the Planning Board Chairman, Planning Board Attorney and yourself regarding

the direction the Planning Board was giving you at that time? Ms. Bogart stated Councilman Mignone is correct that when she was planning that memo in April the Planning Board was busy and kind of forgot about it and she was asked to recirculate that memo a couple of month later, which she did. It was around December-January as you had correctly indicated the Planning Board had asked her to do a little more research and that is when she not only provided then their ordinance but also some other municipalities ordinances because they wanted to get an idea of what other municipalities wren doing from a planning perspective, her memo was dated January 31 which includes the April memo and other municipalities ordinance which the Planning Board requested. Councilman Mignone asked for a copy and Ms. Bogart send she would send it to him, it was agreed that the Mayor and Council wouldn't get the since it was a Planning Board document. Councilman Mignone went on to say that in February or March it was discussed by the Planning Board, Ms. Bogart confirmed this. Ms. Bogart stated that it was around spring time of this year we talked a lot about the difference between C1 and C2 requirements and that is how she recommended the ordinance in May. A memo dated May 26 and it indicated the purpose of the Planning Board she recommended changes. Councilman Mignone asked that in April the Council tabled the discussion because there was no consent and going back and reading the minutes everyone on the dais said at that point they did not see a reason to change the ordinance. He didn't see anything in the Planning Board minutes between April and May about the discussion so he would like to go back and review that a little bit more. Councilman Mignone mentioned that Ms. Bogart came back with a C2 recommendation that was prepared by you in the May 26 memo. Councilman Mignone asked Ms. Bogart if she was ever asked her opinion if there were any deficiencies with the existing ordinance and how you would address the concerns that were raised. She answered yes she was and that was how she came up with her original memorandum trying to figure out what the Planning Board felt were deficiencies. That was when she identified the three general planning concepts that we would be addressing and where the discuss started. Whether it meant increasing buffers to residential, ensuing safety of separation between commercial and residential, or allowing businesses to expand further, she just needed to understand from the Borough's perspective where they wanted to head. Councilman Mignone asked what the major concern raised by the Planning Board. She stated they talked a lot about security issues as you had mentioned a long time before they even got into planning issues, and then a small portion of that meeting was about planning issues, and security of residents, and adjacent commercial uses. Councilman Mignone asked about issues such as noise and lighting, what is the current requirement, are there requirements for lighting and noise overnight. Ms. Bogart answered yes and it was all detailed in the April memorandum. Councilman Mignone asked if she would consider them adequate, is a 1 ft. candle on a property line or ½ ft. candle on a property line, Ms. Bogart said it depends upon on they approach from a planning perspective. Councilman Mignone asked what the definition of a C2 zone in our zoning ordinance, a commercial office zone, which Ms. Bogart stated it may be correct. Councilman Mignone asked if she had an opportunity to review the evolution of how the C2 zone became a (inaudible) zone, Ms. Bogart's reply was she didn't know. Councilman Mignone asked if it would safe to say that the C2 zone is vastly comprised of office buildings and service kind of operations and the only retailish kind of operations in the C2 zone would be the McDonalds and Green Papaya, and maybe Feathers bar, and the laundromat, everything else is medical offices and professional offices and additional businesses, all these candidates could be 24 hour operations. He didn't understand, if we weren't told that second 7-11 was planning on going in Mr. Bob's it wouldn't make any real sense from what is there now to what would be there in the future to say that is where you should put a 24 hour businesses.

Ms. Bogart stated that from her planning perspective you are not looking at current businesses you are looking at what could come about. She has only worked for the Borough 3-4 years but from a planning prospective we focus on redeveloping and encouraging new development in the C2 zone. She thought it would be short sighted to say ok if there is a shoe repair guy who isn't going to be open 24 hours we don't have to worry about it. From a planning perspective you want to look at what could potentially be there, what you want to do from your Master Plan perspective and make sure the ordinances are in place to ensure that a new development is appropriate for the town based on their goals. Councilman Mignone asked if that addressed why if we adopted the amendments to the ordinance as purposed, which he didn't necessarily agree, the diner becomes grandfathered in, which he believes is regulated separately under the alcohol license, their hours of operation are set under that ordinance and not the set operation ordinance, we are permitting continuation of the BP gas station, and McDonalds really becomes the only as-of-right operation because they are the only one operating under the C2 zone. He meant the current 3 businesses that are currently running for 24 hours. So by making an amendment, you are grandfathering 2 businesses in the C1 zone, and the one in the C2 zone, McDonalds, is ok, but the 2 businesses that are going to be let to operate 24 hours are directly adjacent to the residential zone. People on Elizabeth Street are directly across the street from McDonalds and bordering the gas station. And also if you look at the diner you have people on Kinderkamack Rd. and the lower half of Windsor Rd who are in the same proximity as residents on Clarendon Ct. where the 7-11 is permitted, so why from a planning perspective should we allow those people to continue with burden of having a 24 hour business next to them and we have the ability to see if there really is an impact because we can measure the lights, the traffic, and the sound to see if there is an impact versus something which we don't know what the impact is going to be and say someone who can't do this but we are allowing other people to continue without changing any of the requirements of the ordinance is that a good way to plan for the next 2-5 years. Ms. Bogart said not that she was 180° from him the two businesses that are going to be grandfathered in there really isn't thing you can do about them if you are correct about them being grandfathered, what you can do is make sure that you're planning correct for the future. Councilman Mignone said that we are grandfathering by virtue of the way the ordinance is written, Ms. Bogart said that if they are operating a 24 hours business you create new regulations there is you can do about it, all you can do is create regulations for the future to protect residents and businesses from what is going to happen during future development, you can't go back or change unless they are going to expand, there really isn't much you can do about it. The only thing that a municipal body can do is create new regulations to ensure the safety and promote the buffering for the residents and businesses is to create new regulations. Councilman Mignone asked Ms. Bogart if she had a chance to look at some points raised by Mr. Roberts's presentation on behalf of 7-11, Ms. Bogart didn't review it. Councilman Mignone expressed he thought there was a dichotomy here also, where we can have 7-11 now open on Main St. operate 24 hours or you can have a Starbucks operate 24 hours and literally across the street you have a Dunkin Donuts and CVS which couldn't. Right now we have the Christin Valmy Day Spa which could theoretically give massages and haircuts all night long because they are in the C2 zone. You have Message Envy and another haircut place literally across the street that wouldn't be allowed to operate 24 hours. Ms. Bogart asked if he was addressing the businesses either north or south of the street, Councilman Mignone answered yes. Ms. Bogart said on the north side they abut residential, Councilman Mignone said yes but on the rear, there is no impact, Ms. Bogart said there could be and in your current ordinance it talks about proximity to residential zones which is a well-known concept for planners to insure that commercial zones don't

have an impact on residential zones, so there is a clear separation between the one side of Main St., and the other side of Main St., just based upon the fact that they are adjacent to residential. If you are talking about creating new regulations (inaudible) commercial there is a big elevation change there if you wanted to add those conditions and allow for 24 hours on the north side of Main St. that's something you could look at, but right now she thinks that what you had before you is a basic ordinance and if they are adjacent to residential you shouldn't be able to operate 24 hours, if you are not then you could. Councilman Mignone asked that when she looked at other town's ordinances did she look at the other towns in the Kinderkamack corridor, Oradell, Emerson, Westwood, who have the same development pattern as we do. Ms. Bogart stated that she represents a number of towns in the corridor and a lot of them are struggling with the same issue. Councilman Mignone asked if it was fair to say right now that Oradell and Emerson do permit 24 hours operations on Kinderkamack Rd. Ms. Bogart stated she was the planner for Emerson and they are struggling to put into effect an ordinance maybe not to reduce the number of operation but at least to address lighting and noise concerns for 24 hour operations that is an issue. They are looking at their redevelopment and how it effects their adjacent residents. Councilman Mignone stated that those kind of restrictions can be effective and minimize the impact, Ms. Bogart said they are studying that. Councilman Mignone had one last question, when you look at the amended language of the ordinance and you insert it into the existing ordinance because it basically says all the other terms and conditions of the current ordinance stay valid, we are only changing a few perimeters. Section 10 talks about getting relief from the Planning Board, prior to the amendment he wasn't sure what that meant because it said that relief from the strict enforcement from the regulations shall be granted by the Planning Board essentially in connection with the site plan application and it says the criteria (inaudible), to him it says that under the existing ordinance they are treating the hours of operation as if it wasn't a C1 or C2 variance. That stays in effect with the amendment, so what is the intent there, is it that someone can make an application as part of the site plan and ask for relief from this section of the ordinance. Ms. Bogart felt that was complete appropriate, if you have the appropriate controls in place for lighting, noise buffering and you meet all the other regulations that (inaudible), yes you could seek a variance. Councilman Mignone asked what if they were in compliance before we changed the ordinance, Ms. Bogart said they would be grandfathered.

2. Shared Service Agreement Between the County of Bergen and the Borough of River Edge- road Resurfacing on Kinderkamack – Mr. Negreann explained that the County is looking for a resolution regarding the resurfacing, which isn't listed for tonight. He has some concerns such as 1A, it indicates that the Borough has the responsibility to inspect the conditions of all curbs, ramps, and crosswalks locations, make any repairs or replacements before the road is scheduled for resurfacing. Identify any locations at which the municipality requests the County to install asphalt berms. He knows that was an issue on Midland Ave. as to how much the Borough would be responsible for repairing the curb work. He would like some assurance from the County that they are leaving the replacement of curb worth to the Borough's discretion. He wouldn't want them to come back and say that you signed the agreement you are in committed to replace all the curb work on Kinderkamack Rd. before we come in and resurface. That would be a very large expense. Mr. Negreann felt this bares some discussion with the County as to what they mean by this paragraph. Mr. Costa added that the County's position is guided by a State law where they are only responsible between the curbs, not responsible for the curbs or the sidewalks. For whatever reason the County has us indirectly doing the ramp project on Kinderkamack Rd., so for those ramps, sidewalks,

and curbs they feel they are responsible, he wasn't sure how it works, but again we have had this conversation with County in the past and they are going to say it's not their responsibility. He felt it made no sense to mill and pave a road and there is no curb because what happened between the winter, snow, ice and the thaw the water gets underneath and breaks it up quicker. He will certainly ask them what that paragraph means. Mr. Negreann asked if there was anything in the agreement that mandates the Borough to do the curb replacement. Mr. Costa said that in the past the County asked that we certify the integrity of the curb, which in the past he never did. Mr. Negreann said that the Borough would be responsible for any police protection, there is a section in the agreement that requires manholes be addressed if they are in need of repair. Of course on Kinderkamack Rd. the police would have to provide protection at our expense, which we understand, but he just wants to make Council aware that that is a County policy. Mr. Negreann asked if there were any asphalt berms that needed to be looked at. Mr. Costa stated the only place with an asphalt curb would be at the bus stop by Howland, they consider that a berm. He will speak with Tom Connelly and walk Kinderkamack and let him explain to us what he wants, the only manholes we would be responsible for would be sanitary sewer. Again if they are milling, unless they break or are broken, we have to do it. Mr. Negreann brought up the police protection during the resurfacing would be our responsibility, there is an acknowledgement as Mr. Costa described the County only has responsibility for the street itself, not for the curb line to curb line, he just wanted to make sure that Council was aware. Mr. Costa said there was a State statute on it. Mr. Negreann said that finally once the intersections are done we become the responsible party for the maintenance of the intersection. So with that said he is asking that the Borough Attorney has a few concerns that he needs to address. Councilman Mignone asked about Kinderkamack Road, he stated there are two areas with very poor drainage, one is at the corner of Kinderkamack and Continental, and the other is down by the Verizon building and feels they are the responsibility of the County and should be done before we pave. Also the other area is south of Howland where we do have those cars that are on the asphalt sidewalk. We were to ask if they could move the center line a little bit to avoid the situation. If this could be brought to the County's attention before paving that would be good. Mr. Costa said the other idea is, he is actually working on a project with the County right now on Zabriskie St., some of it will be in River Edge slightly, the idea is to quale a little bit of the intersection coming off of Rt 4, maybe they can shift it over or we can add a parking stripe, at least it will slow people up a little bit. Councilwoman Murphy asked if the County permitted special parking there, and the answer was no. Mayor Moscaritolo stated that the County doesn't control parking regulations. Councilman Mignone stated that they have an easement all the way up that side of Kinderkamack. Mr. Costa said there is where the houses and the sub-division is but didn't know if it went down that far. There is certainly enough of the right-of-way to do something. Councilwoman Murphy asked Mr. Costa about the ramps and if he has gone by to see any of them. Mr. Costa said they are out there inspecting the ramps along with the County inspectors, work is ongoing. The stage would be to go out with the County and measure the grading of the ramps, then he signs off with the County Engineer. Then the paving would start, which they want to start before the end of this year.

Councilman Papaleo wanted to make three motions regarding the solid waste bid before closing the work session.

## **BOROUGH ADMINISTRATOR'S TOPICS -**

2. Solid Waste Bids – Mr. Negreann explained that currently there is a 5 year contract

where the amount each year is \$310,800.00, which is jointly with New Milford. Tonight Council has the option selecting option year 1 which would keep the price the same. We also went out to bid jointly with New Milford to see if we could get a better price and perhaps better service that came in at \$357,973.00 for the current year. We also went out on our own, that price came in at \$383,205.00. We also looked at possibly having Paramus make a proposal, which they did to do garbage only no vegetation. We would have to invest in large containers and there is no guarantee for a 5 year contract, but a one year cost would be \$369,573.00. If we were to provide another vegetation container to the residents that would raise to \$395,146.00. On a financial basis the most cost effective selection with you are satisfied with the service is at this time is the original bid that we placed last year just selecting option 1. What you would do is award that option and reject the other bids. A motion was made to reject the River Edge solid waste bid.

Motion by Councilman Papaleo, second by Councilman Cappola to approve.  
All in favor 6-0

A motion was made to reject the joint bid with New Milford.

Motion by Councilman Papaleo, second by Councilman Mignone to approve.  
All in favor 6-0

A motion was made to exercise Option 1 of our current bid.

Motion by Councilman Papaleo, second by Councilwoman Murphy to approve.  
All in favor 6-0

Mayor Moscaritolo stated that two of these resolutions are on the agenda for tonight, and the third resolution will be formalized at the next council meeting

### **EXIT WORK SESSION AND ENTER INTO THE REGULAR MEETING AT 8:00 PM**

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

### **EXIT REGULAR MEETING AND ENTER INTO WORK SESSION AT 9:30 PM**

A motion was made to suspend the regular meeting and return to the work session.

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

### **BOROUGH ADMINISTRATOR'S TOPICS –**

3. RFQ/RFP – Mr. Negreann informed the council that two proposals were received, both of which are qualified. One from Burgis Associates, the fee not to exceed \$15,000.00 with some hourly rates of pay. The second one is Maser Group Consulting, the fee not to exceed is \$15,500.00 with some hourly rates of pay as well in case additional services are needed. Councilman Mignone asked if the RFP tasks were given to Mr. Negreann by anyone. Mr. Negreann answered yes he asked Mr. Suarez to provide the scope of services for us. Councilman Mignone had only one question, which does go to which consultant is better or not, there was a task that said they would be developing the Fair Share Analysis which he thought we were hiring Dr. Burchell to do, which could be addressed further down the line. Mr. Negreann didn't think that was in the original...Councilman Mignone said maybe it was similar language or maybe Dr. Burchell is doing almost a statewide allocation, and he was also giving us (inaudible) allocation, but they also talk about doing in this proposal also. Mr. Negreann said it is very general in relations to the Borough's Affordable Housing Plan will need to interact

with member of the Governing Body, Special Counsel, and borough officials to assist in the implementation of the Borough's Affordable Housing obligation on an expedited basis. That is all that we put into the scope. We didn't have anything about developing the Fair Share Plan. Councilman Mignone said what he call the project's sub-tasks are identical in both proposals so they must have quoted on the same, yeah here it is Part Two in preparation of the Fair Share Plan he was just wondering if materially its' different then what we are hiring Dr. Burchell for or whoever his successor is. Mayor Moscaritolo stated they are both qualified, only \$500.00 apart. He can only say the Burgis firm made a presentation to the Bergen County League of Municipalities last month at last month's meeting and they seemed to be very up to speed and had their finger on the pulse of this issue other than that he doesn't know. Councilman Mignone stated that Mr. Suarez recommended Maser. Mayor Moscaritolo stated he didn't think we could go wrong with either one. Councilman Mignone stated without interviewing them to see what plans they have done or what their approach was...simultaneous talking. It was confirmed that there wasn't time to have the firms come to be interviewed and a decision needed to be made tonight. Councilman Papaleo stated that if they are indistinguishable in their quality and professionalism and there seems to be no reason to select the higher bid than he would assume that we should select the lower bid even though it is an insufficient amount. Mayor Moscaritolo stated that would be in keeping with general best practice. A motion was made by resolution to accept Burgis' proposal.

Motion by Councilman Papaleo, second by Councilman Cappola to approve.  
All in favor 6-0

Mayor Moscaritolo congratulated the council for beginning to tackle this very thorny issue. Councilman Mignone felt that wasn't clear because the 1990 reevaluation of the Master Plan the first one mentions the plan was amended to incorporate a housing and a fair share element, it's never been identified or found. This council in 2009 hired Kauker and Associates to prepare a Fair Housing Plan and that one hasn't been found either. Mayor Moscaritolo said that he thinks Kauker's plan was prepared but never filed. Councilman Mignone stated he didn't understand why things didn't move. Mayor Moscaritolo asked the same question. Councilman Mignone was just wondering where the work product was that was paid for.

#### **Exit Work Session and return to Regular Meeting at 9:33 PM**

A motion was made to return to the Regular Meeting and suspend the Work Session.

Motion by Councilman Papaleo, second by Councilwoman Murphy to approve.  
All in favor 6-0

#### **Exit Regular Meeting and return to Work Session at 9:34 pm**

Motion by Councilman Papaleo, second by Councilman Mignone to approve.  
All in favor 6-0

#### **MOTION TO ADJOURN WITHOUT GOING BACK INTO WORK SESSION AT 9:35PM.**

Motion by Councilman Mignone, second by Councilwoman Murphy to approve.

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Stephanie Evans, RMC  
Municipal Clerk