

**BOROUGH OF RIVER EDGE
MAYOR AND COUNCIL
WORK SESSION MINUTES
MONDAY, SEPTEMBER 18, 2017**

PRESENT:

Mayor	Edward J. Mignone
Councilman	Vito Acquafredda
Councilman	Alphonse Bartelloni
Councilwoman	Ellen Busteed
Councilman	Dario Chinigo
Councilwoman	Mary Davis
Councilman	Thomas Papaleo

ALSO PRESENT:

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

ABSENT:

None

Mayor Mignone called the meeting to order @ 6:30 PM by reading the Open Public Meetings Act and asking for a roll call.

MOTION TO SUSPEND WORK & ENTER INTO CLOSED SESSION @ 5:30 PM
Motion by Councilman Acquafredda, second by Councilman Bartelloni to approve
All in favor 5-0

CLOSED SESSION TOPIC

Closed Session		Statutory
Docket #	Item Title or Description	Reference
17-9/18-1	Personnel-Non Compliance Requirement to File Disclosure Statement	N.J.S.A. 10:4-12 (8)
17-9/18-2	Personnel-Zoning Board Attorney	N.J.S.A. 10:4-12(8)
17-9/18-3	Litigation-7-Eleven, Inc. & 584 Kinderkamack Road Associations	N.J.S.A. 10:4-12(7)

MOTION TO ADJOURN CLOSE SESSION AND RESUME WORK SESSION @ 7:20 pm
Motion by Councilman Acquafredda, second by Councilwoman Davis to approve.
All in favor 6-0

FOR YOUR INFORMATION

- Ezio Altamura – GJEM Otterstedt Agency – Annual Report**
Mr. Altamura reviewed his presentation page by page with the Mayor and Council and answering all questions.

WORK SESSION CONSENT AGENDA

- Approve the Request from the Recreation Commission to Place a Banner at 140 Kinderkamack Road to Promote River Edge Day on October 1st.**

2. **Amend Agreement with Robert Costa, Borough Engineer for Professional Services Related to the 2017 Riverside Road Resurfacing Program – Inspection in the amount not to exceed \$1,000.00.**
3. **Amend Agreement with Robert Costa, Borough Engineer for Professional Services Related to the CDBG Curb & Sidewalk – Oxford Terrace & Rutgers Place (Phase 2) in the amount not to exceed \$4,000.00.**
4. **Approve request from the Bergen County Historical Society to use municipal lot to provide additional parking for the upcoming Baronfest on September 30th.**

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

RESOLUTIONS BY CONSENT

- #17-315 Resolution Combining Authorization of Bonds into a Single Issue and Prescribing the Details and Bond Form thereof for \$4,900,000 General Improvements Bond Dated November 1, 2017.**
- #17-361 Resolution Authorizing the Publication, Printing and Distribution of a Notice of Sale and the Publication of a Summary Notice of Sale and Prescribing the Forms Thereof for \$4,900,000 General Improvement Bonds, Dated November 1, 2017, Approving the Preparation, Distribution and Execution of a Preliminary and a Final Official Statement for Such Bonds, Undertaking to Provide Continuing Disclosure of Financial Information, Covenanting to Comply with the Internal Revenue Code of 1986, as Amended, Designating Such Bonds as “Qualified Tax-Exempt Obligations” for Purposes of the Internal Revenue Code of 1986, as Amended, and Authorizing Various Matters in Connection with Electronic Bidding for the Bonds.**

#17-317 Authorize Tax Collector to Refund 2017 3rd Quarter Tax Overpayments.

#17-318 Authorize Tax Collector to Refund 2017 3rd Quarter Tax Overpayments.

**Motion by Councilwoman Busted, second by Councilwoman Davis to approve.
All in favor 6-0**

#17-319 Payment of Bills.

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

#17-320 Change Order Approval and Amendatory Contract for 2017 Riverside Cooperative Road Improvement Program to D&L Paving Contractors, Inc., 675 Franklin Avenue, Nutley, New Jersey 07110.

#17-321 Amend 2017 Budget.

**Motion by Councilwoman Busted, second by Councilman Chinigo to approve.
All in favor 6-0.**

BOROUGH ADMINISTRATOR'S TOPICS

1. **CDBG Applications 2018-2019 – Mr. Negreann explained that as he does every year he comes before Mayor and Council for looking for conceptual approval for the applications for the following year for Community Development Block Grants. He attended a**

workshop along with the Mayor recently on the preparation of the applications and there are some very sufficient changes. The first is we will be allowed 2 applications instead of 3 this year. The next major change is that we will not be able to apply for our bus dispatcher/driver salaries and wages or the funds for senior citizen activities. They have a rule that has been on the books for a while but they are going to enforce it with the next round of applications that they will only consider new or expanded services not on-going services. They will not consider providing funds for a service that you have had 12 months before so this will eliminate what we call those social service applications and the borough will have to absorb those costs or have to come up with another idea. We have in the past doing work as the Mayor calls it "brick and mortar" work in our low and moderate income area. We have one area in town that exceeds the 39.57% threshold and that is basically if you think of the streets of Oxford and Rutgers down by the apartments that is our one low and moderate income area. We have done two phases of construction of curb work and some minor sidewalk work. We have a third application in and we should hear about that in about a month or two so we will know if we have a project that will take us into June of next year in that area. Mayor Mignone said that CDBG Regional officially voted to fund the project. Mr. Negreann said we have Round 3 on that. Maybe this will be a project you will want to continue looking at. There may be other ideas as to what we can do in that particular area. The option is the removal of our architectural barriers, many of you are aware that we probably had 15 or more years of making applications to provide ramps on all of our intersections around town. There is very little left that we could do and they don't permit you to come back and recast the ramps that you have already done. It would have to be a location that doesn't have sort of ramp in place at all. We have done in the past submitted many grants for barrier-free improvements in borough hall as well as in the public safety building. The two elevators that you see here were funded through Community Development. That area is still open to us to provide removal of architectural barriers or the low and moderate but the social service area looks like we may have some challenges in that particular area. He didn't need any decisions tonight but if the Mayor and Council wanted him to pursue Round 4 on Oxford and Rutgers he can start that process or meet with engineer to see what would be left after Round 3 and come back and still do some more work down in that particular area. If he's given that authorization tonight at least that would give him something to start working on for one of the applications and then discussion ideas maybe the next time we meet in work session. Councilman Bartelloni asked Mayor Mignone that since he sat on the committee if there were any ideas that he heard that would apply or maybe something we could do here. Mayor Mignone replied that most of the towns use it for street paving in their low-mode areas or if you have a Senior Center and they want to do an improvement to that. Otherwise we were really the only town who ever, us and he believes Saddle Brook, apply under the public services which was bus driver and dispatcher. Obviously we will have to go more heavily into (inaudible), there's three separate areas, brick and mortar, public services, non-profits. There are all these different non-profits in the different towns where they are after school activities for under-privileged children, drug and alcohol or rehabilitation programs sponsored by third parties, they are entitled to funding. The short answer is no, he didn't see anything that would necessarily apply here. The fact that we funded senior activities and its eligible for us to request any form of senior activity funding, which is the only other by definition is the only other low-moderate group you can have an improvement for them. Councilman Papaleo said we have been using it for Rutgers and Oxford, can we use it for curbs along Bogert Road and that area. Mr. Negreann replied no. Mayor Mignone said that the way the Census track is formed Bogert actually forms the border and if you are on the border of the area the average incomes from both sides and then your own, it's not eligible. It

has to be fully contained. (simultaneous talking) Mayor Mignone said the one thing he had thought about also, Mr. Costa talked about vacating Oxford and making it parking. May be we get CDBG to fund creating parking on Oxford. He would have to get Costa to cost it out because again he isn't expecting to get a lot of money. He doesn't want to do a million dollar project and only get a hundred thousand dollars towards it. He thinks it is something Mr. Costa should do a real rough estimate on and add phase 4 for the rest of the curbs. A motion was made for this so Mr. Negreann could get the application started.

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

Councilman Bartelloni asked if SCORE was a registered non-profit. Mr. Sarlo replied they were created under the Borough. Councilman Bartelloni asked if they were their own separate own non-profit, they could apply under their own funding. Mayor Mignone said the allocation for those public service funds are much less than what they give for other criteria. It is a fraction of the money of what was available. The whole emphasis going back to Nixon or the early 70's, the emphasis was infrastructure and other programs like that and they are trying to get it back to that. The problem is the infrastructure areas are so limited, at least in our case, the truth be told it was geared towards more economically disadvantaged areas then say River Edge. In fact one of things they talked about but didn't mention at that meeting was they are anticipating probably by the next census changing the criteria on how they are going to decide the districts. A lot of the towns in Bergen County will be knocked out completely and wouldn't be eligible for any funds, but we will see where that goes. The other thing is we were fortunate this year that the President and Congress kept the funding levels the same as last year, next year it is proposed to be cut in half. If they do that and the Block Grants goes to the States, and the States distribute to the Counties, and the Counties are the Administrators for it. It is a program he thinks that a lot of towns relied on to do these little extra things. Now it's going to be another budget challenge for us because that \$35,000 for the bus driver and dispatcher has to go into our operating budget for 2018. Mr. Negreann mentioned about going up to 5 from 2. Mayor Mignone said it was \$23,000 in total that had to be added to the budget.

2. **2017 Best Practice Inventory** – Mr. Negreann explained that the State issues a Best Practice checklist of inventory that is due back to the State on October 20th. There 25 questions and if you achieve 21 you receive 100% of your State Aid. The Municipal Clerk has to certify that the item was an agenda item up for discussion at a municipal governing body meeting. Tonight he just reread the question he thought we had a no on but the way it is worded we will have a yes on it. We will have 21 yes answers, 1 no, 4 not applicable, correction there won't be any no's, 21 yeses, and 4 not applicable. The "not applicable" do count as a positive answer, so out of the 25 positive answers we will have a rate of 100% and we will be receiving the full amount of our aid.
3. **Employee Compensation Disclosure** – Mr. Negreann stated that he send the Mayor and Council some information on this before the meeting. This is a new regulation that is coming out. Also they have in front of them a copy of the Compensation Disclosure Form that he is required as the CFO to file and a joint letter from the League of Municipalities, the Government Finance Officers Association, the Tax Collectors and Treasurers Association, and the New Jersey Municipal Management Association expressing concerns with this regulation. In addition we have a resolution from Hasbrouck Heights also expressing concerns about the regulation. This regulation was

part of the User Friendly Budget regulation that came into effect in 2007. This would require that we have a certification from him on any in compensation for different employees. As you're aware we have a personnel section on our agenda each meeting, keep these numbers in mind, in 2015 we had 74 personnel changes, step increases, longevity increases, promotions, firings, hiring's, etc. In 2016 we had 106 personnel and in 2017 so far this year we had 40 personnel changes. This regulation is going to require that before you take any action on those you have this certification from him 10 days in advance for the action you are going to take. It has to be part of the advertising of the public meeting and listed for discussion at the public meeting. It is a sufficient disclosure for that has to be filled out not only requiring a salary but also going towards other types of non-cash payments for benefits such as health benefits, bonuses, use of vehicles, meals, housing, education benefits, etc. The penalty for not complying with all these regulations on the personnel regulations is that they are null and void if you don't follow them specifically. As he has said to a number of people he has no objection or concern with regard to providing an entire spreadsheet at the beginning of the year showing our whole program for step increases and longevity changes doing that once at the beginning of the year as part of our budget process he thinks that meets the transparency disclosure requirements that any borough should do. To do it on an individual basis for a crossing guard change for \$0.39 an hour seems to him beyond what's reasonable. Mayor Mignone said that all this information is already on the public record and even the way we do our resolution he thinks we even give more information than other places. Are they looking for us to support the objection. Mr. Negreann thought the League would at some point is going to come out with some sort of resolution and he wanted to bring the Mayor and Council up to speed as quickly as possible on this. He has a conference next with the Government Finance Officers Association and he is sure there will be some discussion on this at that meeting. May be the Division of Local Government Services will be able to weigh in in terms of when this is going to take effect and what they are going to be looking for. He doesn't know from the practical sense how we are going to accomplish this. There are some exceptions built in here but frankly he is going to need an attorney to interrupt what some of those exceptions mean. Mayor Mignone said that last week he was attended the Bergen County Municipality League of Mayors and two things along this line. The consensus at least from the League is that whoever the next Governor is the Best Practice Inventory may not be something we are dealing with in the future. The consensus by most local officials is that you are penalizing us for money we should be getting any way. If they want to admit some of these things implement them by statute and do that way. To say that we had two people that didn't give us disclosure forms and we are going to lose State Aid is kind of silly. The other thing that the Bergen League of Municipalities had been on record as opposing a bill proposed by Senator Weinberg, we had talked about it with sufficient changes to the Open Public Meetings Act and Open Public Records Act. Apparently everyone thought it was gone but apparently the Senator has resurrected and the Mayors were unanimous in our intent to reissue our initial objections again based on the amount of the extra work it's to cause the Clerk and other offices really to provide information that is really publicly available. It's just requiring it to be in a more onerous format, he guesses all these bureaucratic things that almost (inaudible) unfunded mandates again fringing on the local governments to do what they need to do. A lot of these things again, all of this information is available publicly if people want it they can have it. He probably feels the same way about the User Friendly Budget, they made it overly complicated and he doesn't know how much public benefit comes from some of those. Mr. Negreann said he just wanted to keep them informed and if at some point he sees that the League has a resolution on...Mayor Mignone stated that they didn't talk about this one.

NEW BUSINESS

Mayor Mignone wanted to bring this up under New Business, one of the things that came up was the League was urging all the towns to issue a resolution in support to continue the 2% CAP on Interest Arbitration for Police and Fire Salaries which is due to expire at the end of this year. But obviously the 2% levy CAP and the 2% appropriation CAP is staying in place and essentially the concern is that if you don't have the 2% CAP and if you go to arbitration they can and they will impose more than a 2% increase. It will then be up to the governing bodies to cut other things to accommodate the extra salaries in the budget. So they were encouraging all the towns to try to get something, he believes they wanted it for the League, so if we want to consider something in October. Mr. Negreann said he has a draft resolution if the Mayor wants to see it. Mayor Mignone said basically they are asking to extend it because it is one of those things in the toolkit which the towns never really fully got, but he thinks it's been helpful Statewide and helpful going forward until they come up with other ways to either amend the ways they implement the appropriation CAP or levy CAP. They just can't do every things half way and leave us vulnerable in other ways.

MAYOR'S REPORT

Mayor Mignone said the only events coming up between now and the next meeting that he is aware of is River Edge Day on October 1st. The Steubenfest on the 30th. St. Peter's Carnival this week if people are interested going to that and volunteering. He also wanted to thank publicly Dick Berry, Tim Carroll, Sergeant Wilhelm, and PBA Color Guard for putting together a very nice and touching 9-11 memorial. For a simple program it was an appropriate ceremony. Councilman Davis added that the Mayor's speech was very moving.

Mayor Mignone said that he attended a naturalization ceremony at New Bridge Landing on the 8th again. It was a very inspirational kind of ceremony for 22 new citizens from 11 or 12 countries.

The River Edge Diner reopened and we have been talking about that and a lot of people are happy about that.

Councilman Papaleo and Councilman Chinigo were at the New Family Events that the River Edge Schools had. He didn't know if anyone else was able to make it, he was there for a little while. He was talking to Principle Henzel and he thinks Roosevelt only had 24 new families and 20 out of 24 families there. Cherry Hill had a lot. It seemed to be very well accepted and he thanks Daragh and the Library folks, Recreation and Bobbi Conway, and also Police Chief Cariddi who availed themselves to come and talk to the new residents, it was a nice gesture.

One other thing he got an email again from a resident bring up the issue of a crosswalk at Wayne which he knows has been an ongoing issue and there has been an concerns by the County and concerns of putting one there by the Police Dept. He is asking that Councilman Bartelloni bring to the Chief again and to Traffic and Safety also. Councilman Bartelloni said he would and the next meeting is next Wednesday. Mayor Mignone said he was asked to extend an invitation by Rabbi Jacobson as we enter into the high holidays on the Jewish calendar and he would like invite anybody to attend any of their services Wednesday evening the 20th at 7:30, Thursday the 21st at 10AM, Friday the 22nd at 10 AM for Rosh Hashanah Services. The Yom Kippur Services on Friday the 29th at 7PM and on Saturday the 30th from 10 AM to 1PM and then 2:30 to 7. On River Edge Day, just so everybody is aware, put it on the website, the paper shredder is going

to be on-site that morning from 9AM to 1PM before River Edge Day.

UNFINISHED BUSINESS

Towing Ordinance – Mayor Mignone wanted to see where we were with that. He mentioned that he had gotten a letter from an attorney from the towing company that we had questions on. Basically he is questioning whether our process was fair so Mr. Sarlo was asked to draft a response. Mr. Sarlo said he was waiting for Chief Cariddi to give him recommendations, but he will follow up with him as to as provisions he wants to do on the towing ordinance. He will also ask for Chief Cariddi's input on the reply. We didn't do an investigation as the Mayor and Council let the Police do a report on it. We are just going to support that report. The attorney who represent the towing company was in reply to a letter that was sent to Mayor, if you remember when she was here, we offered to remediate it and she declined that and said she would go about it herself which was fine. She ended up writing a letter to the towing company with allegations and accusations in and they responded back to us and in their letter saying we feel proper in disputing the Chief's report. So we are just going to pretty much say hey this is what we are doing, we are going to make changes based on whatever the Chief recommends. If you have any changes to ordinances that you want to incorporate get them to him and we will certainly incorporate them. It is a pretty comprehensive ordinance, the Chief thinks there is a couple of things that are open to interpretation that he would like to tighten up a bit. Mayor Mignone said that he still has great reservations with that company because he actually said well because she was so (inaudible) in objecting to getting towed that he didn't trust her to use her credit card and that is why he made her walk to get cash. He was afraid she would cancel the charge. He doesn't know if that is a valid reason to do that, Mr. Sarlo said not at all. Mayor Mignone went on to say that if he is accepting of that then he is sure there are other part of the story which are more truthfully told by the resident rather than their interpretation of it. We will follow up on that. Mr. Sarlo said that hopefully by October we can have for discussion, a draft ordinance.

Borough of River Edge Senior/Community Center - Mayor Mignone asked Councilman Acquafredda if he wanted to say anything on it tonight. Councilman Acquafredda said it's the financing. He'll take care of the planning part. We met with the architect at the beginning of the September, he thinks it the 7th or the 8th. We were shown a floor plan, which we made some comments on, the architect went back and satisfied the comments made. But at the same time the Sub-Committee decided that the Mayor would look into how to get the financing for this project. Right now the estimate sits at a little over \$2 million. Mayor Mignone said we have \$1.5 million. Councilman Acquafredda stated that he knows the rest of council hasn't seen anything and is almost being asked for a leap of faith in listening to something that you haven't seen but that is the way it is for right now. We don't want to bring anything in front of the council unless we know that the financing is in order. The design is set, the elevations are set, and now we have to take care of the money part. Mayor Mignone said it is fair to say that the architect believes that the cost that he is estimating he has a fairly good handle on. We are not so sure on the site cost and the other unknown is outfitting the building. In terms of how do you furnish it, what level of IT support do you need or other technology, and coming up with a budget for to be incorporated in to the overall budget. It may have to come back before Councilman Bartelloni and the Finance Committee to see if there's way to review some of the other ordinances. Mr. Negreann pretty much squeezed what we could squeeze so far and he looked himself and maybe he can see another \$100,000 somewhere. Councilman Bartelloni said they have another meeting on the 2nd and that will be a topic of discussion.

Shade Tree Commission – No update. Mayor Mignone stated that if the council wasn't going to do anything then it should be taken off future agendas.

Councilman Bartelloni Existed Meeting with the Mayor's Approval @6:58 PM

Councilwoman Davis wanted to make a few comments. The Fire Dept. had their convention last week and just in case anybody is questioned the sirens went through the night because of the low man-power and they were working tri-borough. The sirens usually shut-off by 10 PM. Also the Fire Dept. backed-up today in Paramus where there was a house fire where a man past away. Jim Rush resigned, he is moving out-of-state, he was the Deputy Chief resulting in Officers moving up. Health Dept. is having Flu shots, \$20 if you are a seniors with Medicare, Sept. 25 to 29 and Oct. 2 to 6, 9AM to 1PM at the Health Dept. She is going to tomorrow night to attend the Chamber of Commerce's Meet & Greet at the Diner @ 5:30. The Farmer's Market we are waiting until tomorrow morning to make a decision regarding the weather.

Mayor Mignone wished all of the Jewish residents a Happy New Year.

MOTION TO ADJOURN THE WORK SESSION AT 7:00 PM

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

All in favor 5-0

The Meeting was Reopened for Open Public Hearing.

REOPEN PUBLIC HEARING

Motion by Councilman Chinigo, second by Councilwoman Davis to approve.

All in favor 5-0

No Public Comments

CLOSE PUBLIC HEARING

Motion by Councilman Chinigo, second by Councilman Acquafredda to close.

All in favor 5-0

MOTION TO ADJOURN THE WORK SESSION AT 7:00 PM

Motion by Councilman Acquafredda, second by Councilman Chinigo to adjourn.

All in favor 5-0

Stephanie Evans. RMC
Borough Clerk