

**BOROUGH OF RIVER EDGE
MAYOR AND COUNCIL
WORK SESSION MINUTES
MONDAY, MARCH 16, 2015**

PRESENT:

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

ALSO PRESENT:

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

ABSENT:

Councilman	Anthony Cappola
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Mayor Moscaritolo called the meeting to order at 7:00 PM by reading the Open Public Meetings Act.

BOROUGH ADMINISTRATOR'S TOPICS –

1. BCUA Waste Water Management – Capacity Assurance Plan – Mr. Negreann informed Mayor and Council that a letter was received from the BCUA who has been conducting a survey of the municipalities to determine if the municipalities had an ordinance prohibiting rain derived infiltration inflow into the sewer system, they indicated in the letter they didn't think River Edge had such as ordinance. He distributed a copy of their ordinance model, along with a copy of what we have on the books. The Borough of River Edge does have an ordinance by which reference the residents shall abide by the rules and regulations of the Bergen County Utilities Authority which does prohibit certain types of discharges in addition our ordinance also lists prohibited discharges into the sewer. We also have a penalty and violations section as well. Where we may be lacking in terms of the model is whether we have an ordinance that goes to Certificate of Occupancy, where an inspection is made to determine whether any improper discharges are going into the sewer system. Mr. Negreann was happy to report that that the Sewer Subcommittee began a practice of perhaps 15-20 years ago asking the Construction Code Officials to upon a C/O make this type of inspection to make a correct, where they found someone to be in violation. The Sewer Subcommittee has looked at this and brought it to the Council to determine if you would like to amend our ordinance. Mr. Negreann stated that he knew the Mayor suggested correspondence be sent back to the BCUA giving them this update as so what our ordinance does have in effect. Mayor Moscaritolo made reference to Ordinance number 342-1 et seq, section 342-6 that specifically speaks about rain water, leaders, gutters, roofs. He felt it went above and beyond the BCUA's requirements and send a letter informing them that our existing ordinance complies, but if you would want to give it to Mr. Sarlo to draft an appropriate response and/or amend our existing ordinance that would be fine. It was decided that Mr. Sarlo would review the ordinance and send a letter and see what their response is.

2. Stormwater Training – Status Report from Mayor and Council – Mr. Negreann said that he has received responses from Councilwoman Busted, Councilmen Cappola and Mignone. Councilwoman Murphy stated that she took the training. Mr. Negreann asked that everyone take the training online since there is a May 2nd deadline.
3. Employment Practice Liability Training – Report from Mayor and Council – Mr. Negreann stated that this was another JIF training online program that was sent out to Mayor and Council, this program allows for a \$250.00 credit for each elected official that takes it against the Borough’s assessment. The deadline is June 1st for this training.
4. Robert Costa, Borough Engineer – ADA Curb Improvement Project on Kinderkamack Rd. – Mr. Negreann asked that this subject be tabled for tonight. Mr. Costa will be going down to County to discuss funding grant for the sidewalks and the engineering expenses related to ADA ramps on Kinderkamack Road. He will report on April 6 the results of the meeting with the County.
5. 2015 Budget Amendments – Mayor Moscaritolo made reference to the memo that Mr. Negreann sent to Mayor and Council regarding the budget amendments regarding the unanticipated liabilities that the Borough has. Mr. Negreann said that budget amendments fall into three areas. One is an additional \$16,000.00 for health benefits for two employees who were recently hired this year, which was lacking off the schedule he had put together this year, which he apologized for that mistake. The funding has to be provided for. Also an additional \$4,800.00 in billings to the County for snow and ice control which will be offset by revenues which isn’t a great issue, it’s more of a mechanical thing to amend the budget. Then the snow and ice control did excess by \$21,000.00 roughly the amount we put into the introduced budget for snow and ice control, we put \$42,000.00 in there and we ended up spending \$63,396.00. There is one additional issue, which he wrote a memorandum to the Mayor and Council regarding the stairway at the rear of Cherry Hill School, which you may want to discuss tonight. The school district has asked the Mayor and Council to look at it and make repairs or replacing the stairway. Mayor Moscaritolo asked if that was under “New Business”. Mr. Negreann stated that it could be discussed under the budget amendment, the Mayor and Council were so inclined a 5% down payment would be needed to put in the capital budget increasing the capital budget by \$1,200.00. These were the four areas for tonight. Councilman Papaleo asked if the stairs were unsafe and how long unsafe, or is it something that should be considered. Mr. Negreann felt that he was the qualified person to make that determination, but the history was they were put there as another means of egress for the school while under construction, they were constructed by the contractor for the school at the time. Fire, Police, and Ambulance felt it was necessary at that time. Whether it’s on Borough or school property he was able to answer at this time. That construction was many years ago, they were constructed out of wood. He believed that there was a quote for \$25,000.00 to replace them with a steel stairway. Back in 2007 there were discussions of replacement of wood in kind, concrete, would a ramp be necessary, how would they be maintained, DPW would have to do snow and ice control on it. Again there were many questions back then regarding ADA, which is probably why a conclusion wasn’t arrived at then. The one thought he did have when this request came in, he thought perhaps the central service could evaluate the need for the stairs at this time. Remember they were done during construction because there was construction fencing and there wasn’t a second egress for the children, which may not be the case today. Maybe the stairs can be removed and the slope maintained as just an open area for an exit. He would leave that to the essential services to come back with a recommendation. Councilman Acquafredda stated that the school has a designated board

architect on a yearly retainer. Let him evaluate stairway as to whether or not it is still a required means of egress, and if it is what should be done so that it complies with present codes that are in effect, that is where the liability is. Mayor Moscaritolo remembers speaking with resident of June Court during the political campaign and they indicated the gate at the top of the stairs was supposed to remain locked and the steps were only to be used in an event of emergency. Councilman Papaleo felt the first question was are they on Borough property, the second question was are the steps in need of repair or maintenance. The third question is should the steps remain there, the fourth question is as Councilman Acquafredda felt the last two questions should be the first two and what was needed. He suggested that the school contact their own architect and look into the code to determine if the stairs are needed. Mayor Moscaritolo felt that the stairs didn't look as if they were on school property and if the steps were only temporary and the Mayor and Council decide without any input from June Court residents who believed they were temporary why we would put of a permanent structure. Councilman Acquafredda said that when you look at the steps you still have to determine whether it is still a means of egress, whether they fall on school or borough property is a secondary issue. The primary issue is to determine if the stairs are a required means of egress and if they comply with present code regulations. That was why he wanted a professional evaluation done by the school professional that should dictate a course of action. We may have to grant them permission to their egress on borough property. A motion was made to ask the school to have their retained architect to evaluate the existing conditions of that exit and ascertain if it is still a required means of egress, and what needs to be done so that the existing staircase complies with the present code in effect to be a required means of egress.

Motion by Councilman Acquafredda, second by Councilman Mignone to approve.
All in favor 5-0

Mr. Negreann made mention of the two other amendments that will have an impact of about \$37,000.00. In his memorandum he recommended taxes be increased by \$10.00 to offset that. Councilman Mignone stated he was not in favor of raising taxes on this and had previous discussions with Mr. Negreann and was willing to make his final recommendations now. He believed that there were two things that could be done, make a slight adjustment on the revenue estimate side, he proposed about a ½% upwards in the total in revenue projections for 2015, Fees and Costs he would raise from \$110,000.00 to \$115,000.00, Parking Lot from \$25,000.00 to \$26,500.00, UCC Fees from \$215,000.00 to \$216,500.00, increase in Delinquent Taxes from \$335,000.00 to \$340,000.00, and make up the balance by increasing the amount of money we are going to use from capital surplus, probably around \$10,000.00 to reduce the capital improvement fund line and use that to pay as we go and make a corresponding decrease in deferred charges unfunded by the same amount, \$10,000.00, which would get us close. This was made into a motion.

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

FOR YOUR INFORMATION –

1. Police Chief Cariddi – Towing/Parking Ordinance – Snow Storms – Mayor Moscaritolo stated that the Chief was asked to appear because there were some complaints from residents from the past snowstorm and the southern portion Bogert and Valley, and by the schools were cars were towed. Councilwoman Murphy stated there was a lot of confusion regarding the ordinance, people by the school were towed around 4:30 even though it was cleared, and the plowed never came back again. Valley seemed to have a lot of people getting towed also. The ordinance was posted on the sign but they were

towed regardless of that. Just to clear it up it seems the tow companies kind of raked people for cash, as you were saying every time the tow company moves your car its \$50.00, billing exorbitant fees during this towing. Councilwoman Murphy at this time would like to where...Police Chief Cariddi stated he wasn't aware of any complaints regarding any of the tow companies. The ordinance that we have in effect is every recent and covers in depth predatory towing practices and guards against that. He will look into the matter and see if there are any instances where there was gouging or cash being taken. Councilwoman Murphy stated that residents sent her pictures of their cars where some were towed and others were not towed. The enforcement seemed to be all over the place with towing. Chief Cariddi said with respect to this particular storm and regarding previous conversations where he tried to clarify that on a given date on one side of the street after midnight, it becomes the next day and there is snow on the road, the owners are subject to being towed. We tried to coordinate with DPW so cars aren't towed where DPW doesn't plow. We work closely with DPW in trying to coordinate the areas regarding towing. In this last particular area he did become aware of sections where unfortunately where DPW gone in and plowed in and out along the street instead of waiting for the cars to be moved so they could go curb-to-curb. In an instance where that happened the road was plowed and people went back and parked the DPW then wanted to do roadway to the curb and wanted the vehicles removed. We found out it was happening while it was happening, and we did address it. We did refrain from having vehicles towed when owners found themselves in that position. It was only this factor when the decisions were made. There was no input from the tow services as to what vehicle was towed, it was our discretion. It's normally done problem free when we have communication between the Police and DPW. Councilwoman Busted stated that it's particularly challenging around the two elementary schools where you have employees that are required to come to work and park on the street, and yet still have to comply with our snow removal ordinance. She would encourage better coordination so we avoid having school employees, and parents visiting be towed when maybe they don't have to be towed. Chief Cariddi stated that they are in contact with the schools during snow. Both Councilwomen Busted and Murphy stated that they did hear from teachers that were towed. Chief Cariddi did state that they make calls to the schools and DPW comes through and road becomes so narrow with vehicles parked on both sides. Councilwoman Murphy asked if he had a listing of vehicles that were towed. He stated that he didn't have that information with him, but he believed that about 60 cars were towed throughout the last storm. The Police Dept. contacts the towing service scheduled for that time, and the overflow goes to the next scheduled operator. Chief Cariddi said that he wouldn't allow tow companies take advantage of anyone. Councilwoman Murphy stated that she would provide a list of residents that contacted regarding being towed and the exorbitant amount they were charge. Councilman Mignone asked if there was map or something that shows the towed areas are by ordinance. Chief Cariddi stated it's on the signs. Councilman Mignone asked if there was something we could post online stating that if you live on one of these streets, you could potentially be towed. Chief Cariddi stated that the ordinance was expanded in 2011 including about another dozen streets, a notation could be posted to the Borough's website. Councilman Mignone felt that if it's posted at least people are aware of being on a towable street. Chief Cariddi did say that would correspond with a Nixle message that went out many times during this winter. It also requested people adhere to the ordinance to facilitate a better roadway clearance. Councilwoman Murphy wasn't sure if the ordinance stated how many hours after the snow has been cleared that it's ok to park again. People were having confusion about that also. Chief Cariddi stated that if there is still plowing on going there is potential towing. Councilwoman Murphy asked for a list of all towed vehicles from the last two

snow storms. She did mention one instance on Lakeview where a resident's vehicle was towed but sent me a picture showing two other vehicles still parked. She also asked what recommendation he would make to improve the ordinance to make it crystal clear. Chief Cariddi would like all vehicles to be removed from the streets during snow storms. Councilwoman Murphy felt that the towing ordinance should also be reviewed. Mayor Moscaritolo mentioned that the Borough revised the anti-predator ordinance to comply with the state statute. Councilman Mignone felt it was more of a notification issue versus an ordinance issue.

Mayor Moscaritolo asked Chief Cariddi to brief everyone about the temporary shutdown of New Jersey Transit and the capture of the fugitive in town. Chief Cariddi stated there had been a pole fire adjacent to one of the railroad crossings which shutdown entire Raritan Valley line, which began around a little before six a.m. The Police Department sent out notifications regarding the shutdown which was also covered by all the network news stations. Arrangements were made to move train riders by bus to get to their destinations. An hour after that was underway they received notification that the U.S. Marshall's Office in connection with the DEA was executing a warrant on the individual wanted in connection with a double homicide in New York City, he was tracked to a location in Hackensack. At the time of attempting to arrest the party, he escaped to a vehicle which smashed into a couple of parked cars, took off on foot and ran into River Edge. At that point in time we alerted other surrounding agencies, received assistance from Bergen County Police, the State Police sent out a helicopter, New Milford and Oradell sent out police. We cordoned off the area where the party has last been seen down by Route 4's Marginal Road. Canine Units from the Sheriff's Department and County Police concentrated on the area and were able to pick up a scent, at the end of Davis Drive adjacent to Route 4 the individual was flushed out and was taken into custody.

DISCUSSION ITEMS

1. 24 Hour Ordinance – Mayor Moscaritolo asked Police Chief Cariddi if there was any input from law enforcement regarding the potential need given the fact that the south end where we are going to get about ten new stores, there is an approval for a convenience store on Kinderkamack Rd. that may be a 24 hour operation, and if how anything could affect your budget or law enforcement, or any particular concerns you may have. Chief Cariddi did state that businesses that stay open 24 hours did pose their own set of problems from a policing standpoint. We specially want to ensure those staff members that are working around the clock are safe, they are in an environment with far fewer workers then daytime workers making them more susceptible to robberies, based on that mindset ordinances are already in place and say how to govern 24 hour businesses in town operate. For example, they have to have a minimum of two people on staff, adequate security cameras in place as well as an alarm system. Which the system is reviewed by the Police Department. Just recently the McDonald's wanted to just only open their drive-through for 24 hours, we wouldn't allow it until their camera system was in place. Another example would be the BP gas station where there is a booth for the attendant. Convenience stores differ because of the amount of people that come in and out of the business, and they general have only two staff members on duty. River Edge Diner has been open for 24 hours for the past thirty years with no problem. Any 24 hour business is always reviewed by the Police Department to make sure we can supply adequate security measures and respond to whatever situations develops. A discussion ensued regarding two out of town businesses that had daytime robberies. Mayor Moscaritolo asked that currently the way the ordinance is written it's really the Police

Department that approves a business to be opened for 24 hours based upon the camera system, burglar alarm, and their ability to have two employees. The standards would be the same no matter where in town the business was located. Chief Cariddi answered by saying yes and each new business may present their own security concerns, but the fact is they would have to meet our review and the ordinance standards.

Mayor Moscaritolo asked Mr. Bob Lyttle, 478 Windsor Road, to appear before Mayor and Council regarding his appeal to them on the allegation of his tax payment being late. Mr. Lyttle went on to explain that he wrote a check with the pick stub and wanted to drop them off, the office was closed. He dropped the check off in the lockbox, and proceeded to go see Bobbi Conway, came back up and spoke with Ed McDermott. A week later he received a notice of delinquent payment on taxes. He received this notice on a Friday and came in on Monday to speak with the Tax Collector. Mr. Lyttle was willing to write a new check for previous amount, but Ms. Murphy explained that by State statute the penalty amount would first be deducted from the payment, and the balance would be applied to his taxes. Mr. Lyttle informed Ms. Murphy that he dropped the check off in the box, Ms. Murphy advised Mr. Lyttle to speak with Mr. Negreann. Mr. Negreann informed Mr. Lyttle that he would have to write a letter to the Mayor and Council, which he did. He felt that he made the payment on time and put it in the box and left. That somewhere between the box and over here the check or a piece of paper was lost, and since 1978 he has never paid his taxes late. Mr. Lyttle was asking the Mayor and Council to waive the penalty. Mr. Negreann explained to Mayor and Council that if they wanted to waive the interest, there was a resolution ready for tonight's meeting which would provide for the cancellation of \$39.40, the State statute requires that when taxes are paid and there is delinquent interest, the interest be taken first. What remains is the balance of the taxes which can be cancelled tonight by passage of the resolution that would need to be added to the agenda. This motion was made.

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

FOR YOUR INFORMATION –

2. Tom Smith, OEM Coordinator – 2014 Emergency Management Plan & Hazardous Mitigation Plan – Mr. Smith addressed the Mayor and Council by first saying that the Borough was very fortunate in not needing an activation of OEM operations for this year. He wanted to explain what OEM was. He continued by saying it was an all-inclusive type of plan, it deals with flooding, terrorism, and anything you could think of. The purpose is to identify what the needs of the town could be during an emergency so we know where the resources are to reach out during a specific emergency. We work closely with Oradell and New Milford, sometimes with Paramus for mutual aid. Different types of live drills are being discussed and will keep the Mayor and Council updated. He hoped that they would experience a live drill. Mr. Smith spoke of previous drills and the learning experience of a backboard not fitting in the aisle of a train. He invited Mayor and Council to come to the OEM office at any time. Mayor Moscaritolo thanked him for keeping the plan up to date.

WORK SESSION CONSENT AGENDA

1. Authorize Police Chief Cariddi and Borough Administrator Alan Negreann to Commence Promotional Process for the Position of Lieutenant in the Police Department.
2. Approve Amendment to Costa Engineering Contract for Services Related to ADA Curbs on Kinderkamack Road in the amount not to exceed \$30,000.00.

3. Extend Contract for Emergency Repairs and Maintenance of the Water Main and/or Storm Sewer Repairs to Montana Construction to April 20, 2015

Councilman Mignone asked if the resolution amending Costa's contract should still be included since he was here to discuss it. Mr. Negreann stated that the contract would still need to be amended, the question was with regards to reimbursement from the County. The work still needs to be done, he believes he has a favorable response on the construction side, which he will present at the next meeting.

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

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

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

EXIT REGULAR PUBLIC MEETING AND RETURN TO WORK SESSION AT 10:15PM.

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

A motion was made to continue the meeting beyond 10:00 PM.

Motion by Councilwoman Busted, second by Councilman Mignone to approve.
All in favor 5-0

OLD BUSINESS –

Councilman Papaleo wanted to bring up the subject of the storm flap that is by the boat launch regarding possible research as to where the storm drain empties. Mr. Negreann stated that the Borough wrote a letter to the County and they haven't responded as of yet, but he would send a second letter.

Councilwoman Murphy made reference to the bill list regarding the pumps that were out of order again down in DPW. Mr. Negreann suggested that the liaison to DPW should contact the DPW for a detailed explanation.

Councilwoman asked about the errors of deposits going into writing accounts. Mr. Negreann stated that occasionally it happens. That the errors were straightened out before the end of the year.

Councilwoman Murphy questioned one bill from 'Nice and Easy' cleaning service for the DPW which is owned by Mike Walker. Mr. Negreann wasn't aware of the affiliation.

NEW BUSINESS –

Councilwoman Busted updated the Mayor and Council regarding the Traffic and Safety Committee who wanted somethings brought to their attention for further discussion/study.

The first issue was Continental Avenue heading towards Kinderkamack, the new stripping, the yellow double line and making the turn was reported by both the Ambulance Corp. and the Fire Department that the left hand lane is too wide and request that Mr. Costa inspect it and advice if it can be narrowed, or possibly a left hand turn painted on Kinderkamack. Councilman Mignone agreed that the center lane was too far to the north, which was brought to Mr. Costa's attention. Councilwoman Busted asked if Mr. Costa could be contacted to see what he recommends to correct the problem.

Councilwoman Busteed mentioned that the Mill Brook representatives made mention of the lighting on Kinderkamack and Continental that when crossing the street it is very dark. Could we request PSE&G to evaluate the wattage of the lights as they did in other areas.

Councilwoman Busteed that she had previously spoke with Councilman Mignone an incident at the Middle School last week on Midland Avenue where students were being dropped off and had to go over mounds of snow on the curbs and ice on the sidewalk. She wanted to possible sit down with the school, Chief Cariddi, and DPW to discuss the area of the sidewalk and the curbs when snow covered to improve the conditions. She asked if Mr. Negreann could arrange for a meeting.

Councilwoman Murphy wanted to mention the Farmer's Market would be returning June 9th, and will be open every Tuesday through October 6th. Mayor Moscaritolo asked if the vendors would be charged this year, and Councilwoman Murphy said yes there is.

Councilwoman Murphy wanted to thank the town of Bergenfield for their St. Patrick's Day parade. Both Councilwoman Murphy and Mayor Moscaritolo felt it would be nice for next year to have a River Edge contingent. Mayor Moscaritolo mentioned that he had loaned the Bergenfield Mayor his sash, since Bergenfield didn't have any and River Edge needed new ones since the present ones were purchased in 1990. A motion was to purchase new wider red, white, and blue sashes.

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

Mayor Moscaritolo wanted to recognize the two new sergeants, Scout Packs 95 and 229, the two new foremen, and the re-appointment of OEM coordinator.

MOTION TO ADJOURN WORK SESSION AT 10:30 PM

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

Stephanie Evans, RMC
Borough Clerk