

**BOROUGH OF RIVER EDGE
MAYOR AND COUNCIL
WORK SESSION MINUTES
MONDAY, MARCH 21, 2016**

PRESENT:

Mayor	Edward J. Mignone
Councilman	Vito Acquafredda
Councilman	Alphonse Bartelloni
Councilwoman	Ellen Busted
Councilwoman	Mary Davis
Councilwoman	Murphy
Councilman	Thomas Papaleo

ALSO PRESENT:

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

ABSENT:

None

Mayor Mignone called the meeting to order 7:00 PM by reading the Open Public Meetings Act.

BOROUGH ADMINISTRATION'S TOPICS

1. EPL Training – Mr. Negreann explained that this training would give the borough a credit of \$250.00 per elected official to be credited against the policy premium. The next and last session is March 22 at 6pm in Tenaflly. He knew the Mayor, Councilman Papaleo, Councilwoman Davis and himself took the training. He also knew that some were experiencing difficulty with the electronic version but he encourage them to keep trying, we have until May 1st to complete this training. If the council would like to have the training here, he might be able to arrange that for a future work session, asking other towns if they would like to attend as well. Mayor Mignone stated that he believed that Councilman Acquafredda took the training down at the League in November. Mr. Negreann said he would check on that to make sure we get the credit. Councilman Bartelloni stated that he also took the online training and gave the certificate the Clerk. Mayor Mignone asked Mr. Negreann where we stood on the Stormwater Training, to which he replied there are a few that are still outstanding, they seem to be coming in a little bit more regularly.
2. 2016 Capital Bond Ordinance-KBG Lights - Clarification Traffic Improvements – Mr. Negreann just wanted to clarify two items while he was working with the Bond Counsel to have the ordinance drawn up for introduction at the April meeting for the balance of our capital program for this year. There are two ordinance listed for introduction tonight which provide some of the funding for some of the capital purposes. The item for the KBG Lights he just wants to confirm with the council that we are going to keep that in there because the Rec. Commission is tentatively scheduled to do the installation of the lights for August of this year. He knows we are pursuing a grant opportunity which might provide the funding and we probably won't hear about that or have a contract or anything like that until after the August date. So in order to certify funds that are available the bond ordinance is probably the preferred way to go. That's not to say that once we get the grant we can't move expenditures from the ordinance to the grant to

show the grant is fully expenditures, we can't do that, and that would then allow us to cancel the ordinance sum, it's a little bit more of a process. So that is the first item he just wanted to confirm to make sure he was on the right track with the council before we have an ordinance in front of you. The other item is the traffic improvements, according to his notes from the budget meeting, he thinks they were looking to do additional traffic counters on Kinderkamack Rd., where there other improvements anticipated that he might have missed. Councilwoman Busted mentioned like a feedback, Mayor Mignone said like a driver feedback sign. Councilwoman Busted also stated that we also did talk about utilizing existing funds to install additional countdown timers at crosswalks on Kinderkamack, she believes the funds were available from prior ordinances. Mr. Negreann said this equipment would be for driver feedback signs and asked if there was anything else that was anticipated. Mayor Mignone said he didn't know how to work the ordinance, maybe Bond Counsel could advise us, so it can be that kind of equipment but maybe in addition to driver feedback along those lines allowing some flexibility so we don't have to amend the ordinance again. Mr. Negreann said he would see if that was possible. Mayor Mignone said it was more towards equipment not construction projects. Mr. Negreann asked if these would be fixed signs, and the answer was yes they would be fixed signs. Mayor Mignone said that we may want to think about buying a portable one also once we see where the funding goes. He was expecting a proposal on some traffic consulting he had talked about at one point, he had asked Boswell Engineering who hired Gary Escalese, the former county engineer, if they would be interested in doing task order kind of contract for general consulting for a stipend or a fixed fee, say \$5,000.00 for a certain number of hours, attend Traffic and Safety meetings, come before Council and give us some ideas or tell us what might be good or might not be good and steer us in the right direction as to what kind of improves we want to see and layout a longer term plan. He hopes to have this information by the next meeting. Once we get them engaged we can talk about the specific improvements and move forward. Mayor Mignone asked Mr. Negreann to let the council know what the funding is left for the original timers, the last time we did this Mr. Femina basically said that as long as the borough purchases the units the County will install them for us. At one point they had given him several different sizes of these actual pedestrian heads, some are retro fitted and there are newer ones, this may need to be updated along Kinderkamack so we can order the proper equipment, they will swap it out for us.

3. Local Budget Review – Mr. Negreann said this is a process that the State offers every several years to municipalities on a rotating basis to allow municipalities to conduct their own review of the budget document. In other years your budget document has to go down to the State for review and approval. This is one year where we can do a local review, he provided the Council with his certification that the budget does meet all of the State statutes and regulations. He has conducted the review which is basically a checklist of items. The budget has gone to the Auditor, there is an email confirmation from the Auditor that he had no corrections, comments, or questions regarding the budget documents. The Chief Financial Officer of the Governing body must agree that there requirements have been met, if you disagree with some of the items that have been checked and the Chief Financial Officer disagrees then those disputed items go down to the State for a resolution. If we are in agreement that the budget is in the proper form and meets the statute then he does the certification and a resolution is passed by the Mayor and Council confirming that we qualify for the local budget review process and our budget is pursuant to the law. There is a resolution listed tonight if we want to consider passing it that's fine, if we table until the next meeting it must be done before we adopt the budget which is scheduled for a hearing and adoption on April 4th. Councilman Papaleo asked what is the benefit to us or the residents doing the local review versus

sending it to Trenton. Mr. Negreann answered by saying you could only adopt your budget after Trenton approves it so if you don't do the local budget review and you chose to have them review, which you can, it may take additional time for your budget to be adopted, it is a little bit more efficient this way. Mayor Mignone said to just recap you said the Auditor had no issues with the budget, Mr. Negreann stated he had no issues and a copy of his email was included in the handout. Mayor Mignone opened for any more discuss for the Council to review the document or if they feel comfortable approving it this evening. Councilwoman Murphy had a question regarding a recent article in the Record about going outside the CAP, and if Mr. Negreann could tell her if this budget did that since she wasn't at the last meeting. Mr. Negreann stated that the borough meets both the CAP requirements, there are two CAPs, the 1977 Appropriation CAP and also the Levy CAP. Councilwoman Murphy said it now being shown that the 2% CAP is more and more towns are going outside it and not adhering to it. Mayor Mignone stated that the original CAP was 4 ½% and then it was lowered to 2%, and they more exclusions, so the reason towns are going outside the CAP is primarily because of the health benefits, a lot of that is allowed outside the CAP along with the debt and bonding. So when towns are going above the 2% appropriation that is probably the reason why. Everything else has to be within the CAP. Mr. Negreann stated he found the article a little strange for this reason, while the chart showed that River Edge was a municipality abating by the CAP, if there was a % next to our town then it would indicate that we were above the 2% CAP levy which maybe the case if you include the exclusions as the Mayor described, health benefits, pensions, debt, and declared emergencies by the State, even recycling tax is an exclusion if you have an increase in that area, so the State Legislator is created these exclusions which do push some towns above and beyond the 2%. Mayor Mignone asked if he was correct in stating that 1. Our overall appropriations were up then less 1% over last year, and the tax levy was up less than 1% over last year, Mr. Negreann agreed and said it was less than 2%. Mayor Mignone said that we are not outside the CAP, the total increase was .8% on the total appropriations, and the Levy went up because the revenues went down. Councilman Bartelloni said even then it was only 1 ½ %.

WORK SESSION CONSENT AGENDA

1. Award contract to Canzani Associates Architects for the River Edge Community Center not to exceed \$12,000.00
2. Award Contract to Costa Engineering for Design and Inspection Work for the Hackensack Avenue Parking Lot in the amount not to exceed \$2,000.00
3. Extend Eligibility List for Promotion in the Police Department to the Position of Sergeant to March 16, 2017 midnight.

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

All in favor 6-0

FOR YOUR INFORMATION

1. Michele Ogden, Director of Visiting Homemaker Services of Bergen County
Not present

FOR DISCUSSION

3. Request from River Dell Girls' Softball to Place a Banner at 140 Kinderkamack Rd. on March 25th and 26th to Advertise for Annual Plant Sale – Mayor Mignone explained that copies of memos from River Dell and Bobbi Conway have been distributed to council and Bobbi's concern was the banner for River Edge Run is presently there and she didn't want this banner to be blocked or obstructed. Councilwoman Murphy stated the plant sale

was already being advertised on the message board and the banner would another form of advertising and doesn't see why that would be problem, there is no president set, we allow them to use the firehouse. She felt the area down there should be expanded and allow more groups to put their banners. Mayor Mignone said he didn't disagree, it is for only two days. Councilwoman Davis stated that she felt Bobbi's concern was that it was going where the Recreation's banner was. Councilwoman Busteded wasn't opposed to the banner but there is \$7,000.00 worth of sponsorships listed on the Recreation banner and we want to be careful not to obstruct that, perhaps if the River Dell banner went a little north of Recreation's banner that would be a fair placement. A motion was made to allow River Dell Girls' Softball League to put up a banner up north of River Edge's Run banner.

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

2. Borough Phone System – Councilman Bartelloni said the idea was simply to have some conversations with Cablevision to see if they could provide a better updated phone system and they have some vendors they work with to who will reach out to us. He then referred to the Clerk, who said that she spoke with a representative from Avaya Phone Systems who requested the Borough's bills in order to present a price quote. Mayor Mignone also stated that he was at a meeting with the Clerk and spoke with Verizon asking them for a proposal to update the system as well, it might be prudent to bring someone else in as well for a third opinion, we know our system is antiquated and deficient in a lot of ways and eventually we are going to have to invest in a new system. You can't call this building and not be able to get somebody, it happens too frequently. Once we get more information we can bring to the Technology Committee to review the proposals. We also got some feedback regarding Cablevision and TV, they are pursuing putting a line in, Verizon was checking to see if we could get a channel, the Clerk said that she spoke with Gary Shaw from Verizon and it would take about 2-3 months before proceeding to the next step, he did question the people who would be doing the recording work and the equipment. Mayor Mignone said that Councilman Bartelloni could speak more about this, but currently we are trying to get proposals or independent assessment of the equipment we need and then see what is the best way to procure it. Councilman Bartelloni said that was a fair statement. In working with members of the Mayor's Technology Committee, Mr. Hoogstrate and Mr. McGinnis were here earlier to look at our sound system and whether or not the sound system may need upgrading as well, there are upgrades that we could do but these are sufficient for now. We also had some discussions as to where board for Cablevision and Verizon might be stored, possibly the back corner if we closet it off and run lines for hook-up. The camera itself is about \$300 to \$400. We may like to get a new computer system for management for software and possibly if the channel expands, not just showing council or planning board meetings, but other events in River Edge, editing software for those purposes, you may not want to show it in its entirety, such as the parade. We are getting the prices together. Mayor Mignone said the current sound system we have is maintained by Gramco, he remembers around 2011 in his first year, there was talk about upgrading the sound system and money was spent on just the microphones. The one thing he would like to see added, but Gramco is telling him the cost is around \$700 to \$800 for a handheld microphone, which we should have. Not just for Mayor and Council meetings from when we speak from the floor but it becomes really necessary he noticed when he is at a Planning Board meeting. When we have applicants or professionals giving testimony from an easel and we can't hear them as they are moving around pointing at things, a handheld microphone is more

than a necessity, it would be a great enhancement to us recording and having other people hear what is going on. If we are looking at upgrading the whole system we should at least include that component as well.

3. Farmer's Market Draft Ordinance for Operation – Mr. Sarlo explained why the Mayor and Council received the draft so late and hoped everyone had enough time to review it. What he did was draft the ordinance where the first six sections are the most important ones. Section 1 is dealing with creating the Farmer's Market and it some flexibility to where you are going to hold it and with dates and times, without pinning it down, you don't want to change or amend an ordinance once it's adopted, subsection b under creation pretty much says we are going to have a two tiered approach in creating a Farmer's Market Committee and a Farmer's Market Manager. Section 2 talks about creating a Farmer's Market Committee that oversees the operation and the finances, interacting with the Board of Health regarding licenses. That committee will create the rules and regulations for the market, talking about the operation, conduct, financial controls and be submit to the approval of the Mayor and Council and the Board of Health. When he met with the Board of Health one of their concerns was they didn't know what was going on at the market and we need to have some type of oversight on the food being served. What he tried to do was have the Board of Health have a little bit more interaction. The second component to this is changing or modifying the Food Handler's Certification for the Farmer's Market. What he has seen regarding the committee is usually three members, it is very hard to find any number larger to volunteer, all you need is a Council Liaison, a Board of Health member, a member of the public that the Mayor chooses and appoints usually at the reorganization meeting with a one year term. When you appoint for this year, the term will expire on December 31, 2016. They would serve without compensation, meet four times a year, meetings have to be recorded, minutes kept, and they would be subject to the OPRA. The committee would be responsible for providing the rules and regulations, insuring compliance with the vendors and they have no authority to incur any obligations on behalf of the Borough. The second tier would be your Market Manager, which he thinks is vital to have, who would be hired by the committee, subject to the approval of council. The committee would hire a manager and it would be ratified by the council. Manager would serve for one year, compensated at your discretion, if you want to compensate them you set how and what their compensation would be. They have to be on-sight, attend the market committee, solicit vendor participation, participate and supervise, comply a list of vendors, prepare a budget, prepare recommendations to the committee regarding promotions, advertisements, so forth. There should be an application fee, there would basically be a form that the vendors would need to fill out to participate. Section 5 is vendor fees, that is basically where the committee charges a fee that they set, it will be made payable to the Borough of River Edge Farmer's Market, you would set up a separate trust account as long as the auditors are ok with that. The fees would be determined by the committee again subject to the Mayor and Council, any fees need to be established by the Mayor and Council and if it's a borough event, you can give some flexibility to committee, again if you put \$25.00 in there and it doesn't work instead of amending your ordinance next year and costing money for the publication, this will be something you can do, you can reassess on a yearly basis. Again they would come to you and say this, and you would just make a motion to approve it for the year. Section 5 if your vendor fees, the second paragraph he is going to change as he needs some input on this section, it basically says monies will be collected and deposited into the Farmer's Market Trust Account may be used for advertising, promotion, management of the market as recommended by the Farmer's Market Committee and approved by the Mayor

and Council. Mr. Sarlo thinks the council may want to consider taking out the wording of Mayor and Council. If they want to spend \$50.00 on a banner, do they now have to wait for the next council meeting and come before you and say we want to spend \$50.00 that is something you have to decide on. Mayor Mignone said that would be something that would be subject to funds in the trust account. Everyone agreed and it was covered by another portion that says they can't indebt the borough. Mr. Sarlo stated he didn't know how much oversight the Mayor and Council wanted to have over it and for every dollar they wanted to spend you would have to say yes or no to or if you wanted to give the committee that authority. Councilman Papaleo suggested saying that the committee has the authority up to but not to exceed a specific amount, give them a limit before they have to appear before council. Councilwoman Davis said that there is a council liaison on the committee. Mayor Mignone felt it was going to have to work all the fees would have to be prepaid so they would know at the beginning how much money was collected and they could set a budget. If ten vendors commit for a season they would have to pay the vendor fees at the start of the season. (simultaneous talking) Councilman Papaleo said if it rains there is no payment, we shouldn't be collecting if there are storms it wouldn't be just for them. Mr. Sarlo said that was why he had the committee setting the fees that may be something they want to put in the fees subject to fees. Councilman Bartelloni said he did some research and what he found was a lot of these places do either a weekly fee, monthly fee, or a seasonal fee, if you break it down the seasonal fee paid up front is a little cheaper than paying out weekly, that is something the committee may want to set because there are different vendors different choices. Councilman Papaleo said that you may have one vendor who says they are doing it for the season, while another may want to do it weekly. Councilwoman Busted said the committee would have to determine if it's to be a yearlong market or just running for one season, if it's for only one season then the seasonal fee would be the annual fee. Councilwoman Murphy asked if this would apply if only on borough property, would it apply if it's on private property. Mr. Sarlo said that if the River Edge Farmer's Market which is a borough run event is going to be held on private property that would be a whole host of issues, you would need to enter into some type of agreement with the landowner, usually they are done on public property. If you could find private property that will give you land for free he still thought all the rules and regulation would still apply no matter where it would be. But if someone says have it in my front yard and you agree to have it there and its zoned correctly for it but the still thinks the rules and regulations are still applicable. Councilwoman Murphy stated that Westwood just moved theirs to private property, Mayor Mignone asked if it was a borough event or a Chamber of Commerce, Councilwoman Murphy answered Chamber of Commerce. She also made refer to Section 6, 7, and 8...Mr. Sarlo said again "approval by Mayor and Council" may be something you want to take out, he does some guidance. Mr. Sarlo said Sections 7, 8, 9, 10, and 11 are pretty standard on your ordinance, they actually don't go into, 7 will go in because it indemnification, 8 will go in, 9 and 10 don't usually go, it's your standard on adopting an ordinance if it's in consist with another ordinance pretty much, it giving guidance. Councilwoman Murphy questioned 6, 7, and 8, this should apply to everything that we have in town, like our 4th of July public event since there's food vendors there, and wouldn't this be across the board for every public event. Mayor Mignone answered by say yes and no, the way he saw it was that we are talking about the Farmer's Market, Chapter 442 would be amended to include definitions for Farmer's Market, Farmer's Market Vendor, and mobile food vendor under that general certification yes, if it's not a Farmer's Market they would still have to get a certification, any kind of event would require a certification, that is why its handled separately. Mr. Sarlo said when you come to Section 6 this is where we are going to be making some changes to the food handler's

certification, this is where the Board of Health showed some interest and wanted to make some changes to it and not only when we make those changes which are not in front of you today, but one it would include definitions including the Farmer's Market, but also two it would be some sweeping changes regarding all the other events. Councilwoman Murphy asked about the AOH selling hot dogs and hamburgers in the park, someone there would have to be food handler certified, Mayor Mignone answered by say not necessarily it depends on the ordinance, some ordinances will exempt non-profits. Councilwoman Murphy felt it didn't make sense to have people that are in the business of selling food, that go through food handler courses and are professionals that you would make them hold to this and then you have your regular Joe who is not held to this, is it public safety or not? The likely hood that you might get sick from a civilian doing something is more probably more than a professional person. Mayor Mignone added people cooking out of their houses, yes. Mr. Sarlo stated that was a separate issue, the food handler's certification again is a separate thing that we would be providing for in the ordinance with some input from the Board of Health. Councilwoman Busted said that the Board of Health is reviewing 442 and she expects them to provide us with their recommendations and they are taking up that issue of serving of food to the public and how non-profits would be included in the process. Mayor Mignone said remembers with those you are talking about an event that may be 4 hours, we are talking about events that will be ongoing, the difference here is the way it's structured here, you need the basis application because there are vendors that come to a Farmer's Market who may not be selling food, so you need to have an application process for those vendors but if you have food you have to have a certification and again he thinks the Board of Health has been on record numerous times about a nominal fee and it's just to insure that they get the proper paperwork and they are aware and able to conduct inspections without them being accused of being harassing or not doing what's in the best interest of the public. Mr. Sarlo said again the food handlers is a separate ordinance, I am waiting for some input from the Board of Health, who should have a lot of input into it. The Farmer's Market and the Farmer's Market vendor will be clearly defined in the food handler's certification, however, we did not want to amend it and then amend it again as the Board of Health wanted some additional changes to it as we discuss some of these other events, that's why he has been holding off on that part until we receive it. So Section 6 is basically compliance and it talks about their needing to be I compliance with Chapter 442, which again will be eventually changed, they will sell prepared, the vendor selling it needs to be in accordions with all the regulations. The last sentence of the second paragraph of Section 6 needs to be changed, what he put in there is wrong, the fees for the handler certification shall be made payable to Borough of River Edge and not deposited into the River Edge's Farmer's Market Trust Account, in the ordinance we don't say where it should not be deposited, we should say where it should be deposited into, so initially he was trying to make that distinction because he was thinking originally it was health regulations it maybe the Board of Health Trust Account or unless another trust account you have or you can say Farmer's Market also. He just thought it should be separate because they were going for a Food Handler's Certification, he believes the check will be written when they hand in their Food Handler's Certification application so where should that money go to. Mayor Mignone didn't think it should go to a trust account, the trust account should be the monies collected as the vendors' weekly fee and the committee can decide to spend those monies to promote and manage the market. He doesn't think the fees for the Board of Health should be comingled. Councilman Bartelloni agree and said the monies should go towards the operation of the Board of Health. Mr. Sarlo said so no problems putting that fee made payable to Board of Health..(simultaneous talking) Mr. Negreann said to make all payable to the Borough of

River Edge, including whatever goes to the Farmer's Market so we have one endorsement and then we allocate it as the ordinance states. Mr. Sarlo said he didn't need to specify, he can say make payable to the Borough of River Edge, going back he asked if he needed to establish or set forth the trust account or just put..Mr. Negreann stated Council should recognize that he doesn't have the ability to set up a trust account at will, the Council has to request it of the State by resolution and it has to raise to the level of meeting the definition of the statute on a trust account. In many cases they are not looking for regular income they are looking for something like a donation, you don't know it going to come in because regular income really goes into the budget, which takes time and should factor that into your calculations. Mayor Mignone asked how the Recreation Trust Fund qualifies, Mr. Negreann said there was a separate statute on the Recreation Commission and the State has put forth a whole list of preapproved trust accounts such as Recreation, Unemployment is one of them, Community Development is one, and there are several like that. Then there is a statute that talks about that, if that is something you want we can make the application and resolution to get it moving along and see if we get approval on that to handle the money. Just keep in mind also that whether it's a \$1 that goes into this trust account or a \$1 that is through our budget the entity still has to abide by the local budget laws, public contracts law, local fiscal affairs law, you really don't have to go into too much depth in terms of creating all the financial regulations, this committee doesn't have to do that, this committee as our other committees are going to follow our procedures, regulations, and financial policy, they are all subject to an audit by an outside auditor and approval by the State. Mr. Sarlo asked if it would be easier or more functional if there was a separate line item going forward in your budget allocating a budget for the Farmer's Market knowing that these fees are coming in or going into the general account that would pay for that line item. Mr. Negreann said the advantage of a trust is that it will be outside of our CAP limitations. So that is a preferred way to go if we can set it up that way and if we have to put it in the budget it could be inside..Mr. Sarlo stated then it would be a wash. Mayor Mignone said it depends if there is going to be enough money to cover it and it depends on whether the Council wants to spend borough funds if we don't have money available. Councilman Bartelloni asked if this council or future council decides that the market manager should receive a salary would that salary be able to be paid out of the trust account or would it have to come out of ..Mr. Negreann stated that what is generally done is process all the salaries through the current operating budget and then we reimburse the budget from the various trust accounts or other areas which requires doing journal entries and moving cash around during the year for those reimbursements. Mayor Mignone said that would have to be defined in the rules because if there is not enough vendors to generate enough income then probably the borough would have to pay over and above, the council may want to at some point, that would be his starting point. Councilman Bartelloni said that he thought that if ever, maybe it's a percentage maybe that way there is an incentive to the manager to create business as opposed to a flat salary. Councilman Papaleo suggested a possible draw situation where we say this will be a base because you are putting in the time and hours no matter what and then a percentage of the activity. If this is going to occur you need someone doing it on a regular basis, they should have some expectations if being compensated to some degree throughout the period they are doing it. Mayor Mignone stated we don't know yet, it depends on who applies for the position of manager. Councilman Papaleo felt it seems like a lot of work and couldn't image it being done by a volunteer. Mr. Negreann said if it's an employee who is receiving a salary we want to keep the hours under 30 so we don't have to pay medical benefits along with it, if it's an independent contractor the IRS has certain rules and definitions and we would have to look at that to see how much control we have over that individual and if

they truly are an independent. Mayor Mignone said that if we go by what last year was, we collected \$2,500, and the salary has to come out of that and has to include promotion, marketing, and everything else too because that is something that should be done. Mr. Sarlo was looking for a point of clarification for the vendor fee, Section 5 he wanted to know if he was amending it to say all fees should be paid by check, payable to the Borough of River Edge and not the Borough of River Edge's Farmer's Market that was Mr. Negreann's recommendation. Mr. Sarlo asked if he was keeping in "deposited into a separate trust account" or are we taking it out for now. Mr. Negreann stated it was not needed in the ordinance because we could always do a resolution at a meeting for council to pass. Mr. Sarlo said he agreed with that and would eliminate that. Mayor Mignone asked if that would allow a future council to make it a regular budget item as opposed to a stand along self-operating kind of..Mr. Negreann said yes and you may want that kind of flexibility because if there are not sufficient funds brought in and you still want to hold the event your budget could support anything in excess of what your fees are bring in. Councilman Papaleo asked if marketing, promotion, and advertising should be required for Mayor and Council approval, he agrees with probably removing that and have the committee handle that since there will be a council person on the committee anyway, and they can't exceed what is in the trust fund. He doesn't see them spending a lot of money because the salary/stipend is going to take most of that. Mayor Mignone said that was assuming that the budget was predicated on the fees, if it's not and the council just picks a number say \$20,000 and they decide that they are going to give \$19,000 to salary and leave \$1,000 for advertising then the council would have no direct (inaudible). Councilman Papaleo said then that goes back to his previous idea that we say that the committee is free to make any expenditures up to a certain amount, whatever the council feels comfortable with, "not to exceed" is always good language. Mr. Sarlo referred to paragraph 2, the vendor fees we are going to amend it because then again vendor application fees and money collected and deposited, we are not specifically saying River Edge Farmer's Trust Account, from what he is hearing it is just going to say vendor application fee and money collected may be used for advertising and promotion, we are going to eliminate that to make it consistent with the paragraph above. Mayor Mignone asked Mr. Negreann if it ultimately doesn't go into a trust account the public isn't going to know how much money was collected and deposited as a separate line item because it shows up as a revenue is that correct. Mr. Negreann replied that it could be a revenue in your budget or it may not be a revenue in your budget, either way it could be categorized and at the end of the year you can identify how much was collected for that particular purpose. Mayor Mignone said that he would think he would suggest as one of the, falling under the rules or under the role of the manager but there has to be some kind of report for accounting as to what was collected and what was dispersed so it is a clear and distinct record. Councilman Papaleo stated that the manager be required to come before the council mid-summer to do a brief report or submit a report, Mayor Mignone said the council liaison could submit the report, but at the end of the season or maybe half way through, he wasn't sure, you want to make sure, the committee could determine the frequency, but there has to be a regular accounting of the monies collected and disbursements. Councilman Bartelloni said that keeping the language of a separate trust account in the first paragraph, but asked what would be advisable. Mr. Sarlo said to take it out would give you flexibility. Councilman Bartelloni said he know but to keep in unless you try to amend the ordinance later. Mr. Sarlo stated that what Mr. Negreann was saying is you can always establish a separate trust account by resolution, Mayor Mignone said that you can also change it the other way around, you can leave it this way and remove that restriction later on. If you can chance it one way you can change it the other way. He felt this required more oversight at this point and he would be more in

favor of a trust account. Mr. Sarlo said whatever was preferred. Councilman Papaleo said that if we leave in the language of trust account we have to advertise to amend the ordinance whereas we leave out the language and we can get a trust account we can do that by resolution or at our convenience put the language back in, but if we put it in right now we literally can't open the Farmer's Market until we have a trust account. Mayor Mignone asked if he would be correct that Councilman Papaleo's position would be he is in favor of amending the ordinance to include the trust account language if we get the trust account, Councilman Papaleo's response was absolutely. Councilman Papaleo confirmed that we were removing for now the separate trust account, Mr. Negreann is going to apply for the trust account. Councilman Bartelloni asked Mr. Negreann if he needed a resolution for the next meeting, and Mr. Negreann answered yes. A motion was made to create a Farmer's Market Trust Account.

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

Mr. Sarlo stated the last thing was to clarify what he was hearing is to eliminate the end "approved by Mayor and Council" vendor fees. Councilman Papaleo said why don't we the language as managed as recommended by the committee and the approval of Mayor and Council for the amount that exceeds \$1,000..(simultaneous talking) Mayor Mignone said that again we can amend it when we get more information. Mr. Sarlo said that he was just going to remove it. Mayor Mignone asked Mr. Sarlo if by resolution maybe at the next meeting establish the committee just so we can get a working group started before we add the ordinance. Mr. Sarlo said establish a committee before the ordinance, yes you can establish your committee by resolution at any point in time. So once you establish the committee you will establish it and once the ordinance comes in your ordinance will set president over the resolution, the language in the resolution will be consistent with the ordinance saying your term is to expire on December 31, 2016. Mayor Mignone stated that he wanted to get a head start so the council can chose who they think the liaison for the council and maybe Councilwoman Busted could reach to the Board of Health as to who they would want to have as their representative. Councilwoman Busted asked if Mr. Negreann could circulate a draft of the ordinance for their meeting on Monday. Mr. Sarlo said he would do the changes and get it to us and when we adopt this we should be adopting the Food Handler's Certification at the same time. Councilman Bartelloni said there was just one thing while researching, it seems like what is becoming very popular are homemade wines and craft wines for Farmer's Markets, to do it your ordinance has to allow for a "Wine Festival Permit" which the State of New Jersey allows. This might be something we want to investigate or something for the committee once it's formed can look at, but we have to amend the ordinance are some point to allow for it to be sold at the Farmer's Market. Mr. Sarlo said he didn't see why the rules and regulations, usually the rules and regulations would state not permitted. Mayor Mignone quested if homemade meant homemade..(simultaneous talking) Mayor Mignone said that nothing made in a residential residents is generally permitted to be sold to the public, Councilman Bartelloni said that in looking the Senate had taken up a bill over the last summer which would have allowed craft beers, he couldn't find where it went, and it seems as if it stalled. The permit was only for a wine festival permit only allowing the sale of craft wines. This maybe something to keep in mind for later on. The ordinance allows samples of wine and that is why you would need the ordinance. Councilwoman Busted stated that maybe the health officers would know more about it. A motion was made to establish a River Edge Farmer's Market Committee that would be in place until the ordinance is established.

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

Mayor Mignone stated following up on that he still has the concerns that he expressed regarding the operation of the market last year. Would it be appropriate for this committee to review the circumstances of last year's market and speak with the Board of Health and whoever is needed to put together a chronology and an accounting as to what happened last year. Mr. Sarlo said he thinks if falling outside of the ordinances of what they are supposed to do if you want to create a second or allow them for this year on the resolution create an advisory to look at what was done making suggestions or changes you can pretty much do that, you can make an advisory committee any point in time. This resolution will be effective until you adopt the ordinance and this will take over. They will have a specific time period to get that done, probably two months. Mayor Mignone thinks inquiries need to be made and we need to get all the information that the Board of Health may or may not have regarding last year's operations. Looking at the proceeds that were received coming to some sort of resolution. Mr. Sarlo stated he didn't know how much putting on these three new members you want them to go back and recreate what was done last year, you are talking about one civilian Board of Health member and a council liaison, and again it's up to you if you want to put that on these three. Mayor Mignone asked if we just ask the Board of Health to talk to us. Councilman Bartelloni stated that what he would like to see this committee do is focus on because it is already, by the time this resolution and ordinance we are into April let them focus on just getting the Farmer's Market up and running. A separate committee or an investigative committee, you could even create a committee of the whole that would be a separate committee, it just wouldn't operate as Borough of River Edge Council, but would be separate committee where there would have to obviously have public meetings to investigate but this committee he thinks this committee allow them to do... Mayor Mignone stated he wouldn't like to see a committee of the whole but he doesn't ... Councilman Bartelloni stated he was just saying there are other options other than let them just go and get the Farmer's Market up and running and then we should absolutely have the Board of Health come up here and talk to us as a whole body. Councilwoman Davis agreed with Councilman Bartelloni the new committee shouldn't have to delve into... Councilwoman Murphy stated this whole thing was asked on October 19th when you brought it up, so it was never asked in May, June, July, August, September, so it was October 19th when it was first brought up. So why the delay in asking. Mayor Mignone said there was no delay, the reason it came up was because we go the Minutes of a September meeting of the Board of Health in which this was mentioned in the minutes of the meeting. That was what he raised in October, he was told by the former Mayor and you (Councilwoman Murphy) that monies were not collected and we were harassing people.. Councilwoman Murphy asked how towns our Board of Health covers. Mayor Mignone replied by saying the Board of Health only covers River Edge. Councilwoman Murphy questioned the Mid Bergen covering 12 towns, Mayor Mignone replied the Health Inspector may cover other towns, by he is speaking about our Board of Health. Councilwoman Murphy said it was the Mid Bergen Officer that came out to inspect. Mayor Mignone agreed with that. Councilwoman Murphy said they cover nursing homes, schools, restaurants, everything else and they found the time to come three times to a place that was selling Brussel sprouts, it just seemed a little excessive. They didn't say harassed, they just said there were professionals there... Mayor Mignone said there was language that said "harassed", we have emails that state that, but with that being said that wasn't the point, the point was that they were called to a meeting to address that and that was when the Board of Health said the vendors were paying money contrary to the

direction of this council and contrary to what you and the former Mayor had said about money being collected. Mayor Mignone was told money wasn't being collected, and the Mayor said in the newspaper if there is a bag of money it will show up, and guess what, ten days later it did, cash and checks showed up. Councilwoman Murphy said it was the end of the market the day after October 19. Mayor Mignone said yes and it still took nine days for that for the money to show up, which included checks that were written last April. Councilwoman Murphy said the checks were made out to the Borough of River Edge and the River Edge Farmer's Market, so the intent was that, we are not professional market managers, this was our second time doing it, and so it's all a learning curve. Mayor Mignone said some checks were made out that way and some were not. Why didn't someone that night say yes they collected money, yes we know... Councilwoman Murphy said some vendors came, some flaked out, some showed up and some didn't, it was a very ongoing... Mayor Mignone said so a vendor who may have written say 8 checks between April and October every week, someone held on to the check and didn't explain what they did with them or why they held on to them. Councilwoman Murphy said that Mr. Negreann didn't make mention when it was asked what we should do, he said it was very troublesome to create a new account, that it was going to be a more lot work, and he said whatever you could do to you know... Mayor Mignone said that was never authorization to collect money in the first place. Councilwoman Murphy stated it just kind of happened. If somebody had a good day we said why don't you donate to the Green Team and if they didn't have a good day... Mayor Mignone said these are the questions and he could buy that but if you actually go by the money that was collected and you look at the vendors that gave money and the instruments they used to give us the money it tells a different story. That is the kind of information that needs to be discussed and why a vendor would have given someone a check in April or May and never ask why their check may or may not have been cashed, that's a problem. Why we got cash that we don't have accounting for is a problem, why we accepted money orders, that's a problem, there is no consistence as to why things were done and he thinks the questions need to be addressed or answered. Councilwoman Murphy said it seems like they are being addressed by this new ordinance. Mayor Mignone said they are but we don't have an accounting of as to what happened last year. Councilwoman Murphy said it was just very fluid. Councilman Bartelloni said he didn't want to go back on his point and speak, he didn't want to engage in an argument and he was glad Councilwoman Murphy was reporting back to the council because back in October what you said was she'll look in to it, whether or not there was funds being collected. So he was glad that now here in March Councilwoman Murphy was reporting back to us at least in some level as to what happened because you played "I don't know" back in October. What he thinks everyone is entitled to know, and we can't reconstruct it, who paid what and when and why because there was no accounting, no lists were done. When confronted thou with "were fees collected" there was a denial. Councilwoman Murphy said it wasn't a fee it was a donation. Councilman Bartelloni said that was how Councilwoman Murphy was characterizing it. Councilwoman Murphy asked who the checks were written to, the Green Team. Mayor Mignone replied no they were not, they were written to the Borough of River Edge, some were written to the River Edge Farmer's Market, which isn't an entity, some were not written to anybody, and if you read the memo line not one of them says donation. It says, fee, it says weekly fee, it says seasonal fee. Councilwoman Murphy said it is a matter of semantics. Mayor Mignone said no it not, because one vendor gave a check for \$250.00 in April for the entire season, that wasn't a donation, that was a number someone came up with somewhere, someone told them to write the check out for that amount, we have the checks. These are the things that will come out and the public has the right to know what was collected, the right to know what vendors

were there any given week, we don't even have that accounting. The Board of Health was never given a full accounting of which vendors were actually there, who actually filled out paperwork, which we should get from them. Councilwoman Murphy said they have all the paperwork, Mayor Mignone replied they have what Councilwoman Murphy gave them which doesn't necessarily mean it matches what was there because sometimes there were, he believes they had maybe applications from maybe 10 or 12 vendors and we know there were more than that at any one time. Councilwoman Murphy replied sometimes there were 8, some days there were 10. Mayor Mignone said that even if a vendor came for one day, there should have been an application that was turned over to the Board of Health if they were selling food. He doesn't know if that was the whole case. The answer is now we know money was collected, we know it wasn't authorized, we know that you and the Mayor knew this last July at that meeting and you told the Board of Health that money wasn't being collected. At that time it was told to them it was for administrative costs, advertising and petty cash, that was what the Board of Health reported, that is what we need to define. This ordinance will eliminate this from happening again, but there is still a lot of unanswered questions, he still gets asked about it. You questioned his creditability about it, and all he did was report what the Board of Health said, and like Councilman Bartelloni said on October 19th you could have said yes money was being collected maybe things were not done properly but that wasn't what was stated, that didn't happen. The Mayor said call the Prosecutor, why should we care if someone took \$20.00 for petty cash, all these things that came up, at the end of the day you know what the Board of Health was telling the truth, he was right to bring it up, and he was victimized for it and at the end of the day it turned out to be true and there are still a lot of unanswered questions and he thinks to Councilwoman Murphy's point let's get it wrapped up and find out what happened and move on. The new ordinance will do that, but he isn't just leaving what happened last year unanswered because he thinks there is more questions than answers. The council has an obligation on behalf of the people in this borough to get to the answers and give an explanation. If the explanation is we were just sloppy then fine we were just sloppy but a conclusion should be made by getting all the facts together and coming to a proper conclusion. Councilman Papaleo stated that he and Mr. Sarlo were just speaking and we have a question regarding the funds that were collected, it was about \$2,500.00, can that money be seed money for the new Farmer's Market or is that money no longer available. Mayor Mignone said (inaudible) the opposite question, when we were told in October when we accepted the money that if it were not a borough entity and these were "donations" we can accept the money, we were told it was a different story if this was a borough event and the monies were improperly collected, it seems that is the actual situation. Unless you can prove... Councilwoman Murphy interjected we should have our attorney... Mayor Mignone said excuse me I was speaking Councilwoman and continued saying we have check from some of them that don't say donation but say weekly fee or whatever, we certainly can go back to those vendors and ask them if they considered it a donation and if they wanted us to keep it, that would be the distinction, he is arguing nobody had the intent these were donations so they should be returned. But you can only return the money from checks, you don't know where the cash came from. Councilwoman Murphy thought Mr. Sarlo gave an opinion this was not a borough sponsored event. Mayor Mignone replied the council voted otherwise. Mr. Sarlo said he provided analyses both ways, which is fine. He did state the resolution regarding the Farmer's Market Committee he was going to leave the names blank and upon introduction the names will be put in. Councilman Papaleo mentioned that Mr. Negreann wanted to say something. Mr. Negreann said he could answer Councilman Papaleo's question. He had sent a memo to Mayor and Council before the end of last year explaining that if you wanted to return the money you had to

do by a certain amount of time as far as last year goes. That revenue now went in as miscellaneous revenue not anticipated, which means it goes to your surplus account. What he also had done, which means it can't be used as some sort of seed money for this year, but what he also did was include it in the administration budget this year a line where you could make refunds if you so choose to do, so there is budget authority to make a repayment and if you so choose, but the answer about revenue is no it can't be seed money until the trust (inaudible). Councilwoman Murphy asked if it went into the Green Team Trust Account, to which the answer was no it did not. Mayor Mignone stated again that it was not authorized to be collected, so how could be authorized to be deposited somewhere. Councilman Bartelloni stated that he know the social media policy has been adopted yet, but the Farmer's Market at River Edge's Facebook page is still posting as recently as March 12. He was just curious who is running the page considering as this council is looking to create a committee and will at the next meeting. Mayor Mignone stated that he didn't think it was relevant and he thinks that the Personnel Sub-Committee will be addressing the social media policy at our April 4th meeting. Once we get a policy in place then it will either be a new site and that one will become defunct because it will not have approval by the council to operate. Councilman Bartelloni said he was just curious because someone is still operating that page and he is curious who is doing that on behalf of the Borough of River Edge. Mayor Mignone replied he didn't know and he didn't think they would be getting an answer so he continued by asking for a motion to open the public section.

OPEN PUBLIC HEARING

Motion by Councilwoman Murphy, second by Councilman Bartelloni
All in favor 6-0

Carl Fazio stated he would wait until the Regular Meeting to speak.

CLOSE PUBLIC HEARING

Motion by Councilman Bartelloni, second by Councilwoman Murphy
All in favor 6-0

Councilman Papaleo wanted to report that at the last meeting there was new business the Mayor brought up regarding DPW site that was going up for auction, he did reach out to Lissette Parker and Henry Pruitt both councilmembers. He was only able to speak with one of them, they are interested and if feasible and it works out. Mayor Mignone stated that he did reach out to Councilman Schwartz, but hasn't been able to speak with him yet and hopes to have a discussion with him before the next meeting to discuss this.

UNFINISHED BUSINESS

No Council comments.

NEW BUSINESS

No Council comments.

MOTION TO ADJOURN THE WORK SESSION AT 8:13 PM

Motion by Councilwoman Murphy, second by Councilman Bartelloni
All in favor 6-0

Stephanie Evans. RMC
Borough Clerk