

**BOROUGH OF RIVER EDGE  
MAYOR AND COUNCIL  
WORK SESSION MINUTES  
MONDAY, MAY 18, 2015**

**PRESENT:**

Councilwoman	Kathleen Murphy (Arrived at 7:50 PM)
Councilman	Anthony Coppola
Councilwoman	Ellen Busted
Councilman	Edward Mignone (Arrived at 7:35 PM)
Councilman	Vito Acquafredda
Councilman	Thomas Papaleo

**ALSO PRESENT:**

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

**ABSENT:**

Mayor	Sandy Moscaritolo
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Council President Acquafredda called the meeting to order at 7:05 PM by reading the Open Public Meetings Act.

**BOROUGH ADMINISTRATOR'S TOPICS --**

- 1 Stormwater Training – Status Report from Mayor and Council – Mr. Negreann stated he had substantial completion and is satisfied and in compliance and will not address this issue in the future.
2. Employment Practice Liability Training – Report from Mayor and Council – Mr. Negreann stated there were two outstanding elected officials that haven't taken the training yet and have until June 1<sup>st</sup>. The information will be sent out again.
3. Obama Care Compliance – Mr. Negreann stated he has been attending seminars and wanted to advise the Council of an impact this year. We will be required to do IRS filings for the employees early next year, 1094-C and 1095C, describing every employee's health status, we also have the burden of tracking hours of employees and having reports generated for those hours. We have a need to determine which of our hourly and part time employees are considered what are called full time equivalents for health coverage purpose. We have full time employees, about 55, that take the health coverage that are eligible for it, 60 total with 5 that have waivers. We have a total of 135 part time or hourly employees who may be eligible depending upon the number of hours they work. If they work an average of 30 hours a week the Borough will be under an obligation to offer health care to them. Or we have to pay a penalty of about \$3,000.00 a month for each employee that doesn't have it. It would behoove us to know who these full time equivalents are to see if their hours can be adjusted to avoid the health coverage. In certain cases because they are eligible for one 3 month period they may go on health coverage, if hours dip below they would have to come off. There is a large burden of reporting and analyzing this information to insure that we don't incur any unnecessary penalties. We have been meeting with our payroll preparer, Automated Data Processing, and they will provide an upgrade to our payroll software, provide us with an HR benefits

package to do the IRS filings for us automatically, the cost is \$5.50 per employee per month, which includes a one-time set up fee. The cost this year prorated will be about \$5,000.00 but it could be as high as \$9,000.00 next year to continue the service. What he would like to do is, we have about \$20,000.00 in the Public Information or Public Communications budget, and put aside \$5,000.00 for that and should cover the prorated cost this year of complying with this mandate. Mr. Negreann stated this was his plan at this point, there really is no action at this point from the Council. He just wanted to inform them of where we are headed with this process. It is a mandate that we will have to comply with and there will be some additional costs, which he feels the budget can handle this year and will prepare for next year.

4. Estimated Tax Bills – Mr. Negreann stated that information was sent to the Mayor and Council regarding putting out an estimated tax bill. At this point we don't have the County's levy, but would like to get the bills out to collect the taxes. He prepared an estimated tax rate which will be exactly the same tax rate we had last year over all. This is the overall tax rate. If the County and other levies come in a bit lower than the last two quarters will be a little bit lower than expected. There is a resolution on for tonight number 15-203 for your consideration, upon passage we would submit this to the State for approval getting their go-ahead to send the bills out to the general public. The Council does have the ability to pick between the tax rate between 95% and a 105% of last year's rates within that range. The one his recommending is within those ranges, but is really the same total tax rate as last year.

## **DISCUSSION ITEMS**

### **WORK SESSION CONSENT AGENDA –**

1. Contract Amendment with Alan Spiniello, Esq., Tax Appeal Attorney in the amount not to exceed \$25,000.00.
2. Award Contract to Robert Costa for Design & Inspection Services for the Catch Basin at 284 Kensington Road in the amount not to exceed \$8,600.00.
3. Award Contract J.A. Alexander, Inc., for the 2015 Riverside Road Improvement Program in the amount not to exceed \$395,000.00.
4. Authorize Mayor to Sign the Grant for the State and Local Cooperative Housing Inspection Program.
5. Enter into a Contract with Nixle for License as a Government User.
6. Approve the Purchase of a Street Sweeper through State Contract in the amount not to exceed \$194,921.30
7. Award contract to Robert Costa for Professional Inspection Services for the 2015 Riverside Road Resurfacing Program in the amount not to exceed \$10,000.00

Councilwoman Busted asked about #5, directing her question to Mr. Negreann. Are we maintaining the same license as last year or done any changes. Mr. Negreann stated this is to provide a service for non-essential or non-emergency announcements. This \$2,000.00 would sign us up so we could make public announcements for July 4<sup>th</sup> or any other non-emergency type of message. Councilman Busted stated this would be an enhancement to what we have now and it was based upon the survey from department heads. Mr. Negreann said based on the surveys, budget discussions that the Mayor and Council had and their desire that this is a priority that be better communication with the public.

A motion was made to approve the consent agenda.  
Motion by Councilman Papaleo, second by Councilwoman Busted to approve.

**MAYOR'S REPORT-** Council President Acquafredda spoke about the Senior/Community Center since he was on the committee with the Mayor. He stated that Council received copies of the Canzani report, it summarizes the findings of survey responses, and it was sent to bring the entire Council up to speed with what the committee has been doing. The report will be further augmented by a list of spaces and square footage that the Canzani architect will provide. He will take this report and translate it into square footage, which is the spaces you see listed on that report. At that time the list will be circulated, the committee including the Mayor, Councilman Mignone, and himself may have a preview of the list, but immediately thereafter the Council will have it. Now is the time we need to decide essentially how big we want this community center to be. Along with a ballpark estimated cost, which Councilman Mignone and he could assist with and based on their consensus then it would time to prepare and issue an RFP for an architectural engineer for professional services. In the RFP it is important to tell the architect how big we want to the overall building to and also what at our budget is. Architects have a tendency to design for the stars and then they are given a reality check. Because this is public bidding, and he expected at least 5 firms to bid, it is essential that they know the two key pieces of information. We will go through the process the way it's supposed to be done, the way all the other projects are done, whether private or public, unless we set our time table everything will be done in an efficient manner as possible without wasting time. Hopefully we will be in a position to send out the RFP in 4-6 weeks. Once the RFP comes back we review them to make sure they are in compliance with the requirements, then Vito and Ed will comb through the responses and see exactly what these people are selling us and make comments. Then arrive at who is the best qualified to handle our project. Note that he didn't say the lowest bidder, he doesn't believe in lowest bidder, many times there are traps, unless he is compelled to retain the low bidder. You need to review the RFP's then have a consensus as to who the firm is that should be awarded that commission to design. From an architectural and engineering point of view as well as the site work to design the center. We have to agree on the size and the budget, then we do the RFP with those two pieces of key information. He doesn't want to hear various numbers since he hasn't discussed any with anybody. Councilman Acquafredda asked the council to go through the Canzani report. Councilman Papaleo stated that he went through the report and wanted to understand when the next report comes back is it going to say one space is used for different purposes. Councilman Acquafredda said yes it could, a multipurpose space. Councilman Papaleo said tallying up all the spaces is that how you determine the size or would there be repetitive measurements, Councilman Acquafredda replied no there was going to be a list of program requirements, and the program will list the individual spaces that we see are going to be designed and included in the final product. Councilman Papaleo asked if several different groups are using the same space that number will appear once, Councilman Acquafredda replied yes, this is very simple, right now we have nothing, so no matter what we end up with it will be a lot more than nothing. Different community organizations using the same space at different times.

### **UNFINISHED BUSINESS**

1. Review of Historic Element in the Master Plan – Councilwoman Busted wanted to remind people this is on the May 21 Planning Board agenda for proper adoption.
2. Capital List – See Report
3. Grove Street – not discussed

4. Library Roof and HVAC – Councilman Acquafredda stated he has been following the submission of reports for payments, he may not agree with everything Mr. Pulice has done or said, but he thinks he is an honest architect and is looking after the Borough's best interest. Mr. Negreann said this will be listed for the first meeting in June to discuss the HVAC for the Library. Councilman Papaleo asked when are we on track to complete as planned, is there any thought about that. Mr. Negreann stated he didn't have a completion date but there have been no hold ups, it's on track.
5. Complete Streets – no discussion
6. Borough of River Edge Senior/Community Center – previously discussed
7. Townwide Communications/Notifications – Mr. Negreann mentioned that there was a Nixle resolution on tonight's agenda. Councilman Busted asked if a chain of command would be done, Mr. Negreann replied it will be followed up on.
8. Generator – Fire Company #2 – Mr. Negreann stated that he did follow up with FEMA as where the application stands, which was submitted earlier this year, the word he received back from the FEMA representative that it is being processed, and he had to say that FEMA felt it was so well put together they are calling it the "Immaculate Submission". Tom Smith did let him know that the generator did need some repairs and we are going to continue to maintain it until we get this funding for the new generator.
9. Shade Tree Commission – no discussion
10. Social Media Policy – Councilman Acquafredda stated that during the two weeks he was away and has been back he hadn't heard anything, but he will push for a meeting.

#### **NEW BUSINESS –**

#### **OPEN PUBLIC HEARING ON WORK SESSION AGENDA**

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

All in favor 4-0

Sandra Burman – asked if the American Legion building would be torn down, and Councilman Acquafredda stated we don't know, there are more pros than cons to knocking it down, but that is a decision that needs to be reached as a consensus by the professionals. She believed that in the survey people gave their opinion about being remodeled or torn down. Councilman Acquafredda said that as a professional remodeling would be cost prohibited. Whatever decision will be made as a consensus of the council, from the size and agreeing on a budget, the RFP's, to everything else. Ms. Burman really wanted to discuss the problem with the seniors of River Edge and the by-laws, and the fact they haven't had elections even though they were told after passing the by-laws they could have elections, is there a date when elections could be held. Mr. Sarlo said everything was on hold due to the proposed ordinance being voted on tonight, if that ordinance gets adopted it just starts the process over, the by-laws are amended to conform to it. His recommendation at this point in time since you are already in May/June the by-laws are saying nominations should be October/November, it would be easier to start in January, now you are talking in the summer months, so depending on the vote tonight, it will change the date of election. She had issued a proposal to vote no on the ordinance for the reasons she stated several times. The main thing is that we are not like any other senior center. She has attended many other centers in Bergen County and we are the only center that strictly uses volunteers. Most of the other centers have directors and paid help, we are served and take advantage of the programs and unless you have lunch there you can go in and out free, if you order lunch the day before its \$1.25 and it's a full meal. Our center here is unique because we are all strictly volunteers. Unless people volunteer nothing can get done. A lot of members and volunteers are nonresidents of River Edge. We expect that once you retire and you are in your 90's you

are to be served not volunteer. Non-residents that live in Bergen County pay the same amount we pay, and volunteer. She was requesting ordinance #1834 be voted no especially since the by-laws were already voted on, and she felt it had no bearing on their existence right now and something went backwards. Councilman Cappola wanted to clarify that if the ordinance is adopted and it can amend it in the future. Mr. Sarlo said that the way the ordinance is being proposed it is making clear as to who can be a member and the way it is now being proposed the existing ordinance stated that if you are a Bergen County resident you can be a member but to become an officer you need to be a River Edge resident; now after first introduction to be a member you have to be a River Edge resident and to be an officer. Only members that are River Edge residents can vote for officers, Bergen County residents can still participate in all the activities that are available to the River Edge residents, they will just not have the ability to simply vote for officers and/or the structure of SCORE. That is the only change. Councilman Cappola asked that say in a year or two years they wanted to change that and make it different, Mr. Sarlo said it would have to be changed by ordinance not by the by-laws, it would have to come before Council again. Councilwoman Busted acknowledged that this amendment does not impede a non-resident of River Edge from holding a community chair, organizing a volunteer group or volunteering in any capacity whatsoever with this amendment. Mr. Sarlo agreed and said it has nothing to do with the ordinance amendment, it identifies who can be a member and participate there is nothing in the ordinance or the by-laws that say you have to be a member, if they want to have someone as activity only member to be a chair or chair a committee there is nothing that prevents that. Ms. Burman stated that for all these years this is how the organization ran, everyone was volunteering and no one was different. Mr. Sarlo stated that the majority of the ordinances he has seen in other towns are crafted the way the proposed ordinance is crafted. It's residents only and opened up to non-residents to participate in the activities.

Maryann Dalbey, 134 Continental Ave. – Had another issue. Councilman Acquafredda asked to finish the SCORE issue first, to which she agreed.

Norma Gottlieb, 150 Valley Road – River Edge has a small membership, and have as many if not more non-residents, you are discriminating against the Bergen County residents that are non-residents of the town. Mr. Sarlo stated that was an improper term to use discrimination that is not at all what that term means. Again Bergen County residents can participate in all the activities, hold chairmanships, can organize activities, it is just simply they cannot be a President, Vice President, Secretary, Treasurer in the organization, or be a member that could run for office, that is what it comes down to.

Carol Mah, 680 Center Ave. – She is here for SCORE and the amendment. She wanted to thank the Council for all their work and that they had to go through this. She is very much in favor of the amendment and tried to inform as many people as she could and asked them to come to the meeting and show support for the amendment.

Councilman Acquafredda asked the public if anyone would be interested in changing the name of SCORE, to which the majority said no. It was a question addressed to Ms. Burman as a what-if, because she was extolling the virtues of the non-residents, but yet the name of our organization is SCORE, Senior Citizens of River Edge. If you don't live in River Edge you are not a resident, you don't pay taxes. Councilman Cappola said he thought the analogy is of this ordinance is SCORE for River Edge, by River Edge. His cousin in Italy comes here and enjoys everything America has to offer, but he can't vote here because is not an American citizen. River Edge citizens are voting for River Edge people for SCORE, again River Edge for and by River Edge. Mr. Sarlo said that Mayor

and Council have the authority to change because SCORE was created now by ordinance, and once it's changed the by-laws will have to conform to the changes to the ordinance. The by-laws cannot supersede the ordinance. The ordinance has control, so there will be an automatic change in the by-laws. Mr. Sarlo's suggestion would be so that it's an orderly process, if this is adopted then there should be a definitive membership role created, once that is created, in October there should be nominations, in November there should be elections, in January there should be the swearing in of the officers, then you start from there. There is no rush for elections now since we are approaching summer. It doesn't make sense to have any interim officers. Again that would be his recommendations. The only change to the by-laws would be that they need to conform to the ordinance.

Terry Brielmaier, 749 Center Ave. – She felt that non-residents shouldn't vote.

Ann Osmond – She has been a member for 17 years and she was told that Monday is when SCORE meetings are held from 1-2pm, and Tuesday is an activity day, until ballroom dancing started.

June Morris, Voorhis Ave. – She is a 70 year resident, when she was a member of SCORE there were no by-laws and no upset.

Councilman Papaleo announced a point of order and proceeded to say he didn't wish to silence anyone but the Council was going to open up again in the official meeting before we vote and we do have to go into closed session. He wasn't saying this subject shouldn't be discussed, but there is a second bite of the apple since this ordinance can't be voted on without another open public session. He was concerned about going into closed session and when opening up again it will be very late if we don't move on but it's for the Council President to decide, but there is a second time to open just for this issue. You may wish to reserve some of your comments so Council can go into closed session and get to the ordinance in a timely fashion.

Council President Acquafredda stated he was going to waive the closed session until the end of the Regular Meeting, he would like the Mayor to be here for the closed session. When we go into the Regular Meeting it would not be right to repeat everything that we are listening to patiently and open-mindedly at this point. Some of this exchange has turned into a discussion and conversation that perhaps members of SCORE should have had in a different forum and among themselves. But be it as it may the comment about changing the name of SCORE was more like tongue and cheek based on "we have so many people that don't resident in River Edge and they should be full members like the people that reside in River Edge". He said well then perhaps we should consider changing the name of the organization, he doesn't want that, please don't misunderstand him and don't put words in his mouth. We will continue with the conversation, until he starts hearing the same comments over and over again, then we will put an end to it because there are other people that want to discuss other issues.

Carol Mah stated that she felt the issues that you are hearing now should be with SCORE and she feels the vote is very important to vote upon and give the right to the seniors of River Edge to run SCORE as they see fit. That doesn't mean Bergen County is not welcome, but the thing is that everybody has to understand is you need to work together. Things will come up no matter how many times, but she feels it's a step in the right direction. This way the River Edge seniors can go ahead with an election, inaudible, and have the majority of River Edge seniors approve of inaudible regardless of inaudible, and that's what is important. She wanted to Council to approve the amendment and that it

was important.

MaryAnn Dalbey, 134 Continental Ave. – She was here to discuss her tree and the acorns. She has lived here for 45 years, the house has been in the family for 60-70 years. The house next door is now on its 5<sup>th</sup> owner. She has a huge oak tree on her property and River Edge noted for their beautiful trees. These people had a tree service there tonight and they want to trim the whole side of her tree on her property because the acorns are falling on their property. She asked her tree service if there was anything that could be done to stop the acorns, possible neuter the tree, but there is no possible method. The tree is nature and it was there before they moved into the house. All the other house's owners never said anything about the tree. The neighbor on the other side also has an oak tree, which drops acorns onto her property. She talked about when she was a kid, neighbors took care of each other, especially the senior citizens. She also received a letter from an attorney representing the property owner stating to stop sweeping acorns onto his property, which she never does. She isn't taking the tree down, several years ago she called a tree service and they wanted \$5,000, she could only imagine what they would want now. Mr. Sarlo stated that unfortunately a tree dispute goes back years and years, it is classic, but this Mayor and Council has no jurisdiction. You are able to see your own advice, but his general advice is the neighbor can't come onto your property, but unfortunately if the tree is hanging into their property they do have the right to shave the tree up. No matter how bad it will make the tree look. Ms. Dalbey asked what would happen if the way they do it the tree is offset and what if the tree falls on her house. Mr. Sarlo stated that again he couldn't give her legal advice, but if the tree company that does that and you are able to prove that based on how they shaved the tree caused the tree to fall they would be an issue. There is a program through the Municipal Court, Dispute Resolution, where a volunteer comes in and tries to resolve the issue.

Councilwoman Busted asked for a point of clarification from Mr. Sarlo if the amendment is adopted and it supersedes the current by-laws does action need to be taken by SCORE to amend the by-laws or does that just happen pro-forma. Mr. Sarlo stated it will be pro-forma, there is a provision in the by-laws that stated the ordinance is the law and the by-laws adjust to the ordinance and no vote would need to be taken by SCORE.

### **CLOSE PUBLIC HEARING**

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

All in favor 6-0

Councilman Mignone has a question on the Consent Agenda for Mr. Negreann regarding the resolution for Mr. Costa for \$8,600.00 at 284 Kensington Road, what was the scope, was it just the two catch basins or does it include the ones on Elm that were also discussed. Mr. Negreann stated he wasn't sure, but he did ask for a quote just for Kensington. But we did have a discussion about doing the other ones, Costa provided pictures and an outfall, and he wrote back asking Costa isn't this a larger project now, and he wasn't sure exactly what the scope is. This can be covered at the next sub-sewer committee meeting before any action is taken. Councilman Mignone felt that was a large effort for two catch basins that would be a hundred hours for two unless there is something else he isn't seeing. Mr. Negreann stated that in the pictures the pipe isn't connected to the outfall, he didn't know what was in Mr. Costa's mind. Councilman Mignone thought they talked about two catch basins on Kensington which connect to an existing catch basin on Kensington that was the project and he wasn't comfortable going forward until there was further clarification on it.

**WORK SESSION WAS ADJOURNED UNTIL CLOSED SESSION WAS OPENED.  
AT 8:03 PM.**

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

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Stephanie Evans, RMC  
Borough Clerk