

## **MINUTES**

Regular Meeting of the Mayor and Council

Tuesday, November 12, 2019

7:00 P.M.

### **CALL TO ORDER –**

Council President Busteed called the meeting to order at 7:00 p.m. in the Council Chambers of the Borough Hall.

### **SILENT PRAYER – FLAG SALUTE**

Council President Busteed called for a moment of silent prayer and asked Councilwoman Davis to lead the salute to the flag.

### **STATEMENT –**

Statement of Compliance with Open Public Meeting Act: This meeting complies with the Open Public Meeting Act by notification on December 21<sup>st</sup> of this location, date and time to the Ridgewood News and the Record and by posting of same on the municipal bulletin board and Borough Web Site and filing a notice of the same with the Municipal Clerk.

**ROLL CALL** – Council President Busteed, Councilman Chinigo, Councilwoman Davis, Councilman Gautier, Councilwoman Kaufman and Councilman Papaleo were present.

### **APPROVAL OF MINUTES -**

On motion by Councilman Papaleo, seconded by Councilwoman Kaufman, the minutes of the Mayor and Council Regular Meeting of October 21, 2019 were approved on the following roll call:

Council President Busteed, Councilwoman Davis, Councilwoman Kaufman voted yes; Councilman Chinigo and Councilman Gautier abstained.

On motion by Councilman Chinigo, seconded by Councilwoman Kaufman, the minutes of the Mayor and Council Special Meeting of November 4, 2019 were unanimously approved.

Council President Busteed-stated that before we open to the public, item #9, the first reading of Ordinance #19-21 will be tabled.

### **PUBLIC COMMENTS ON ANY ITEM ON THIS AGENDA –**

On motion by Councilman Chinigo, seconded by Councilwoman Kaufman to open for public comments on any item on the agenda was unanimously approved.

There being no comments by the public, the motion by Councilman Chinigo, seconded by Councilwoman Davis was unanimously approved.

### **APPOINTMENTS & PERSONNEL CHANGES –**

On motion by Councilman Papaleo, seconded by Councilwoman Davis the appointment of Thomas Papaleo to a Class I member of the Land Use Board to fill the unexpired term of Mayor

Edward Mignone through 12/31/19 was **tabled**.

On motion by Councilman Papaleo, seconded by Councilwoman Davis, the appointment of Ellen Busted as a Class III member of the Land Use Board to fill the unexpired term of Thomas Papaleo through 12/31/19 was **tabled**.

On motion by Councilwoman Kaufman, seconded by Councilwoman Davis the resignation of Robert Dondiego from the Beautification Committee, effective October 31, 2019 was unanimously approved.

On motion by Councilman Gautier, seconded by Councilwoman Davis the appointment of Brian Coyman to the River Edge Volunteer Fire Department effective November 12, 2019 was unanimously approved.

## **MONTHLY REPORTS –**

Alan P. Negreann, CFO	-	Public Property Report
Library Board of Trustees	-	November 2019

## **ORDINANCES – 1<sup>ST</sup> Reading**

On motion by Councilman Chinigo, seconded by Councilwoman Kaufman, Ordinance #19-21 was unanimously **tabled**.

Stephanie Evans, Borough Clerk read the title of Ordinance #19-21 into the record as follows:

**TABLED**

**TABLED**

**TABLED**

Ordinance #19-21 AN ORDINANCE TO REPEAL CHAPTER 33 OF THE CODE OF THE BOROUGH OF RIVER EDGE, “FIRE DEPARTMENT” AND REPLACE IT IN ITS ENTIRETY WITH CHAPTER 33 “FIRE DEPARTMENT”

Council President Busted-asked Borough Attorney, Tom Sarlo to make a statement regarding this ordinance.

Tom Sarlo, Esq.-stated that he asked Mr. Poerio and Labor Attorney Matthew Giacobbe who drafted the ordinance to table the ordinance to give ourselves and the sub-committee the chance to meet with the Fire Department to get their input on the ordinance. We have received some input from them and based on that input, we did make some minor modifications to it. We think it would be best to continue talking to them and have a dialogue before we introduce it. To get this ordinance passed by the end of this year, we’ll need to introduce it at the next meeting. He said that it’s imperative that we get this done between now and then so that they have the ability to adopt it before the end of the year. According to the Council, himself and the auditor, it would be prudent to have this in effect for next year.

Council President Busted-stated that she did speak with Chief George O’Connell this evening and made sure that he was aware of the Council’s intent to table the ordinance. She asked him to respond to Mr. Poerio’s request for their commitment to meeting dates that he set forward. The intent of the Council is to introduce on November 25<sup>th</sup>. He assured me that they would provide meeting dates so that the sub-committees could meet.

## **RESOLUTIONS - By Consent**

On motion by Councilman Chinigo, seconded by Councilman Papaleo resolution #19-359 through #19-362 were unanimously approved.

#19-359 Enter into Agreement with Atlantic Coast Fibers, 101 7<sup>th</sup> Street, Passaic, New Jersey 07055

WHEREAS, the Borough of River Edge has included the collection of newspaper, mixed news and co-mingled containers as part of its recycling program in an effort to reduce solid waste; and

WHEREAS, Atlantic Coast Fibers has agreed to enter into a three (3) year contract beginning November 1, 2017 with two (2) 1 year options under the terms and conditions with the Borough of River Edge for the disposal of newspaper, mixed news and co-mingled containers; and

WHEREAS, N.J.S.A. Section 40A:11-5(1)(s) and N.J.S.A. 40A:11-36 permits the awarding of a contract without competitive bidding for the marketing of recyclables; and

WHEREAS, the Borough Attorney and Superintendent of Public Works have prepared a contract containing the approved terms and conditions of the sale.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are authorized to enter into an agreement for option year 3 from November 1, 2019 to November 1, 2020 with Atlantic Coast Fibers, 101 7th Street, Passaic, New Jersey, 07055.

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#19-360 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development Grant totaling \$180,851.61 has been proposed by the Borough of River Edge for 2020 CDBG Reservoir Avenue Road Improvements in the municipality of River Edge; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of River Edge; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development application.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of River Edge hereby confirms endorsement of the aforesaid project.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development, Robert G. Esposito, One Bergen County Plaza, 4<sup>th</sup> Floor, Hackensack, New Jersey 07601 so that implementation of the aforesaid project may be expedited.

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#19-361 Award Bid for the 2018 Municipal Aid Program for Bogert Road (Section 2) Howland Avenue (Section 7, Phase V) Road Improvement Project to American Asphalt & Milling Services, LLC

WHEREAS, the Clerk was authorized to go out for bid for the 2018 Municipal Aid Program for Bogert Road (Section 2) Howland Avenue (Section 7, Phase V) Road Improvement Project via resolution 19-334 dated October 7, 2019; and

WHEREAS, the Borough of River Edge received five (5) sealed bids on October 29, 2019 the lowest from American Asphalt & Milling Services, LLC in the amount of \$391,497.93; and

WHEREAS, the lowest bid from American Asphalt & Milling Services, LLC has been reviewed by the Borough Engineer and the Borough Attorney; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-18-024-200 of the Capital Fund in the amount not to exceed \$391,497.93.

NOW, THEREFORE BE IT RESOLVED that the bid is hereby awarded to American Asphalt & Milling Services LLC, 96 Midland Avenue, Kearny, New Jersey 07032 in the amount of \$391,497.93 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

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#19-362 Award Contract to Quikteks for IT Services Related to Hardware Installation and Cloud Configuration for the Borough of River Edge

WHEREAS, there exists a need for IT services, such as, the installation of hardware and cloud configuration system as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual value of the service may exceed \$17,500; and

WHEREAS, the anticipated term of this contract will be less than a year; and

WHEREAS, Quikteks has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of River Edge elected officials in the previous one year, which would prohibit the award of this contract and that the contract will prohibit Quikteks from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C04-19-013-101 of the Capital Fund in the amount of \$17,000.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of River Edge as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement with Quikteks, 373 Route 46, Fairfield, New Jersey 07004 in the amount not to exceed \$17,000.00.

2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law.
4. A notice of this action shall be printed once in The RIDGEWOOD NEWS.

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## **PUBLIC COMMENTS –**

On motion by Councilwoman Kaufman, seconded by Councilman Chinigo to open public comments was unanimously approved.

Cindy Bequeaith-745 7<sup>th</sup> Avenue-asked if the Council has made any progress with her previous request regarding a neighbor whose home was granted a C.O. without having the previous owners take care of the sidewalk?

Ray Poerio-said that he's looking into it and he'll provide details to the Council for the next meeting.

Cindy Bequeaith-asked if the homeowners know that he's looking into it so that they won't do anything themselves at the present time?

Ray Poerio-said that he will reach out them.

Cindy Bequeaith-said that there's a lot of information out there about the Fire Department. She asked if someone could explain what's going on because she has seen things on the River Edge website that are not nice.

Tom Sarlo, Esq.-explained that the Fire Department came to the Mayor and Council this year with regard to potential irregularities in the accounting of their clothing allowance and how the calls were being tabulated for promotions. Based on our initial review, we thought there may have been some irregularities too so the Mayor and Council engaged our auditor to take a look at not only this year, but years past. The Fire Department uses a percentage of how many calls you respond to, to be able to run for office. That same percentage also determines whether they are eligible for clothing allowance and LOSAP (Length of Service Awards Program). He explained that it's like a 401K where if they make a certain percentage, the Borough will put money into an account. So that's where it fell into our hands to make sure it was being done the right way. The auditor went back and reviewed three (3) years. In the interim, there were some other allegations being set forth about harassment and so forth. Obviously the Borough took that seriously and engaged in a law firm to do an investigation. The law firm wrote a comprehensive report and that report is attorney client privilege so he can't go into details. Based on that report and based on the auditors report, which we've released, there were certain recommendations that the attorney recommended the Council to implement. He said that's where we are now. The Mayor and Council are implementing the recommendations of the independent investigation of the auditor and the law firm. He said that it has nothing to do with firematics and how they perform their job when they respond to a fire call. It has more to do with record keeping and chain of command oversight. The Fire Department is like the Police Department, although they're a quasi private entity. We like to say they are a private entity because they're a 501c3. Obviously they're in a borough building, they receive borough money, borough equipment, LOSAP, clothing allowance, worker's comp and insurance so there is some type of oversight that is needed. That's where this ordinance comes into play and the Council is not looking to get into the firematics of it, they're just implementing the recommendations of the investigation report. He said that it's long overdue because from a legal perspective, if you compare River Edge's Fire Department ordinance to surrounding towns, it's lacking. His recommendation is that it needs to be modified and there needs to be a chain of command and oversight. He said that they're not going to get into day to day operations or elections and stated that's not what this

ordinance is about.

Cindy Bequeaith-asked if there are a lot of politics going on because what she has seen on the website is terrible and very derogatory. She doesn't feel the website should be used for that.

Ray Poerio-asked if she's referring to the website or Facebook?

Cindy Bequeaith -she said Facebook.

Tom Sarlo-asked if she's referring to politics in the department?

Cindy Bequeaith-she said politics on what people are saying other people are doing.

Tom Sarlo-explained that the Council took any allegations about officers very seriously and the investigation came back that there was no illegal activity or violations of anyone's civil rights.

Cindy Bequeaith-referred to the River Edge Facebook site and asked if there's anything the Council can do about it because she's looked at it over the years and it seems that many people are using it for things that it shouldn't be used for. She feels that it should be used to help promote the town and talk about positive things and not be used for political gain.

Councilman Chinigo-asked which site is she talking about?

Council President Busted-said that they are independently operated sites.....

Councilwoman Davis-said that she spoke with the Fire Chief who said that it was the firemen's personal page and that he can't control that.

Tom Sarlo-said that he wished more people would come up like she did and inquire about what's going on with the Mayor and Council instead of believing some of these other things.

Christine Amirian-183 Kensington Road-said that she attended a Council meeting last month and provided them with information regarding the current fire sirens and potential public health issues. She said that she understands that there will be a change in Fire Department leadership and wanted to know who she can work with to collaborate on a quick resolution to this?

Ray Poerio-said that she would work through him and then he would coordinate with the Fire Department. Although they have a full plate with the Fire Department right now, he has not forgotten about it. He feels that it would be better to wait and deal with the new leadership so that they can collectively work together to address her issue.

Christine Amirian-said that Fire Chief O'Connell mentioned that he had made a request for \$150,000 in the last two budgets to possibly investigate and potentially implement a new notification system. She asked if there is a way she can get that information.

Ray Poerio-said that he would have to look into it.

Cindy Bequeaith-said that she was here at the last meeting when Christine spoke about the sirens. She said that when she and her husband were looking for houses in River Edge, they looked at a house near St. Peter's. The reason they decided against it was because of their bells. They felt that the bells would be very disruptive by going off during the day, at night on weekends and early in the morning. As much as she does sympathize, she doesn't feel that it's worth \$150,000 to look into an alternate way to do this.

Christine Amirian-said that she doesn't know where that number came from and wasn't implying to use that amount of money.....

Council President Busted-said that they don't want to have a private dialogue among members of the public.

On motion by Councilwoman Kaufman, seconded by Councilman Chinigo to close public comments was unanimously approved.

## **COUNCIL COMMENTS –**

Councilman Chinigo-said that there is some misinformation out there that we're looking to get rid of this volunteer fire department which is nothing further from the truth. He said that we value our volunteers in town greatly. As Mr. Sarlo explained, there are reasons why we're doing what we're doing. There are legal reasons and we're required to act and that's what we're doing. He said that they will certainly

work with the leadership of the Fire Department to make sure that everybody is as happy as we can make them and will take everybody's thoughts and concerns into consideration. We will do our best to make sure that we continue along the path of a volunteer fire department in River Edge henceforth. He said to the general public out there, don't just listen to Facebook because there are people with agendas that are posting things and he doesn't know why these things are posted. He said that these people did not reach out necessarily to everybody on the Council and these Facebook groups are not official town groups. He suggested that people get their information from the Council. Mr. Sarlo gave information as to what they're doing and why they're doing it. He said that they're always here two times a month for meetings and welcomed the public to come and ask questions. They will answer any question that is posed to them that they can legally answer and will always take everyone's thoughts and opinions into consideration. On a personal note, he said that they are individuals, we're your friends and your neighbors and our kids go to school with your kids. He has received emails and has seen emails directed at Mr. Poerio with words like moron, fool and other words that are not decent. He reminded everyone to act civilly towards each other and if you wouldn't come up to him when his kids are next to him and call him a moron to his face, then don't do it in an email. He feels it's just not right.

Councilwoman Davis-reported that to date, the Ambulance responded to 609 calls. In the month of October there were 54 calls; 24 medical, 10 motor vehicle, 4 fire, 3 overdoses, 2 psych and 1 assault. She also agreed with Councilman Chinigo on his comments. She did read one of the postings which upset her terribly because she knew how untrue all of it was and yet people jump on it. She said that they are here to work for the best for the River Edge residents as we are all River Edge residents and we care tremendously about the Fire Department. The things that were said and said personally to her were very disheartening. She knows in her heart that they do everything they can to work towards what's best for this town. She hopes they can work it out and that people will be kinder and listen to both sides.

Councilman Papaleo-thanked the veteran's for all that they have done and continue to do through their advocacy for the protection and security of our country especially the support to those who are returning with PTSD. He reported that the DPW is continuing to clean up our streets with leaves and feels that they are doing an outstanding job as always. He said that agrees with Council about civility and that there's no excuse for bad manners which is what he teaches his 5<sup>th</sup> graders in school. If people learn to treat others with respect, not only can they get accurate and truthful information, they can enter into a dialogue that will help them to be informed about all of the events that occur. He hopes that people will learn to respect each other because it's key to achieving good government, good civility and good neighbors.

Councilman Gautier-also echoed Councilman Chinigo's sentiments and said that they are in no way looking to replace the volunteer Fire Department. He said that it's a shame that people can post whatever they want on Facebook no matter how true or untrue it is. He feels that if people want the truth they are welcome to come to a meeting. He also thanked the veteran's as we celebrate Veteran's Day.

Councilwoman Kaufman-also agrees with Councilman Chinigo and everyone else on the dais. She had the pleasure of going to Cherry Hill and Roosevelt schools this morning to see the 5<sup>th</sup> and 6<sup>th</sup> graders celebrate Veteran's Day. She said that it was a great event and Joe Maugeri who was a World War II veteran and was at Omaha Beach and the Battle of the Budge was in attendance. The ceremony was led by Commander Bill Moran and Commander Pete Marion and again said that it was nice to hear the schools council president's talk about Veteran's Day. She informed everyone there will be a party at the Library tomorrow night at 5:30 for Mary Donohue who was the first female councilwoman in River Edge. The party is to celebrate all of her accomplishments.

Councilman Chinigo-stated that there are many things that they are not legally allowed to comment on so the fact that they cannot get on to these Facebook groups and dispute false claims shouldn't be taken to mean that they agree or we're trying to hide something from the general public. We as a Council are not legally allowed to comment on certain things outside of these chambers. When we're commenting in these chambers, we have an attorney who will caution us when we're going astray and too far and will caution us to stop talking. That's why we do it here because we have legal counsel present who can guide us in these situations.

Council President Busteed-welcomed Councilwoman-elect Lissa Montisano-Koen who will be sworn in on January 6<sup>th</sup>. Council President Busteed is appointing her to the Fire Department sub-committee. She will join Councilman Chinigo, Councilman Gautier to the sub-committee as Councilwoman Davis has many conflicts in the next few months and will not be able to attend. She welcomed and congratulated her and said that she looks forward to working with her. She also congratulated Mayor-elect Thomas Papaleo who will be sworn in and seated on January 6<sup>th</sup>. She stated that there are some Sustainable Jersey questions that need answers in order to complete the application and asked Mr. Poerio to work with the Chairwoman of the Green Team. As she mentioned at a previous meeting, the Recreation & Cultural Affairs Department will be adding a menorah to its holiday festivities this year. She shared suggestions with Mayor-elect Papaleo and asked if he would weigh in and let Carolyn know his thoughts regarding leasing versus buying the menorah. She recognized all of the veterans that are in our borough and thanked them for their service. She echoed Councilwoman Kaufman's comments and thanked her for representing the Council when the rest of them were unable to be there. She thanked this Council for heeding what Senator Booker always says that it's okay to disagree, it's not okay to be disagreeable. She thanked the Council for all the work that it does, particularly when faced with challenging times, being called names and reprimanded and not being able to respond.

Councilman Chinigo-congratulated Council President Busteed for being re-elected.

Council President Busteed-said it was her honor and thanked the residents of River Edge.

#### **ADJOURNMENT – 7:34 P.M.**

On motion by Councilman Gautier, seconded Councilman Papaleo to adjourn the meeting at 7:34 p.m. was unanimously approved.

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Council President Ellen Busteed

Attest:

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Stephanie Evans, Borough Clerk

Dated: