

**MINUTES**  
Regular Meeting of the Mayor and Council  
Monday, February 25, 2019  
6:30 P.M.

**CALL THE MEETING TO ORDER –**

Mayor Mignone called the meeting to order at 6:30 p.m. in the Council Chambers of the Borough Hall.

**SILENT PRAYER – FLAG SALUTE**

Mayor Mignone called for a moment of silent prayer and asked Councilwoman Kaufman to lead the salute to the flag.

**STATEMENT -**

Mayor Mignone read the statement under the Sunshine Law and asked the Clerk to put it into the minutes. “Adequate Notice of this meeting has been made by sending notice on December 21, 2018 to THE RECORD NEWSPAPER and THE RIDGEWOOD NEWS, by positioning on the bulletin board in the lobby of the Borough Hall and filing a Notice of the same with the Municipal

**ROLL CALL** – Councilwoman Busteed, Councilman Chinigo, Councilwoman Davis, Councilman Gautier, Councilwoman Kaufman, Councilman Papaleo and Mayor Mignone.

On motion by Councilman Chinigo, seconded by Councilwoman Davis resolution #19-101 was unanimously approved.

#19-101 Resolution to Go into Closed Session and Exclude Public

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, permits the exclusion of the public from a meeting in certain enumerated circumstances; and

WHEREAS, this public body is of the opinion that such circumstances will or presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

1. That the public shall be excluded from the February 25, 2018 Regular Session meeting and discussion of the hereinafter specified subject matter:

Closed Session <u>Docket #</u>	<u>Item Title or Description</u>	<u>Statutory Reference</u>
19-2/25-1	Potential Litigation - Almonte v R.E.	N.J.S.A. 10:4-12(7)

2. It is anticipated at this time that the above stated subject matter will be made public within a reasonable time, the substance of which will be released after the Mayor and Council or the specific authorized public body has reviewed and specifically accepted the data.

3. This resolution shall take effect immediately.

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**MOTION TO SUSPEND REGULAR SESSION AND GO INTO CLOSED SESSION**

On motion by Councilman Chinigo, seconded by Councilwoman Davis to suspend the regular session was unanimously approved.

**CLOSED SESSION TOPICS**

<b>Closed Session</b>		
<b><u>Docket #</u></b>	<b><u>Item Title or Description</u></b>	<b><u>Statutory Reference</u></b>
19-2/25-1	Potential Litigation – Almonte v R.E.	N.J.S.A. 10:4-12(7)

**MOTION TO ADJOURN CLOSED SESSION AND RESUME REGULAR SESSION – 7 P.M**

O motion by Councilman Papaleo, seconded by Councilman Chinigo to adjourn the closed session and resume regular session at 7:00 p.m. was unanimously approved.

**APPROVAL OF MINUTES –**

On motion by Councilwoman Busted, seconded by Councilwoman Davis, the minutes of the Mayor and Council Work Session and Regular Meeting of February 11, 2019 were approved on the following roll call:

Councilwoman Busted, Councilman Chinigo, Councilwoman Davis, Councilman Gautier and Councilwoman Kaufman voted yes; Councilman Papaleo abstained.

**PROCLAMATIONS & AWARDS – NONE**

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

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

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

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 Gautier, seconded by Councilwoman Davis, the salary increase of Chris Lau, Crossing Guard from an hourly Step II rate of \$19.54 to Step III - \$20.58 effective March 12, 2019 was unanimously approved.

On motion by Councilwoman Kaufman, seconded by Councilman Chinigo, the satisfactory completion of a six-month probationary period and salary increase of Peter Van Gunst, Crossing Guard from an hourly probationary rate of \$16.00 to Step I - \$18.51, effective March 24, 2019 was unanimously approved.

On motion by Councilman Papaleo, seconded by Councilman Chinigo, the salary increase of Scott Ader, Equipment Operator I in the Department of Public Works from an annual salary of \$77,104.00 to \$77,584.00 due to an increase in longevity from \$960.00 to \$1,440.00 effective March 26, 2019 was unanimously approved.

On motion by Councilman Chinigo, seconded by Councilman Papaleo, the hire of Mark A. DiPisa, Esq., as Alternate Municipal Prosecutor, effective February 26, 2019 was unanimously approved.

**CORRESPONDENCE – NONE**

**MONTHLY REPORTS –**

Shade Tree Commission - January 2019

**ORDINANCES – 1<sup>ST</sup> READING –**

Stephanie Evans, Borough Clerk read the title of Ordinance #19-7 into the record as follows:

Ordinance #19-7 AN ORDINANCE AMENDING CHAPTER 400, VEHICLES AND TRAFFIC, ARTICLE III TRAFFIC REGULATIONS, 400-21 “TURNS”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

On motion by Councilman Chinigo, seconded by Councilwoman Busteed, Ordinance #19-7 was approved on the following roll call:

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

BOROUGH OF RIVER EDGE  
ORDINANCE #19-7

AN ORDINANCE AMENDING CHAPTER 400, VEHICLES AND TRAFFIC, ARTICLE III TRAFFIC REGULATIONS, 400-21 “TURNS”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey:

Section I: Article III, 400-21 Turns is hereby amended as follows:

B. Left turns: No person shall make a left turn on any of the following streets:

- (13) Kinderkamack Road (north) onto Adams Avenue between the hours of 7:00 a.m. and 9:00 a.m. and 2:00 p.m. to 6:00 p.m. Monday through Friday from September 1<sup>st</sup> to June 30<sup>th</sup>.
- (16) Kinderkamack Road (north) onto Jefferson Avenue between the hours of 7:00 a.m. and 9:00 a.m. And 2:00 p.m. to 6:00 p.m. Monday through Friday from September 1<sup>st</sup> to June 30<sup>th</sup>.

Section II: All ordinances inconsistent with the provision of this ordinance are hereby repealed as to such inconsistencies only.

Section III:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgement of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

Section IV:

This ordinance shall take effect immediately upon final passage and publication as required by law.

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Mayor Edward J. Mignone

ATTEST:  
Stephanie Evans, RMC  
Borough Clerk

**ORDINANCE – 2<sup>ND</sup> READING – NONE**

**RESOLUTIONS – By Consent**

On motion by Councilman Gautier, seconded by Councilman Chinigo to approve resolution #19-102 through #19-107 were approved unanimously.

#19-102 Approve Renewal of Liquor License

WHEREAS, application for renewal of liquor licenses have been filed with the Clerk of the Borough of River Edge by the following licenses; and

WHEREAS, reports have been received from the Police Department, Fire Prevention Official and the Department of Health that the following premises holding liquor licenses in the Borough have been found in order in accordance with the rules and regulations of this Borough and the required fees have been received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the Borough of River Edge that the following licenses be issued for the premises described for a period of one (1) year commencing July 1, 2018; and

BE IT FURTHER RESOLVED that Stephanie Evans, Borough Clerk, be directed to sign and deliver said licenses on behalf of the Borough of River Edge.

**PLENARY CONSUMPTION LICENSES**

0252-33-001-005	PEJA Corp., T/A Rugova 259 Johnson Avenue. River Edge, New Jersey 07661	\$2,500.00
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**#19-103 Resolution of Support from the Borough of River Edge Authorizing the Sustainable Jersey Grant Application**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of River Edge strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of River Edge is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Governing Body of the Borough of River Edge has determined that River Edge should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of River Edge, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

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**#19-104 Authorize Tax Collector to Cancel and Refund the Added Assessment 2018 Taxes Due to a County Board Judgment**

WHEREAS, the Tax Office has received an Added Assessment County Board Judgment for the year 2018 cancelling/adjusting the Added Assessment billing on the following property(s); and

WHEREAS, the reduction in assessed value has also reduced the total tax amount billed and due for 2018; and

WHEREAS, the 2018 Added Assessment billed amount has been paid.

NOW, THEREFORE BE IT RESOLVED, that the Account Supervisor issue a refund check(s) in the following amount(s) and the Tax Collector adjust her records accordingly.

<u>Block/Lot</u>	<u>Owner/Address</u>	<u>AA Assessed</u>	<u>Revised AA</u>	<u>Refund of Taxes</u>
1003/18	Davenport Development 426 Lafayette Avenue	38,800	0	1,317.26

Please make check payable to: Davenport Development, LLC  
mail to: 219 Changebridge Road  
Montville, NJ 07045

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#19-105 Authorize Tax Collector to Reinstate Installment Billing of Ordinance #1865 on the Property Located at 910 Fifth Avenue, Block 104, Lot 11

WHEREAS, Ordinance #1865 was confirmed and by resolution #17-297 on September 5, 2017 the Special Assessment billing was set for 8 properties with a payment due date of November 6, 2017; and

WHEREAS, the homeowner at 910 Fifth Avenue, Block 104, Lot 11, received via Certified Mail a bill in the amount of \$477.57 for work completed under the Ordinance; and

WHEREAS, the homeowner elected to pay 5 yearly installments to be completed by 2021 and the first installment was received on November 6, 2017 in the amount of \$95.00; and

WHEREAS, on December 6, 2018 through January 23, 2019 delinquent notice mailings were sent based on N.J.S.A 40:56-35, installment payments that remain unpaid for 30 days after the time they are due become due immediately and the balance of the assessment must be paid in full with interest to the date of payment; and

WHEREAS, at the request of the homeowner, the Mayor & Council has elected to reinstate the installment plan based on N.J.S.A 40:56-35, which states the governing body may permit any person who is delinquent in the payment of such an installment to pay only the amount of the delinquent payment and any interest on the delinquent payment that has accrued from the date that the installment was due and payable until the date that payment of the delinquent installment is made. After the delinquent installment is satisfied, the person assessed shall be reinstated on a regular installment payment schedule; and

WHEREAS, at the Mayor & Council meeting of February 11, 2019 it was agreed by the governing body that the homeowner be granted 90 days to make the delinquent installment payment plus interest and once received to reinstate the installment plan.

NOW, THEREFORE BE IT RESOLVED, that the Tax Collector is hereby authorized to collect the delinquent installment payment only plus interest and reinstate the installment plan if payment is satisfied within 90 days from this date and if the delinquency continues, it will be enforced through the tax sale process.

Block/Lot	Homeowner	Installment	Interest (90 days)	Total Due
104/11	Moger, Anthony & Regina 910 Fifth Avenue	95.00	3.40	98.40

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#19-106 Award of Contract for Cleaning Services to Jan-Pro of Northern NJ, 142 Fairfield Road, Fairfield, New Jersey 07004

WHEREAS, there exists a need for cleaning services for the Borough Hall and Public Safety Building in the Borough of River Edge; and

WHEREAS, the Borough solicited for quotations for cleaning services and received three (3) quotations, the lowest from Jan-Pro of Northern NJ; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-26-3102-187 of the Current Fund in the amount not to exceed \$3,754.20.

NOW, THEREFORE BE IT RESOLVED the Mayor and Borough Clerk are authorized to execute an agreement with Jan-Pro of Northern NJ for cleaning services for the Borough Hall and Public Safety Building on a month to month basis in the amount not to exceed \$3,754.20 per month.

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#19-107 Transfer of Funds in the Budget Appropriation Reserve

WHEREAS, various 2018 bills have been presented for payment this year, which bills were not covered by a purchase order number and/or recorded in the time of transfer between the 2018 Budget Appropriation Reserve in the last two months of 2018; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months on the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that the transfer in the amount of \$3,000.00 be made between the 2018 Budget Appropriation Reserves as follows:

FROM: Fire S/W	01-2030-25-2551-011	\$ 500.00
TO: Uniform Fire Safety S/W	01-2030-25-2651-011	\$ 500.00
FROM: Other Code Enforcer S/W	01-2030-22-2001-011	\$2,500.00
TO: Municipal Land Use Board O/E	01-2030-21-1802-028	\$2,500.00

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Councilwoman Kaufman read resolution #19-108 into the record.

On motion by Councilwoman Kaufman, seconded by Councilman Chinigo, resolution #19-108 was unanimously approved.

#19-108 Payment of Bills

WHEREAS, vouchers for the payment of goods and services rendered to the Borough of River Edge have been received; and

WHEREAS, each bill has been checked by the receiving department, approved by the Chief Financial Officer and Borough Clerk and reviewed by the three members of the Finance Committee.

NOW, THEREFORE, BE IT RESOLVED that bills as listed now be confirmed for payment from the appropriate funds as follows:

CURRENT ACCOUNT	\$70,831.96
RECREATION ACCOUNT	\$ 475.00
TRUST OTHER DEVELOPERS ACCOUNT	\$ 51.54
TRUST OTHER ACCOUNT	\$ 556.93

BE IT FURTHER RESOLVED, that claims read and approved by the Governing Body at a Council meeting will be dated the day after the reading of those claims and will appear on the following bill list at the next public meeting of the Mayor and Council at which time claims would be paid.

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**OPEN HEARING OF THE PUBLIC -**

On motion by Councilman Chinigo, seconded by Councilwoman Busted to open the hearing of the public was unanimously approved.

Lou Grasso-172 Lozier Terrace-stated that a few meetings back, there was talk about the impending legislation where they might make marijuana legal, and there was talk of an ordinance ....  
Mayor Mignone-explained that it was an opt-in, opt-out and assumes that that's still how the legislation.....

Tom Sarlo, Esq.-said right now, yes.

Mayor Mignone-explained that we haven't received any final proposal from the legislature yet.

Tom Sarlo, Esq.-stated that because the legislation does not exist right now, the way it reads is all of these towns that are adopting these ordinances opting out of the legislation will have to re-do it all over again. It's great public press for them but they're going to need to do it all over again. Once the statute is done, he believes that there's a time period, which he thinks is 90 or 180 days from the day the regulations are set to opt-out. He feels that there is plenty of time to do that and if you're doing it now, you're wasting time and money.

Lou Grasso-said that he knows that different towns have a different zoning ordinances. Some towns have a list of permitted uses and (in audible). Some towns like River Edge have a list of permitted uses....

Tom Sarlo, Esq. – said that's a totally separate issue.

Mayor Mignone-said that he doesn't know how legally that holds because essentially our ordinance is written as a permissible ordinance so if it's not listed, it's presumed not permitted.

Lou Grasso-feels that it's a gray area because it has a list of permitted uses and at the bottom it says something to the effect and other uses which are similar or something like that.

Cindy Bequeaith-745 7<sup>th</sup> Avenue-asked how they are progressing with filling John Lynch's shoes. She asked if they would be hiring someone in the near future?

Mayor Mignone-said he would expect so. They've been going through several interview rounds and are getting close to point of making a decision.

Cindy Bequeaith-said with regard to the Community Center, she knows that there was a traffic survey done and there was a meeting held for the residents mostly from Tenney Avenue to review the results of it. She wanted to hear what the result was and also wanted an update of where we stand on the Community Center right now.

Mayor Mignone-stated that the meeting she was referring to was not only for the people of Tenney it was a full open public hearing. We chose to give additional notice to the people within 200 feet to be consistent with the Land Use Law. He again stated that it was an open public meeting, it wasn't just meant for people on Tenney. He doesn't know if he can get into all of the details because he doesn't remember all of them. He said that it's on the video and he can certainly get her a copy of the minutes which are pretty comprehensive as to what the testimony was by the Traffic Engineer. The Land Use Board had its own capital review hearing and Mr. Grasso is on the board so he might be able to speak about that more than the Mayor. He assumes, because he wasn't there, that the testimony given was probably the same as what we heard at the Council level. As far as it goes, the Land Use Board has made some general recommendations in terms of what they think would improve the plan. At this point, the professionals are reviewing those recommendations to see which ones can be implemented and if there is any significant changes required. That's where we are right now.

Cindy Bequeaith-said at this point, it doesn't look like anything will be done there until at least summer.

Mayor Mignone-said it depends. He hopes that we can have Mr. Costa come to the next Council meeting and tell us where those revisions stand and then we can make a decision from that point.

Cindy Bequeaith-so you think they'll be taking down the building (inaudible).

Mayor Mignone-said he can't say at this point. To him, if they can absorb the changes or recommendations from the boards, his personal position is there is no reason why they shouldn't go out to bid. Then they can get bids in, hopefully the costs will come in where they think they're going to be and then proceed but we're not at that point yet.

## **CLOSE HEARING OF THE PUBLIC -**

On motion by Councilman Chinigo, seconded by Councilwoman Davis, to close the hearing of the public was unanimously approved.

## **COUNCIL COMMENTS –**

Councilwoman Davis-stated that she spoke with Carol Mah, the President of SCORE who was looking for an update on the Community Center. Councilwoman Davis told her pretty much the same thing that the Mayor had just said. She was under the impression that it would be built this year. Mrs. Mah also had questions about the budgeted money that was reduced for them and she told her about the grant money that they still hadn't used. Councilwoman Davis reported that Fire Company #2 operated at the Fort Lee apartment fire on Valentines Day. Four towns ran and coupled their hoses from the hydrant on Route 4 all the way up Executive Drive hill and that's how they got the water up there. She was able, through Chief O'Connell, to obtain the New Milford Truck Grant paperwork which she gave to Alan. She reported that they will be having a Farmer's Market meeting tomorrow night.

Councilman Chinigo- informed everyone that the sub-committee meeting with the River Edge Board of Ed is going to take place on March 14<sup>th</sup>. Council President Busted had an idea that she asked him to bring up. Currently the sub-committee is himself, the Mayor and Carolyn Baldanza and Councilwoman

Kaufman will be added. He brought up the idea of having Alan as part of the sub-committee but Alan wasn't interested as he has too much on his plate right now. Council President Busteed pointed out that perhaps the next Administrator should be part of the committee.

Mayor Mignone said that he still thinks Alan needs to be involved up until the time he leaves because he has a counterpart over there that he needs to keep in contact with. The Mayor doesn't want to put anything more on his plate right now either but wants to make sure he's kept in the loop regarding the agendas and minutes. If we need him to do something, he's sure that he'll stay involved. The Mayor agrees with Councilman Chinigo on both counts.

Councilwoman Busteed handed out to the Council a flyer that the Environmental Commission has worked on and shared with them the unique way that they're planning on distributing it. She mentioned it a while ago, it's called Recycle Right in River Edge which is an easy way to see what we should be recycling and what we should not be recycling. On the other side, it promotes Recycle Coach and also talks a little bit about how much we spend for landfill costs versus what revenue we take in currently for recycling. The Environmental Commission wants to distribute this through the Boy Scouts Scouting for Food Program. The Boy Scouts will deliver it with Scouting for Food and hopefully turn the Scouting for Food into a bag less effort banning plastic bags. They are hoping to receive contributions for reusable bags and introduce it 100% or phase it in starting this year using the Boy Scouts to distribute the Recycle Right in River Edge flyer. Councilwoman Busteed said that they've been working on this well over 6 months and have done a great job with working with Atlantic Coast Fibers and our DPW. She said that Lisa Hessman has been very very helpful. They will also be helping Alan by delivering the stormwater regulations that we're required to send out. She is receptive to any comments and feels that they've done a great job and really doesn't need much work at all. They're ready to go to print and use the Boy Scouts to distribute them to all of our residents. She said that Lisa Hessman is on board with this as well.

Councilman Papaleo commented on the way that the back page was laid out.

Councilwoman Busteed said that this is only a draft.

Councilwoman Davis thought that it would be a fold over.

Councilwoman Busteed said it might be but they'll make those adjustments. She thanked our resident Lisa Gunta who has volunteered her graphic design skills to work with the Scouts. This is a great effort and if they can eliminate the plastic bags from that effort, that would be fantastic too. She announced that tomorrow evening the River Dell PTO is hosting "Alumni and Recovery" which is open to all members of the public and not just parents. They will share the Alumni and Recovery Program that the students see at River Dell. The program will begin at 7 p.m. at the high school library. She encouraged everyone to reach out to other communities and extend the invitation as well. Councilwoman Davis mentioned the wellness grant that is still available to the seniors and Councilwoman Busteed had asked Carolyn Baldanza, our Rec Director to see whether there is any opportunity that she can find to utilize the grant because we don't want to lose that money which has to be spent by June 30<sup>th</sup>. Carolyn will be working with both Councilwoman Davis and Kaufman to assist SCORE or on something that can be utilized by other seniors that may not participate in SCORE.

Councilman Papaleo stated that he is in weekly contact with our DPW and has nothing of urgency to report to the Council. He was not able to attend the last Shade Tree Commission meeting due to parent teacher conferences but has nothing to report. He stated that DPW would like to get a Home Depot government commercial credit account but Alan was concerned with the legality and requested to see the paperwork. He reported that they do have an account with ACE but there are things that ACE doesn't carry that they need and it would provide them with a great second option especially for emergency repairs with equipment.

Councilman Gautier said that tomorrow he will be attending the State of the County address by the County Executive and will report back to the Council at the next meeting.

## **ADJOURNMENT – 7:22 P.M.**

On motion by Councilwoman Davis, seconded by Councilman Gautier to adjourn the meeting at 7:22 p.m. was unanimously approved.

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Mayor Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk

Dated: