

# **MINUTES**

Regular Meeting of the Mayor and Council

Monday, June 24, 2019

7:00 P.M.

## **CALL TO ORDER –**

Mayor Mignone called the meeting to order at 7:00 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 everyone to remember James Paul, a long time member and past Chief of the Fire Department who passed away on June 16th. The Mayor asked Tom Sarlo, Esq. 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 Clerk”.

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

## **HEARING ON FAIR SHARE HOUSING SETTLEMENT AGREEMENT**

Brian Chewcaskie, Esq.- explained that there have been negotiations ongoing for the past year with the Court Appointed Master and Fair Share Housing. As a result of those negotiations, they were able to arrive at a settlement which he is providing to the Council this evening. He explained what the process will be going forward. He feels that this is a very good settlement based upon the densities that are being proposed and the municipality is in control by creating its own ordinances. Mayor Mignone-feels that this is a more than fair settlement and feels that the longest lasting legacies for himself and this council will be this settlement. He is happy that whatever development that they do bring in will be scaled and consistent with the character of the borough and will meet our obligations to the best of our ability. He thanked Tom Behrens for all of his work in getting us credits for the previous rounds and also thanked Mr. Chewcaskie for his insight which was invaluable throughout the process.

Councilwoman Davis-stated for the record that although they didn't ask any questions now, they did ask them at previous work sessions.

Brian Chewcaskie, Esq.-thanked the Mayor and Council for rescinding the redevelopment ordinances. He explained that it opened the door to start negotiations with Fair Share to say these are not realistic and that realism led to lesser proposed density. This covers you from 1999 to 2025 and 2025 is right around the corner. They've seen that we've been dealing with this for 4 years and realize how long it took to get here.

Councilman Gautier-stated that they've discussed in closed session other municipalities that weren't able to come to agreement with Fair Housing and asked if he would speak about that.

Brian Chewcaskie-explained that we're basically at the 4 year anniversary of filing and the courts direction was that they were supposed to be resolved within 6 months. The administrative office of the courts have come down on all assignment judges in all of the counties and said that if these cases aren't settled, they will be tried. There was one case that was tried for methodology which means how you calculate the affordable housing attributable to a municipality after you do that for the region. It was called the Jacobson Decision and was not beneficial to municipalities in terms of methodology. Municipalities that have not settled cases, mostly outside of Bergen County, have been hurt pretty hard by the trial judges. We basically took the approach that more than 25 units per acre would never fly in this town and were able to stick with that. He gave examples of other towns that are at higher densities and explained the risks of not resolving the matter.

Mayor Mignone-said that it speaks to the point on how well this worked out because previous councils approved densities of 60-75 units per acre and building heights up to 11 stories. He feels that we're fortunate that they did not take that as a desire of this borough to see that kind of development occur here and we were able to come back to something that's more realistic and is actually feasible.

Brian Chewcaskie, Esq.-explained that the Court Appointed Master had a realistic approach as he

had a relative that grew up in River Edge so he was quite familiar with the fabric of the community and was not hard pressed to require very tall buildings.

On motion by Councilman Chinigo, seconded by Councilwoman Davis to open the hearing on Fair Share Housing Settlement Agreement was approved unanimously.

Casey Connors-259 Adams Avenue-asked how can they compare Englewood Cliffs or Englewood to River Edge?

Brian Chewcaskie-replied, you can't. He was responding to the question from Councilman Gautier as to what could happen if you don't settle. You would be subject to higher densities. He said that you can't compare the two towns because the fabric is different but you have to take into consideration what's happening in other communities in the region. The region, unfortunately is Bergen, Passaic, Hudson and Sussex.

Casey Connors-said if you go to Sussex, the properties up there are 5, 10 or even more acres each.

Brian Chewcaskie-said there's no doubt about it but Region 1 for affordable housing purposes are those 4 counties. So although everything is different in those communities, the region has to provide the affordable housing. Those communities would be obligated to provide housing also and probably at higher densities than 1 unit per 5-10 acres.

Casey Connors-asked 1 to 5 per acre?

Brian Chewcaskie-replied, no. They would have to provide more density than 1 unit per 5 to 10 acres.

Casey Connors- you can't go down and level anything that's around here?

Brian Chewcaskie-said you might be able to. Certainly under the current scenario, what the courts and the masters are looking at are unproductive areas of the community such as vacant industrial or office buildings which could be converted to housing. In the past those weren't considered but now they are being considered. What was looked at in the past is what land did you have available to create affordable housing. He also consults in Wayne and Wayne has a big problem because of Toys R Us and GAF buildings.

Casey Connors-said they're large pieces of property that are being sold parcel by parcel.

Brian Chewcaskie-replied that they're not being sold off, they're one large parcel that's going to be developed and there will be significant housing on those sites.

Casey Connors-said that he read that it's the same thing with the pharmaceutical place on Route 3 in Nutley/Clifton.

Brian Chewcaskie-explained that in Nutley/Clifton the pharmaceutical place is being developed a little more responsibly because that's where the medical school is but in Wayne, Toys R Us and GAF will be large affordable housing sites. He agrees that River Edge is unique, but in terms of densities in other communities, he believes the densities are appropriate in River Edge.

Mayor Mignone-said that he thinks the larger point is that the original obligation that we were assigned was something close to 200 affordable units. If you multiply that by 5, we would've had to absorb over 1,000 units of housing which is not going to be the case with this. That's the perspective that we need to look at from River Edge's point of view.

Cindy Bequeaith-asked what the density is for us and is how many units per acre?

Brian Chewcaskie-said New Bridge Landing Station is 25 dwelling units an acre which is the transit area. Kinderkamack is 20 dwelling units an acre and the Batting Cage site is 20 dwelling units an acre.

Cindy Bequeaith-said when you talk about New Bridge Landing, are you talking about what used to be the amusement park?

Brian Chewcaskie-replied, it's the area on both sides which includes 5 lots. 2 lots are owned by the Borough and 3 are owned by NJ Transit.

Cindy Bequeaith-asked out of 1 acre, approximately how many.....

Brian Chewcaskie-explained that the total site is 3.8 acres and the total units would be 95 which is an estimate.

Cindy Bequeaith-asked out of that, 15-20% would be affordable housing?

Brian Chewcaskie-replied, 19 would be affordable.

Cindy Bequeaith-said she was looking for a percentage.

Brian Chewcaskie-replied 20. Usually the rule of thumb is 15% if it's rental and 20% if it's for sale housing.

Mayor Mignone-asked with regard to the densities, those are also going to be impacted by our bulk standards that we're going to impose?

Brian Chewcaskie-replied, correct.

Mayor Mignone-said if they can't get 20 units per acre, we're not beholden to the 20 units in terms of having to add increased height or anything like that.

Brian Chewcaskie-said, that is correct. He explained that he will endeavor to create an ordinance with bulk standards that will be close to the density but there are other factors that may impact.....

Mayor Mignone-said we know how difficult these sites are in terms of development potential, without worrying about the affordable components. We've seen it with the Johnson Avenue site, the Kinderkamack site and the Transit site that we can't get everything you want on these 3 parcels

without going very high densities or very high heights.

Brian Chewcaskie-said what's interesting with these sites in terms of housing sites, they're a combination of a number of lots but you're still less than 4 acres when you combine the lots.

Cindy Bequeaith-asked if there is a height restriction in River Edge?

Tom Behrens-said it depends on what zone it is. In the R-1 which is mostly single family area is 30 feet, 2 ½ stories and the south end of town around the train he thinks is 3 stories.

Brian Chewcaskie-thought it might be 45.

Mayor Mignone-said that there's no residential permitted in the R-2 zone.

Cindy Bequeaith-asked if residential housing can't go higher than 3 floors?

Brian Chewcaskie-said that he will be creating an ordinance that will probably have 3 stories or 3 stories over parking in those zones.

Tom Behrens-explained that those regulations don't exist yet.

Casey Connors-asked if there is an area near the batting cages just past the old Toyota dealership that is going to be developed?

Tom Behrens-the parcels include the BP gas station, batting cages and the old furniture store.

Casey Connors-said you're trying to take the BP station?

Tom Behrens-explained that it's about creating opportunity or creating a zone that allows for the development of residential and affordable housing.

Casey Connors-thinks they would be crazy to even put a piling there?

Tom Behrens-explained that it would be investigated by engineers.

Brian Chewcaskie-said that we're providing the opportunity but we recognize the sites constraints.

Lou Grasso, 172 Lozier Terrace-said since the settlement with Fair Housing and the Borough that everyone has agreed to, does this preclude a building from filing a lawsuit if he wants to have a higher density than what we agreed on?

Brian Chewcaskie-said that is correct. We have immunity which means that we are protected from builders remedies law suits through August 31<sup>st</sup> of this year. Once this settlement is approved and executed, there will be a fairness hearing date. If the fairness hearing date is after August 31<sup>st</sup>, the immunity will be extended. At the fairness hearing, the Borough will get a conditional judgment of repose which will protect the Borough from any builder remedy lawsuits to 2025 as long as we do what we said we would do and enact the ordinances.

Mayor Mignone-asked, from a political standpoint, do we know what the thinking is in the legislature going forward?

Brian Chewcaskie-replied, zero.

Mayor Mignone-asked, even after this round is complete?

Brian Chewcaskie-explained that even after his discussions with our esteemed legislators, zero. These are discussions that he's been having since 2015.

Mayor Mignone-said in playing devils advocate, the only future thing they could possibly do to us is increase overlays. We can't create more space.

Brian Chewcaskie-said again, we can't create more space but we're protected to 2025 no matter what happens. And if what happens is beneficial to the municipality if there's more than a 10% spread, we'll get the benefit of it. Meaning, 10% lower. If it goes higher, we're still protected. Right now, affordable housing is not on the radar of the legislature.

Casey Connors-asked who's protecting what?

Brian Chewcaskie-explained that the Borough is protected from builders remedy lawsuits which means a builder can't come in and say.....

Casey Connors-said as of right now it's law?

Brian Chewcaskie-replied, as of right now. It will probably be that way until at least 2025.

On motion by Councilwoman Busteed, seconded by Councilman Chinigo to close the hearing on Fair Share Housing Settlement Agreement was approved unanimously.

On motion by Councilman Chinigo, seconded by Councilwoman Davis to approve resolution #19-239 was unanimously approved.

#### #19-239 Resolution Authorizing the Mayor to Execute a Settlement Agreement with Fair Share Housing Center

WHEREAS, the Borough of River Edge (the "Borough") is involved in litigation entitled In the Matter of the Borough of River Edge, County of Bergen in the Superior Court of New Jersey, Docket No. BER-L-6292-15, with respect to River Edge's affordable housing obligation; and

WHEREAS, a Settlement Agreement has been reached between the Borough and Fair Share Housing Center, a copy of which is on file with the Borough Clerk.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of River

Edge that the Settlement Agreement between the Borough of River Edge and Fair Share Housing Center be executed by the Mayor and Township Clerk in accordance with the provisions of law.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately in accordance with law.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be provided to: the Fair Share Housing Center; and Brian M. Chewcaskie, Esq.

June 24, 2019

#### **APPROVAL OF MINUTES –**

On motion by Councilman Papaleo, seconded by Councilwoman Busted the minutes of the Work Session Meeting of June 11, 2019 were approved on the following roll call: Councilwoman Busted, Councilman Chinigo, Councilman Gautier, Councilwoman Kaufman and Councilman Papaleo voted yes; Councilwoman Davis abstained.

On motion by Councilwoman Kaufman, seconded by Councilman Gautier the minutes of the Regular Meeting of June 11, 2019 were approved on the following roll call: Councilwoman Busted, Councilman Chinigo, Councilman Gautier, Councilwoman Kaufman and Councilman Papaleo voted yes; Councilwoman Davis abstained.

On motion by Councilman Gautier, Councilman Chinigo the minutes of the Closed Session Meeting of June 11, 2019 were approved on the following roll call: Councilwoman Busted, Councilman Chinigo, Councilman Gautier, Councilwoman Kaufman voted yes; Councilwoman Davis and Councilman Papaleo abstained.

On motion by Councilman Gautier, seconded by Councilman Chinigo the minutes of the Closed Session Meeting of May 28, 2019 were approved unanimously.

On motion by Councilman Papaleo, seconded by Councilwoman Davis, the minutes of the Closed Session Meeting of January 22, 2018 were approved on the following roll call: Councilwoman Busted, Councilman Chinigo, Councilwoman Davis and Councilman Papaleo voted yes; Councilman Gautier and Councilwoman Kaufman abstained.

On motion by Councilwoman Busted, seconded by Councilman Papaleo, the minutes of the Closed Session Meeting of February 26, 2018 were approved on the following roll call: Councilwoman Busted, Councilman Chinigo and Councilman Papaleo voted yes; Councilman Gautier, Councilwoman Davis and Councilwoman Kaufman abstained.

On motion by Councilman Chinigo, seconded by Councilwoman Busted, the minutes of the Closed Session Meeting of March 12, 2018 were approved on the following roll call: Councilwoman Busted, Councilman Chinigo, Councilwoman Davis and Councilman Papaleo voted yes; Councilman Gautier and Councilwoman Kaufman abstained.

On motion by Councilman Chinigo, seconded by Councilwoman Davis, the minutes of the Closed Session Meeting of March 13, 2018 were approved on the following roll call: Councilwoman Busted, Councilman Chinigo, Councilwoman Davis and Councilman Papaleo voted yes; Councilman Gautier and Councilwoman Kaufman abstained.

On motion by Councilman Chinigo, seconded by Councilwoman Davis the minutes of the Closed Session Meeting of March 26, 2018 were approved on the following roll call: Councilwoman Busted, Councilman Chinigo, Councilwoman Davis and Councilman Papaleo voted yes; Councilman Gautier and Councilwoman Kaufman abstained.

On motion by Councilman Gautier, seconded by Councilman Chinigo, the minutes of the Closed Session Meeting of April 9, 2018 were approved on the following roll call: Councilwoman Busted, Councilman Chinigo, Councilwoman Davis, Councilman Gautier and Councilman Papaleo voted yes; Councilwoman Kaufman abstained.

On motion by Councilman Chinigo, seconded by Councilwoman Davis, the minutes of the Closed Session Meeting of May 14, 2018 were approved on the following roll call: Councilwoman Busted, Councilman Chinigo, Councilwoman Davis, Councilman Gautier and Councilman Papaleo voted yes; Councilwoman Kaufman abstained.

On motion by Councilman Gautier, seconded by Councilwoman Busted, the minutes of the Closed Session Meeting of June 11, 2018 were approved on the following roll call: Councilwoman Busted, Councilman Chinigo, Councilwoman Davis and Councilman Gautier voted yes; Councilman Papaleo and Councilwoman Kaufman abstained.

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

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

**Mayor’s Appointment –**

The Mayor re-appoints Ronald Starace as Emergency Management Coordinator for a three (3) year term through May 16, 2022

The Mayor appoints John Felice as Alternate #2 to the Land Use Board to fill the unexpired term of George Siderias through 12/31/20.

**APPOINTMENTS & PERSONNEL CHANGES –**

On motion by Councilwoman Busted, seconded by Councilwoman Davis, the salary change of Christopher Tabor, Laborer in the Department of Public Works from an annual Laborer II, Step 3 salary of \$44,359.00 to Laborer II, Step 4 - \$44,865.00 effective July 5, 2019 was approved unanimously.

On motion by Councilman Chinigo, seconded by Councilwoman Busted, the hire of Camp Staff from July 1, 2019 through August 2, 2019 as per the list on file with the Borough Clerk’s office was unanimously approved.

On motion by Councilwoman Busted, seconded by Councilman Chinigo, the salary increase of Mary Anne Guiliano, Youth Services Librarian from an annual salary of \$58,919.00 to \$59,399.00 due to an increase in longevity from \$480.00 to \$960.00 effective April 11, 2019 was unanimously approved.

On motion by Councilman Chinigo, seconded by Councilwoman Davis, the resignation of William Payne, Crossing Guard effective June 4, 2019 was unanimously approved.

On motion by Councilman Gautier, seconded by Councilman Chinigo, the resignation of George Siderias from the Land Use Board as Alternate #2, effective June 19, 2019 was unanimously approved.

**CORRESPONDENCE –**

Municipal User Friendly Budget - 2019  
Joint Insurance Fund – Lost Time Accident Frequency Report through 4/30/19

**MONTHLY REPORTS –**

Library Board of Trustees	-	June 2019
Tax Collector	-	May 2019
Land Use Board	-	May 2019

**ORDINANCES – 1<sup>st</sup> Reading**

Stephanie Evans, Borough Clerk read the title of Ordinance #19-15 into the record.

Ordinance #19-15 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, “VEHICLES AND TRAFFIC”, ARTICLE II, SUBJECT 14 “AMBULANCE CORPS PARKING SPACES”.

On motion by Councilman Papaleo, seconded by Councilman Chinigo to approve the first

reading of Ordinance #19-15 as follows:

BOROUGH OF RIVER EDGE  
ORDINANCE #19-15

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL  
ORDINANCE OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, “VEHICLES AND  
TRAFFIC”, ARTICLE II, SUBJECT 14 “AMBULANCE CORPS. PARKING SPACES”

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, and State of New Jersey, that Chapter 400 “Vehicles and Traffic” of the Revised General ordinances of the Borough of River Edge is hereby amended and supplemented as follows:

Chapter 400, Article II, Subject 14: *Ambulance Corps parking spaces* shall reflect the following:

Section I: the following shall be rescinded:

It shall be unlawful to park a motor vehicle in spaces in the Borough parking lot on the south side of Continental Avenue between Oak Avenue and Millbrook Drive which are designated “Ambulance Corps Parking: unless the person parking exhibits an approved insignia indicating the person is a member of the River Edge Volunteer Ambulance Corps. and that person is on duty in some capacity with the River Edge Volunteer Ambulance Corps.

Section II: the following shall be added:

It shall be unlawful to park, stand, or stop a motor vehicle near the north curb of Continental Avenue from 75 feet from the west property line of 210 Continental Avenue. This section of the curb is designated “Ambulance Service Parking ONLY” unless the person parking exhibits an approved insignia indicating the person is a member of the River Edge Volunteer Ambulance Service and that person is on duty in some capacity with the River Edge Volunteer Ambulance Service.

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 judgment 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.

\_\_\_\_\_  
Mayor Edward J. Mignone

Attest:

\_\_\_\_\_  
Stephanie Evans, Borough Clerk  
Dated:

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Stephanie Evans, Borough Clerk read the title of Ordinance #19-16 into the record.

Ordinance #19-16 AN ORDINANCE TO AMEND ARTICLE 350-39 OF THE BOROUGH OF  
RIVER EDGE’S ZONING ORDINANCE ENTITLED, “PERFORMANCE GUARANTEES”

On motion by Councilwoman Kaufman, seconded by Councilman Papaleo, the first reading of Ordinance #19-16 was unanimously approved as follows:

BOROUGH OF RIVER EDGE  
ORDINANCE #19-16

AN ORDINANCE TO AMEND ARTICLE 350-39 OF THE BOROUGH OF RIVER EDGE'S ZONING ORDINANCE ENTITLED, "PERFORMANCE GUARANTEES"

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

Article 350-39 of the Zoning Ordinance of the Borough of River Edge shall be and are hereby repealed in its entirety and replaced by the following:

**ARTICLE 350-39**

**Performance and Maintenance Guarantees.**

**§350-39. Developer's Agreement.**

With respect to all applications for subdivision and site plan approval, the Borough of River Edge Municipal Land Use Board shall condition any such approval upon the execution of a developer's agreement between the Borough of River Edge Municipal Land Use Board (the "Board") and the applicant specifying, in part, off-site, on-tract or off-tract improvements, public improvements, bonding requirements, escrow requirements, other conditions imposed by the Borough and such other terms and conditions as the Borough deems appropriate. The Board may waive the requirement of a developer's agreement in appropriate circumstances. Unless so waived, no certificate of occupancy or building permit shall be issued respecting any application for development requiring subdivision or site plan approval unless the applicant has entered into a developer's agreement of a form specified herein.

**§350-39.1. Furnishing of performance guarantees; improvements.**

- A. Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of Section 52 of P.L. 1975, c. 291 (C.40:55D-65), or as a condition of approval of a permit update under the State Uniform Construction Code for the purpose of updating the name and address of the owner of property on a construction permit, the Borough shall require and shall accept in accordance with the standards set forth hereinbelow and regulations adopted pursuant to Section 1 of P.L. 1999, c. 68 (C. 40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee as set forth in this Section.
- (1) The developer shall furnish a performance guarantee in favor of the Borough in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Borough Engineer, according to the method of calculation set forth in Section 15 of P.L. 1991, c. 256 (C. 40:55D-53.4), for the following improvements as shown on the approved plans or plat:
- (a) Streets.
  - (b) Pavement.
  - (c) Gutters.
  - (d) Curbs.
  - (e) Sidewalks.
  - (f) Street lighting.
  - (g) Street trees.
  - (h) Surveyor's monuments, as shown on the final map and required by "the map filing law," P.L. 1960, c. 141 (C. 46:23-9.9 et seq.; repealed by Section 2 of P.L. 2011, C. 217) or N.J.S.A. 46:26B-1 through N.J.S.A. 46:26B-8.
  - (i) Water mains.
  - (j) Sanitary sewers.
  - (k) Community septic systems.
  - (l) Drainage structures.
  - (m) Public improvements of open space; and
  - (n) Any grading necessitated by the preceding improvements.

- (2) The developer shall also furnish a performance guarantee to include, within an approved phase or section of a development, privately-owned perimeter buffer landscaping, as required by the Borough Code or imposed as a condition of approval. At a developer's option, a separate performance guarantee may be posted for the privately-held perimeter buffer landscaping.
- (3) The Borough Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

**§350-39.2. Safety and Stabilization.**

- A. The developer shall also furnish to the Borough a "safety and stabilization guarantee" in favor of the Borough. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the Borough solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:
  - (1) Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure.
  - (2) Work has not recommenced within 30 days following the provision of written notice by the Borough to the developer of the Borough's intent to claim payment under the guarantee.
  - (3) The Borough shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Borough shall provide written notice to the developer by certified mail or other form of delivery providing evidence of receipt.
  - (4) The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.
  - (5) The amount of a "safety and stabilization bond guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:
    - (a) \$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus
    - (b) One percent of bonded improvement costs in excess of \$1,000,000.
  - (6) The Borough shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.
  - (7) The Borough shall release a "safety and stabilization guarantee" upon the Borough Engineer's or other municipal official's (designated by ordinance) determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

**§350-39.3. Temporary Certificate of Occupancy; Guarantee.**

- A. In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the Borough in an



amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee previously furnished by the developer which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the Borough Engineer or such other municipal official designated by ordinance. The "temporary certificate of occupancy guarantee" shall be released by the Borough Engineer or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

**§350-39.4. Acceptance of Performance Guarantee from Successor Developer.**

- A. The Borough may accept a performance guarantee in favor of the municipality from a successor developer as a replacement for a performance guarantee that was previously furnished, pursuant to section 41 of P.L. 1975, c.291 (C.40:55D-53), for the purpose of assuring the installation of improvements. The Borough shall not accept a replacement performance guarantee without securing:
- (1) written confirmation from the new obligor that the intent of the new obligor is to furnish a replacement performance guarantee, relieving the predecessor obligor and surety, if any, of any obligation to install improvements, and
  - (2) written verification from the Borough engineer that the replacement performance guarantee is of an amount sufficient to cover the cost of the installation of improvements, but not to exceed 120% of the cost of the installation, which verification shall be determined consistent with section 41 of P.L. 1975, c.291 (C.40:55D-53).
- B. An approving authority shall notify the governing body whenever it accepts a replacement performance guarantee. Notice shall contain a copy of the written confirmation of the new obligor's intent to furnish a replacement performance guarantee and the municipal engineer's written verification of the sufficiency of the amount of that replacement performance guarantee.
- C. Within 30 days after receiving notice from the approving authority of its acceptance of a replacement performance guarantee, the governing body, by resolution, shall release the predecessor obligor from liability pursuant to its performance guarantee.

**ARTICLE 350-40**

**§350-40. Maintenance Guarantee.**

- A. Prior to the release of a performance guarantee required pursuant to this Section, the developer shall post with the Borough a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.
- (1) The developer shall post with the Borough, upon the inspection and issuance of final approval of the following private site improvements by the Borough Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4):
    - (a) Stormwater management basins;
    - (b) In-flow and water quality structures within the basins; and
    - (c) The out-flow pipes and structures of the stormwater management system, if any.

- (2) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

#### **§350-40.1. Other Agencies; Utilities.**

In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Borough for such utilities or improvements.

#### **§350-40.2. Regulations Concerning Performance Guarantees.**

- A. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Borough Engineer according to the method of calculation set forth in section 15 of P.L. 1991, c. 256 (C. 40:55D-53.4) as of the time of the passage of the resolution.
- B. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Borough for the reasonable cost of the improvements not completed or corrected, and the Borough may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L. 1971, c. 198 (C. 40A:11-1 et seq.).
- C. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the Borough Clerk, that the Borough Engineer prepare, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to this Section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Borough Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Borough Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.
  - (1) The list prepared by the Borough Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Borough Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to subsection a. of this section.
  - (2) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Borough Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to this Section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Borough

Engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

- (3) For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bond improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Borough may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of all bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Borough below 30 percent.
- (4) If the Borough Engineer fails to send or provide the list and report as requested by the obligor pursuant to this Section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Borough Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
- (5) If the governing body fails to approve or reject the bonded improvements determined by the Borough Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Borough Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to this Section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
- (6) In the event that the obligor has made a cash deposit with the Borough or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the Borough may retain cash equal to the amount of the remaining "safety and stabilization guarantee."

D. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this Section shall be followed.

E. Nothing herein shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Borough Engineer.

### **§350-40.3. Regulations Concerning Inspection Fees.**

- A. The obligor shall reimburse the Borough for reasonable inspection fees paid to the Borough Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth hereinbelow. The Borough shall require the developer to post the inspection fees in escrow in an amount:
- (1) Not to exceed, except for extraordinary circumstances, the greater \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under this Section; and
  - (2) Not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under this Section, which cost shall be determined pursuant to Section 15 of P.L. 1991, c. 256 (C. 40:55D-53.4).
- B. For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.
- C. For those developments for which the inspection fees are total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.
- D. If the Borough determines that the amount in escrow for the payment of inspection fees, as calculated hereinabove, is insufficient to cover the cost of additional required inspections, the developer shall deposit additional funds in escrow. In such instance, the Borough shall deliver to the developer a written inspection escrow deposit request, signed by the Borough Engineer, which informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

**§350-40.4. Approved by Stages or Sections.**

In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this Section shall be applied by stage or section.

**§350-40.5. Dedication of Improvements to Borough.**

To the extent that any of the improvements have been dedicated to the Borough on the subdivision plat or site plan, the governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Borough Engineer.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder

of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as provided by Law.

\_\_\_\_\_  
Edward J. Mignone, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Evans, Borough Clerk  
Dated:

\*\*\*\*\*

Stephanie Evans, Borough Clerk read the title of Ordinance #19-17 into the record.

Ordinance #19-17 AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, CHAPTER 296, “NOISE”§296-2, PROHIBITED ACTS; DEFINITIONS.

On motion by Councilwoman Busted, seconded by Councilwoman Davis, Ordinance #19-17 was approved on the following roll call: Councilwoman Busted, Councilwoman Davis, Councilman Gautier, Councilwoman Kaufman and Councilman Papaleo voted yes; Councilman Chinigo voted no.

BOROUGH OF RIVER EDGE  
ORDINANCE #19-17

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, CHAPTER 296, “NOISE”§296-2, PROHIBITED ACTS; DEFINITIONS.

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, and State of New Jersey, that Chapter 296, “Noise” of the Revised General ordinances of the Borough of River Edge is hereby amended and supplemented as follows:

**§296-2 PROHIBITED ACTS;**

**ANIMALS, BIRDS**

- (1) No person shall permit or cause any dog or other animal in his/her custody, control or ownership to be left outdoors or other animal engages in periods of sustained barking, howling crying or other loud noises for any period of 15 consecutive minutes or more which would cause an objectively unreasonable disturbance to the quiet or any person or persons residing in the vicinity of the dog or other animal; but nothing herein contained is intended to apply to a dog pound or kennel licensed in accordance with Chapter 122 of this code.
- (2) Any person observing a violation as defined in A(1) herein shall first, file a certification with the Health Department of the Borough of River Edge which shall specifically state: (a) the date and time or times of the alleged violation; (b) the specific place and nature of the violation alleged; (c) the name and address of the owner or custodian of the dog or other animal, if known; and (d) the description of the dog or other animal, if known. Upon receipt of the certification which sets forth the alleged violation, the Health Department will then send a notice of violation to the owner or custodian of the dog or other animal which shall inform the party of the offense alleged and advise that if a subsequent offense should occur, a complaint may be filed in the River Edge Municipal Court.
- (3) Any police officer, health official or other person authorized to act on behalf of the Borough of River Edge who personally observes the commission of an offense as defined in subsection A(1) herein shall be permitted to institute a complaint in the Municipal Court with or without prior notice to the owner or custodian of the dog or other animal.

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

\_\_\_\_\_  
Edward J. Mignone, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Evans, Borough Clerk  
Dated:

\*\*\*\*\*

Stephanie Evans, Borough Clerk read the title of Ordinance #19-18 into the record.

Ordinance #19-18 AN ORDINANCE AMENDING CHAPTER 216 OF THE CODE OF THE BOROUGH OF RIVER EDGE AND PROVIDING FLOOD DAMAGE PREVENTION REGULATIONS

Mayor Mignone-explained that since hurricane Sandy, FEMA has been revising all of the flood maps and they’re in the process of adopting those. For towns to continue to participate in the voluntary federal flood insurance program, they’re requiring that towns adopt certain ordinances. Basically enacting some of their floodplain protection measures into a separate codified ordinance.

On motion by Councilman Chinigo, seconded by Councilman Papaleo, the first reading of Ordinance #19-18 was approved unanimously as follows:

ORDINANCE #19-18  
BOROUGH OF RIVER EDGE  
COUNTY OF BERGEN

AN ORDINANCE AMENDING CHAPTER 216 OF THE CODE OF THE BOROUGH OF RIVER EDGE AND PROVIDING FLOOD DAMAGE PREVENTION REGULATIONS

**WHEREAS**, the Federal Emergency Management Agency (“FEMA”) has determined that modified flood hazard determinations (“FHDs”) affecting the Flood Insurance Rate Map (“FIRM”) and Flood Insurance Study (“FIS”) for the Borough of River Edge will be in effect as of August 28, 2019; and

**WHEREAS**, prior to August 28, 2019 the Borough is required, as a condition of continued eligibility in the National Flood Insurance Program (“NFIP”), to adopt flood plain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of River Edge, that

**Section 1.**

Chapter 216 of the Code of the Borough of River Edge is hereby amended and supplemented in its entirety, as follows:

**Chapter 216**

**FLOOD DAMAGE  
PREVENTION**

**GENERAL REFERENCES**

**Site plan review — See Ch. 350.      Zoning — See Ch. 416.**

**§ 216-1. Statutory authorization.**

The Legislature of the State of New Jersey has, in N.J.S.A. 40:48-1, et seq. and 40:55D-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, does ordain as follows:

## **§ 216-2. Findings of fact.**

- A. The flood hazard areas of the Borough of River Edge are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities and, when inadequately anchored, damages uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

## **§ 216-3. Statement of Purpose.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruption;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax based by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

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## **§ 216-4. Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

## **§ 216-5. Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be

interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. As used in this chapter, the following terms shall have the meanings indicated:

**AH Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

**AO Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**APPEAL** — A request for a review of the Construction Official’s interpretation of any provision of this chapter or a request for a variance.

**AREA OF SHALLOW FLOODING** — A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet.; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow

**AREA OF SPECIAL FLOOD HAZARD** — The land in the floodplain within a community subject to a one-percent or greater change of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1 A30, AE, A99, or AH.

**BASE FLOOD** — The flood having a one-percent chance of being equaled or exceeded in any given year.

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**BASE FLOOD ELEVATION (BFE)** —The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**BASEMENT** — Any area of the building having its floor subgrade (below ground level) on all sides.

**BEST AVAILABLE FLOOD HAZARD DATA** — The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

**BEST AVAILABLE FLOOD HAZARD DATA ELEVATION** — The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map, Work Map or Preliminary FIS and FIRM.

**BREAKAWAY WALL** — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard

**ELEVATED BUILDING** — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**EROSION** — The process of gradual wearing a way of land masses.

**Existing Manufactured Home Park or Subdivision** — A manufactured home park



or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**FLOOD OR FLOODING** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

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**FLOOD INSURANCE RATE MAP (FIRM)** — The official map on which the Federal

Insurance Administration has delineated both the areas of special flood hazards and the risk-premium zones applicable to the community.

**FLOOD INSURANCE STUDY** — The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**FLOODPLAIN MANAGEMENT REGULATIONS** — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODPROOFING** — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

**FREEBOARD** — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**HIGHEST ADJACENT GRADE** — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**HISTORIC STRUCTURE** — Any structure that is: Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- A. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered district
- B. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- C. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, is not considered a building's "lowest floor," provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

**MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION**

— A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION** — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community, and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK or SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

**PRELIMINARY FLOOD INSURANCE RATE MAP (pre FIRM)** — The draft version of the FIRM released for public comment before finalization and adoption.

**RECREATIONAL VEHICLE** — A vehicle which is built on a single chassis; 400 square feet or less when measured at the longest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use

**START OF CONSTRUCTION** — (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) Includes substantial improvements and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial

improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration effects the external dimensions of the building

**STRUCTURE** — A walled or roofed building, a mobile home, or a gas or liquid storage tank that is principally above ground.

**SUBSTANTIAL DAMAGE** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred

**SUBSTANTIAL IMPROVEMENT** — Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the

improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any projects for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE — A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

VIOLATION — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

§ 216-6. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Borough of River Edge, Bergen County, New Jersey.

§ 216-7. Basis for establishing areas of special flood hazard.

The areas of special flood hazard for the Borough of River Edge, Community No. 340068, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report “Flood Insurance Study, Bergen County, New Jersey (All Jurisdictions)” dated August 28, 2019.
- b) “Flood Insurance Rate Map for Bergen County, New Jersey (All Jurisdictions)” as shown on Index and panels 34003C0183H, 34003C0184H, 34003C0191H, 34003C0192H, whose effective date is August 28, 2019.
- c) Best Available Flood Hazard Data. These documents shall take precedence

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over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at the River Edge Borough Hall, 705 Kinderkamack Road, River Edge, New Jersey.

§ 216-8. Penalties for Noncompliance.

- A. No structure or land shall hereafter be constructed, relocated to, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.
- B. For a violation of any provision of this chapter, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof.
- C. Nothing herein contained shall prevent the Borough of River Edge from taking such lawful action as is necessary to prevent or remedy any violation.

**§ 216-9. Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**§ 216-10. Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit or repeal any other powers granted under state statutes.

**§ 216-11. Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted with such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Borough of River Edge, any officer or employee thereof

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or the Federal Insurance Administrations, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**§ 216-12. Establishment of development permit.**

A development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in § 216-7. Application for a development permit shall be made on forms furnished by the Construction Official and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage, facilities; and the location of the foregoing. Specifically, the following information is required:

- A. The elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. The elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 216-20; and
- D. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

**§ 216-13. Designation of local administrator.**

The Construction Official is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

**§ 216-14. Duties and responsibilities of local administrator.**

Duties of the Construction Official as local administrator shall include but not be limited to:

- A. Permit review:

- (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of § 216-21 are met.

B. Use of other base flood data: When base flood elevation and floodway data has not been provided in accordance with § 216-7, Basis for establishing the

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areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer § 216-21A, Residential construction, and § 216-21B, Nonresidential construction.

C. Information to be obtained and maintained:

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new substantially improved floodproofed structures:
  - (a) Verify and record the actual elevation (in relation to mean sea level); and
  - (b) Maintain the floodproofing certifications required in § 216-12C.
  - (c) Maintain for public inspection all records pertaining to the provisions of this chapter.

#### **§ 216-15. Alteration of watercourses.**

- A. Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration
- B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

#### **§ 216-16. Substantial damage review.**

- A. After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- B. Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- C. Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

#### **§ 216-17. Interpretation of FIRM boundaries.**

Make interpretation, where needed, as to the exact location of the

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boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 216-18.

**§ 216-18. Appeals Board.**

- A. The Planning Board as established by the Borough of River Edge shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Planning Board shall hear and decide appeals when it is alleged that there is an error in any requirements, decision or determination made by the Construction Official in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Mayor and Council.
- D. In passing upon such applications, the Planning Board shall consider all
- E. technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
  - a. The danger that materials may be swept onto other land to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;
  - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

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- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- F. Upon consideration of the facts of Subsection D and the purposes of this chapter, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- G. The Planning Board shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

**§ 216-19. Conditions for Variances.**

- A. Variances may be issued for the repair or rehabilitation of historic structures upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of

this section.

- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall be only issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances or cause fraud on or victimization of the public as identified in § 216-17D or conflict with existing local laws or ordinances.
- F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the costs of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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**§ 216-20. Provisions for Flood Hazard Reduction, General standards.**

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

**A. Anchoring.**

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not to be limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

**B. Construction materials and methods.**

- (1) All new construction and substantial improvement shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**C. Utilities.**

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- (4) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to

prevent water from entering or accumulating within the components during conditions of flooding.

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### D. Subdivision proposals.

- (1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least 50 lots or five (5) acres (whichever is less).
- (5) Enclosure openings. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in and area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings, in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

### § 216-21. Specific standards.

In all areas of special flood hazard where base flood elevation data have been provided as set forth in § 216-7, Basis for establishing the areas of special flood hazard, or in § 216-14B, Use of other base flood data, the following standards are required:

#### A. Residential Construction:

- a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1.

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- b) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

#### B. Nonresidential construction:

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as



well as all electrical, heating, ventilating, air-conditioning and other service equipment:either

- a) Elevated at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1, ; and
- b) Require within any AO or AH zone on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. \_And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;  
or
- c) Be floodproofed so that below the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 6-1, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

C.     **Manufactured Homes:**

- a)     Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b)     All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
  - i.         Be consistent with the need to minimize flood damage,
  - ii.        Be constructed to minimize flood damage,
  - iii.       Have adequate drainage provided to reduce exposure to flood damage,

b.)§ 216-21                   **FLOOD DAMAGE PREVENTION**                   § 216-22

- iv.       Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1,
- v.        The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

**§ 216-22. Floodways.**

Located within areas of special flood hazard established in § 216-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Subsection A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 216-20 through 216-22.
- C. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 0.2 of a foot at any point.

**SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**ENACTMENT**

**ADOPTION**

This Ordinance shall be effective on *(effective date)* and shall remain in force until modified, amended or rescinded by Borough of River Edge, Bergen County, New Jersey.

ENACTED AND ADOPTED by the *[Board, Council, etc.]* this *[day]* day of *[month]*, *[year]*.

ATTEST:     *[Board, Council, etc.]* of the Borough of River Edge,

\_\_\_\_\_

Borough of River Edge, Secretary

By: \_\_\_\_\_

*[Board, Council, etc.]* President

APPROVED, this *[day]* day of *[month]*, *[year]*, by the Mayor of River Edge

ATTEST:

Borough of River Edge Secretary

Mayor \_\_\_\_\_

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**RESOLUTIONS - By Consent**

On motion by Councilman Papaleo, seconded by Councilwoman Kaufman, resolution #19-240 through #19-244, #19-246 through #19-252 were unanimously approved.

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#19-239   Resolution Authorizing the Mayor to Execute a Settlement Agreement with Fair Share Housing Center

WHEREAS, the Borough of River Edge (the “Borough”) is involved in litigation entitled In the Matter of the Borough of River Edge, County of Bergen in the Superior Court of New Jersey, Docket No. BER-L-6292-15, with respect to River Edge’s affordable housing obligation; and

WHEREAS, a Settlement Agreement has been reached between the Borough and Fair Share Housing Center, a copy of which is on file with the Borough Clerk.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of River Edge that the Settlement Agreement between the Borough of River Edge and Fair Share Housing Center be executed by the Mayor and Township Clerk in accordance with the provisions of law.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately in accordance with law.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be provided to: the Fair Share Housing Center; and Brian M. Chewcaskie, Esq.

June 24, 2019

#19-240   Resolution to Confirm Construction of an Approved Plan or Design for the 2018 ADA Curb Ramp Improvements at the Intersection of Wayne Avenue and Kinderkamack Road Project

WHEREAS, N.J.S.A. 59:4-6 provides in pertinent part that neither the public entity nor a public employee is liable for an injury caused by the plan or design of public property or any improvement thereto where the plan or design was approved in advance of construction by the Governing Body of the Borough of River Edge or a public employee exercising discretionary authority on its behalf of where such plan or design was prepared in conformity with standards previously approved by the Governing Body of the Borough of River Edge; and

WHEREAS, the 2018 ADA Curb Ramp Improvements at the Intersection of Wayne Avenue and Kinderkamack Road Project improvement to public property has been designed by Costa Engineering Corporation, 325 South River Street, Hackensack, New Jersey 07601; and

WHEREAS, Costa Engineering has certified that the construction of the 2018 ADA Curb Ramp Improvements at the Intersection of Wayne Avenue and Kinderkamack Road Project has been done in accordance with the plans and specifications of the project; and

WHEREAS, the Governing Body of the Borough of River Edge wishes to record its confirmation of the construction of said design.

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

1. Plans and specifications entitled “2018 ADA Curb Ramp Improvements at the Intersection of Wayne Avenue and Kinderkamack Road” prepared by Costa Engineering Corporation dated May 14, 2018 be, and hereby are, approved as constructed.
2. The improvements described herein above have been completed and have been inspected by Costa Engineering Corporation and they have certified to the Governing Body of the Borough of River Edge that said improvement has been constructed in accordance with the above referenced design.
3. The Borough Clerk shall archive this resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan, design or construction of the improvement.

June 24, 2019

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#19-241 Resolution to Confirm Construction of an Approved Plan or Design for the 2018 Community Development Block Grant Resurfacing Project at Oxford Terrace and Rutgers Place, Phase IV Project

WHEREAS, N.J.S.A. 59:4-6 provides in pertinent part that neither the public entity nor a public employee is liable for an injury caused by the plan or design of public property or any improvement thereto where the plan or design was approved in advance of construction by the Governing Body of the Borough of River Edge or a public employee exercising discretionary authority on its behalf of where such plan or design was prepared in conformity with standards previously approved by the Governing Body of the Borough of River Edge; and

WHEREAS, the Curbs and Sidewalks for the 2018 Community Development Block Grant Resurfacing Project at Oxford Terrace and Rutgers Place, Phase IV Project improvement to public property has been designed by Costa Engineering Corporation, 325 South River Street, Hackensack, New Jersey 07601; and

WHEREAS, Costa Engineering has certified that the construction of the 2018 Community Development Block Grant Resurfacing Project at Oxford Terrace and Rutgers Place, Phase IV Project has been done in accordance with the plans and specifications of the project; and

WHEREAS, the Governing Body of the Borough of River Edge wishes to record its confirmation of the construction of said design.

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

1. Plans and specifications entitled “2018 Community Development Block Grant Resurfacing Project at Oxford Terrace and Rutgers Place, Phase IV Project” prepared by Costa Engineering Corporation dated December 17, 2018 be, and hereby are, approved as constructed.
2. The improvements described herein above have been completed and have been inspected by Costa Engineering Corporation and they have certified to the Governing Body of the Borough of River Edge that said improvement has been constructed in accordance with the above referenced design.
3. The Borough Clerk shall archive this resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan, design or construction of the improvement.

June 24, 2019

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#19-242 Resolution to Confirm Construction of an Approved Plan or Design for the 2017 Sanitary and Storm Sewer Replacement at Intersection of Kinderkamack Road and River Edge Road Project

WHEREAS, N.J.S.A. 59:4-6 provides in pertinent part that neither the public entity nor a public employee is liable for an injury caused by the plan or design of public property or any improvement thereto where the plan or design was approved in advance of construction by the Governing Body of the Borough of River Edge or a public employee exercising discretionary authority on its behalf of where such plan or design was prepared in conformity with standards previously approved by the Governing Body of the Borough of River Edge; and

WHEREAS, the Curbs and Sidewalks for the 2017 Sanitary and Storm Sewer Replacement at Intersection of Kinderkamack Road and River Edge Road Project improvement to public property has been designed by Costa Engineering Corporation, 325 South River Street, Hackensack, New Jersey 07601; and

WHEREAS, Costa Engineering has certified that the construction of the 2017 Sanitary and Storm Sewer Replacement at Intersection of Kinderkamack Road and River Edge Road Project has been done in accordance with the plans and specifications of the project; and

WHEREAS, the Governing Body of the Borough of River Edge wishes to record its confirmation of the construction of said design.

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

1. Plans and specifications entitled "2017 Sanitary and Storm Sewer Replacement at Intersection of Kinderkamack Road and River Edge Road Project" prepared by Costa Engineering Corporation dated May 14, 2018 be, and hereby are, approved as constructed.
2. The improvements described herein above have been completed and have been inspected by Costa Engineering Corporation and they have certified to the Governing Body of the Borough of River Edge that said improvement has been constructed in accordance with the above referenced design.
3. The Borough Clerk shall archive this resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan, design or construction of the improvement.

June 24, 2019

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#19-243 Authorize the Petty Cash Reimbursement for the Recreation Camp Program

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of Petty Cash Fund for the Office of the Chief Financial Officer of the Borough of River Edge; and

WHEREAS, said the petty cash fund was established by resolution dated January 3, 1983 by the Mayor and Council of the Borough of River Edge as amended by Resolution #90-149 dated August 6, 1990; and

WHEREAS, Resolution #87-169, dated August 3, 1987, established that the maximum amount of a single draw down on the Petty Cash Fund shall not exceed \$35.00; and

WHEREAS, Resolution #99-188, dated June 7, 1999 increased the maximum amount of a single draw limit to \$50.00; and

WHEREAS, the purpose of having a Petty Cash Fund is to eliminate staff time and paper work for small purchases which could be handled more cost effectively through a Petty Cash Fund; and

WHEREAS, the Recreation Commission of the Borough of River Edge operates a camp for its residents and has a unique need to purchase supplies for programs, activities and projects for the children of the camp on a daily basis; and

WHEREAS, the Mayor and Council recognize that the unique nature of a camp operation does not always lend itself to advance planning and there is an immediate need to purchase items such as first aid supplies, food and drink, and arts and crafts materials.

NOW, THEREFORE, BE IT RESOLVED that Geeta Birnbaum, Custodian of the Petty Cash Fund, is hereby authorized to reimburse the Recreation Director up to a single draw down

limit of \$50.00 per slip and said authorization to initiate the day the Borough of River Edge camp opens and expire on the last day of camp operation, and as long as the Recreation Director complies with all other policies and procedures in effect for the Borough of River Edge with regard to the maintenance of its Petty Cash Funds.

June 24, 2019

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#19-244 Amend Agreement with Alan Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey for Expert Legal Services Regarding Tax Appeals

WHEREAS, there exists a need for Expert Legal Services for tax appeal representation; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Alan P. Spiniello, Esq. via resolution #19-09 dated January 1, 2019 in the amount of \$5,000.00; and

WHEREAS, additional funding is required for Expert Legal Services for tax appeal representation; and

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

WHEREAS, Alan P. Spiniello, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Alan P. Spiniello, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Alan P. Spiniello, Esq. 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 #01-2010-20-1552-174 of the Current Fund in the amount not to exceed \$20,000.00.

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;

WHEREAS, the rate of pay shall not exceed \$125.00 per hour:

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey, 07601 in the amount not to exceed \$20,000.00.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

June 24, 2019

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There was a motion by Councilman Papaleo, seconded by Councilwoman Busteed to approve resolution #19-245.

Councilman Gautier-asked for more details on this because we're \$1,200.00 and would like to know who's doing the inspections, how profitable is this for us? Are we expending more money than we are taking in? He said that before they vote on it, he would like information.

Mayor Mignone-asked if there was a timeline on this?

Tom Sarlo, Esq.-said he's not aware of a timeline and explained that the inspections are done every 5 years.

Mayor Mignone-said that if time is not of the essence, he thinks they can table it until Mr. Poerio returns from vacation and can provide an analysis to the Council.

Councilman Papaleo withdrew his motion to adopt resolution #19-245, seconded by Councilwoman Busteed and approved unanimously.

On motion by Councilman Papaleo, seconded by Councilman Chinigo to **table** resolution #19-

245 was unanimously approved.

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**TABLED**

**TABLED**

**#19-245 Authorize Mayor to Sign the Grant for the State and Local Cooperative Housing Inspection Program**

BE IT RESOLVED, that the Mayor is hereby authorized to sign the Grant for the State and Local Cooperative Housing Inspection Program for \$1,200.00.

June 24, 2019

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**#19-246 Enter Into Agreement with DTS Trucking LLC, 65 Royal Avenue, Hawthorne, New Jersey 07506 for Leaf, Grass and Yard Waste Recycling**

WHEREAS, the Borough of River Edge has included the collection of leaf, grass and yard waste as part of its recycling program in an effort to reduce solid waste; and

WHEREAS, DTS Trucking LLC has agreed to enter into a contract with the Borough of River Edge for the purchase and disposal of compost; 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 Superintendent of Public Works has prepared a contract containing the approved terms and conditions of the sale.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk be authorized to enter into an agreement with DTS Trucking LLC, 65 Royal Avenue, Hawthorne, New Jersey 07506 at a price of two dollars (\$2.00) per cubic yard of ground compost material sold.

June 24, 2019

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**#19-247 Refund of Application Fee for Temporary Storage Container**

WHEREAS, Barbara Tinti Wilson, 141 Manning Avenue, River Edge, New Jersey obtained a temporary storage container permit from the Building Department on June 10, 2019; and

WHEREAS, the \$50.00 application fee was paid in full on June 10, 2019; and

WHEREAS, the storage container company was not able to place the container in the driveway because it was too narrow and on a slope; and

WHEREAS, Barbara Tinti Wilson has requested a refund for the \$50.00 application fee.

NOW, THEREFORE BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund:

<u>Name &amp; Address</u>	<u>Amount</u>
Barbara Tinti Wilson 141 Manning Avenue River Edge, NJ 07661	\$50.00

June 24, 2019

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**#19-248 Purchase of Ford F-350 Utility Truck Through State Contract**

WHEREAS, the Borough of River Edge desires to purchase a Ford F-350 Utility Truck From Route 23 Auto Mall, 1301 Rt. 23 South, Butler, New Jersey 07405; and

WHEREAS, the vendor, Route 23 Auto Mall is an approved State Contract participant, bearing the State Contract #T-2959/40321; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account

#04-2150-55-1913-525 of the Capital Fund in the amount not to exceed \$49,922.52; and

WHEREAS, N.J.A.C. 5:34-1.2 requires that any local contracting unit purchasing pursuant to N.J.S.A. 40A:11-12, must award the contract by a resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is authorized to accept the State Contract bid on the purchase of a Ford F-350 utility truck as per the State's specifications in an amount not to exceed \$49,922.52.

June 24, 2019

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#19-249 Purchase of Wilo Pump and Sewer Pump, Controls and Wet Well Cover and Through State Contract

WHEREAS, the Borough of River Edge desires to purchase a Wilo Pump and Sewer Pump, Controls and Wet Well Cover from Rapid Pump & Meter Service Co., Inc.; and

WHEREAS, the vendor, Rapid Pump & Meter Service Co., Inc., 285 Straight Street, Paterson NJ 07501 is an approved State Contract participant, bearing the State Contract #653573; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1913-300 of the Capital Fund in the amount not to exceed \$5,685.00 for the Wilo Pump; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1913-425 of the Capital Fund in the amount not to exceed \$10,470.00 for the Sewer Pump; and

WHEREAS, N.J.A.C. 5:34-1.2 requires that any local contracting unit purchasing pursuant to N.J.S.A. 40A:11-12, must award the contract by a resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is authorized to accept the State Contract bid on the purchase of a Wilo Pump and Sewer Pump, Controls and Wet Well Cover as per the State's specifications in an amount not to exceed \$16,155.00.

June 24, 2019

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#19-250 Authorize the Release of a Performance Bond for Lodge International Construction LLC for the Property Located at 800 Sixth Avenue, Block 303, Lot 24.01

WHEREAS, the Borough of River Edge received a Performance Bond from Lodge International Construction LLC in the amount of \$40,800.00; and

WHEREAS, the Borough Engineer has certified that the Developer has fully performed the project in accordance with the Planning Board and has recommended release of the Performance Bond and cash deposit.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the above referenced Performance Bond be hereby released and the Accounts Supervisor is hereby authorized to release the cash portion of the Performance Bond in the amount of \$4,080.00 on the condition that the Developer first provide a Maintenance Bond, acceptable to the Borough Attorney, in the amount of \$6,120.00 to run for a period of two (2) years for all public improvements and facilities which are part of the project.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby instructed to send a copy of this resolution to the Guarantee Company of North America, 1 Towne Square, Southfield, MI 48076 Company and Lodge International Construction LLC, 4-06 Bellair Avenue, Fair Lawn, NJ 07410.

June 24, 2019

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#19-251 Amendment to Resolution #19-209 Appointing Municipal Humane Law Enforcement Officer

WHEREAS, N.J.S.A. 4:22-1 requires the governing body of a municipality to submit at least one applicant for designation as a municipal humane law enforcement officer who shall be responsible for animal welfare within the jurisdiction of the municipality, and who is required to enforce and abide by the animal cruelty laws of the State and ordinances of the municipality; and

WHEREAS, the municipal humane law enforcement officer shall be authorized to perform all the duties set forth in N.J.S.A. 4:22-14.2 including but not limited to enforce, investigate and sign complaints concerning any violation of the animal cruelty laws of the State of New Jersey or ordinances of the Borough of River Edge and to act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State of New Jersey and Borough of River Edge; and

WHEREAS, N.J.S.A. 4:22-14.2 requires for an application for designation as a municipal humane law enforcement officer be submitted by the governing body of a municipality to the chief law enforcement officer of the municipality; and

WHEREAS, the chief law enforcement officer of the municipality shall examine the character, competency, and fitness of the applicant for the position, including initiating a criminal background check at the expense of the applicant; and

WHEREAS, upon completion of an examination of an applicant, the chief law enforcement officer of the municipality shall approve or reject the applicant and provide a written determination to the applicant and to the governing body of the municipality which, if applicable, shall state any reasons for rejecting the applicant; and

WHEREAS, the Chief of Police has recommended the designation of Roni Wildoner, who has worked for many years with Bergen County SPCA in a voluntary capacity. She has received the required Waiver from the State Police Training Commission giving her the authority to act as a Municipal Humane Law Enforcement Officer.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of River Edge in the County of Bergen and State of New Jersey hereby appoint Roni Wildoner to serve as the municipal humane law enforcement officer for the Borough of River Edge.

BE IT FURTHER RESOLVED, that all other Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

June 24, 2019

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#19-252 Re-Appointment of Emergency Management Coordinator

WHEREAS, the Mayor of every municipality in the State of New Jersey shall appoint a Municipal Emergency Management Coordinator as provided by N.J.S.A. 40:69A-95; and

WHEREAS, the Emergency Management Coordinator is responsible for the planning, activating, coordinating and the conduct of Emergency Management operations within the municipality; and

WHEREAS, the Emergency Management Coordinator shall serve for a term of three (3) years.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of River Edge in the County of Bergen, does hereby confirm the Mayor's appointment of Ronald Starace as Emergency Management Coordinator to serve a three (3) year term effective May 16, 2019 through May 16, 2022.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to forward a certified copy of this resolution to the following:

1. County of Bergen Office of Emergency Management
2. State of New Jersey Office of Emergency Management

June 24, 2019

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Councilwoman Kaufman read resolution #19-253 into the record.

On motion by Councilwoman Kaufman, seconded by Councilman Chinigo resolution #19-253 was unanimously approved.

#19-253 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	\$156,995.26
CAPITAL ACCOUNT	\$ 11,825.27
RECREATION ACCOUNT	\$ 6,284.55
TRUST OTHER ACCOUNT	\$ 57,271.66
OPEN SPACE ACCOUNT	\$ 8,092.92
TRUST OTHER DEVELOPERS ACCOUNT	\$ 3,470.00

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

June 24, 2019

**PUBLIC COMMENTS –**

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

Casey Connors – 259 Adams Avenue- said that Mr. Sarlo sent a letter to an attorney, Ms. Reilly, regarding the sidewalks and curb cuts at Sixth and Continental Avenue stating that they were reconstructed and are ADA compliant. He said they’re far from it. The only thing that’s new there is new concrete. He said that there hasn’t been any movement on any of the curb cuts that he’s complained about and that were on a list that was given to the Borough by Ms. Reilly over two years ago. He asked where that stands?

Tom Sarlo, Esq.-suggested that the Borough Engineer go out and inspect it. He explained that they went through the list and a lot of them were already completed.

Casey Connors-wants everyone to go to each location on the list to see what he’s talking about. He said that there’s one on Adrian Way that someone would have a hard time walking on and he would not be able to navigate in his chair.

Tom Sarlo, Esq.-said he’s not sure about the first one if the work was performed he’d have to speak with the Borough Engineer. Second, we went through the list and a lot of them were already completed.

Mayor Mignone-said that between Mr. Sarlo and Mr. Costa, they need to review Casey’s comments and respond to the Council.

Casey Connors-said, they were completed?

Tom Sarlo, Esq.-replied, yes on the first list. He said that they got one list that was completed and then they received another list which was completed so now he’s talking about a third list that came through.

Casey Connors-asked if he could forward that information to him saying where they’ve been replaced or repaired. He said that when they pave from curb to curb they’re supposed to put new sidewalks and curb cuts in. He said that he’s been complaining for 12 years now and would like to see some movement.

Mayor Mignone-said that because this is a potential litigation, he asked Mr. Sarlo to respond to the Council.

Tom Sarlo, Esq.-said that he will re-distribute his memo to the Mayor and Council.

Mayor Mignone-said we were given notice that this could be potentially litigated by third parties so the

Borough is not at liberty to discuss it in public until we get an update from our attorney. He told Mr. Connor's that he is welcome to discuss it openly, but the Council is not.

Casey Connors-said that he's already told them about results that have come out of the Title 2 which is federal law. You cannot say that New Jersey has a law that supersedes it. He feels that they're not paying attention to it.

Mayor Mignone-asked Mr. Sarlo to let Ray Poerio know that they would like to have a closed session at the next meeting to get an update from Mr. Sarlo.

Tom Sarlo, Esq.-asked what intersection he would like them to look at?

Casey Connors-said 6<sup>th</sup> and Continental. He said Mr. Sarlo's letter says that it's been completed and reconstructed. He questioned why the letter that went out was on Mr. Sarlo's letterhead and not the towns?

Tom Sarlo-explained that he's not an employee of the Borough. The Borough of River Edge is a client like any other client so when he sends out correspondence, he sends it out on his letterhead.

Casey Connors-you make decisions for the town, correct?

Tom Sarlo, Esq.-replied, no I don't do that.

Mayor Mignone-said Mr. Sarlo cannot send out correspondence without having been directed by the Council.

Casey Connors-said that also in the same letter, he mentions Elm across from the Library. He said that nothing has been done there. He made reference to the letter Mr. Sarlo sent in November 30, 2014. He said that he mentioned a few months ago that Mr. Sarlo hadn't answered Ms. Reilly for 4 years.

Tom Sarlo, Esq.- said he did answer her.

On motion by Councilwoman Busteed, seconded by Councilman Papaleo to close public comments was unanimously approved.

Mayor Mignone-said that the Clerk has handed him correspondence regarding resolution #19-245. Apparently the Borough had approved a resolution requesting that we participate in the State Local Cooperative Housing Inspection Program. The State is setting the fee of \$1,200.00 and this is for the period starting July 1st through June 30<sup>th</sup>. The Mayor gave the correspondence to Councilman Gautier.

## **COUNCIL COMMENTS –**

Councilman Chinigo-reported that they met with the Traffic & Safety Committee and they had concerns regarding the Community Center which were brought to the Borough Administrator. He believes that they have been taken care of or are being taken care of. Police Officer Pat Diamond was in the audience and Councilman Chinigo asked if he wanted to address any of the concerns.

Officer Diamond-stated that it's all been taken care of.

Councilman Chinigo-said that Mr. Poerio and our Borough Engineer were very quick in checking out the issues. There was fencing put around and there were concerns that people could get into the area so larger fencing was put in almost immediately after the issue was brought up.

Councilwoman Davis-attended the opening of BCB Bank earlier this evening and feels that they will be an asset to the town. They told her that they are very interested in becoming involved with the community and feels that it's a big plus for us. She reported that the Health Department's meeting was cancelled due to no quorum. She reported that REVAS had 73 calls in May; 39 medical, 16 motor vehicle, 12 traumas, 3 CPR and 3 psych calls. They actually had 20 RMA's which stands for refused medical aid, so they've gone out on 20 calls where people would not go.

Councilwoman Busteed-reported on Rec Camp and said that all of the parents of participants received an email tonight with many items in preparation. One important item is the result of their cooperative work with the Police Department to make sure safety is paramount with pick-up and drop-off in light of the site work that's going on. She hopes that all parents read it carefully and adhere to those new parking rules for camp to insure the safety of all participants. The Police Department and Rec will be working side by side and there will be Police presence at pick-up and drop-off. If any modifications need to be made they'll be made in a timely manner. She was asked to meet with two 6<sup>th</sup> grade students from the Roosevelt School Create Program and their Director, Mrs. Habers. They wanted to share with the Borough their idea of creating a volunteer bank. They've identified a few needs that they feel residents could take advantage of and would love an opportunity to speak with Mr. Poerio about their idea. They would like help in setting up this volunteer bank and use the Borough's website for Sign Up Geniuses or what have you. Councilwoman Busteed asked the Borough Clerk to ask Ray to make time on his calendar and she will email him with the contact information.

Mayor Mignone-stated that every year we get something from Mr. Fletcher that could be incorporated into that as well.

Councilwoman Busteed-suggested that OEM Coordinator Ron Starace be part of that meeting as well.

Mayor Mignone-agreed. He said that one of the things they've been working on over the past few years is identifying at risk residents and setting up a phone bank setup where if there was an emergency, volunteers could reach out to people in the community to see if they need anything.

Councilwoman Busteed-said that she is very impressed with empathy and interest in using technology.

Councilman Papaleo-also attended the grand opening for BCB Bank earlier this evening and felt that it was a great honor to be there. He reported that the Shade Tree Commission had their meeting which was very lengthy. He highlighted two things. With regard to the Emerald Ash Bore and its destructive nature on the borough's trees which maintain our property and curb appeal, surrounding towns have failed to be proactive as this council has and many of their ash trees have died or are dying at an alarming number. In addition to that, the Shade Tree Commission is looking at whether we can apply medication to the trees on our own which would greatly reduce the cost of future treatments on our trees and he gave them a lot of credit for that. He reported that there were 3 residents who came by and were pleased with the result of their petitions to the Shade Tree Commission. He reported that the Beautification Committee continues to work hard around town and thanked them and their volunteers for everything that they're doing. He stays in weekly contact with DPW and said that there's nothing major to report at this time.

Councilman Gautier-also attended the grand opening of BCB Bank and said it was a lovely event and an honor to be there. After reading the correspondence that the Mayor had given him regarding the State Local Cooperative Housing Inspection Program he still would like to receive more information before approving resolution \$19-245.

Councilwoman Kaufman-also attended the grand opening of the BCB Bank and said it was a great event and wished them the best of luck. She and Councilwoman Busteed attended the River Dell High School graduation last week and said it was very enjoyable.

Mayor Mignone-stated that it was his pleasure to present two of our elementary school children with the Mayor's Citizenship Award. This year Joshua Hums from Cherry Hill and Abbey Bartelloni from Roosevelt were the recipients. He said that it's always a nice event to attend because you see all of the talent these young kids have. The Mayor also attended the Girl Scout Gold Award Ceremony for Rachel Rumsby, Tara Daly and Olivia Kim and said that it's always a very inspiring event whether it's the Girl Scouts or the Eagle Scouts. The Mayor said that it's quite an impressive achievement when you reach the top of your organization and feels that you have to admire the dedication and perseverance of these young people at such a young age. The Mayor feels that the new BCB Bank will be a nice addition to the community. Everyone seems friendly and glad to be in town. He was told that this is their 30<sup>th</sup> branch and they're looking to be part of the community which is always a good thing. The Mayor reminded everyone of the July 4<sup>th</sup> events that are coming up and announced that former Mayor Peg Watkins will be the Grand Marshall of the parade. He also reminded everyone of the concert in the park on July 3<sup>rd</sup>. He is looking forward to getting new microphones in the Council chambers.

Councilwoman Busteed-said that the Rec Director is looking for a volunteer from the Council to be the MC of the parade as the participants come through so if anyone is interested, please let her know.

**PROCLAMATION & AWARDS –**

Mayor Mignone-said that they were informed at the last meeting that Rabbi Jacobson is not extending his appointment with Temple Avodat Shalom and is returning to Australia on July 2<sup>nd</sup>. He spoke with the Council and they wanted to publically recognize the Rabbi for everything he's done on behalf of the Temple and our community.

Mayor Mignone read the proclamation honoring Rabbi Paul Jacobson into the record as follows:

***PROCLAMATION***

*WHEREAS, Rabbi Paul Jacobson has served as Rabbi to Temple Avodat Shalom and has been the congregation's spiritual and moral leader since 2013; and*

*WHEREAS, his dedication and commitment to the community include being the Treasurer of the North Jersey Board of Rabbis, and leading Temple Avodat Shalom in receiving the 2015 Fain Award for Excellence in Social Action, for a cutting edge program related to Muslim-Jewish Interfaith Dialogue for teenagers; and*

*WHEREAS, Rabbi Jacobson remains dedicated to both youth and senior citizens, setting standards of educational excellence and dedication to youth by providing opportunities and encouragement for service leadership; and providing SCORE with a warm welcome, and*

*WHEREAS, Rabbi Jacobson continually expands the vision of his local community to encompass County, State and National Affairs, and*

*WHEREAS, Rabbi Jacobson continues to provide care and spiritual support to families*

*through times of joy and sadness, even as these needs compromise his time with his own family, and*

*WHEREAS, Rabbi Jacobson's vision and guidance has made Temple Avodat Shalom a beacon for Reform Judaism in River Edge and Bergen County; and*

*WHEREAS, Rabbi Jacobson has been a fantastic community leader, always willing to use his time and talents for the betterment of the entire community of River edge; and*

*WHEREAS, Rabbi Jacobson and his family have decided to leave Temple Avodat Shalom and River Edge and return to Australia.*

*NOW, THEREFORE, BE IT RESOLVED, that I, MAYOR EDWARD MIGNONE, on behalf of the Governing Body and residents of the Borough of River Edge, do hereby extend our thanks and sincere appreciation to Rabbi Paul Jacobson for his many years of dedicated and committed service to the Temple Avodat Shalom Congregation and to the Borough of River Edge and offer him and his family our warmest wishes for best health and happiness upon their return to Australia.*

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*Mayor Edward Mignone*

*Dated: June 24, 2019*

Mayor Mignone-stated that several years ago he created a special award for people who go over and above which he called the "You InspiRE" award. He couldn't think of anyone more deserving than the Rabbi because he's been an inspiration to the town and to the Mayor. When he first became Mayor, Rabbi Jacobson was one of the first people to call him up to offer his support, his time and his talents. He's been a wonderful partner between the faith community and government and it shows that not only does it work as a partnership, it's vital to having a vibrant and healthy community. The Mayor feels that he's been a leader in that regard with all his interfaith efforts and he's been a great friend to the Mayor. The Mayor said that he will be sorely missed and thanked him for everything he's done for the town. He extended his best wishes to him and his family. Rabbi Jacobson-said there are very few things that leave him speechless. He is very grateful for the opportunity to have served in River Edge and to form partnerships with the governing body, other houses of worship and other organizations throughout the community. He and his family are delighted and honored to have had 6 years to call River Edge home. He said that they have a number of things that will bring them back this way and they know that they have a community waiting for them with open arms. He thanked the Mayor and Council for this award. Councilwoman Davis-said that as a member of St. Peters, she attended two ceremonies that he shared with Father Mike and was so moved with the write-up that each of them did for the other. She feels that he was a wonderful asset to our town.

#### **ADJOURNMENT - 8:17 P.M.**

On motion by Councilman Papaleo, seconded by Councilwoman Busted to adjourn the meeting at 8:17 p.m. was unanimously approved.

Attest:

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Mayor Edward J. Mignone

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Stephanie Evans, Borough Clerk  
Dated: