

MINUTES

Regular Meeting of the Mayor and Council
Monday, July 8, 2019
7:30 P.M.

CALL TO ORDER –

Mayor Mignone called the meeting to order at 7:30 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER – FLAG SALUTE

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

STATEMENT –

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

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

APPROVAL OF MINUTES -

On motion by Councilman Gautier, seconded by Councilwoman Davis, the regular session minutes of June 24, 2019 were approved unanimously.

PROCLAMATIONS & AWARDS –

Mayor Mignone- presented Joseph Maugeri with the “You InspiRE” Award – the Mayor stated that the term “hero” is often casually tossed around but in truth can be applied in many different contexts. To identify a true hero does not require definition, those people evoke instant recognition and they exude a certain presence. The legacy of heroes as Benjamin Disraeli said, “is the memory of a great name and the inheritance of a great example”. Tonight it is my honor to recognize a man who is a living legend of almost mythical proportions in River Edge. A man who is known by generations of River Edge residents from the most senior among us to children in grade school. A man who at public events is besieged by parents and children alike, just to say hello, thank you or to take photos. A man who has inspired many and continues to inspire of all. A man whose humility, gentle nature and warm presence is founded on a core of integrity, decency, courage and dedication to causes greater than himself. He is a man of the greatest generation and one we are blessed to have known. He is a great American patriot, a phenomenal human being and an inspiration to the Mayor personally and to countless others. I cannot think of a more worthy recipient for a “You InspiRE” award than our very own and beloved Joe Maugeri.
Joseph Maugeri-thanked the Mayor and Council for this award.

The Mayor presented a Certificate of Appreciation to Nick Besink and Bruce Goldsmith for helping the Borough in their efforts to launch a local government public television program. The Mayor

stated that Nick has been invaluable in bringing us to this point that we're actually on the air. Prior administrations, Mayor's and prior Council people who he has spoken to in getting government access, he asked why can't we work with Oradell who has a great program. He was told that they tried but we would have to work on our own. The Mayor said that about 3 years ago when he was at the league conference he attended a class on local public access TV. He said that Nick was speaking and at the end, he walked up and introduced himself. Nick said to him "it's about time". The Mayor asked what he meant and he said that for years he has offered to help River Edge out and no one has taken him up on it. The Mayor said that Nick has been so helpful and encouraged the Council to go and take a look at the set up that Oradell has. He said that Nick actually has a set with all of the equipment and feels that he is a true professional and camera man. He is also a 7 time Emmy nominee and has won 3 daytime Emmy's for his camera work. The Mayor said that he's honored to have someone of his caliber helping us out. The Mayor mentioned that Bruce works with JAG (Jersey Access Group) which is a trade association for all of the towns that have public access television which we will be joining. The Mayor feels that there's a lot of good content and he had asked Alphonse Bartelloni to be here this evening because he was instrumental in getting us as far as we did.

PUBLIC COMMENTS ON ANY ITEM ON THIS AGENDA –

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

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

APPOINTMENTS & PERSONNEL CHANGES –

On motion by Councilman Gautier, seconded by Councilwoman Davis the salary increase of Michael DeSanctis, Park Attendant from an hourly Step II rate of \$21.35 to Step III - \$22.48, effective June 6, 2019 was unanimously approved.

On motion by Councilman Gautier, seconded by Councilman Chinigo, the salary increase of Paul Insinga, Crossing Guard from an hourly Step I rate of \$18.51 to Step II - \$19.54, effective June 20, 2019 was unanimously approved.

On motion by Councilman Gautier, seconded by Councilwoman Davis, the salary increase of Kevin Joyce, Fire Inspector at an hourly Step I rate of \$23.88 to Step II - \$25.20, effective July 22, 2019 was unanimously approved.

CORRESPONDENCE –

Alan P. Negreann-CFO – Revenue Report – 6/26/19

ORDINANCES – 2nd Reading

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

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

SPACES”

Ordinance #19-15 was introduced by Councilman Papaleo, seconded by Councilman Chinigo and unanimously approved at the June 24, 2019 regular meeting 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:

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #19-15

On motion by Councilman Papaleo, seconded by Councilwoman Davis to open the public hearing on Ordinance #19-15 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #19-15

There being no comments by the public, the motion by Councilman Chinigo, seconded by Councilman Papaleo to close the public hearing on Ordinance #19-15 was unanimously approved.

ADOPTION – Ordinance #19-15

On motion by Councilwoman Busteded, seconded by Councilwoman Davis to adopt Ordinance #19-15 was unanimously approved.

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

Ordinance #19-16 ORDINANCE TO AMEND ARTICLE 350-39 OF THE BOROUGH OF RIVER EDGE'S ZONING ORDINANCE ENTITLED "PERFORMANCE GUARANTEES"

Ordinance #19-16 was introduced by Councilwoman Kaufman, seconded by Councilman Papaleo and unanimously approved at the June 24, 2019 meeting 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:

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #19-16

On motion by Councilman Papaleo, seconded by Councilman Chinigo to open the public hearing on Ordinance #19-16 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #19-16

There being no comments by the public, the motion by Councilman Papaleo, seconded by Councilman Chinigo to close the public hearing on Ordinance #19-16 was unanimously approved.

ADOPTION – Ordinance #19-16

On motion by Councilwoman Busted, seconded by Councilwoman Davis to adopt Ordinance #19-16 was unanimously approved.

TABLED

TABLED

TABLED

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

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

Mayor Mignone-explained that what this ordinance is intending to do is provide some quantitative guidelines for allowing the public to report and for the Borough to respond to noise complaints as it relates to incessant dog barking.

Ordinance #19-17 was introduced by Councilwoman Busted, seconded by Councilwoman Davis and approved by a majority at the June 24, 2019 meeting as follows:

**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:

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #19-17

On motion by Councilman Papaleo, seconded by Councilman Chinigo to open the public hearing on Ordinance #19-4 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #19-17

There being no comments by the public, the motion Councilwoman Busteded, seconded by Councilwoman Davis to close the public hearing on Ordinance #19-17 was unanimously approved.

ADOPTION – Ordinance #19-17

On motion by Councilman Papaleo, seconded by Councilwoman Busteded to adopt Ordinance #19-17.

Councilman Chinigo-doesn't feel that this ordinance as written, actually accomplishes what we're trying to do. He had a number of comments that he feels should be addressed and gave several examples. He fails to see how there will be any sort of due process or investigation that is built into this.

Mayor Mignone-said that this puts all the responsibility on the Health Department. He asked, what if someone calls the Police, would it be their obligation to then contact the Health Department to certify the violation?

Councilman Gautier-said what if a dog is barking at 10 o'clock at night, it would be the Police that would get the call.

Mayor Mignone-said that the ordinance does not provide for that, the ordinance provides for the Health Department.

Councilwoman Davis-said that she thought people would automatically call the Police not the Health Department.

Tom Sarlo, Esq.-said that someone could file their own notice of a violation with the Health Department. If someone calls the Police Department and they go out there he can advise them to go to the Health

Department the next day to file a certification and start the process.

Councilman Chinigo-asked what if someone owns three dogs and one barks one day and the other barks another day? He asked how that would be addressed? Would it be the same owner offense?

Mayor Mignone-said that he had this concern right from the beginning. When we talk about putting time periods of 15 consecutive minutes, if there's a pause of 10 seconds, does the clock start again? Ultimately, the judge would have to interpret these things if violations are made but then he'll be writing the ordinance for us. If that's what the Council wants then that's the way you can proceed.

Tom Sarlo, Esq.-said that his memo indicated that enforcement of noise ordinances is the hardest thing to enforce.

Councilman Chinigo-asked if a 10 year old could make a complaint under this ordinance?

Tom Sarlo, Esq.-said if the Board of Health is filling out the certification.....

Councilman Chinigo-said it just says file a certification, it doesn't say fill out a certification.

Tom Sarlo, Esq.-said any minor would have go through their guardian just like any complaint that's being filed with....

Mayor Mignone-asked, shouldn't there be a time frame between the time and date of the offense versus the certification also.

Tom Sarlo, Esq.-said that everyone is getting really detailed about the ordinance and the procedure of it and yes, we can get as detailed as you want.

Mayor Mignone-said that there's no language in it to direct the Health Department to come up with rules and regulations.

Tom Sarlo, Esq.-stated that the Mayor and Council had asked him to model an ordinance after another town which is what he did. If they wanted more.....

Mayor Mignone-feels that it would be more effective if the ordinance said this is the policy goal and then go to the Health Department to come up with rules and regulations on how it will be implemented. To Councilman Chinigo's point, he thinks that it's unenforceable.

Councilman Chinigo-agrees and feels that there's no real teeth to it.

Tom Sarlo, Esq.-said that as he stated in his memo, it's almost impossible to enforce the existing ordinance.

Councilman Chinigo-said that there's no question that we have to amend our existing ordinance but it needs to be a little stronger.

Tom Sarlo, Esq.-said that we're not talking about the noise ordinance, we're focusing on the dog barking part of it.

Councilwoman Busted-wanted to represent the residents that have come to her and asked for this modification to be made. They've seen it and feel it's enforceable and they want them to act upon it. She feels if they can come up with a compromise of asking the Board of Health to come up with a policy for certification, have them come back to us and then they can address the ordinance. She said that there are several residents that have been living through some serious situations and she would like to provide some type of relief.

Councilman Papaleo-agrees with Councilwoman Busted that something is better than nothing. It would seem to him that the ordinance does implicitly direct the Health Department to come up with certification and procedure. He also thinks that ultimately, it will be up the Municipal Judge to determine its validity. We could speculate on it forever but until we create an ordinance and have it enacted, it would be tested by the Court and if the Court found it to be lacking, they will inform us of that. He again said that he feels something is better than nothing.

Councilman Chinigo-said why wouldn't we do it right in the first place? Why wait until somebody else tells us it's wrong?

Councilman Papaleo-said that he didn't hear our Borough Attorney tell us it's wrong. He understands it as the way it's written, gives the Health Department authority and the Police Department authority.

Tom Sarlo, Esq.-said that you're giving the jurisdiction to the Health Department to take the complaint of the resident. Eventually, it's not the Health Department that will file the complaint, it's going to be the resident that will file. The Health Department will take the initial complaint and send out the notice.

The second part is, if an officer comes up and observes this, he can issue a summons right on the spot. He wouldn't need to go through the process.

Councilman Chinigo-stated it doesn't say that. Where does it say that a person will issue a complaint?

Tom Sarlo, Esq.-said that if this Mayor and Council want to appoint someone else to have that jurisdiction, they can.

Mayor Mignone-asked for clarification as to how a resident could go directly to the court for a subsequent offense?

Tom Sarlo, Esq.-explained basically the notice to the homeowner would be you're on notice, this is happening, correct it. If a subsequent offense occurs, then a violation can be issued.

Mayor Mignone-asked, "you only go to court if there's a second offense"?

Tom Sarlo, Esq.-replied that is correct.

Mayor Mignone-said that there's no mechanism for that. He asked why they can't do it under the first complaint.

Tom Sarlo, Esq.-said you can't leave it to the Health Department to do it because they're not the witness of it.

Councilman Chinigo-said not under this ordinance. He cited #3 where it said Police Officer, Health Official or other person authorized to act on behalf of the Borough of River Edge. It doesn't say anything about a homeowner.

Tom Sarlo, Esq.-yes, 2 is homeowner, 3 is law enforcement.

Councilman Chinigo-said 2 talks about the certification and 3 talks about the complaint. There's nothing in 2 that talks about the complaint.

Tom Sarlo, Esq.-explained, 2 talks about any person observing a violation so that's a resident. 3 talks about a Police Officer or Health Official. So you start with any person observing a violation. If you observe a violation, go to 2 and this is going to be your procedure.

Mayor Mignone-asked "shouldn't section 3 only apply on a second offense"?

Tom Sarlo, Esq.-replied no.

Councilwoman Davis-said what if the police department saw it first?

Mayor Mignone-said that's not what #2 says.

Tom Sarlo, Esq.-said it's a different standard for an officer. You're not going to ask an officer to go back out there a second time. Just like your noise violation. If an officer comes rolls up on the scene and hears noise, he will issue a noise violation right there. So it's a little different for law enforcement.

Councilman Chinigo-gave different scenarios of dogs barking and again said that there are too many holes in this ordinance. He agrees that the noise ordinance needs to be revised and is all for doing something, but only if it's going to be affective. He does not think that this would be affective. As an attorney for over 20 years and he sees holes in this that will not hold up in court.

Councilwoman Busteed-said that after listening to residents for almost a year now complain that they don't understand how to get action taken for a homeowner that's been dealing with incessant dog barking situations. She feels that this gives them the steps that need to be taken in order to have it addressed.

Mayor Mignone-said that they can make a complaint under current noise ordinance right now.

Councilwoman Busteed-said it's not clear.

Tom Sarlo, Esq.-said that he told them from the beginning, enforcement is going to be the hardest thing in whatever they decide to do. He suggests that we take Councilman Chinigo's recommendation and do it the right way and see if we can incorporate some of his concerns.

Councilman Papaleo-said he doesn't agree and thinks they should move it and put it to a vote.

Mayor Mignone-said that he's not sure he'll sign the ordinance.

Councilman Papaleo-said the last time Councilman Chinigo brought this up, he objected to the 15 minutes. He asked if that's the ultimate goal to get rid of the 15 minutes or does he just want to clean up the language?

Councilman Chinigo-said that he wants an ordinance that works and he doesn't feel this one will.

Councilman Papaleo-stated that since they only have one meeting a month, he asked if Councilman

Chinogo would be willing to work with the Borough Attorney, come back with revisions at the August meeting, then have a first reading at the beginning of September and then adoption at the end of September. He asked if he was open to that?

Councilman Chinigo-said that he's certainly open to that but feels vilified for looking out for us and doesn't appreciate it.

Councilman Papaleo-agreed that the last time his objection was the 15 minutes but now is objection is some of the language.

Councilman Chinigo-said that his objection was always the language. Prior to the meeting this evening, he discussed some of his concerns with Councilwoman Busted.

Mayor Mignone-feels that to get it right, there should be some input from the Health Department and the Police Department. The Police Department will have to have input on how they will respond to this because they'll need to have a consistent response policy also. He is not in favor of passing ordinances that will be problematic.

Councilman Papaleo-asked Mr. Sarlo if they tabled it, would that be appropriate?

Tom Sarlo, Esq.-feels that there will be substantial changes so the proper thing to do is re-introduce it.

Councilman Papaleo withdrew his motion.

Stephanie Evans, Borough Clerk read the title of Ordinance #19-18 into the Record as follows:

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

Mayor Mignone-explained that this ordinance is in response to Superstorm Sandy where FEMA had modified a lot of the flood maps and determined new flood elevations for certain areas. River Edge is not affected by the changes in the map but there are regulations that we still need to adopt so the Borough can participate in the National Flood Insurance Program.

Ordinance #19-18 was introduced by Councilman Chinigo, seconded by Councilman Papaleo and unanimously approved at the June 24, 2019 meeting as follows:

ORDINANCE NO. 19-18
BOROUGH OF RIVER EDGE

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 FLOOD DAMAGE PREVENTION § 216-3

§ 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.

§ 216-4

RIVER EDGE CODE

§ 216-5

§ 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.

§ 216-5 FLOOD DAMAGE PREVENTION § 216-5

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.

§ 216-5

RIVER EDGE CODE

§ 216-5

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.

§ 216-5

FLOOD DAMAGE PREVENTION

§ 216-5

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

§ 216-5

RIVER EDGE CODE

§ 216-7

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

§ 216-7 FLOOD DAMAGE PREVENTION § 216-11

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

§ 216-12 RIVER EDGE CODE § 216-14

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

§ 216-14	FLOOD DAMAGE PREVENTION	§ 216-17
----------	-------------------------	----------

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

<u>§ 216-18</u>	<u>RIVER EDGE CODE</u>	<u>§ 216-18</u>
-----------------	------------------------	-----------------

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

§ 216-18 FLOOD DAMAGE PREVENTION § 216-19

- 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.

§ 216-20

RIVER EDGE CODE

§ 216-20

§ 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.

§ 216-20

FLOOD DAMAGE PREVENTION

§ 216-21

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.

§ 216-21

RIVER EDGE CODE

§ 216-21

- 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,

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 take effect immediately after the first publication after final passage as provided by law.

Mayor Edward J. Mignone

Attest:

Stephanie Evans, Borough Clerk

Dated:

OPEN PUBLIC HEARING ON THE ORDINANCE – Ordinance #19-18

On motion by Councilwoman Busted, seconded by Councilwoman Davis to open the public hearing on Ordinance #19-18 was unanimously approved.

CLOSE PUBLIC HEARING ON THE ORDINANCE – Ordinance #19-18

There being no comments by the public, the motion by Councilman Chinigo, seconded by Councilman Papaleo to close the public hearing on Ordinance #19-18 was unanimously approved.

ADOPTION – Ordinance #19-18

On motion by Councilman Chinigo, seconded by Councilwoman Busted to adopt Ordinance #19-18 was unanimously approved.

RESOLUTIONS - By Consent

On motion by Councilman Chinigo, seconded by Councilman Papaleo, resolution #19-255 through #19-262 and #19-264 were unanimously approved.

#19-255 Purchase of Command Vehicle for the Fire Department Through State Contract

WHEREAS, the Borough of River Edge desires to purchase a 2020 Police Interceptor Utility All Wheel Drive Command Vehicle from Cherry Hill Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey; and

WHEREAS, the vendor, Cherry Hill Winner Ford, is an approved State Contract participant, bearing the State Contract #88728; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-1913-575 of the Capital Fund in the amount not to exceed \$32,429.00; 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 Contact bid on the purchase of a 2020 Police Interceptor Utility All Wheel Drive Command Vehicle for the Fire Department as per the State's specifications in an amount not to exceed \$32,429.00.

July 8, 2019

#19-256 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on Dorchester Road

WHEREAS, on or about July 8, 2019, the Borough of River Edge granted permission to Johnny Porco, 183 Dorchester Road, River Edge, New Jersey, to hold a block party on Dorchester Road between Elm Avenue and Oak Avenue on Saturday, September 14th starting at 11:00 a.m. (rain date Sunday, September 15th) in accordance with Borough Ordinance #1678; and

WHEREAS, Johnny Porco has requested that the possession and consumption of alcoholic beverages be permitted in connection with said block party; and

WHEREAS, Borough Code Section 114-15 allows the Governing Body to permit the possession and consumption of alcoholic beverages in or on a public street or sidewalk in connection with an authorized block party.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge that persons age 21 and over be and hereby are permitted to possess and consume alcoholic beverages at the block party described above, on the date and time specified herein.

July 8, 2019

#19-257 Resolution to Approve the Submission of a Grant Application with the New Jersey Department of Transportation Discretionary Grant for the Borough of River Edge Continental Avenue Road Improvements

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of River Edge and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

July 8, 2019

#19-258 Resolution Authorizing the Purchase of One (1) Caterpillar Model 926M Front End Loader Through Sourcewell (Formally NJPA)

WHEREAS, the Borough of River Edge Public Works Department has need to acquire heavy-duty vehicles necessary for performing a variety of tasks performed by that Department; and

WHEREAS, the Borough of River Edge has been a member of Sourcewell (formally NJPA) since October 15, 2007, Membership #10112; and,

WHEREAS, N.J.S.A. 52:34-6.2, as amended by P.L. 2011, c.139, authorizes the Borough to purchase goods or to contract services through the use of a nationally-recognized and accepted cooperative purchasing system that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available,

subject to the submittal and acceptance of certain documentation by Foley-Caterpillar; and

WHEREAS, Foley-Caterpillar, 855 Centennial Avenue, Piscataway, New Jersey 08855, is an authorized dealer for Caterpillar under Sourcewell contract #032119-CAT (maturity date is May 23, 2023); and

WHEREAS, under Sourcewell Contract No. 032119-CAT, Foley-Caterpillar, can provide one (1) Caterpillar Model 926M Front End Loader as per their quote #134392-01 dated June 4, 2019 in the amount of \$149,328.00 to the Borough of River Edge

WHEREAS, notice of the within purchase has been published on June 24, 2019 in the Record, with a 10-day comment period as required by Local Finance Notice 2012-10 and;

WHEREAS, the Borough Administrator has determined that the use of the offered National Cooperative Contract will result in cost savings after all factors, including charges for service, material and delivery have been considered and has verified that such equipment is not available at a better cost savings through State Contract awarded by the Division of Purchase and Property in the New Jersey Department of the Treasury pursuant to N.J.S.A. 40A:11-12; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1913-500; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of River Edge hereby authorizes the purchase of one (1) Caterpillar Model 926M Front End Loader from Foley-Caterpillar, 855 Centennial Avenue, Piscataway, New Jersey 08855 through Sourcewell Contract No. 062119-CAT for a price not to exceed \$149,328.00.

BE IT FURTHER RESOLVED that the purchase order shall contain a requirement that “the vendor shall maintain all documentation related to products, transactions or services under this contract for a period of five years from the date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request”.

July 8, 2019

#19-259 Acknowledge Receipt of Certification of Request for Emergency Purchase – Repair of Two (2) Collapsed Storm Drain Lines at 10 River Edge Road

WHEREAS, the Superintendent of Public Works has certified that an emergency condition exists in the Department of Public Works for the emergency repair of two (2) collapsed storm drain lines at 10 River Edge Road (compost site) in the amount of \$65,000.00; and

WHEREAS, this condition constitutes an emergency affecting the public health, safety and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby confirm and acknowledge the receipt of the Certification of Request for Emergency Purchase for this emergency.

July 8, 2019

#19-260 Amend Agreement with DMR Architects, 777 Terrace Avenue, Hasbrouck Heights, New Jersey 07604 for Architectural and Engineering Services for the River Edge Community Center

WHEREAS, there exists a need for professional architectural and engineering services for the River Edge Community Center; and

WHEREAS, the Borough of River Edge has previously awarded a contract to DMR Architects via resolution #17-145 dated April 3, 2017 in the amount of \$32,000.00; amended via resolution #18-109 on March 12, 2018 in the amount of \$70,500.00; amended via resolution #18-242 dated July 9, 2018 in the amount of \$4,000.00 and amended via resolution #19-188 dated May 13, 2019 in the amount of \$36,500.00; and

WHEREAS, additional funding is required for additional services rendered in the amount not to exceed \$56,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1712-100 of the Capital Fund in the amount of \$2,797.11; Account #04-2150-1829-100 of the Capital Fund in the amount of \$3,284.57; Account #04-2150-55-1859-100 of the Capital Fund in the amount of \$40,300.00; Trust Other Account in the amount of \$7,678.74 and Account #04-2150-56-1810-125 of the Capital Fund in the amount of \$1,939.58 for a total amount not to exceed \$56,000.00; 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, 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; and

WHEREAS, DMR Architects has completed and submitted a Business Entity Disclosure Certification which certifies that DMR Architects 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 DMR Architects from making any reportable contributions through the term of the contract; and

WHEREAS, the Mayor and Council have examined resumes, biographies, work experience; and

WHEREAS, the Mayor and Council have reviewed price and other factors when considering supporting reasons for awarding this contract; and

WHEREAS, the rate of pay shall not exceed the following:

President and CEO	\$175.00 per hour
VP/General Counsel	\$165.00 per hour
Principal/Vice President	\$155.00 per hour
Senior Designer	\$150.00 per hour
Senior Project Manager	\$145.00 per hour
Project Manager	\$140.00 per hour
Project Architect	\$130.00 per hour
Draftsperson	\$100.00 per hour
Interior Designer	\$125.00 per hour

Clerical

\$ 75.00 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 DMR Architects, 777 Terrace Avenue, Hasbrouck Heights, New Jersey 07604 in the amount not to exceed \$56,000.00; and
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 "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.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

July 8, 2019

#19-261 Purchase of One Police Vehicle Through State Contract

WHEREAS, the Borough of River Edge desires to purchase one (1) 2020 Interceptor Utility All Wheel Drive Vehicle, from Cherry Hill-Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey; and

WHEREAS, the vendor, Cherry Hill-Winner Ford, is an approved State Contract participant, bearing the State Contract #A88728; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1913-925 of the Capital Fund in the amount not to exceed \$31,910.00; 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 one (1) police vehicle as per the State's specifications in an amount not to exceed \$31,910.00.

July 8, 2019

#19-262 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.

July 8, 2019

Councilwoman Kaufman read resolution #19-263 into the record.

On motion by Councilwoman Kaufman, seconded by Councilman Chinigo, resolution#19-263 was unanimously approved.

#19-263 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	\$606,264.92
CAPITAL ACCOUNT	\$ 21,033.82
RECREATION ACCOUNT	\$ 1,352.45
ANIMAL WELFARE ACCOUNT	\$ 11.40
TRUST OTHER ACCOUNT	\$ 1,553.33
OPEN SPACE ACCOUNT	\$ 8,424.11
TRUST OTHER DEVELOPERS ACCOUNT	\$ 3,672.50

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

July 8, 2019

#19-264 Authorize Mayor to Sign the Licensing Agreement with Boy Scout Troop 184

BE IT RESOVLED, that the Mayor is hereby authorized to sign the Licensing Agreement with Boy Scout Troop 184.

July 8, 2019

Police Chief Tom Cariddi-informed everyone that on June 26th he had the opportunity to attend the New Jersey State Traffic Officer's Association that was held in Atlantic City. At that meeting, there were recipients from around the state who had been recognized for having the designation of a New Jersey Traffic Safety Specialist, Level 1. This is a program that's been around about 11 years now and from the Traffic Safety Specialist designation, it's a state wide recognition of police officers who attained notable experience, education, training and proficiency in highway safety, traffic enforcement methods and procedures. The New Jersey Traffic Safety Specialist Program promotes highway safety among police

officers as well as provides a mechanism for support, acknowledgement and recognition of the prestige among officers who have achieved advanced levels and their training proficiency. Officers who are assigned traffic units and have an addition to their regular training, have to achieve at least 30 credit hours of additional specialized training to qualify for this recognition. The Chief said that Officer Pat Diamond from the River Edge Police Department was recognized for having attained the Level 1 designation and was very proud to accept the recognition and certification on his behalf. Chief Cariddi called Officer Diamond up and presented him with the New Jersey Traffic Safety Specialist Certification for Level 1 designation issued on the 26th of June by the State of New Jersey.

Mayor Mignone-congratulations Office Diamond and said this recognition is well deserved.

Councilwoman Busteed – said that it is her privilege as Council President to have an opportunity to recognize Mayor Edward Mignone who will be vacating his chair in the very near future and embarking on a very exciting change for him and his family. She and Ed first started working together in 2013/2014 but he was first elected to the Council in 2011. Prior to that he served on the Planning Board and really exemplifies what it means to be a public servant with no agenda of his own but an agenda to make the Borough of River Edge the best it can be for all of the residents that are here. She said that we should all consider ourselves very fortunate that we've had a person of his caliber professionally and personally to represent us in the Borough. The example of the exchange that we've had here regarding the dog barking ordinance is a perfect example of how at times, we agree to disagree. She feels that everyone on the dais that have served with Ed knows that he always strived to create that type of atmosphere to not be concerned with disagreeing with one another but to do what is in the best interest of the residents of River Edge. He is also a steadfast supporter of all of our borough employees and she knows that they would say that he has their best interest at heart all of the time as well. She hopes the staff realizes how lucky they were to have him to help their needs as well. As far as volunteers, he has always said that we have the best volunteers in the State of New Jersey to support our residents and she knows that all of the Council members agree. He has always made an effort and a point to recognize the volunteers in our community who do such great work for the borough. She said that it is her privilege to present Mayor Mignone with a plaque that read as follows:

Edward J. Mignone

Councilman 2011 – 2015

Mayor 2016 – 2019

*Given to a leader whose professionalism and hard work
Earned the respect of his fellow elected officials, employees and residents.*

*His accomplishments and contributions will serve Borough
residents long into the future.*

Given in grateful recognition for his dedicated service.

Council

2019

Mayor Mignone- said that there are two things that I learned about life in the past year and a half. Sometimes storms are not meant to disrupt your life but rather to clear your path. Difficult roads often lead to beautiful destinations. So the Mignone's will continue our journey through life in the great state of Utah. While we will sad to leave a community which we've been a part for nearly two decades, we're excited and optimistic for our future. It's been an honor to serve the Borough as Councilman for 5 years

and as Mayor for the past 3 ½. While he leaves much unfinished business, he also leaves with great satisfaction and pride with the state of our town which by many measures is in a much greater place today than it was when he was seated on the Council in 2011. He recalls that the financial standing of the Borough perilous. We saw employees furloughed, services cut and our fund balance dwindled to less than \$100,000. Today we have been able to, through our strong financial management, implement debt limiting policies, policies to use surplus funds and we have almost \$4 million dollars in fund balance today. I'm proud that we do not have 200 units of Avalon Bay at the New Bridge Landing Train Station and a 9 story parking garage there. In fact, today we had a meeting with a developer for the Johnson Avenue site which he is pleased to announce that will not have residential component and will be a great addition to the Borough of River Edge. He is pleased that after many years of discussion and discourse the former American Legion building has been raised and they have a rational responsible plan for development of a community space that can be used for residents of all ages and provide a place for our seniors to gather, socialize, share meals and enhance their quality of life. He feels that it's been long overdue. He's exciting for the great and expansive opportunities for recreation, education and leisure activities the center will provide for generations now and in the future. In terms of connectivity transparency, we're ready to bring out a vastly improved website. As he mentioned tonight, for the first time ever, we're airing this meeting live on local government access television. Although we're not quite up to speed on all of our technical components, hopefully one day all of our boards, committees and commission meetings can be recorded and broadcast. While most of us choose to serve in some capacity, in public capacity are subject to criticism and critique but doesn't mean that our critics can subject us to slanderous accusations and blatant disrespect. He has seen on social media, some of our Council people as rats and liars and make accusations about corruption based on unknown sources. Unfortunately too few call out these muckrakers and demand that they need to be supported with actual facts and public records. He's hoping with the TV, we have unfiltered direct communication between us and the residents and if it can only be for the greater good. He is disappointed that he will not be in office to see the groundbreaking for the new Kevin Wright Museum at the Historic New Bridge Landing site. He thinks that this cultural and educational can be a catalyst to spur new development itself. He's also been around local government in an appointed, elected and professional capacity long enough to know that no one individual is irreplaceable. That being said, there are those who've serve and have made significant and profound impacts on public policy and make a lasting impact. It has been honor and privilege to work with some of these individuals such as our former Borough Administrator, Alan Negreann, our late Public Works Superintendent, John Lynch, my friend and colleague, the late Vito Acquafredda and former councilman Al Bartelloni. Over the past ten years, I've been proud to participate in significant personnel decisions that were presented to us including replacing our fantastic Borough Clerk Denise Dondiego with our current great Clerk, Stephanie Evans, filling over half the ranks of the patrol officers in the Police Department with great men and the first woman officer in the departments history, overseeing Sergeant and Lieutenant promotions, the hiring of Carolyn Baldanza as Director of Recreation and Cultural Affairs and most recently promoting Jason Milito to fill the huge shoes of former Superintendent John Lynch, hiring a CFO and the challenge of finding a new Borough Administrator who is shown to be capable and up for the challenge. It's been a pleasure to serve and work with all of the department heads and employees. He is indebted to our Clerk, Stephanie Evans and Deputy Clerk, Judy O'Connell for keeping me on track and helping in numerous ways. They are always supportive and always there for whatever I've asked. A special thanks to Borough Attorney, Tom Sarlo. Although he was appointed by his predecessor, he is glad to have served along side of him. Your advice has been fair and insightful and thank you for your counsel and friendship. I would like to personally acknowledge everyone as so not to forget any one individual, I'll just thank everyone who works for the borough or volunteers for the borough in any capacity. Having fantastic employees and selfless volunteers, makes our jobs as elected officials much easier and you're the reason that River Edge is the community we love so much. I would like to thank my current council colleagues. Thank you for the respect and courtesy afforded to me when I was the political minority on the council. During my term as Mayor, I thank you for your respect and effective professional working relationship I feel that I've

developed with each of you. I especially Councilwoman Busted for her support, insight and friendship especially during the last two years as she's served as Council President. You have made me a better Mayor and is willing to say that we have had the most productive and collaborative partnerships to advance the interests of the residents and have shown that good governance is really what makes good politics. I was looking forward to presenting my record of service and accomplishments to the voters of River Edge this fall. Whether I would've been re-elected or forced into political retirement would have been in the end irrelevant. I've had a privilege and an honor only known to fewer than 19 men and 1 woman since 1893. The honor of being elected and serving as Mayor of the Borough of River Edge. I leave this town and the office of Mayor humbled by the trust and faith placed in me by my fellow residents to insure their safety, to be the responsible steward of their hard earned tax, stabilize taxes so that those who grew up here can afford to return to their hometown and raise their own families. This is still common place and possible in River Edge. Whereby increases in housing, costs and taxes make it impossible in neighboring communities. I've tried to be an advocate and protector of our quality of life and for balancing the private rights of our citizens with public needs and protect that from government overreach. For the past 8 1/2 years, there hasn't been a morning that I have awoken and not been mindful of my solemn obligation, duties and responsibilities to the people of River Edge. Thank you again for allowing me to play a small role in help writing the story of our beloved borough. I'd be remiss if I didn't extend a public thank you to my wife Cheryl and my boys, Edward and James. Cheryl has been a classy and gracious First Lady and number one advisor and confidant. She was the one who had faith when I was doubtful and the one who provided encouragement when I faltered. She was the one who sacrificed not having me at home so I could fully emerge myself in a role that I loved and deeply enjoyed but also to give me the blunt criticism and reality check when I needed it. I thank my boys for their patience and accepted understanding that the reality of having a father who is Mayor involves personal and family sacrifices that they made for me. I hope that through my service, they've come to see public service as a noble cause and that it is possible for one person to truly make a difference in people's lives. So again, I thank you very much, I've enjoyed being your Mayor and I hope it has been evident by my words, deeds and actions. God bless you all and may God continue to bless the residents of River Edge.

PUBLIC COMMENTS –

On motion by Councilwoman Busted, seconded by Councilwoman Davis to open public comments was unanimously approved.

Peggy White-741Center Avenue-said that she doesn't understand why they would have taken the Legion down before the July 4th parade. She said that it created such havoc with parking especially for senior citizens.

Mayor Mignone-said that he's sure there probably could have been better planning with that regard but the schedule was kind of tight and the demolition was part of the critical path of the project. The timing is the timing regardless. It's unfortunate the way it fell within the holiday. The intent is to have this work done by the end of the summer and although a week may not seem like a significant amount of time it could push the schedule back into September and the start of school. He continues to say that the parking lot was going to still be used for storage of materials and would not have been accessible.

Peggy White-said that she just wanted to let them know that many people were complaining. She thanked Ed for being such a good Mayor for the time that he's been here. She felt that he organized everyone together and didn't care whether you were a Republican or Democrat.

Robert Nyman-15 Kimberly Way-wanted to give accolades to our outgoing Mayor, Ed Mignone. He's worked with him on many levels. Political Party level, Planning Board, Zoning Board and other numerous things. He said that he's an extremely knowledgeable person, extremely effective and will be a tough act to follow and set the bar very high. He is confident that everyone up on the dais will rise to that level and wanted to thank him personally and on behalf of lots and lots of people in town, say thank

you very much and Godspeed.

Alphonse Bartelloni-719 Oak Avenue-said 9 years ago, he didn't know Ed. He was told that there's a guy Ed and you're going to run with him. They walked the town so many times and he came to learn that they had so much in common and in recent years, even more than they knew. A few months ago, Ed sent him a text message saying that he wanted to talk about the campaign and that he would be coming over. He opened the door to find Cheryl and Ed and they told him that they're moving to Utah. Even though he's very much alive, he's losing one of his best friends and confidants. Part of him thought that when he said he wanted to talk about the campaign, he was going to ask him to run with him again. He's the only person that he would actually even contemplate stepping into that arena again. He said that he's going to miss him very, very much and said what's he done for this town, people may not really truly understand or appreciate it. He feels that Ed exemplified governing over politics. You had a vision and an agenda and you saw it through. It's not an exaggeration when you say it took 10 years to get this on TV or see the Community Center to finally break ground. That takes a level of dedication that I don't think many people possess. And you moving away is a tremendous loss, to me personally but to the people of River Edge. I just wanted to thank you for everything you've done for this town and for being my friend.

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

COUNCIL COMMENTS –

Councilwoman Kaufman-said it's been a short time but it's been a great pleasure to work with Ed and feels that he's done a great job.

Councilman Gautier-said that after one of his first council meetings he had a million questions and decided to ask Ed one of them. Ed took the time to help him out and answer it. And that answer turned into a conversation that lasted about an 1 ½, 2 hours. It didn't matter that I was from another party or that you hardly knew me. You took that time to help me and I'll always remember that and thanks him for that. He thanked Ed for everything he's done for the people of River Edge and everything he's done for all of us. Councilman Gautier wished him the best of luck on his journey.

Councilman Papaleo-said that it's been about 8 years, but a good 8 years. He said that Ed has been an honorable man, an honorable politician and he is grateful to have worked with him and is sad to see him go. When Councilman Papaleo first got on the council, there was a lot of acrimony and he wanted to work towards a more colligate environment. After speaking with Ed and Paul, he suggested that they reorganize the way we have our seats so that we don't have one party on one side and one party on the other side. And everyone agreed to that. At the Ambulance Corp dinner, he asked if they could all sit together and Ed said yes and they all squeezed together. He thought to himself, what a great moment. He said, campaigns are partisan but governing is non-partisan and you have governed in a non-partisan way. He is proud to have worked with him, is sad to see good and wished him, Cheryl and the boys the best.

Councilwoman Busteed-said that she and Ed started their professional relationship as competitors on the ballot in 2013 but throughout the entire election there was civility and focus on what they wanted to do for the borough and not attacking the other person. She thanked him for that. She wished Ed, Cheryl, James and Edward all the best in this new journey. She is very excited for them and if she had the authority to give him a key to the borough, she would. She looks forward to catching up with them when they come back to visit family so they can hear about all of the wonderful things that are happening with he and his family. She wished them the best of luck.

Councilwoman Davis-said that Ed brought her to the Council kicking and screaming. She does not have a political bone in her body and never wanted to be here. Now he's leaving and she's still here! She remembers him saying to her, we need you, we need somebody to bring us all together. Well it turns out that Ed is the one that brought us all together. She said that it's been an absolute honor to work with him

and feels that he's worked tirelessly for this community. As often happens, people appreciate you more after your gone and she knows that the people of River Edge will appreciate all that he has done for all of us. To Cheryl and the boys, she wished them luck and said family always comes first and God bless you both.

Councilman Chinigo-said that Ed is a terrific Mayor. He's the only Mayor that he's worked with, but if every Mayor out there was like him, this entire country would be in much better shape. He's learned a lot from him, thanked him for his patience and non-partisanship for putting the Borough first and sacrificing his family time in our favor. Sitting here on the dais, they all know how difficult it is and would imagine it would be 2 or 3 times as difficult to be Mayor. You have put in time, effort and have been honorable the entire way and Councilman Chinigo feels that he's a much better person having known him. He thanked him for his service and wished Ed and his family the best of luck.

Tom Sarlo, Esq.-said that when you have the privilege of serving a borough, it's great when work with a Mayor and Council that's professional and know what they're doing. You develop professional relationships with everyone. Every now and then, you step outside of the professional relationship and form a friendship. He knew when he received that coveted invitation from Ed to his Christmas party and welcomed him into his home, he knew that a friendship had developed which he is grateful for. He wished the Mayor good luck in his future endeavors.

Mayor Mignone-thanked everyone. He reminded everyone that tomorrow there will be a dedication for John Lynch Way. They will rename Riverside Way in honor of the late John Lynch. They will have a brief ceremony at noon and lunch will be provided afterwards. He apologized for the late notice but there was some mix-up on when they thought the schedule would be. John's family will be coming. They chose to do it in the middle of the day to maximize the potential for the DPW employees to be there. He invited everyone to attend.

ADJOURNMENT – 8:40 P.M.

On motion by Councilwoman Davis, seconded by Councilwoman Busted to adjourn the meeting at 8:40 p.m. was unanimously approved.

Edward J. Mignone, Mayor

Attest:

Stephanie Evans, Borough Clerk
Dated: