

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, April 4, 2013 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Moment of Silence and Pledge of Allegiance was led by Council President DeBerardine.

Council President read Resolution opposing gun violence.

Pursuant to the Open Sunshine Act P.L. 1975, Chapter 231, proper notice of this meeting has been provided by submitting appropriate notice to The Ridgewood News and The Record on December 20, 2012 by fax and mail in which the time, place and purpose of the meeting was set forth.

RULE 1. Roll Call:

Mayor	Joanne L. Minichetti	Absent
Councilman	Roger DeBerardine	Present
Councilman	Steven DiMartino	Present
Councilman	Jonathan Ditkoff	Present
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Present

RULE 2. Minutes of Executive, Closed and Regular Meetings of March 7, 2013 were delivered to all members of the governing body and posted on the bulletin board and were unanimously approved following a motion by Councilman Durante, seconded by Councilman DiMartino.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of March, 2013 and deposited them with the Collector/Treasurer:

Copies	\$ 15.50
Landscaping Permits	\$105.00
Garage Sales	6.00
Total	\$126.50

The Borough Clerk's office issued 6 dog licenses for the month of March. \$16.20 was forwarded to the Department of Health for the pilot clinic and Animal Control Fund.

Proofs of publication were received for:

1. Adoption Ord. #1-13 - Vacation of Harvey Lane
2. Introduction Ord. #2-13 - Zoning, Car dealerships

On March 5, 2013 the Borough received the following bids for Installation of a Fuel Management System from:

1. John Duffy	\$ 49,860.00
2. Slack Environmental	57,290.00
3. T R Wenigar	60,250.00
4. Aurora Environmental	64,710.00
5. Petro Mechanics	67,863.50
6. Cypreco Industries	198,823.00

On March 28, 2013 the Borough received the following bid for Apparatus and Equipment for Emergency Support Fire Vehicle from:

1. VT Hackney \$ 119,992.00

Police: Report for the month of March was received and filed.

DPW: Report for the month of March was received and filed.

Fire Dept: Report for the months of February & March were received and filed.

Library: Report for the month of March was received and filed.

Borough Official's Report:

Borough Engineer: Report for the month of March was received and filed.

Construction Code Official: Report for the months of February & March were received and filed.

RULE 4. Communications, Petitions & Bills:

BCUA public notice re Service Fee Schedule.

Resolutions from Franklin Lakes, Westwood, River Edge, Harrington Park, Maywood, Montvale, Bergenfield, Little Ferry, Bd. Of Chosen Freeholders.

Councilman DiMartino presented bills in the amount of \$3,772,185.91:

A motion by Councilman DiMartino, seconded by Councilman Durante to pay bills in the amount of \$3,772,185.91 was unanimously approved by all Council members present. Council President DeBerardine declared bills approved for payment and ordered checks drawn.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Resolution approved.

RULE 5. Unfinished Business:

After review and approval by Planning Board, a motion by Councilman DeBerardine, seconded by Councilman Ditkoff called for a roll vote on Ord. #2-13:

"AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED ZONING".

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Ordinance approved.

Councilman Ditkoff read for the second time: (Ord. #3-13):

"AN ORDINANCE TO AMEND CHAPTER 98 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED PARKS AND PLAYGROUNDS".

Council President DeBerardine opened the public hearing; there being no comments; hearing was closed.

Resolution by Councilman Ditkoff, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND CHAPTER 98 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED PARKS AND PLAYGROUNDS" was introduced at a Regular meeting of the Mayor and Council on March 7, 2013 and passed its first reading. After public hearing held on April 4, 2013, it passed its second and final reading and was duly adopted by the Council and approved by the Mayor and shall take effect when published according to law.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Ordinance approved.

RULE 6. New Business:

CONSENT AGENDA: All items listed with an asterisk (*) are considered to be routine and non-controversial by the Council and shall be so approved. There will be no separate discussion of these items unless a Council member or citizen so requests, in which case the item will be considered in its normal sequence.

A motion to approve Consent Agenda by Councilman Hafner, seconded by Councilman Durante was unanimously approved by all Council members present.

*Resolution #50-13

WHEREAS, Borough Engineer Christopher Statile has recommended that the property located at 36 Aspen Way, Block 708, Lot 15 be connected to the existing drainage system, as depicted on the submitted plan, subject to compliance of various stipulations as outlined by Borough Engineer Statile.

NOW, THEREFORE, BE IT RESOLVED that this request be and is hereby approved subject to the requirement that an agreement be prepared whereby the property owners and its successors in interest and assigns will indemnify and hold harmless the Borough in connection with the maintenance and operation of the proposed drainage connection; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforementioned Maintenance and Hold Harmless Agreement after same has been prepared by the Borough Attorney and the posting of a Maintenance Bond and payment of all engineering and legal fees.

*Resolution #51-13

WHEREAS, Assembly bill A3553 proposes to create a different system of early voting in the State of New Jersey; and

WHEREAS, the opportunity for early voting already exists in New Jersey through the "Vote By Mail" process; and

WHEREAS, this system, if adopted, would place an onerous burden on municipalities and counties to provide fully-staffed polling locations for 8-10 hours per day, every day including Sundays for fifteen days prior to municipal, primary and general elections; and

WHEREAS, oversight of the polling locations by Municipal and County Election Officials will require 7-days-a-week work schedule for certain employees; and

WHEREAS, early polling locations would be governed by the same rules used for polling places on election day, essentially disrupting all other business activities at the location; and

WHEREAS, it will be a drain on Municipal and County finances until reimbursement is received from the State ultimately making it an unnecessary expense to the taxpayers of New Jersey; and

WHEREAS, a cost-effective early voting process known as "Vote By Mail" currently exists;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River hereby opposes A3553 and calls upon its representatives to oppose adoption of this bill; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Governor Chris Christie, Assemblywoman Holly Schepisi, Assemblyman Robert Schroeder, Assembly Clerk Dana Burley for immediate distribution to all Assembly members, the League of Municipalities and to all Bergen County Clerks.

*Resolution #52-13

WHEREAS, the Borough of Upper Saddle River is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Mayor and Council are desirous of selling said surplus property in an "as is" condition without express or implied warranties;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Upper Saddle River, County of Bergen as follows:

1. The sale of the surplus property shall be conducted by GovDeals pursuant to New Jersey State Contract A-709667/T2581 In accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered Into with GovDeals is available online at govdeals.com and the State of New Jersey.
2. The sale will be conducted online and the address of the Auction site is govdeals.com
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
4. A list of the surplus property to be sold is attached hereto.

5. The surplus property as identified shall be sold in "as is" Condition without express or implied warranties with the Successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus Property.
6. The Borough of Upper Saddle River reserves the right to accept Or reject any bid submitted.

*Resolution #53-13

WHEREAS, N.J.S.A. 40A:4-19 provides that, where any contract, commitments or payments are to be made prior to the final adoption of the 2013 budget, temporary appropriations should be made for the purpose and the amounts required in the manner and time therein provided; and

WHEREAS, the total appropriation in the 2012 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum of \$11,270,040.44 ; and

WHEREAS. One quarter of the appropriations in the 2012 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum \$2,817,510.11;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Upper Saddle River in the County of Bergen and State of New Jersey that the following appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

A&E, OE	3,000	Recreation, OE	4,000
Tax Collector, OE	1,000	Utility Acct.	5,000
Legal, OE	5,000	Solid Waste	50,000
Group Ins.	100,000	Unemployment Comp	700
Other Ins.	5,000	Social Security	40,000
Police, OE	10,000	Fire OSHA,OE	2,800

*Resolution #56-13

WHEREAS, the Borough of Upper Saddle River has previously entered into a contract with Ascape Landscape and Construction Corp., 634 Route 303, Blauvelt, NY 10913 in connection with Gabion Wall Extension at Lions Memorial Park; and

WHEREAS, Change Order #1 has been submitted which indicated a decrease in the As-Built quantities; and

WHEREAS, Change Order #1 has been filed with the Governing Body detailing the aforementioned facts and indicating that the proposed Change Order may be permitted pursuant to applicable rules.

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

1. The Governing Body does hereby determine that this Change Order is necessary and that it is in compliance with the provisions set forth in N.J.A.C. 5:34-4.4.
2. The foregoing Change Order constitutes a modification to effect economics and will decrease the contract by \$4,451.00 and is in accordance with the provisions of N.J.A.C. 5:34-4.7.

BE IT FURTHER RESOLVED that the aforementioned Change Order #1 be and is hereby approved for the work described in the Change Order, decreasing the contract price with Ascape Landscape and Construction Corp. by \$4,451.00.

Resolution #54-13 by Councilman Durante, seconded by Councilman Hafner:

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on March 28, 2013 for the acquisition of Apparatus and Equipment for a Fire Emergency Support Vehicle; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by V.T. Hackney, 911 West 5th Street, Washington, NC 27889 was the lowest responsible bidder in the amount of \$119,992.00; and

WHEREAS, the submission has been reviewed and found to be in conformance with the specifications;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby award a contract for the acquisition of Apparatus and Equipment for a Fire Emergency Support Vehicle to V.T. Hackney, 911 West 5th Street, Washington, NC 27889 in the amount of \$119,992.00;

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for the aforesaid service after same has been prepared by the Borough Attorney.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Resolution approved.

Resolution #55-13 by Councilman DiMartino, seconded by Councilman Durante:

MUNICIPAL BUDGET OF THE BOROUGH OF UPPER SADDLE RIVER,
COUNTY OF BERGEN, NEW JERSEY FOR THE FISCAL YEAR 2013.

BE IT RESOLVED, that the following statement of revenues and appropriations shall constitute the Municipal Budget of the Borough of Upper Saddle River for the year 2013;

BE IT FURTHER RESOLVED, that said budget will be published in the April 11, 2013 issue of The Record.

The Governing Body of the Borough of Upper Saddle River does hereby approve the Municipal Budget for the year 2013 in the amount of \$11,967,981.10.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Resolution approved.

RULE 7. Public Comments:

Ms. Marcy Squadron, 65 Union Ave. and Ms. Pat Kallis, 63 Union Ave. presented a contrast of a Weirmus Lane roadway in Woodcliff Lake and Union Avenue in Upper Saddle River as it related to the installation of red rubber as a traffic calming device compared to a double yellow line.

In response to Ms. Ellen Mortensen, 8 Iron Latch Court regarding the Pierson Education property, Mr. Regan explained the Borough has not received any proposal regarding development of the property. He said the Governing Body opposes residential use of the property as it is contrary to the zoning code and that the site is zoned for industrial use such as for offices.

Ms. Marilyn Larkin, 3 Heritage Court explained she received a violation for inadvertently installing a stockade fence on her property without a permit and asked the Council for guidance. Mr. Regan advised Ms. Larkin that the Governing Body cannot over-ride a decision made by any department or Borough official and that she can either appeal the decision or apply to the Planning Board for a variance.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilwoman Florio was unanimously approved by all Council members present. (Meeting adjourned at 8:25 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk