

Minutes of the Regular Meeting of the Mayor and Council held on Monday, August 1, 2013 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Moment of Silence and Pledge of Allegiance was led by Mayor Minichetti.

National Board Member of MADD presented the 2012 Law Enforcement Distinguish Service Award to Police Officer Kyle Zyskowski for his service against drunk driving.

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	Present
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 July 8, 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 DeBerardine.

RULE 3. Borough Clerk's Report:

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

Copies	\$ 33.73
Liquor License	50.00
Landscaper Permit	5.00
Garage Sales	26.00
Total	<u>\$114.73</u>

The Borough Clerk's office issued 13 dog licenses for the month of July. \$24.60 was forwarded to the Department of Health for the pilot clinic and Animal Control Fund.

Proofs of Publication were received for:

- 1) Adoption of Bond Ord. #5-13 - Various improvements

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

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

Fire Dept: Report for the month of July was received and filed.

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

Borough Official's Report:

Construction Code Official: Report for the month of July was received and filed.

Other Boards & Commissions:

Municipal Court: Report for the month of July was received and filed.

RULE 4. Communications, Petitions & Bills:

PSE&G public hearing notice

Resolution from Bd. Of Chosen Freeholders

Councilman DeBerardine presented bills in the amount of \$7,600,076.14:

A motion by Councilman DeBerardine, seconded by Councilman Durante to pay bills in the amount of \$7,600,076.14 was unanimously approved by all Council members present. Mayor Minichetti declared bills approved for payment and ordered checks drawn.

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

RULE 5. Unfinished Business: None.

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 Ditkoff was unanimously approved by all Council members present.

*Resolution #79-13

Resolution of the Borough Council of the Borough of Upper Saddle River, in the county of Bergen, New Jersey, designating a \$833,300 Bond Anticipation Note, dated July 17, 2013, payable February 21, 2014, as a "Qualified Tax-Exempt Obligation" pursuant to Section 265 (b)(3) of the Internal Revenue Code of 1986, as amended,.

WHEREAS, the Borough of Upper Saddle River, in the County of Bergen, New Jersey (the "Borough") desires to designate a \$833,300 Bond Anticipation Noted, dated July 17, 2013, payable February 21, 2014, as a "Qualified Tax-Exempt Obligation" pursuant to Section 265 (b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Upper Saddle River, in the County of Bergen, New Jersey, as follows:

Section 1. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265 (b) (3) of the Code.

Section 2. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2013.

Section 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2013:

<u>Amount</u>	<u>Dated - Due</u>
\$5,007,652 BANs	2/22/13 - 2/21/14

Section 4. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265 (b) (3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

Section 5. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2013 dated as of the date of delivery of the Note.

Section 6. This resolution shall take effect immediately upon its adoption.

*Resolution #80-13

WHEREAS, application for renewal of Plenary Retail Consumption "Pocket" License #0263-33-003-003 has been made by Steak & Ale of New Jersey Inc., 4115 N. Central Expressway, Dallas, Texas 75204; and

WHEREAS, the applicant has submitted a completed application and appropriate fees; and

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage license be issued effective July 1, 2013 to June 30, 2014:

License #0263-33-003-003

BE IT FURTHER RESOLVED, THAT, the afore-mentioned Plenary Retail Consumption "Pocket" License is hereby renewed for Steak & Ale of New Jersey Inc., 4115 N. Central Expressway, Dallas, Texas 75204.

*Resolution #81-13

WHEREAS, application for a Person-To-Person and Place-To Place transfer of Plenary Retail Consumption "Pocket" License #0263-33-003-003 has been made by BESO XOXO, 36 Sleepy Hollow Road, Upper Saddle River, N.J. 07458; and

WHEREAS, the applicant has submitted a completed application and appropriate fees; and

WHEREAS, pursuant to an investigation by the Upper Saddle River Police Department, the applicant is qualified to be licensed and the Borough has no objections to the transfer;

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage license be issued effective July 1, 2013 to June 30, 2014:

License #0263-33-003-003

BE IT FURTHER RESOLVED, THAT, the afore-mentioned Plenary Retail Consumption "Pocket" License is hereby transferred from Steak and Ale of New Jersey, Inc. to BESO XOXO Corporation, 36 Sleepy Hollow Road, Upper Saddle River, N.J. 07458.

*Resolution #82-13

WHEREAS, the Borough of Upper Saddle River became the owner of 203-217 Lake Street as of April 1, 2003; and

WHEREAS, there have been taxes for the year 2001-2002 assessed to these properties in the amount of \$14,655.59; and

WHEREAS, Frank Cassavell and Cassavell Construction, a partnership, former owners of this property did not pay these taxes;

NOW, THEREFORE, BE IT RESOLVED that the taxes receivable in the amount of \$14,655.59 be cancelled of record.

*Resolution #83-13

EMERGENCY RESOLUTION (N.J.S.A 40A:4-48)

WHEREAS, an emergency has arisen with respect to Legal, General Fees and adequate provision was not made in the 2013 Current Budget for the aforesaid purpose, and N.J.S. 40A:4-48 provides for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation including the appropriation to be created by this resolution is \$60,000.00 and three percent of the total operating appropriations in the budget for the year 2012 is \$351,969.60; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2013.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S. 40A:4-48,

1. An emergency appropriation be and the same is hereby made for Legal, General Fees in the amount of \$60,000.00.
2. That said emergency appropriation shall be provided for in full in the 2014 Budget Outside of Caps.
3. That two certified copies of this resolution be filed with the Director of Local Government Services.

*Resolution #84-13

EMERGENCY RESOLUTION (N.J.S.A 40A:4-48)

WHEREAS, an emergency has arisen with respect to Down Payment on Improvements and adequate provision was not made in the 2013 Current Budget for the aforesaid purpose, and N.J.S. 40A:4-48 provides for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation including the appropriation to be created by this resolution is \$41,700.00 and three percent of the total operating appropriations in the budget for the year 2012 is \$351,969.60; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2013.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S. 40A:4-48,

1. An emergency appropriation be and the same is hereby made for Down Payment on Improvements in the amount of \$41,700.00.
2. That said emergency appropriation shall be provided for in full in the 2014 Budget Outside of Caps.
3. That two certified copies of this resolution be filed with the Director of Local Government Services.

*Resolution #85-13

WHEREAS, the Borough of Upper Saddle River became the owner of 160 Crescent Avenue as of August 3, 2005; and

WHEREAS, there have been taxes for the period 3rd Quarter 2011 to 2nd Quarter 2013 assessed to these properties in the amount of \$23,918.71.

NOW, THEREFORE, BE IT RESOLVED that the amount of \$23,918.71 be cancelled of record for the remainder of previous year 2011 final billing, year 2012 and the preliminary billing for 2013.

*Resolution #86-13

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on July 30, 2013 for the 2013 Road Improvement project; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by CrossRoads Pavement Maintenance LLC, 81 Franklin Avenue, Nutley, New Jersey 07110, was the lowest responsible bidder in the amount of \$690,783.50; 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 to CrossRoads Pavement Maintenance LLC, 81 Franklin Avenue, Nutley, New Jersey 07110, for the 2013 Road Improvement project in the amount of \$\$690,783,50;

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.

*Resolution #87-13

RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION
NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget year 2013 in the sum of \$169,215.00 which is now available as a grant from the United States Department of Agriculture in the amount of \$169,215.00;

BE IT FURTHER RESOLVED, that the like sum of \$169,215.00 is hereby appropriated under the caption "United States Department of Agriculture Grant".

BE IT FURTHER RESOLVED that the above is the result of a grant from the Department of Agriculture in the amount of \$169,215.00.

A motion by Councilman Durante, seconded by Councilwoman Florio to approve the membership of Daniel Ferretti to the Upper Saddle River Fire Dept.

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

Councilman DeBerardine read for the first time: (Ord. #6-13)

"AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED 'AN ORDINANCE RELATING TO THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, STATE OF NEW JERSEY, adopted June 7, 2012".

Resolution by Councilman DeBerardine, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED 'AN ORDINANCE RELATING TO THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, STATE OF NEW JERSEY, adopted June 7, 2012" was introduced at a Mayor and Council meeting on August 1, 2013 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council to be held on September 5, 2013, at 8:00 PM at the Borough Hall, Upper Saddle River, NJ, at which time and place all persons interested will be given an opportunity to be heard concerning same.

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

Councilwoman Florio read for the first time: (Ord. #7-13)

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

Resolution by Councilwoman Florio, seconded by Councilman Ditkoff:

"AN ORDINANCE TO AMEND CHAPTER 98 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED "PARKS AND PLAYGROUNDS" was introduced at a Mayor and Council meeting on August 1, 2013 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council to be held on September 5, 2013, at 8:00 PM at the Borough Hall, Upper Saddle River, NJ, at which time and place all persons interested will be given an opportunity to be heard concerning same.

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

RULE 7. Public Comments:

In response to Mr. Richard Clancy, 34 Cottage Lane, Mayor Minichetti said Mr. Preusch will follow-up with the Zoning Official regarding his objections to the placement of a neighbor's fence.

RULE 8. Adjournment:

A motion to adjourn by Councilman DeBerardine, seconded by Councilman Durante was unanimously approved by all Council members present. (Meeting adjourned at 8:13 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk