

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, July 3, 2014 at 8:00 p.m. at the Upper Saddle River Borough Hall.

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

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 by fax, mail on December 20, 2013 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	Absent
Councilman	Steven DiMartino	Present
Councilman	Jonathan Ditkoff	Absent
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Present

RULE 2. Minutes of Executive, Closed and Regular Meetings of June 5, 2014 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 Councilwoman Florio.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of June, 2014 and deposited them with the Collector/Treasurer:

Landscape permits	\$ 10.00
Copies	5.25
Garage	<u>26.00</u>
Total	\$ 41.25

The Borough Clerk's office issued 6 dog licenses for the month of June. \$16.20 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proofs of publication were received for the following:

1. Resolution #49-14 - Adopt 2014 Municipal Budget
2. Adoption of Ord. #3-14 - Exceed CAP
3. Adoption of Ord. #4-14 - Vacate Deer Horn Trail ROW
4. Synopsis of 2013 Audit Report

RULE 3. Borough Clerk's Report.

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

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

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

Library: Report for the months of May and June were received and filed.

Borough Official's Report:

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

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

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

BCUA Minutes of Regular and Special Meetings on May 20, 2014.

PSE&G public hearing notice re 2014/2015 annual commodity charge filing.

Ordinance from Woodcliff Lake on amendment to zoning ordinance.

A motion by Councilman DiMartino, seconded by Councilman Durante to pay bills in the amount of \$3,684,961.17 was unanimously approved by all Council members present. Mayor Minichetti declared bills approved for payment and ordered checks drawn.

Roll Call: Ayes: Council members DiMartino, Durante, Florio, Hafner.

Nays: None. Motion approved.

RULE 5. Unfinished Business:

Councilman DiMartino read for the second time: (Ord. #5-14)

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND NEW INFORMATION TECHNOLOGY EQUIPMENT IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$700,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS".

Mayor Minichetti opened the public hearing; there being no comments, hearing was closed.

Resolution by Councilman DiMartino, seconded by Councilman Durante:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND NEW INFORMATION TECHNOLOGY EQUIPMENT IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$700,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS" was introduced at a Regular meeting of the

Mayor and Council on June 5, 2014 and passed its first reading. After public hearing held on July 3, 2014, 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 DiMartino, Durante, Florio, Hafner.  
Nays: None. Resolution approved.

Councilman Durante read for the second time: (Ord. #6-14)

"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 on September 5, 2013".

Mayor Minichetti opened the public hearing; there being no comments, hearing was closed.

"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 on September 5, 2013" was introduced at a Regular meeting of the Mayor and Council on June 5, 2014 and passed its first reading. After public hearing held on July 3, 2014, 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 DiMartino, Durante, Florio, Hafner.  
Nays: None. Resolution 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 by Councilman Hafner, seconded by Councilwoman Florio to approve Consent Agenda.

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

\*Resolution #71-14

WHEREAS, the Borough of Upper Saddle River requires public health services for the year 2014; and

WHEREAS, it is contemplated that the 2014 budget will contain the necessary appropriations estimated to be reasonable required for such services; and

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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

- 1) The Mayor and Council do hereby engage the services of:  
Bergen County Department of Health Services  
One Bergen County Plaza  
Hackensack, New Jersey 07601

All to serve at the pleasure of the Council at a cost of \$21,053.91, effective August 15, 2014 to December 31, 2014.

- 2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A.40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services.

\*Resolution #72-14

WHEREAS, Borough Engineer Eileen Boland has recommended that the property located at 7 Brookside Drive, Block 1010, Lot 5 be connected to the existing drainage system, as depicted on the submitted plan, subject to compliance of various stipulations as outlined by Borough Engineer Boland; and

WHEREAS, a cash Maintenance Bond and engineering and legal fees have been deposited with the Borough.

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.

\*Resolution #73-14

WHEREAS, Borough Engineer Eileen Boland has recommended that a sub pump located at 2 Evergreen Drive, Block 703, Lot 1 be connected to an existing drainage pipe, as per Borough Engineer inspection; and

WHEREAS, legal fees in the amount of \$200 has been deposited with the Borough.

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 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.

\*Resolution #74-14

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Stergiou (Trstes/Etc), James E. v. Borough of Upper Saddle River", Docket No. 017852-2013, which matter involves an appeal of the assessment on certain premises known as Block 204, Lot 20 and being more commonly known as 9 Yeoman Drive, for the 2013 tax year; and

WHEREAS, the parcel is assessed for the 2013 tax year at \$895,300; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2013 tax year;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby authorize settlement of the above-captioned appeal based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the assessment for the 2013 tax year on said parcel shall be established at \$825,000.

2. Plaintiff agrees to waive interest due on the refund in connection with this settlement. In addition, any refund due the property owner shall be payable in the form of a cash refund or credit against future taxes due for the first quarter following the entry of judgment, at the option of the Borough.

BE IT FURTHER RESOLVED that the Borough attorney, Robert T. Regan, Esq., be and is hereby authorized and directed to execute any and all documents necessary to effectuate the terms of the within settlement.

\*Resolution #75-14

WHEREAS, N .J. .S.A. 40A:4- 78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N J.A.C. 5 :30- 7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.1.A.C. 5:30- 7.2 thru 7.5 the Borough of Upper Saddle River has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2014 budget year, so now therefore

BE IT RESOLVED, by the Borough Council of the Borough of Upper Saddle River that in accordance with N.1.A.C. 5:30- 7 .6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.1.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES.

\*Resolution #76-14

BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$28,619.00 matching grant award from the 2013 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled Hess Park Access Bridge Improvements Project in Hess Park on Hess Court in Block 807, Lots 5,6, and 7 on the tax maps of the Borough of Upper Saddle River; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorize Theodore F. Preusch to be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund Grant towards this approved park project must be completed by or about December 4, 2015; and

BE IT FURTHER RESOLVED that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

BE IT FURTHER RESOLVED that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund requirements.

Councilman Durante read for the first time: (Ord. #7-14)

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

Resolution by Councilman Durante, 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 Mayor and Council meeting on July 3, 2014 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 August 7, 2014, 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 DiMartino, Durante, Florio, Hafner.  
Nays: None. Resolution approved.

Councilman Hafner read for the first time: (Ord. #8-14)

"AN ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER, LOCATED IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, CANCELING CERTAIN PREVIOUSLY FUNDED CAPITAL IMPROVEMENT (PROJECT) BALANCES TO CAPITAL SURPLUS".

Resolution by Councilman Hafner, seconded by Councilwoman Florio:

"AN ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER, LOCATED IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, CANCELING CERTAIN PREVIOUSLY FUNDED CAPITAL IMPROVEMENT (PROJECT) BALANCES TO CAPITAL SURPLUS" was introduced at a Mayor and Council meeting on July 3, 2014 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 August 7, 2014, 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 DiMartino, Durante, Florio, Hafner.  
Nays: None. Resolution approved.

RULE 7. Public Comments: None.

RULE 8. Adjournment:

A motion by Councilman Durante, seconded by Councilman DiMartino to return to Executive Session was unanimously approved by all Council members present. (8:35 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk