

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, June 6, 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.

Dick Meighan Run donations were distributed to various emergency services and charitable organizations. Scholarships were awarded to high school students Sarah Sheff and Sara Kiani.

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 May 2, 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 Councilwoman Florio.

RULE 3. Borough Clerk's Report:

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

Copies	\$ 6.78
Landscaping Permits	30.00
Liquor License	936.00
Garage Sales	22.00
Total	\$994.78

The Borough Clerk's office issued 49 dog licenses for the month of May. \$73.80 was forwarded to the Department of Health for the pilot clinic and Animal Control Fund.

Proofs of Publication were received for:

- 1) Copy of 2013 Municipal Budget
- 2) Adoption of Ord. #2-13 - Zoning
- 3) Adoption of Ord. #3-13 - Parks & Playgrounds
- 4) Introduction of Ord. #4-13 - Exceed CAP

The results of the June 4, 2013 Primary Election for Council were as follows:

1) Jonathan Ditkoff	178
2) Thomas Hafner	181

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

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

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

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

Other Boards & Commissions:

Municipal Court: Report for the months of April and May were received and filed.

RULE 4. Communications, Petitions & Bills:

Assemblywoman Schepisi acknowledging our resolution opposing early voting.

Senator Cardinale informing us of \$18,805.55 Clean Communities Grant.

Cablevision notice regarding video packages.

Notice of application for flood area and freshwater wetlands permit.

NWBCUA public hearing notice re connection fees, Minutes of May 7, 2013 and 2012 Audit Report.

Resolutions from Montvale, Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$4,141,844.28:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$4,141,844.28 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. Resolution approved.

RULE 5. Unfinished Business:

Councilman DiMartino read for the second time: (Ord. #5-13)

"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, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND 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 \$875,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION, TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS AND TO AMEND BOND ORDINANCE NO. 3-12 ADOPTED ON JUNE 7, 2012".

Mayor Minichetti opened the public hearing.

In response to Mr. John Giudice, 22 Ripplewood Drive, as to which roads are included in the resurfacing project, Mayor Minichetti explained the DPW Superintendent and Borough Engineer recommend those streets that are most in disrepair. She pointed out that we did not receive a grant this year toward the resurfacing program but that \$550,000 was allotted for this project. Mayor Minichetti noted the list of streets has not yet been finalized, but will be available to the public when completed.

There being no further 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, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND 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 \$875,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION, TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS AND TO AMEND BOND ORDINANCE NO. 3-12 ADOPTED ON JUNE 7, 2012" was introduced at a Regular meeting of the Mayor and Council on May 2, 2013 and passed its first reading. After public hearing held on June 6, 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. 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 to approve Consent Agenda by Councilman Hafner, seconded by Councilman Ditkoff was unanimously approved by all Council members present.

*Resolution #64-13

WHEREAS, the Borough of Upper Saddle River requires the services of a Special Counsel to advise on Land Use matters; and

WHEREAS, it is contemplated that the 2013 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:

Edward J. Buzak
The Buzak Law Group, LLC
150 River Road
Montville, New Jersey 07045

To serve at the pleasure of the Council at a rate of \$250.00 per hour; and

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 #65-13

RESOLVED, THAT, WHEREAS, application for renewal of an alcoholic beverage license has been received from Rudi & Inge, Inc., T/A Saddle River Liquors, 380 Route 17 North, Upper Saddle River, N.J. 07458 and proper fees have been filed with State and local authorities;

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

License #0263-44-002-002

A Plenary Retail Distribution License is hereby issued to Rudi & Inge, Inc., T/A Saddle River Liquors, 380 Route 17 North, Upper Saddle River, N.J. 07458.

*Resolution #66-13

RESOLVED, THAT, WHEREAS, application for renewal of an alcoholic beverage pocket license has been received from Atrimec Realty Corp., P O Box 475, Jersey City, New Jersey 07303, and proper fees have been filed with State and local authorities; and

WHEREAS, the Alcoholic Beverage Control Commission has granted a Special Ruling for the 2010-2011 through 2013-2014 license terms pursuant to N.J.S.A. 33:1-12.39;

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

License #0263-44-002-002

A Plenary Retail Distribution Pocket License is hereby issued to Atrimec Realty Corp., P O Box 475, Jersey City, New Jersey 07303.

*Resolution #68-13

WHEREAS, Borough Engineer Christopher Statile has recommended that the property located at 57 Hidden Glen, Block 913, Lot 23 be connected to the municipal storm drainage system, as depicted on the submitted plan and subject to compliance of various stipulations as outlined by the Borough Engineer;

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 #69-13

WHEREAS, Borough Engineer Christopher Statile has recommended that the property located at 4 Kroner Farm Court, Block 1112, Lot 1 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 #70-13

United States Department of Agriculture Natural Resources Conservation Service Grant Emergency Watershed Protection Project 5013 - Technical and Financial Assistance for Hurricane Sandy Recovery

WHEREAS, the Borough of Upper Saddle River seeks to enter into an agreement with the United States Department of Agriculture Natural Resources Conservation Service (NRCS) to provide the Borough with financial assistance to implement emergency recovery measures for damages caused by Hurricane Sandy; and

WHEREAS, the NRCS will provide financial assistance funds in the amount of \$153,750.00 or 75%, whichever is lower, of the on-ground construction cost for stream bank stabilization and the removal of storm deposited sediment, downed trees and debris from Upper and Lower Saddle Rivers; and

WHEREAS, the Borough of Upper Saddle River agrees to provide \$51,250.00 or 25%, whichever is lower, of the construction costs in either direct cash expenditures or the value of in-kind materials and/or services ; and

WHEREAS, the agreement also provides NRCS technical assistance funds to the Borough of Upper Saddle River of up to \$15,375.00 or ten percent of the fund, whichever is lower, for technical and administrative costs incurred; and

WHEREAS, the Borough of Upper Saddle River authorizes the Mayor to enter into an Operation and Maintenance Agreement with the NRCS including but not limited to future monitoring/inspection and clearing of areas covered under this project; and

WHEREAS, the Borough of Upper Saddle River authorizes the Mayor to provide Assurances Relating to Real Property Acquisition as required by the NRCS; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby endorses the Agreement with the NRCS and agrees to provide \$51,250.00 or 25%, whichever is lower, of the construction costs in either direct cash expenditures or the value of in-kind materials and/or services. Additionally, the Governing Body hereby authorized the Mayor to enter into an Operation and Maintenance Agreement with the NRCS and to provide Assurances Relating to Real Property Acquisition to the NRCS.

*Motion to authorize Borough Clerk to seek bids for 2013 road resurfacing project.

RULE 7. Public Comments:

The following residents expressed their opposition to the operations taking place at Creative Gardens and cited excessive noise and the number of trucks entering and exiting the center on a daily basis:

Mr. & Mrs. Bookstaver, 19 Jan River Drive; Mr. Dan Gallagher, 2 Knights Court; Mr. Keith Crystal, 6 Knights Court; Ms. Judy Triano, 11 Cider Hill.

Mayor Minichetti said the Council is aware of the resident's concerns and has been aggressively pursuing this matter for over 18 months in an effort to resolve the issues.

Mr. Regan explained the matter is an ongoing issue and is in litigation. He said a 6 hour meeting was held the other day with the Court appointed Mediator and that a trial is scheduled for July 30. He pointed out that it is in the Borough's best interest not to speak publicly or explain legal strategy regarding the matter. In response to questions, Mr. Regan said that violations are being addressed by the Municipal Court but that the Court can only issue fines for any violation.

Mr. Regan informed Mr. Crystal that residents can intervene in the litigation and that he can retain his own counsel if he desired. Mr. Regan suggested residents provide the Borough with written summaries or anything that would prove the present operations at the center differ from those of the previous years.

Mr. David Verducci, 47 Lake Street, said as a former school superintendent, he is concerned with the effect on schools when the Pearson Education property is vacated and offered his services.

Mr. Gene Luccarelli, 57 Hidden Glen Lane, inquired as to the status of a Hold Harmless Agreement for a storm drain connection and noted the unkept condition at 33 Hidden Glen Lane. Mr. Luccarelli was advised that the Agreement has been executed and the DPW will be directed to cut the overgrown lawn.

Ms. Liz O'Sullivan, 20 Anona Drive, expressed her objection to having to obtain a permit to remove dead trees. Councilman DeBerardine said as liaison, he is working with the Shade Tree Commission to amend sections of the tree ordinance.

Ms. Judy Triano, 11 Cider Hill, was concerned over the rule prohibiting dogs at Lions Park. Mayor Minichetti explained the Council is considering an alternate location which would allow dogs citing the mess caused by the dogs and the need to protect the health of the children using Lions Park.

Ms. Michalski 71 Pleasant Ave. and Mrs. Elgaard, 83 Pleasant Ave. said their neighbors were in favor of installing sewers and inquired as to the status of the project. Mayor Minichetti said a survey taken several years ago indicated the majority of the homeowners were not interested in obtaining sewers or paying the estimated \$10,000-\$15,000 cost causing the sewer authority to cease pursuing the issue.

RULE 8. Adjournment:

A motion by Councilman Durante, seconded by Councilman DiMartino to adjourn was unanimously approved by all Council members present.
(Meeting adjourned at 9:00 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk