

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, February 4, 2016 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Mayor Minichetti asked that a Moment of Silence be observed in memory of former police officer Sean Mulvey, followed by the Pledge of Allegiance.

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 18, 2015 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	Absent

RULE 2. Minutes of Executive and Reorganization Meetings of January 7, 2016 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 Ditkoff.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the months of December, 2015 and January, 2016 and deposited them with the Collector/Treasurer:

Copies	\$ 27.15
Liquor License	50.00
Landscape Permit	5.00
Garage Sales	2.00
Total	\$ 84.15

The Borough Clerk's office issued 148 licenses for the month of January. \$216.60 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) 2016 Mayor & Council Meeting Schedule
- 2) Introduction and Adoption of Ord. #18-15 Streets & Sidewalks
- 3) Resolution #92-15-Professional Services, Joseph Conte, Esq.

Police: Report for the months of December and January and 2015 Yearly Report were received and filed.

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

Fire Dept: Report for the months of December and January were received and filed.

Library: Report for the months of December and January were received and filed.

Historic Preservation Commission: 2015 Activity Report was received and filed.

Youth Guidance Council: Minutes of December 4, 2015 and January 8, 2016 were received and filed.

Borough Official's Report:

Construction Code Official: Report for the months of December and January were received and filed.

Other Boards & Commissions:

Municipal Court: Report for the months of November and December were received and filed.

RULE 4. Communications, Petitions & Bills:

Notice of Zoning Ordinance from Township of Mahwah.

Public hearing notice from Suez re rate increase.

NWBCUA Minutes of November 10, December 15 and 2016 Authority Budget.

Mutual Aid Resolution from Lyndhurst, River Edge, Hasbrouck Heights, Saddle River, Rutherford, New Milford, Ho-Ho-Kus, Franklin Lakes, Maywood, Waldwick, Alpine, Tenafly, Old Tappan, East Rutherford, Lodi, Elmwood Pk, WoodRidge, Hillsdale, S. Hackensack, Fairview, Rochelle Pk, Carlstadt, Montvale, Closter, Emerson, Moonachie, Bogota, Allendale, Oakland, Palisades Park, Bergenfield.

Councilman DeBerardine presented bills in the amount of \$4,407,018.61:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$4,407,018.61 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. 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 Ditkoff, seconded by Councilman Durante was unanimously approved by all Council members present.

*Approve towing companies for the year 2016, as per Police Chief recommendation.

*Approve licenses to Saddle River Valley Lions Club for car, 50/50 and Games of Chance raffles.

*Approve raffle license to USR Educational Foundation.

*Approve raffle license to Diabetes Foundation, Inc.

*Approve raffle and Social Affairs license to Center For Food Action.

*Approve road closures for 2016 for Educational Foundation, Pink Passion and USR 5K Run.

*Resolution #14-16

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 by the Borough Council of the Borough of Upper Saddle River as follows:

1) The Mayor and Council do hereby engage the services of:

Garbarini & Co.
285 Division Ave.
Carlstadt, NJ 07072

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

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 for the year 2016.

*Resolution #15-16

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 by the Borough Council of the Borough of Upper Saddle River as follows:

1) The Mayor and Council do hereby engage the services of:

Izenberg Appraisal Associates
205 Main Street
Chatham, New Jersey 07928

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

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 for the year 2016.

*Resolution #16-16

WHEREAS, the Borough of Upper Saddle River requires professional legal services for the year 2016; and

WHEREAS, it is contemplated that the 2016 budget will contain the necessary appropriations estimated to be reasonably 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 by the Borough Council of the Borough of Upper Saddle River as follows:

1) The Mayor and Council do hereby engage the services of:

Robert T. Regan, Esq.
P O Box 214
Westwood, New Jersey 07675

All to serve at the pleasure of the Council at an annual salary and an hourly rate as set forth in the Agreement for additional services.

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 #17-16

WHEREAS, the Borough of Upper Saddle River requires services of a professional Bond Counsel for the year 2016; and

WHEREAS, it is contemplated that the 2016 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:

Rogut McCarthy LLC
37 Alden Street
Cranford, New Jersey 07016

All to serve at the pleasure of the Council per the Fee Schedule attached to the Contract;

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 #18-16

WHEREAS, the Borough of Upper Saddle River requires services of a professional Risk Management Consultant for the year 2016; and

WHEREAS, it is contemplated that the 2016 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:

Nelson-Patterson Agency
746 River Road
New Milford, New Jersey 07646

All to serve at the pleasure of the Council at a fee paid by the Fund on behalf of the Municipality;

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 #19-16

WHEREAS, the Borough of Upper Saddle River requires professional planning services for the year 2016 and

WHEREAS, it is contemplated that the 2016 budget will contain the necessary appropriations estimated to be reasonably 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 by the Borough Council of the Borough of Upper Saddle River as follows:

1) The Mayor and Council do hereby engage the services of:

Burgis Associates, Inc.
25 Westwood Avenue
Westwood, New Jersey 07675

All to serve at the pleasure of the Council at a cost and an hourly rate as set forth in the Agreement for additional services.

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.

*Resolution #20-16

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 by the Borough Council of the Borough of Upper Saddle River as follows:

1) The Mayor and Council do hereby engage the services of:

Boswell Engineering Co.
330 Phillips Avenue
South Hackensack, New Jersey 07606

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

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 for the year 2016.

*Resolution #21-16

WHEREAS, the Borough of Upper Saddle River wishes to enter into a Drug and Alcohol Testing Agreement for the year 2016; and

WHEREAS, it is contemplated that the 2016 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

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

The Mayor and Council do hereby engage the services of:

Valley Medical Group
15 Essex Road
Paramus, New Jersey 07652

All to serve at the pleasure of the Council at an hourly rate as set forth in the Agreement.

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

*Resolution #22-16

WHEREAS, the Borough of Upper Saddle River is in need of Public Safety Answering Point (PSAP) emergency dispatching service; and

WHEREAS, the Borough of Paramus has indicated that the Paramus Police Department Communication Center is capable of supporting 9-1-1 dispatching services for the Borough of Upper Saddle River;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper saddle River hereby authorizes the Mayor and Borough Clerk to execute an Interlocal Agreement with the Borough of Paramus to handle 9-1-1 dispatching services at a cost as set forth in the Agreement, effective January 1, 2016.

*Resolution #23-16

WHEREAS, the New Jersey State Division of Contract Compliance and Equal Employment Opportunity, enforces N.J.S.A. 10:5-31 et seq., providing that no public contract be awarded until the contractor complies with the approve Affirmative Action Plan; and

WHEREAS, N.J.A.C. 17-27-3.5 requires each public agency to designate a Public Agency Compliance Officer (PACO);

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Upper Saddle River hereby appoints Borough Attorney Robert T. Regan, Esq. as its' Public Agency Compliance Officer for the year 2016.

*Resolution #24-16

WHEREAS, the Borough of Upper Saddle River is a member of the Municipal Joint Insurance Fund; and

WHEREAS, the Borough is required to appoint a Fund Commissioner as its representative to the Municipal Joint Insurance Fund;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that Theodore F. Preusch be and is hereby appointed as the Borough's Fund Commissioner for the Municipal Joint Insurance Fund for the year 2016.

*Resolution #25-16

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Dept. of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the year 2016 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and

Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution designates Helena Loveless as the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that said Borough hereby endorses the submission of a recycling tonnage grant application to the New Jersey Dept. of Environmental Protection and designates the Bergen County Utilities Authority to serve as Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

*Resolution #26-16

Authorizing the Establishment of a Petty Cash Fund for Confidential and Investigative Purposes

WHEREAS, N.J.S.A. 40A:5-21 authorizes establishment of a petty cash fund for the Police Department of the Borough of Upper Saddle River, County of Bergen, New Jersey; and

WHEREAS, said petty cash fund would be utilized for confidential police narcotics investigation; and

WHEREAS, it is the desire of the Governing Body that said fund be maintained under the direction of the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River does hereby approve the establishment of a petty cash fund as follows:

1. That the Upper Saddle River Police Department be and is hereby authorized to establish a petty cash fund in the amount of \$500.00, pursuant to the provision of N.J.S.A. 40:A:5-21.

2. That Chief of Police Patrick A. Rotella be and is hereby authorized to maintain said petty cash fund to be used by the Police Department for confidential investigative purposes in the amount of \$250.00.

*Resolution #27-16

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Interlocal Services Agreement with the Borough of Waldwick for the year 2016; and

WHEREAS, it is contemplated that the 2016 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Borough of Waldwick has agreed to provide certain services to infants and pre-school children as mandated by the Public Health Council of the State of New Jersey; and

WHEREAS, the Governing Body of the Borough of Upper Saddle River has agreed to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River hereby approves and authorizes the execution of an Interlocal Services Agreement with the Borough of Waldwick at a cost as set forth in the Agreement for the period January 1, 2016 to December 31, 2016.

*Resolution #28-16

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 by the Borough Council of the Borough of Upper Saddle River as follows:

1) The Mayor and Council do hereby engage the services of:

Piazza & Associates
216 Rockingham Row
Princeton, NJ 08540

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

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 for the year 2016.

*Resolution #29-16

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Interlocal Services Agreement with the Borough of Paramus wherein the Borough of Paramus will provide Street Sweeping services for the Borough of Upper Saddle River; and

WHEREAS, it is contemplated that the 2016 budget will contain the necessary appropriation in the amount of \$5,500.00 which is reasonably required for such services; and

WHEREAS, the Mayor and Council deem it to be in the best interest of the Borough of Upper Saddle River to enter into an Interlocal Agreement with the Borough of Paramus for Street Sweeping services;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River hereby approves and authorizes the execution of an Interlocal Services Agreement with the Borough of Paramus for the year 2016.

*Resolution #30-16

WHEREAS, the Borough of Park Ridge currently owns and operates a pistol range facility; and

WHEREAS, the Borough of Upper saddle River is interested in using said facility at an annual cost of \$3,500.00, with one day per work week set aside for its use; and

WHEREAS, one-half (1/2) of the payment shall be due on June 1, 2016 and the balance one-half (1/2) of the amount owed shall be paid by December 1, 2016; and

WHEREAS, both parties believe these shared services agreements serves the best interest of the residents of their respective communities;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby authorizes the Mayor and Borough Clerk to execute said Agreement on behalf of the Borough of Upper Saddle River.

*Resolution #31-16

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Agreement with the Bergen County Dept. of Health Services to provide a Blood Borne Pathogens Program for the years 2016 and 2017; and

WHEREAS, it is contemplated that the 2016 and 2017 budgets will contain the necessary appropriations estimated to be reasonably required for such services; and

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

The Mayor and Council do hereby engage the services of:

Bergen County Dept. of Health Services
One Bergen County Plaza
Hackensack, New Jersey 07601

All to serve at the pleasure of the Council at an hourly rate as set forth in the Agreement.

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

*Resolution #32-16

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Agreement with the Bergen County Dept. of Health Services to provide Health Officer, Animal Control Services, REHS, Septic/Well and EAP/SAP Services for the years 2016 thru 2020; and

WHEREAS, it is contemplated that the respective budgets will contain the necessary appropriations estimated to be reasonably required for such services; and

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

The Mayor and Council do hereby engage the services of:

Bergen County Dept. of Health Services
One Bergen County Plaza
Hackensack, New Jersey 07601

All to serve at the pleasure of the Council at an hourly rate as set forth in the Agreement.

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

*Resolution #33-16

WHEREAS, there appears to be insufficient funds in the following accounts (except the appropriation for Contingent Expenses or Deferred Charges) to meet the demands thereon for the year 2015:

POLICE, OE

WHEREAS, there appears to be a surplus in the following accounts (except the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of Preceding Year, Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund or Interest and Debt Redemption Charges), over and above the demand deemed to be necessary for the balance of the Year 2015;

UTILITY/GASOLINE

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with R.S. 40A-59, part of the surplus in the accounts heretofore mentioned and the same is hereby transferred to the account (except the appropriation

for Contingent Expenses or Deferred Charges) mentioned as being insufficient to meet the current demands, and

BE IT FURTHER RESOLVED that the Collector-Treasurer be and is hereby authorized and directed to make the following transfers:

<u>FROM</u>		<u>TO</u>	
Utility/Gasoline	\$3,000	Police, OE	\$3,000

*Resolution #34-16

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 2016 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 2015 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 \$10,824,831.15; and

WHEREAS. One quarter of the appropriations in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum \$2,706,207.79.

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.

TEMPORARY APPROPRIATIONS 2016

Inside Cap Appropriations

Department

Adm. Contractual Services	\$10,000
Legal Salaries & Wages	10,000
Legal General Fees	5,000
Other Ins. Premiums	10,000
Police S&W	30,000
Police, Uniform Allowance	1,500
Roads-Grits & Salt	10,000
Recycling-Collection Contract	25,000
Solid Waste Collection	30,000
LOSAP	40,000

*Resolution #35-16

WHEREAS, the Borough of Upper Saddle River has previously entered into a contract with Trico Electric Company, LLC, 375 North Street, Teterboro, NJ 07608 in connection with the Installation of a Generator at the Municipal Building; and

WHEREAS, Change Order #1 has been submitted which indicate an increase to relocate the automatic transfer switch from an original outdoor location to an indoor corridor; 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 increase the contract by \$5,856.00 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, increasing the contract price with Trico Electric Company, LLC by \$5,856.00.

*Resolution #36-16

WHEREAS, the Borough of Upper Saddle River requires the services of attorneys, planning consultants, consulting engineers, registered municipal accountants and public defender during 2016; and

WHEREAS, it is contemplated that the 2016 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Local Public Contracts Law (NJSA 40:A11-1 et. seq.) requires that the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised.

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

1. The Mayor and Council do hereby engage the services of:

Alternate Prosecutor Christopher E. Martin, Esq.

to serve at the pleasure of the Council at such just and fair compensation as may be mutually agreeable to the parties for actual services rendered.

2. The engagement of such services is made without competitive bidding under the provisions of N.J.S.A 40A:11-5 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession and whose practice is required by law.

3. A copy of this resolution shall be published in The Record as required by law within 10 days of its passage.

*Resolution #37-16

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Gene Michael v. Borough of Upper Saddle River", Docket Nos. 005522-2013, 001267-2014 and 004049-2015, which matters involve an appeal of the assessment on certain premises known as Block 1007, Lot 4 and being more commonly known as 49 Union Avenue, for the 2013, 2014 and 2015 tax years; and

WHEREAS, the parcel is assessed for the 2013, 2014 and 2015 tax years at \$1,005,500.00; and

WHEREAS, said appeals were filed to contest the assessment on the property for the 2013, 2014 and 2015 tax years.

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 appeals filed for the 2013 and 2014 tax years shall be withdrawn.

2. The Stipulation of Settlement shall provide that the assessment for the 2015 tax year on said parcel shall be established at \$855,500.00.

3. 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 #38-16

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Joseph Wolf and Diana Wolf v. Borough of Upper Saddle River", Docket No. 004345-2015, which matter involves an appeal of the assessment on certain premises known as Block 810, Lot 10.01 and being more commonly known as 3 Strawberry Lane, for the 2015 tax year; and

WHEREAS, the parcel is assessed for the 2015 tax year at \$1,065,600.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2015 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 2015 tax year on said parcel shall be established at \$965,600.00.

2. Plaintiffs agree to waive interest due on the refund in connection with this settlement. In addition, any refund due the property owners 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 #39-16

A Resolution Requesting Permission for the Dedication By Rider For OUTSIDE EMPLOYMENT OF OFF-DUTY POLICE OFFICERS Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of OUTSIDE EMPLOYMENT OF OFF-DUTY POLICE OFFICERS by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from OUTSIDE EMPLOYMENT OF OFF-DUTY POLICE OFFICERS are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the OUTSIDE EMPLOYMENT OF OFF-DUTY POLICE OFFICERS.
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

*Resolution #40-16

A Resolution Requesting Permission for the Dedication By Rider For OPEN SPACE PRESERVATION TRUST FUND Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of OPEN SPACE PRESERVATION TRUST FUND by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from OPEN SPACE PRESERVATION TRUST FUND are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the OPEN SPACE PRESERVATION TRUST FUND (NJS40:12-15.2)
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

*Resolution #41-16

A Resolution Requesting Permission for the Dedication By Rider For UNIFORM CONSTRUCTION CODE ENFORCEMENT FEES (REGULAR) Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of UNIFORM CONSTRUCTION CODE ENFORCEMENT FEES (REGULAR) by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from UNIFORM CONSTRUCTION CODE ENFORCEMENT FEES (REGULAR) are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director

Of the Division of Local Government Services to pay expenditures of the UNIFORM CONSTRUCTION CODE ENFORCEMENT FEES (REGULAR),

2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

*Resolution #42-16

A Resolution Requesting Permission for the Dedication By Rider For MUNICIPAL ALLIANCE ON ALCOHOL AND DRUG ABUSE Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of MUNICIPAL ALLIANCE ON ALCOHOL AND DRUG ABUSE by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from MUNICIPAL ALLIANCE ON ALCOHOL AND DRUG ABUSE are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the MUNICIPAL ALLIANCE ON ALCOHOL AND DRUG ABUSE (NJS40A:5-29 Program Contribution)
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

*Resolution #43-16

A Resolution Requesting Permission for the Dedication By Rider For DEVELOPER'S FEES-HOUSING TRUST FUNDS Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of DEVELOPER'S FEES-HOUSING TRUST FUNDS by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from the DEVELOPER'S FEES-HOUSING TRUST FUNDS are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the DEVELOPER'S FEES-HOUSING TRUST FUNDS (PL 1985c.222 & NJS 52:270-320).
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

*Resolution #44-16

A Resolution Requesting Permission for the Dedication By Rider For DEVELOPER'S ESCROW FUND Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of the DEVELOPER'S ESCROW FUND by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from DEVELOPER'S ESCROW FUND are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the DEVELOPER'S ESCROW FUND (NJS40:55d-53.1).
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

*Resolution #45-16

A Resolution Requesting Permission for the Dedication By Rider For AFFORDABLE HOUSING TRUST FUND Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of AFFORDABLE HOUSING TRUST FUND by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from the AFFORDABLE HOUSING TRUST FUND are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the AFFORDABLE HOUSING TRUST FUND (NJSA40A:12A-3 et. seq).
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

*Resolution #46-16

A Resolution Requesting Permission for the Dedication By Ride For ANIMAL CONTROL FEES Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of ANIMAL CONTROL FEES by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from ANIMAL CONTROL FEES are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the ANIMAL CONTROL FEES.
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

*Resolution #47-16

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Vahe G. Naljina and Ani Naljina v. Borough of Upper Saddle River", Docket No. 006371-2015, which matter involves an appeal of the assessment on certain premises known as Block 705, Lot 13 and being more commonly known as 21 Orchard Drive, for the 2015 tax year; and

WHEREAS, the parcel is assessed for the 2015 tax year at \$1,597,400.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2015 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 2015 tax year on said parcel shall be established at \$1,522,400.00.

2. Plaintiffs agree to waive interest due on the refund in connection with this settlement. In addition, any refund due the property owners 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.

*Appoint Steven Forbes Part-time Deputy Zoning Enforcement/Code Enforcement Officer, from 2/1/16-12/31/16.

Mayor Minichetti appointed Joseph Donato Class IV member on the Planning Board to 12/31/19.

Mayor Minichetti appointed Karen Miller Alt. I on the Planning Board to 12/31/17.

Mayor Minichetti appointed Peter Bonjuklian Alt. II on the Planning Board to 12/31/16.

Councilman DeBerardine read for the first time: (Ord. #1-16)

"AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN PURSUANT TO N.J.S.A.40A:12A-7 RELATING TO PREMISES DESIGNATED AS BLOCK 1002, LOT 4.02".

Resolution by Councilman DeBerardine, seconded by Councilwoman Florio:

"AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN PURSUANT TO N.J.S.A.40A:12A-7 RELATING TO PREMISES DESIGNATED AS BLOCK 1002, LOT 4.02" was introduced at a Mayor and Council meeting on February 4, 2016 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 March 7, 2016 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. Nays: None. Motion approved.

RULE 7. Public Comments:

Ms. Elizabeth Pittman, 21 Old Stone Church Road and Ms. Molly Aboussleman, 25 Old Stone Church Road presented a petition containing 54 signatures opposing the closing of Hillside Avenue to traffic at Plymouth Drive. They said with the potential of the population increasing due to the proposed developments in Upper Saddle River and surrounding towns, the volume of traffic would also increase. They pointed out they were concerned for the safety of the number of children under the age of 17 who live on Old Stone Church Road and connecting roads. Ms. Pittman and Ms. Aboussleman asked their concerns be taken into consideration and requested Hillside Avenue be kept open to east/west traffic.

Mr. Ed Beuhler, 12 Plymouth Drive, inquired as to the possibility of installing a Stop sign at Plymouth Drive instead of prohibiting left hand turns from Hillside Avenue. He said visiting guests do not know how to access the road from another direction. Chief Rotella noted the police department had monitored the area and that accidents have occurred in that area, but also there are certain criteria for the use of a Stop sign. Councilman DeBerardine pointed out that if the town is aware of a problem and nothing is done, the town would be held liable. In response to Ms. Beuhler regarding the development of a Yeshiva on Hillside Avenue, Mr. Regan said the last notice we received was in March, 2014 and there has been no further information since then.

Mr. Kevin Walsh, 75 Hampshire Hill, said he also objected to the no left hand turn regulation and asked the Council consider another alternative and said the community should have been asked for input.

Mr. Fred Greenberg, 16 Plymouth Drive noted the excessive speed of the traffic on Hillside Avenue, especially by school buses.

Mayor Minichetti said the ordinance was adopted based on the increase in traffic and in the interest of safety.

There being no further comments, hearing was closed.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman DiMartino was unanimously approved by all Council members present. (Meeting adjourned at 8:37 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk