

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, March 6, 2014 at 8:00 p.m. at the Upper Saddle River Borough Hall.

A Moment of Silence in memory of fallen firefighter Greg "Barney" Barnas of Wallington, NJ was observed. Mayor Minichetti led 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 on December 20, 2013 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
Council President	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 February 6, 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 Councilman Ditkoff.

RULE 3. Borough Clerk's Report:

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

Landscape permits	\$15.00
Copies	2.40
Garage Sales	2.00
Total	<u>\$19.40</u>

The Borough Clerk's office issued 175 dog licenses for the month of February. \$105.00 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 #4-14 - Professional Services
- 2) Resolution #7-14 - Professional Services, Boswell Engineering
- 3) Notice to Bidders-Gabion Wall repair, 31 Possum Trail

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

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

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

Library: Minutes of January 15, 2014 were received and filed.

Youth Guidance Council: Minutes of January 31, 2014 were received and filed.

Borough Official's Report:

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

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

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

NWBCUA Minutes of January 7, 2014 meeting and Special Meeting notice scheduled for March 18, 2014.

Resolutions from Allendale, Franklin Lakes, Township of Washington, and Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$4,222,696.68:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$4,222,696.68 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 #35-14

Resolution of the Borough Council of the Borough of Upper Saddle River, in the County of Bergen, New Jersey, covenanting to comply with the provisions of the Internal Revenue Code of 1986, as amended, applicable to the exclusion from gross income from Federal Income Tax purposes of interest on obligations issued by the Borough of Upper Saddle River, authorizing the Mayor, Borough Clerk, Chief Financial Officer and other Borough Officials to take such action as they may deem necessary or advisable to effect such compliance and designating a \$5,695,076 Bond Anticipation Note, dated February 21, 2014 and payable February 20, 2015,

as a "Qualified Twx-Exemp0t Obligation" pursuant to Section 265(b) (3) of the Internal Revenue Code of 1986, as amended.

\*Resolution #36-14

WHEREAS, on February 13, 2013, the Upper Saddle River Planning Board granted preliminary and final site plan approval to Recovery Racing IX, d/b/a Masarati of Bergen County, relating to premises known as 145 Route 17 South, Block 1301, Lot 13 as depicted on the Borough tax map; and

WHEREAS, a Performance Bond in the amount of \$367,200 and a Cash Bond in the amount of \$40,800 was deposited with the Borough; and

WHEREAS, the Upper Saddle River Building Department has no outstanding issues with the aforementioned project nor with the release of the Performance Bond in the amount of \$367,200;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River hereby approves the release of the above-mentioned Performance Bond, subject to the posting of a two (2) year Maintenance Bond in the amount of \$50,000, as per Borough Engineer recommendation.

\*Resolution #37-14

WHEREAS, P.L. 2010, c105 established a Police and Fire Public Interest Arbitration Impact Task Force; and

WHEREAS, the arbitration law on police salaries had an effect on other collective bargaining negotiations and on non-union salaries keeping them at levels at 2% or less; and

WHEREAS, the impact of the law indicated that the average salary increase awarded through arbitration was 2.05% and the voluntary average wage settlement was 1.87%; and

WHEREAS, this law has allowed municipalities to retain key elements of our municipal toolbox in keeping property taxes down;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River does hereby strongly urge the extension of P.L. 2010, c 105 the 'Arbitration Award Cap'.

\*Resolution #38-14

WHEREAS, the Borough of Upper Saddle River has previously entered into a contract with CrossRoads Pavement Maintenance LLC, 81 Franklin Avenue, Nutley, New Jersey 07110 in connection with the 2013 Road Improvement project; and

WHEREAS, Change Order #1 has been submitted which indicate an increase in as-built quantities, additional paving and storm drain repairs; 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 \$25,670.16 and is in accordance with the provisions of N.J.A.C. 5:34-4.7.

BE IT FURTHER RESOLVED that the aforementioned Change Order #1 be and is hereby approved for the work described in the Change Order, increasing the contract price with CrossRoads Pavement Maintenance LLC by \$25,670.16.

\*Resolution #39-14

The governing body of Upper Saddle River Borough desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

2013 Green Communities Grant  
Community Forestry Management Plan

Therefore, the governing body resolves that Joanne Minichetti or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$2,150.00 and not more than \$2,150.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The authorizes Upper Saddle River Borough and hereby agrees to match \$2,150.00 of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 50% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

\*Resolution #40-14

WHEREAS, the Borough of Upper Saddle River has entered into a Three Year Cooperative Agreement with the County of Bergen, as provided under the Interlocal Services Act N.J.S.A. 40A:-1 et. seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that a Municipal Representative be appointed by the Governing Body of the Borough of Upper Saddle River to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1, 2014 through June 30, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby appoints Theodore F. Preusch as Municipal Representative to participate on the Community Development Regional Committee.

\*Resolution #41-14

WHEREAS, Elizabeth Blom, the owner of Block 502, Lot 1.01 as depicted on the Upper Saddle River tax map, being more commonly known as 62 Sparrowbush Road (hereinafter "the property") has made application to the Township of Mahwah to connect the property to the sanitary sewer system of the Township; and

WHEREAS, said application has been approved by the Township Council by resolution dated September 26, 2013; and

WHEREAS, two Agreements have been prepared in connection with the sanitary sewer connection which are as follows:

1. Agreement between the Township of Mahwah and the Borough of Upper Saddle River which permits the sewer connection and requires the payment of certain deposits, a connection fee and annual service charges as set forth in an Agreement between the Township and Borough.

2. Agreement between the Borough and Elizabeth Blom ("the property owner") wherein the property owner agrees to be responsible for all escrows, connection fees, flow charges and other expenses required to be paid to the Township of Mahwah.

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute the aforesaid Agreements, provided same shall not be executed until such time as the connection is approved by the Northwest Bergen County Utilities Authority ("NWBCUA") and all required escrows and fees have been deposited.

\*Resolution #42-14

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended and Home Investment Partnership Act of 1990, as amended; and

WHEREAS, it is necessary to supersede an Interlocal Services Cooperative Agreement for the County and its people to benefit from this program; and

WHEREAS, an Agreement has been proposed under which the Municipality of the Borough of Upper Saddle River and the County of Bergen in cooperation

with other municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. a:8A-1 et seq.; and

WHEREAS, it is in the best interest of the Municipality to enter into such an Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the Agreement entitled "Three Year Cooperative Agreement" superseding the Cooperative Agreement dated July 1, 2009 and amendments thereto for the purpose of inserting a description of activities for the Urban County Community Development Block Grant Program to clarify the planning and implementation procedures and to enable the Municipality to make a three year irrevocable commitment to participate in the Community Development Program for the program years 2012, 2013, 2014 be executed.

\*Resolution #43-14

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 2014 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 2013 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum of \$11,270,040.44 ; and

WHEREAS. One quarter of the appropriations in the 2013 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum \$2,817,510.11;

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

A&E, S&W	\$22,000	Finance	\$2,500
Assessor, S&W	7,000	Legal, S&W	10,000
Pl. Bd. S&W P/T	1,000	Bldg. Dept. Staff	12,000
Other Insurance	3,000	Police, S&W	127,000
Ambulance, S&W	6,000	Fire Prev., S&W	1,000
Shade Tree, S&W	200	Roads, S&W	68,200
Roads, OE	85,000	Bd. Of Health, OE	2,000
Recreation, S&W	500	Utility Acct.	71,000
Solid Waste	200,000	Court, S&W	3,500
Bond Principal	146,000	Bond Interest	67,000
Res. For LOSAP	37,000	Library	206,244
Recycling, OE	28,000	Finance, OE	10,000
Bldg. Dept., OE	5,000		

A motion by Councilman Durante, seconded by Councilman Ditkoff to approve Jr. Fire Department membership of Joseph Michael Torres.

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

A motion by Councilman Ditkoff, seconded by Councilman DiMartino to appoint Mary Barr to serve on the USR Board of Health for an unexpired term to December 31, 2014.

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

Councilman Durante read for the first time: (Ord. #1-14)

"AN ORDINANCE TO PROHIBIT CERTAIN ACTS WITHIN THE BOROUGH OF UPPER SADDLE RIVER AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF".

Resolution by Councilman Durante, seconded by Councilman Ditkoff:

"AN ORDINANCE TO PROHIBIT CERTAIN ACTS WITHIN THE BOROUGH OF UPPER SADDLE RIVER AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF" was introduced at a Mayor and Council meeting on March 6, 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 April 3, 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 DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Resolution approved.

Councilman Durante read for the first time: (Ord. #2-14)

"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 Councilwoman Florio:

"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 March 6, 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 April 3, 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 DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Resolution approved.

RULE 7. Public Comments:

John Giudice, 22 Ripplewood Drive, reiterated his suggestion from the February 6<sup>th</sup> meeting that hydrants be installed throughout the town. He stated that based on his website, there has been interest in obtaining hydrants. Mayor Minichetti pointed out that with the severe weather conditions this year, the Council has to prioritize projects that most affect the community such as road repairs, providing for the cost of sand and salt, etc. She noted she has not received any inquiries or any interest shown regarding the installation of hydrants, which she pointed out would be extremely costly. Councilman DeBerardine said when new water lines are constructed, hydrants are installed.

In regard to Mr. Giudice's question on the availability of an updated Land Use Plan, he was informed that the Land Use Plan is updated every ten years and will be prepared when required.

Carol Tyler, Tyco Animal Control Officer, asked the Council consider separating the animal control services from the health services in the Bergen County Department of Health Services Agreement. She noted that the County Agreement does not include some of the services she provides such as, appearing in Court, daily chasing of geese from parks and personal service. She read a letter dated 1998 from the Borough complimenting her on the job she does as animal control officer. Ms. Tyler said she has served the Borough for over 20 years and asked the Council reconsider their decision and retain her services.

RULE 8. Adjournment:

A motion to adjourn by Councilman Ditkoff, seconded by Councilwoman Florio was unanimously approved by all Council members present. (Meeting adjourned at 8:30 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk