

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, March 7, 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.

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

Borough Attorney Regan read a statement noting he declined an invitation to meet with representatives of Mack-Cali. He stated the Borough is not interested in the construction of hi-rise apartment buildings on the Pierson Education property. Mr. Regan pointed out that hi-rise buildings could accommodate over 500 units which would create a burden on town services, would require expansion of police and fire services, and have a negative impact on traffic. Mr. Regan noted there would also be an increase in the number of school enrollments which would result in a \$1.5 million cost for education. He noted the property is best used for corporate purposes as it is located near a major highway and has the distinction of having an Upper Saddle River address.

RULE 2. Minutes of Executive, Closed and Regular Meetings of February 7, 2013 were delivered to all members of the governing body and posted on the bulletin board and were unanimously approved following a motion by Councilman Durante, seconded by Councilman DiMartino:

RULE 3. Borough Clerk's Report:

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

Copies	\$ 7.60
Landscaping Permits	\$ 65.00
Garage Sales	6.00
Total	\$ 78.60

The Borough Clerk's office issued 80 dog licenses for the month of February. \$111.00 was forwarded to the Department of Health for the pilot clinic and Animal Control Fund.

Proofs of publication were received for:

1. 2013 Board of Health meeting schedule

2. Resolution #4-13 - Professional Services
3. Introduction Ord. #1-13-Vacate Harvey Lane

On January 29, 2013 the Borough received the following bids for Hess Court Gabion Basket replacement:

1. John Garcia Contracting	\$38,203.00
2. Trino Associates	39,500.00
3. Tillerman Enterprises	39,680.00
4. 4 Clean Up Inc.	\$39,800.00
5. Covino & Sons	45,800.00
6. Pat Scanlan Landscaping	45,822.04
7. D R Mullen	47,875.00
8. Ascape Landcape	47,980.00
9. Gallen Contracting	48,658.00
10. Adamo Brothers	51,720.00
11. Haskell Paving	54,883.66
12. Zenith Construction	54,900.00
13. Cal Mart Enterprises	93,888.00

On January 29, the Borough received the following bids for Hess Court Bathroom Improvements:

1. LKL Contracting	\$34,300.00
2. LaRocca, Inc.	39,700.00
3. Academy Construction	41,000.00
4. Pharos Enterprises	44,000.00
5. Aero Htg. & Plumbing	54,000.00
6. SZ Construction	54,900.00
7. Zenith Construction	56,000.00
8. Salazar & Associates	56,040.00
9. V&K Construction	63,500.00
10. C M Contractor	68,000.00

On March 5, 2013, the Borough received the following bids for a Fuel Management System:

1. John Duffy Fuel Co.	\$49,860.00
2. Slack Environmental	57,290.00
3. T.R. Weniger	60,250.00
4. Aurora Environmental	64,710.00
5. Petro Mechanics	67,863.50
6. Cypreco Industries	198,823.00

RULE 4. Communications, Petitions & Bills:

Cablevision notice of rate adjustments.

NWBCUA Minutes of February 5, 2013.

Resolutions from Bergenfield, New Milford, North Arlington, Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$3,752,195.53:

A motion by Councilman DeBerardine, seconded by Councilman Durante to pay bills in the amount of \$3,752,195.53 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 DeBerardine read for the second time: (Ord. #2-13)

"AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, ZONING".

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

Roll Call vote will be taken at the April 4th meeting after Planning Board review.

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 Durante was unanimously approved by all Council members present.

*Resolution #37-13

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY, CONVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR 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 \$5,007,652 BOND ANTICIPATION NOTE, DATED FEBRUARY 22, 2013 AND PAYABLE FEBRUARY 21, 2014, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

*Resolution #38-13

WHEREAS, the Planning Board of the Borough of Upper Saddle River has granted preliminary and final site plan approval, a use variance and certain other bulk variances, and related approvals to Recovery Racing IX d/b/a Maserati of Bergen County relating to premises known as Block 1301, Lot 13 as depicted on the Borough tax map, being more commonly known as 145 Route 17 South; and

WHEREAS, as a condition of said approval, the applicant is required to enter into a Developer's Agreement with the Borough; and

WHEREAS, a Developer's Agreement has been prepared by the Planning Board attorney and reviewed by the Borough attorney.

NOW, THEREFORE, BE IT RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforesaid Developer's Agreement on behalf of the Borough.

*Resolution #39-13

WHEREAS, the Borough of Upper Saddle River requires professional planning services regarding the Housing Element and Fair Share Plan; and

WHEREAS, it is contemplated that the 2013 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Local Public Contracts Law (NJSA40A:11-1 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:

Burgis Associates
25 Westwood Avenue
Westwood, NJ 07675

to serve at the pleasure of the Council at a fee not to exceed \$17,00 as set forth set forth in Section VI of the Agreement.

2. The engagement of such services is made without competitive bidding under the provisions of NJSA 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.

*Resolution #40-13

WHEREAS, the Borough of Upper Saddle River requires professional planning services regarding the Land Use Plan Element of the Master Plan; and

WHEREAS, it is contemplated that the 2013 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Local Public Contracts Law (NJSA40A:11-1 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:

Burgis Associates
25 Westwood Avenue
Westwood, NJ 07675

to serve at the pleasure of the Council at a fee not to exceed \$39,000 as set forth in Section VI of the Agreement.

2. The engagement of such services is made without competitive bidding under the provisions of NJSA 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.

*Resolution #41-13

AUTHORIZE PISTOL RANGE AGREEMENT BETWEEN THE BOROUGH OF PARK RIDGE
AND THE BOROUGH OF UPPER SADDLE RIVER

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 a annual cost of \$3,500 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, 2013 and the balance one-half (1/2) of the amount owned shall be paid by December 1, 2013; and

WHEREAS, the Borough of Upper Saddle River shall issue to the Borough of Park Ridge a signed hold harmless agreement and certificate of insurance naming the Borough of Park Ridge as an additional insured for use of said Pistol Range for the year 2013; and

WHEREAS, both parties believe this shared services agreement 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 #42-13

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 of \$0.50 per capita, effective January 1, 2013.

*Resolution #43-13

WHEREAS, it is contemplated that the 1023 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:

Bergen County Department of Health Services
327 Ridgewood Avenue
Paramus, NJ 07652

to serve at the pleasure of the Council at a fee schedule set forth in Section VII of the Agreement.

2. The engagement of such services is made without competitive bidding under the provisions of NJSA 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.

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

*Resolution #44-13

RESOLUTION CONFIRMING INTENT WITH RESPECT TO REAPPROPRIATION OF PROCEEDS SET FORTH IN ORDINANCE #3-12 OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY, FINALLY ADOPTED JUNE 7, 2012.

WHEREAS, the Borough of Upper Saddle River intends to clarify its intent not to spend such sum for the purpose set forth in Ordinance #3-12 for the

acquisition of a vacuum truck but to spend it for the upgrade of a fire emergency support vehicle;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, in the County, of Bergen, New Jersey, (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. The Borough Council hereby clarifies that the sum specified for the acquisition of a vacuum truck in Ordinance #3-12 is no longer needed and is reappropriated from Account #C-04-55-312-955 to Account #C-04-55-312-961 in the amount of \$125,000 for the upgrade of a fire emergency support vehicle.

Section 2. This Resolution shall take effect immediately.

*Resolution #45-13

INTERLOCAL SERVICES AGREEMENT-MUTUAL AID PLAN & RAPID DEPLOYMENT FORCE

WHEREAS, the police departments in Bergen County have a day-to-day responsibility to provide for the security of lives and property, for the maintenance and preservation of the public peace and order; and

WHEREAS, Law Enforcement Officials also have a responsibility to provide for preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, man-made causes, civil unrest and civil disobedience such as riot, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorders, riots, terrorist incidents and bombings, state and national emergencies; and

WHEREAS, the Bergen County police Chief's Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies; and

WHEREAS, this Plan is adopted in accordance with the provisions of N.J.S.A.40A:14-156, N.J.S.A40A:14-156.1, N.J.S.A40A14-156.4 and N.J.S.A App.A:9-40.6; and

WHEREAS, this Plan will provide a uniform procedure for the coordination of the requesting, dispatching and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency riot or disorder, in order to protect life and property; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Upper Saddle River to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the Plan as submitted by the Bergen County Police Chief's Association.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the Police Department of the Borough of Upper

Saddle River, under the direction of the Chief of Police, cooperate with the Bergen County Police Chief's Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the County Executive, the Board of Chosen Freeholders, the County Prosecutor and the Chief of Police.

*Resolution #46-13

WHEREAS, the Borough of Upper Saddle River became the owner of 160 Crescent Avenue as of June 12, 1996; and

WHEREAS, there have been taxes for last 2 quarters of the year 2011 to the first 2 quarters of the year 2013 in the amount of \$19,520.20;

NOW, THEREFORE, BE IT RESOLVED, that the amount of \$19,520.20 be cancelled of record for the remainder of the 2011 final billing to the preliminary billing for 2013.

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<u>+Final 2011</u>		<u>Final 2012</u>	
3 rd quarter	\$ 2,482.52	3 rd quarter	2,439.68
4 th quarter	2,481.00	4 th quarter	2,439.00
<u>Preliminary 2012</u>		<u>Preliminary 2013</u>	
1 st quarter	2,413.00	1 st quarter	2,426.00
2 nd quarter	2,413.00	2 nd quarter	2,426.00
		TOTAL	\$19,520.20

*Resolution #47-13

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 2013 budget, temporary appropriations should be made for the purpose and the amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2013; and

WHEREAS, the total appropriation in the 2012 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 2012 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	\$	44,134	A&E, OE	\$	750
Finance, S&W		14,500	Tax Collector, OE		1,000
Assessor S&W		7,700	Legal, S&W		8,000
Planning Bd, S&W		700	Bldg. Dept. Staff		25,500
Group Ins.		100,000	Other Ins. Prem.		62,000
Police, S&W		352,000	Ambulance S&W		15,200
Fire Prev., S&W		1,200	Fire Prev. OE		1,500
Prosecutor, S&W		600	Shade Tree, S&W		300
DPW, S&W		91,317	DPW, OE		50,000
Recycling Contract		20,000	Bldg. & Grnds. OE		2,000
Animal Control		500	Bd. Of Health		3,000
Recreation, S&W		6,000	Library Maint.		243,000
Solid Waste Contract		20,000	Court, S&W		15,200
Municipal Alliance		1,000	Bond Principle		180,000

*Resolution #48-13

WHEREAS, the Borough of Upper Saddle River requires professional legal services in regard to Affordable Housing issues; and

WHEREAS, it is contemplated that the 2013 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Local Public Contracts Law (NJSA40A:11-1 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:

Robert A. Kasuba, Esq.
21 Tanner Street
Haddonfield, NJ 08033

to serve at the pleasure of the Council at a fee not to exceed \$10,00 as set forth set forth in Section VI of the Agreement.

2. The engagement of such services is made without competitive bidding under the provisions of NJSA 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.

*Resolution #49-13

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on March 5, 2013 for the installation of a Fuel Management System; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by John Duffy Fuel Co., 465 Mulberry Street, Newark, New Jersey 07114 was the lowest responsible bidder in the amount of \$49,860; and

WHEREAS, the submission has been reviewed and found to be in conformance with the specifications;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby award a contract for the installation of a Fuel Management System to John Duffy Fuel Co., 465 Mulberry Street, Newark, New Jersey 07114 in the amount of \$49,860;

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for the aforesaid service after same has been prepared by the Borough Attorney.

*Approve raffle license to Upper Saddle River Baseball Association.

*Authorize Borough Clerk to seek bids for apparatus and equipment for a fire support vehicle.

A motion by Councilman Durante, seconded by Councilman DiMartino to approve Regular Fire Department membership of Derek Weinberg and Jr. membership of Jacob Teitelbaum.

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

Councilman Ditkoff read for the first time: (Ord. #3-13)

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

Resolution by Councilman Ditkoff, seconded by Councilman Hafner:

"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 7, 2013 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council to be held on April 4, 2013, at 8:00 PM at the Borough Hall, Upper Saddle River, NJ, at which time and place all persons interested will be given an opportunity to be heard concerning same.

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

RULE 7. Public Comments:

Mr. Alan Tischbein, 29 Overbrook Road, said he had been a member of the Rescue Squad and that the Borough previously indicated the Rescue Squad was disbanded for financial reasons. He objected to the Borough spending \$125,000 on a fire vehicle for use as a rescue truck. He felt the Fire Department was well-funded and suggested they cover the cost themselves. Ms. Corrinne Tischbein said the taxpayers paid for the original rescue equipment and she did not want to pay for equipment again.

Councilman Durante explained the Borough was not buying new equipment but covering the cost of having the truck renovated to accommodate the present equipment.

Mr. Steve Pink, 14 Cottage Lane, said he will submit 2 reports outlining the types of equipment needed by fire departments.

RULE 8. Adjournment:

A motion to adjourn by Councilman DeBerardine, seconded by Councilman Ditkoff was unanimously approved by all Council members present. (Meeting adjourned at 8:25 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk