

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, October 2, 2014 at 8:00 p.m. at the Upper Saddle River Borough Hall.

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

Mayor Minichetti proclaimed October 10, 2014 as "Put the Brakes on Fatalities" Day.

Pursuant to the Open Sunshine Act P.L. 1975, Chapter 231, proper notice of this meeting has been provided by submitting appropriate notice to The Ridgewood News and The Record by fax, mail on December 20, 2013 in which the time, place and purpose of the meeting was set forth.

RULE 1. Roll Call:

Mayor	Joanne L. Minichetti	Present
Councilman	Roger DeBerardine	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 September 4, 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 September, 2014 and deposited them with the Collector/Treasurer:

Garage Sales	\$	32.00
Copies		7.20
Landscape Permits		<u>5.00</u>
Total	\$	44.20

The Borough Clerk's office issued 10 dog licenses for the month of September. \$18.00 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. Adoption of Ord. #7-14 - Parks & Playgrounds
2. Adoption of Ord. #8-1414 - Cancel Fund Balances
3. Sunshine notice to reschedule meeting from 8/7/14 to 8/11/14

Bids were received on September 23, 2014 for Lions Park Improvements:

1. Downes Tree Service	\$64,008.50	\$20,000.00
2. Tec-Con Contractors	66,850.00	10,000.00
3. D&L Paving	72,850.00	21,000.00

4. Grabowski Construction	74,130.00	110,130.00*
5. SCS Contracting	85,100.00	28,000.00
6. Greenscape Landscaping	98,950.00	24,700.00
7. Merton Paving	117,800.00	24,000.00
8. Rotonde Builders	395,000.00	23,000.00

*Engineer Christopher Statile determined mathematical error,
 Grabowski Construction 63,130.00 47,000.00

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

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

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

Councilman Durante read the Borough Engineer's report regarding the possible installation of fire hydrants throughout the Borough. He said the project is estimated at approximately \$10,000,000 to bring water lines to fire hydrants but does not include the installation of potable water lines to single family lots. Councilman Durante explained that based on the fire hydrant map provided by the DPW, 20% to 25% of the town has adequate access to a fire hydrant. It was noted that United Water's standard for spacing of fire hydrants is 800 ft. which could increase or decrease the cost. The Borough Engineer pointed out that careful consideration should be given to either looping mains or confirm that dead end lines do not cause stagnant water conditions. Councilman Durante said ownership of the lines and their role needs to be addressed as well as taking into consideration the significant financial effect.

Library: Minutes of June 18, 2014 and Report for the month of August was received and filed.

Environmental Committee: Councilwoman Florio read the Environmental Report dated August 3, 2013 to August 30, 2014 pointing out some of their accomplishments, for example construction of a kiosk at Lions Park, participating in community outreach events such as USR Day , Green Book Week at the Library and Green Voices at Presentation Church and Bergen Highlands Methodist Church. Councilwoman Florio noted the Environmental Committee is discussing the possible construction of a community food pantry garden at Presentation Church in Spring, 2015, in addition to continuing the annual River Day for the Cavallini School student. She pointed out Upper Saddle River received USR Sustainable Jersey recertification at the Bronze level.

Youth Guidance Council: Minutes of September 12, 2014 were received and filed.

Borough Official's Report:

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

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

Public hearing notice from Mahwah re amendment to zoning ordinance.
NWBCUA Minutes of July 15, 2014.

Public hearing notice from Montvale re Reexamination of Master Plan.

Public hearing notice re a variance at 7 Brookside Drive.

Resolution from New Milford, Bd. Of Freeholders Bond Ord. #14-19.

Councilman DeBerardine presented bills in the amount of \$2,977,702.73:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$2,977,702.73 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:

Councilman Ditkoff read for the second time: (Ord. #9-14)

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

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

Resolution by Councilman Ditkoff, seconded by Councilman DiMartino:

AN ORDINANCE TO AMEND CHAPTER 98 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "PARKS AND PLAYGROUNDS" was introduced at a Regular meeting of the Mayor and Council on September 4, 2014, and passed its first reading. After public hearing held on October 2, 2014, it passed its second and final reading and was duly adopted by the Council and approved by the Mayor and shall take effect when published according to law.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Ordinance 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 Councilwoman Florio was unanimously approved by all Council members present.

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

*Resolution #88-14

WHEREAS, the Borough of Upper Saddle River has previously entered into a contract with D&L Paving Contractors, 681 Franklin Avenue, Nutley, New Jersey 07110, in connection with the 2014 Road Improvement Program; and

WHEREAS, Change Order #1 has been submitted which indicate an increase in as-built quantity, drainage improvements and striping; 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 \$27,693.64 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 D&L Paving Contractors by \$27,693.64.

*Resolution #89-14

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Karen P. Ness v. Borough of Upper Saddle River", Docket No. 017921-2013, which matter involves an appeal of the assessment on certain premises known as Block 907, Lot 6 and being more commonly known as 82 Cider Hill, for the 2013 tax year; and

WHEREAS, the parcel is assessed for the 2013 tax year at \$820,000.00; and

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

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

1. The Stipulation of Settlement shall provide that the assessment for the 2013 tax year on said parcel shall be established at \$760,000.00.

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

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

*Resolution #90-14

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Interlocal Services Agreement with the Borough of Ho-Ho-Kus for the year 2014; and

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

WHEREAS, the Borough of Upper Saddle River has agreed to provide tax assessor and related services to the Borough of Ho-Ho-Kus; 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 Ho-Ho-Kus at a cost as set forth in the Agreement for the period January 1, 2014 to December 31, 2014.

*Resolution #91-14

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on September 23, 2014 for Improvements to Lions Park; and

WHEREAS, in response to said advertisement for proposals, a bid was submitted by Grabowski Construction Inc., 770 Northfield Avenue, West Orange, NJ 07052, in the amount of \$63,130.00; 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 Improvements to Lions Park to Grabowski Construction Inc., 770 Northfield Avenue, West Orange, NJ 07052, in the amount of \$63,130.00;

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.

In response to the Civil Action Complaint dated September 26, 2014 filed by Mack Cali Realty, Borough Attorney Regan pointed out a number of inaccuracies and falsehoods contained in the complaint. He noted that the Borough's 1st and 2nd round affordable housing plan was approved by COAH and that the Borough's 3rd round plan was submitted to COAH as required. He pointed out the rezoning request by Mack Cali does not address the affordable housing component and that the current zoning of the Mack Cali site is 100% consistent with the Borough's Master Plan. Mr. Regan stated the Complaint seeks 560 units as opposed to the 240 in their initial plan, which demonstrates their bad faith. He Mr. Regan said their allegations against the Mayor are intended to threaten and intimidate residents in connection with the November 4th referendum question.

Councilman Durante said Mack Cali is only looking to maximize profits and said their plan to include a ball field and to now want 560 units as opposed to the original 240, is an intimidation to approve the project. He noted the site is highly prized as it is close to Route 17, Route 287, the Garden State Parkway and New York State Thruway. Councilman Durante said Mack Cali never detailed how they tried to market the site and that they want to change all of Upper Saddle River's zoning to make smaller lots.

Councilman Ditkoff said we have been assured by Borough Attorney Regan that there is no validity to their complaint, that it is just a political tactic and that all residents should attend the Town Hall meeting on October 22. Mayor Minichetti noted that in addition to the Mayor and Council, the Borough Engineer and Borough Planner will be in attendance to explain the Land Use Law and Master Plan and to answer questions regarding the November referendum question.

Councilman DeBerardine read a letter he will be sending to the newspapers stating Mack Cali's refusal to find new tenants and that they insisted on rezoning the property for multi-purposes. He said no documents have been submitted and they are now threatening litigation. He said the Borough will vigorously defend its zoning laws.

RULE 7. Public Comments:

Mr. Preusch told Mr. Greg Erstling, 31 Lake Road, that the Borough Engineer determined the easement on his property was constructed in 1977 and that a pipe was later installed in the easement. He said the Engineer recommended the pipe be removed and the ditch returned to a swale which would capture debris and cleaned out easily, if necessary. Mr. Erstling asked that the Borough Engineer make a site visit in order to assess the problem.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman DeBerardine was unanimously approved by all Council members present.
(Meeting adjourned at 8:28 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk