

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, October 6, 2016 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 read a Proclamation declaring October 10, 2016 as "Put the Brakes on Fatalities Day".

Pursuant to the Open Sunshine Act P.L. 1975, c. 231, proper notice of this meeting has been provided by submitting appropriate notice to The Ridgewood News and The Record on December 18, 2015 by Fax and mail in which the time, place and purpose of the meeting was set forth.

RULE 1. Roll Call:

Mayor	Joanne L. Minichetti	Present
Councilman	Roger DeBerardine	Present
Councilman	Steven DiMartino	Present
Councilman	Jonathan Ditkoff	Present
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Present

RULE 2. Minutes of Executive, Closed and Regular Meetings of September 1, 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 DeBerardine.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of September, 2016 and deposited them with the Collector/Treasurer:

Peddler's License	\$10.00
Landscape Permit	5.00
Garage Sales	26.00
Copies	<u>.25</u>
Total	\$ 41.25

The Borough Clerk's office issued 6 dog licenses for the month of September. \$10.20 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of publication was received for:

1. Adoption of Ord. #5-16 - Employee Compensation
2. Adoption of Ord. #6-16 - Licenses
3. Adoption of Ord. #7-16 - Zoning

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.

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

Youth Guidance Council: Minutes of September 9, 2016 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 months of August & September were received and filed.

RULE 4. Communications, Petitions & Bills:

BCUA letter informing of 2016 Environmental Awareness Challenge Grant to Bogert & Reynolds School.

Public Hearing notice in Ramsey re Uncle Giuseppe's.

PSE&G public hearing notice re rate adjustments.

NWBCUA public hearing notice various sewer improvements and Minutes of July 19, 2016.

Resolution from New Milford, Elmwood Park, Carlstadt, Tenafly, Bd. of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$4,543,886.59:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$4,543,886.59 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.

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 Councilwoman Florio.

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

*Resolution #87-16

WHEREAS, an application has been filed for a Person-to-Person and Place-to-Place transfer of Plenary Retail Consumption License #0263-33-004-008 heretofore issued to Atrimec Realty Corp., 580 Luis Munoz Marin Blvd., Jersey City, New Jersey; and

WHEREAS, the submitted application is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Upper Saddle River does hereby approve, effective August 4, 2016 the transfer of the aforesaid Plenary Retail Consumption License to East Crescent Development Group, LLC, 1000 Wyckoff Avenue, Mahwah, New Jersey, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions is hereby transferred to East Crescent Development Group, LLC, effective October 6, 2016"

*Resolution #88-16

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matters entitled, "Andrew Garber v. Borough of Upper Saddle River" Docket Nos.004343-2015 and 001259-2016, which matters involve appeals of the assessment on certain premises known as Block 1220, Lot 9 and being more commonly known as 43 Dogwood Hill, for the 2015 and 2016 tax years; and

WHEREAS, the parcel is assessed for both tax years at \$1,442,900; and

WHEREAS, said appeals were filed to contest the assessment on the property for the 2015 and 2016 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 appeals based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the assessment for both the 2015 and 2016 tax years on said parcels shall be established at \$1,400,000.

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 #89-16

WHEREAS, application for renewal of an alcoholic beverage pocket license has been received from BESO XOXO, 209 State Highway Route 17, Upper Saddle River, N.J. 07458 and proper fees have been filed with State and local authorities; and

WHEREAS, pursuant to N.J.S.A.33:1-12.39, the New Jersey Division of Alcoholic Beverage Control Commission has granted a Special Ruling N.J.S.A. 33:1-12.39 for the 2016-2017 and 2017-2018 license term;

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage pocket license be renewed effective July 1, 2016-June 30, 2017 and July 1, 2017-June 30, 2018, based upon the representations set forth in the petitioner's notarized letter and is subject to review and/or modification should the factual circumstances warrant.

License #0263-33-003-004

A Plenary Retail Distribution License is hereby issued to BESO XOXO Corporation, 209 State Highway Route 17, Upper Saddle River, N.J. 07458.

*Resolution #90-16

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 2017 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 2017.

*Resolution #91-16

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on September 27, 2016 to provide Snowplowing Services for the 2016-2017 season; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by Groesbeck & Groesbeck, 155 Darlington Avenue, Ramsey, NJ 07446 was the lowest responsible bidder in an amount of \$140.00 to \$160.00 per hour as the base bid for snowplowing and \$600.00 per hour (5 trucks) as the alternate bid for salting; 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 to Groesbeck & Groesbeck, 155 Darlington Avenue, Ramsey, NJ 07446, to provide 2016-2017 Snowplowing Services;

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.

*Resolution #92-16

WHEREAS, N.J.S.A.40a:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Borough of Upper Saddle River has received a New Jersey Department of Transportation (NJDOT) Grant of \$149,000 for the resurfacing of Sparrowbush Road and wishes to amend its 2016 budget to include this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Upper Saddle River hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$149,000 which is now available as:

Miscellaneous Revenue from:

Special Items of General Revenue Anticipated with Prior
Written Consent of the Director Of the Division of Local
Government Services;
State & Federal Revenues Off-Set with Appropriations;
State of New Jersey Department of Transportation

BE IT RESOLVED that the sum of \$149,000 is hereby appropriated under the caption of:

General Appropriations
Operations excluded from the CAP
State and Federal Programs Receivable-Off-Set by Revenues:
State of New Jersey Department of Transportation

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward one copy of this resolution to the Director of the Division of Local Government Services.

*Resolution #93-16

WHEREAS, the Bergen County Historic Preservation Trust Fund of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund provides grants to non-profit organizations for assistance in the preservation of historic buildings, districts, and sites; and

WHEREAS, as part of the 2016 application by the Upper Saddle River Historical Society to the County of Bergen is the requirement that the applicant must obtain a resolution of acknowledgment that the municipality in which the project is located knows that the application is being made; and

WHEREAS, the Upper Saddle River Historical Society has informed the Borough of Upper Saddle River of its intent to apply for a Bergen County Historic Preservation Trust Fund for assistance in the historic preservation of the Hopper Goetschius Museum located on property known as 363 East Saddle River Road, Upper Saddle River, New Jersey, Block 811, Lot 2 on the tax map of the Borough of Upper Saddle River; and

WHEREAS, the Borough of Upper Saddle River does not assume any financial liability or other responsibilities related to the application of the project;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River acknowledges that the Upper Saddle River Historical Society is applying to the Bergen County Historic Preservation Trust Fund.

A motion by Councilman Durante, seconded by Councilman Ditkoff to approve Fire Dept. membership of Peter Shapiro and Dennis Kutsin and Jr. Fire-fighter membership of Meghan Strauss.

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

Councilman Durante read for the first time: (Ord. #9-16)

"AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTED AUGUST 4, 2016".

Resolution by Councilman Durante, seconded by Councilman DeBerardine:

"AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTED AUGUST 4, 2016" was introduced at a Mayor and Council meeting on October 6, 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 November 3, 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, Hafner. Nays: None.

A motion by Councilman Ditkoff, seconded by Councilman DiMartino to appoint Michelle Bradbury to fill an unexpired term on the USR Recreation Commission to December 31, 2016.

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

RULE 7. Public Comments.

Mr. Darius Michalski, 67 & 71 Pleasant Avenue, said he is being sued by the town for \$500,000 because of some illegal construction at his home. He asked to meet with the Mayor to try to work out a solution. However, Mayor Minichetti said it would not be possible since there is pending litigation.

Mr. Thomas Brophy, 8 Albert Drive. Mr. Regan said in June, 2016, Mr. Brophy filed a lawsuit against the Borough, himself, the Mayor and all six Council members and therefore advised the Mayor and Council not to respond to any of Mr. Brophy's questions. In response to Mr. Brophy's questions, each Council member declined to comment.

Mr. Marshall Grupp, 27 Hidden Glen, asked for the names of the owners of 1 Lake Street and the Apple Ridge property. Mr. Regan said Mack-Cali currently owns 1 Lake Street, but the property is under contract to be sold to Toll Brothers. He said Apple Ridge is under contract to BHN Developers and that the closing is imminent. He pointed out that Toll Brothers will be filing a site plan with the Planning Board for the Lake Street property for 186 market value units and 22 affordable housing units and that the proposed development of 44 single family homes has been approved for the Apple Ridge property. In response to Mr. Grupp, Mr. Regan said the property is not owned by a Canadian company.

Mr. Grupp was informed the 2015 Financial Audit had just been received from the auditor and will be distributed to the Council at the November 3rd meeting. Council agreed to have the User Friendly Budget posted on the Borough's website after approval.

Ms. Janine Yatko, 12 Robin Ridge Road, was informed that Mr. Regan serves as the attorney for the Borough as well as the Mayor and Council. In response to her questions on the use of the building at 10 Mountain View Road, she was informed that based on recent conversations with the owner, real estate agent and leasing agent and having obtained a copy of the lease, a number of tenants have already signed long term leases and that Stryker Corp. signed a 10 year lease extension. Mr. Regan said he was extremely confident that the property would not be rezoned.

In response to Mr. Mark Alexander, 14 Dansfield Court, Mr. Regan explained that in order to rezone property, the Master Plan has to be amended and be consistent with the Master Plan with final site plan approval by the Planning Board. He pointed out the Planning Board is an autonomous group appointed by the Mayor.

In response to Mr. Erik Friis, 4 Sparrowbush Road, Mr. Regan explained the terms of the Settlement Agreement stipulate there would be 186 for sale townhouses in the \$750,000-\$850,000 price range, 22 affordable housing units and the Borough could purchase 9 acres of land for \$2 million dollars. In response to additional questions by Mr. Friis, Councilman DeBerardine said the Council's main concern was to retain Upper Saddle River as it has always been and that the Council did the best they could and as residents, had the same concerns as everyone else. In regard to the 1 Lake Stree property, Mr. Friis was informed that the property was sold to Toll Brothers who would have to go to the Planning Board for site plan approval.

Mr. Peter Wynne, 16 Partridge Hill, asked about the status of the litigation regarding affordable housing. Mr. Regan said at a fairness hearing before Judge Meehan, a case management conference will be scheduled and that at this time there is no Federal Court action pending. He explained the number of affordable housing units Fair Share Housing (370) and Econsult (340) calculated for the Borough.

Mr. Steven Young, 16 Blue Spruce, asked about the impact on the schools and was told that Supt. Of Schools Dr. Monica Browne advised the schools are under-enrolled at this time. Mr. Regan explained the criteria to qualify for affordable housing taking into consideration issues such as income, size, affirmative marketing, advertisement and must be open to everyone. He noted the 22 affordable housing units at Crescent Village have a deed restriction that requires the units to remain affordable housing for the next 30 years

Mr. David Aarons, 56 Echo Ridge Road, asked about an economic component to the settlement agreement and immunity from future Builder's Remedy. Mr. Regan said the Borough has immunity until the year 2025.

Ms. Sue Gandara, 74 Rolling Ridge, questioned the impact of revenue from taxes and was informed that a Builder's Remedy suit doesn't take the revenue impact into consideration but is based on affordable housing needs.

Councilman Ditkoff cautioned the residents to be aware of posting anything on social media that may jeopardize the Borough's affordable housing litigation.

RULE 8. Adjournment.

A motion to adjourn by Councilman DeBerardine, seconded by Councilman DiMartino was unanimously approved by all Council members present. (Meeting adjourned at 9:32 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk