

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

Mayor Minichetti read Proclamation supporting "Read Across America" and "Read Across America, NJ" beginning March 1, 2013.

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

RULE 2. Minutes of Executive, Closed and Regular Meetings of December 6, 2012, End of the Year Meeting of December 28, 2012 and Executive, Closed and Reorganization Meeting of January 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 Councilwoman Florio, seconded by Councilman Ditkoff.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the months of December, 2012 and January, 2013 and deposited them with the Collector/Treasurer:

Copies	\$ 27.72
Landscaping Permits	\$ 15.00
Garage Sales	2.00
Total	<u>\$ 44.72</u>

The Borough Clerk's office issued 185 dog licenses for the month of January. \$267.00 was forwarded to the Department of Health for the pilot clinic and Animal Control Fund.

Proofs of publication were received for:

1. Synopsis of 2011 Audit Report
2. 2013 Mayor & Council meeting schedule

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

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

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

Library: Report for the month of January, Minutes of November 14, 2012 and January 16 were received and filed.

Shade Tree Commission: 2012 Annual report was received and filed.

Youth Guidance Council: Minutes of December 7 and January 4 were received and filed.

Borough Official's Report:

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

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

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

Launch of Optimum Economy Package from Cablevision.

Minutes of December 4 and January 8 from Northwest Bergen County Utilities Authority.

Planning Board public hearing notice re 145 Route 17 South, Maserati Auto. Introduction of Ord. 01-2013 from Borough of Ramsey re zoning.

A motion by Councilman DeBerardine, seconded by Councilman Durante to pay bills in the amount of \$10,554,541.28 was unanimously approved by all Council members present. Mayor Minichetti declared bills approved for payment and ordered checks drawn.

RULE 5. Unfinished Business:

Councilwoman Florio read for the second time: (Ord. #1-13)

"AN ORDINANCE TO VACATE AND EXTINGUISH THE PUBLIC RIGHT IN AND TO A PORTION OF THOSE LANDS COMPRISING WHAT IS KNOWN AS HARVEY LANE AS THE SAME ARE MORE PARTICULARLY DESCRIBED HEREIN".

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

Resolution by Councilwoman Florio, seconded by Councilman Durante:

"AN ORDINANCE TO VACATE AND EXTINGUISH THE PUBLIC RIGHT IN AND TO A PORTION OF THOSE LANDS COMPRISING WHAT IS KNOWN AS HARVEY LANE AS THE SAME ARE MORE

PARTICULARLY DESCRIBED HEREIN" was introduced at a Regular meeting of the Mayor and Council on January 3, 2013 and passed its first reading. After public hearing held on February 7, 2013, 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. Resolution 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 Councilman Ditkoff was unanimously approved by all Council members present.

*Resolution #15-13

WHEREAS, the Borough of Upper Saddle River requires professional planning services for the year 2013 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 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.

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

*Resolution #16-13

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Interlocal Services Agreement with the Borough of Waldwick for the year 2013; 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 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, 2013 to December 31, 2013.

*Resolution #17-13

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 2013.

*Resolution #18-13

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 2013 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 should designate 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 #19-13

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 approved 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 2013.

*Resolution #20-13

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:

Christopher P. Statile, P.A.
3 Fir Court
Oakland, New Jersey 07436

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.

*Resolution #21-13

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
400 Lanidex Plaza
Parsippany, New Jersey 07054

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.

*Resolution #22-13

WHEREAS, the Borough of Upper Saddle River requires services of a professional Risk Management Consultant for the year 2013; and

WHEREAS, it is contemplated that the 2013 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 #23-13

WHEREAS, the Borough of Upper Saddle River requires professional legal services for the year 2013; 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 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 #24-13

WHEREAS, the Borough of Upper Saddle River requires services of professional certified public accountants for the year 2013 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 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:

Ferraioli, Wielkocz, Cerullo & Cuva, P.A.
16 Pompton Avenue
Pompton Lakes, New Jersey 07442

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.

*Resolution #25-13

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Interlocal Services Agreement with the Northwest Bergen Utilities Authority; and

WHEREAS, the Borough of Upper Saddle River is in need of TV Inspections services; 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 Northwest Bergen County Utilities Authority to provide TV Inspection services for the years 2013 and 2014.

*Resolution #26-13

WHEREAS, the Borough of Upper Saddle River requires services of a professional Bond Counsel for the year 2013; and

WHEREAS, it is contemplated that the 2013 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 #27-13

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.

Recycling, OE	\$ 45,000
Bd. of Health, OE	15,000
Bond Principle	385,000

Legal, S&W	10,000
Planning, S&W	1,000
Ambulance, S&W	5,000
Legal	25,000

*Resolution #28-13

WHEREAS, there appears to be insufficient funds in the following account (except the appropriation for Contingent Expenses or Deferred Charges) to meet the demands thereon for the year 2012:

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 2012:

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>	
DPW,OE	\$3,000	Planning, S&W	\$ 1,000
		Fire Dept, S&W	2,000

*Resolution #29-13

Authorizing the Establishment of a Petty Cash 13 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 #30-13

WHEREAS, in connection to the Clean Water Act violation action against the Rockland County Sewer District #1, the Borough of Upper Saddle River requires the services of a civil and environmental engineer, and WHEREAS, it is contemplated that the 2013 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:

Riddick Associates, P.C.
139 Lafayette Avenue
Suffern, New York 10901

All to serve at the pleasure of the Council for a fee not to exceed \$36,015;

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 #33-13

WHEREAS, the "Upper Saddle River Historical Society" are dedicated volunteers who actively support the community; and

WHEREAS, the Mayor and Council wishes to extend insurance coverage to the "Upper Saddle River Historical Society";

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that they do hereby approve inclusion of the "Upper Saddle River Historical Society" in the Bergen County Municipal Joint Insurance Fund.

*Resolution #34-13

WHEREAS, the Borough of Upper Saddle River requires professional planning services regarding the preparation of a Zoning Map; 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 (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:

Burgis Associates
25 Westwood Avenue
Westwood, New Jersey 07675

to serve at the pleasure of the Council at an amount not to exceed \$2,000.

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.

*Resolution #35-13

WHEREAS, on July 1, 2012 the Borough of Upper Saddle River entered into Contracts with Advanced Waste Systems, Inc. ("Advanced") for solid waste collection and disposal services and recyclable materials collection and removal services, which Contracts encompass the period from July 1, 2012 to June 30, 2017; and

WHEREAS, on or about December 19, 2012 an Order was entered by the State of New Jersey, Department of Environmental Protection, Environmental Management, in a matter entitled, "I/M/O The Petition For Approval Of The Transfer Of Certain Assets From Advanced Waste Systems, Inc. To Action Carting Environmental Services, Inc.", Solid Waste Order, Docket No. MA2012-035, which Order approves the transfer of certain assets of Advanced to Action Carting Environmental Services, Inc. ("Action Carting"), 451 Frelinghuysen Avenue, P.O. Box 2698, Newark, New Jersey 07114; and

WHEREAS, the Borough is in receipt of certain documentation from Action Carting detailing the company's experience, available equipment and assets; and

WHEREAS, the aforesaid Contracts between the Borough and Advanced are part of the assets to be sold by Advanced to Action Carting as approved in the aforesaid Order.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby approve the assignment and transfer of the aforesaid Contracts to Action Carting, subject to execution by Action Carting of an Assignment Agreement whereby Action Carting undertakes all of the obligations of Advanced as detailed in the aforesaid Contracts; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute Assignment Agreements in connection with the foregoing.

*Resolution #36-13

RESOLUTION OPPOSING SENATE BILL 2511 AMENDMENTS TO OPEN PUBLIC MEETINGS ACT

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and

WHEREAS, the governing body of the Borough of Upper Saddle River agrees with and supports the statement that "the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process"; and

WHEREAS, the changes, however, proposed in S-2511 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and

WHEREAS, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and

WHEREAS, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and

WHEREAS, subcommittees would be required to submit at least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and

WHEREAS, subcommittees do not commit the governing body to action or expend public funds; and

WHEREAS, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and

WHEREAS, the new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, will delay the award of contracts and could lead to the loss of grant monies; and

WHEREAS, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of the members present to proceed, (2) the municipality demonstrates that it is in the public's best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and

WHEREAS, the new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

WHEREAS, the new requirement that comprehensive minutes must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and

WHEREAS, the provisions of S-2511 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-2511 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and

WHEREAS, while we appreciate Senator Weinberg's efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Upper Saddle River for reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and

BE IT FURTHER RESOLVED that the governing body of the Borough of Upper Saddle River does hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meetings Law

that apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of Upper Saddle River, State Legislative Districts, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

*Approve raffle licenses to Saddle River Valley Lions Club.

*Approve raffle license to Upper Saddle River Fire Department.

*Approve list of towing operators for the year 2013, per Police Chief recommendation.

Resolution #31-13 by Councilman Ditkoff, seconded by Councilman DiMartino:

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on January 29, 2013 for Hess Park Gabion Wall Repairs; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by John Garcia Construction Co., 183 Frier Lane, Clifton, New Jersey was the lowest responsible bidder in the amount of \$38,203; 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 Hess Park Gabion Wall Repairs to John Garcia Construction Co., 183 Frier Lane, Clifton, New Jersey, in the amount of \$38,203;

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.

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

Resolution #32-13 by Councilman Ditkoff, seconded by Councilman DiMartino:

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on January 29, 2013 for Hess Park Bathroom Improvements; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by LKL Contracting, 457 Shadyside Road, Ramsey, NJ 07446 was the lowest responsible bidder in the amount of \$34,200; 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 Hess Park Bathroom Repairs to LKL Contracting, 457 Shadyside Road, Ramsey, NJ 07446 in the amount of \$34,200;

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.

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

Councilman DeBerardine read for the first time: (Ord. #2-13)

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

Resolution by Councilman DeBerardine, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, ZONING" was introduced at a Mayor and Council meeting on February 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 March 7, 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:

In response to Mr. Robert Gordon, 8 Union Avenue, Mayor Minichetti said she had already signed a resolution to endorse gun control and support safety laws at a Mayor's meeting and at the League of Municipalities conference.

In response to a question by Mr. Michael Squadron, 65 Union Avenue, Mr. Preusch will check with the DPW Superintendent to inquire as to why the yellow line was not repainted on Ridge Road.

RULE 8. Adjournment:

A motion to adjourn to Closed Executive Session by Councilman DeBerardine, seconded by Councilman Durante was unanimously approved by all Council members present. (Meeting adjourned at 8:20 p.m.)

Respectfully submitted,
Rose Vido, RMC
Borough Clerk

