

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, December 3, 2015 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 by fax, mail on December 19, 2014 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	Absent
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Present

RULE 2. Minutes of Executive, Closed and Regular Meetings of November 5, 2015 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 November, 2015 and deposited them with the Collector/Treasurer:

Garage Sales	<u>\$ 16.00</u>
Total	\$ 16.00

Proofs of publication were received for the following:

- 1) Adoption of Ord. #14-15 - Trees
- 2) Introduction of Ord. #17-15 - Zoning

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

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

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

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

Youth Guidance Council: Minutes of October 16, 2016 were received and filed.

Borough Official's Report:

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

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

NWBCUA Minutes of October 10, 2015 and Service Charges.
Public notice from Woodcliff Lake Planning Bd. Re Housing Element.
Notice of filing a petition by Cablevision re approval of transfer
Conklin Assoc. public notice re redevelopment 409 E. Saddle River Rd.
Resolutions from Norwood, Bd. Of Chosen Freeholders.

Petition submitted by Mr. Roger Worley, 31 Hillside Avenue, requesting the closing of Hillside Avenue at Plymouth Drive.

Councilman DeBerardine presented bills in the amount of \$6,322,669.66:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$6,322,669.66 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, 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 Councilwoman Florio was unanimously approved by all Council members present.

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

*Resolution #86-15

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Brian and Lauren Gershengorn v. Borough of Upper Saddle River", Docket No. 014829-2014, which matter involves an appeal of the assessment on certain premises known as Block 918, Lot 18 and being more commonly known as 8 West Slope Court, for the 2014 tax year; and

WHEREAS, the parcel is assessed for the 2014 tax year at \$1,800,000.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2014 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 2014 tax year on said parcel shall be established at \$1,700,000.00.

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 #87-15

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Robin A. Estevez and Ingrid S. Salcedo v. Borough of Upper Saddle River", Docket Nos. 014722-2014 and 013160-2015, which matters involve an appeal of the assessment on certain premises known as Block 103, Lot 10.02 and being more commonly known as 5 Fieldstone Court, for the 2014 and 2015 tax years; and

WHEREAS, the parcel is assessed for the 2014 and 2015 tax years at \$973,400.00; and

WHEREAS, said appeals were filed to contest the assessment on the property for the 2014 and 2015 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 appeal based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the assessment for the 2014 tax year on said parcel shall remain at \$973,400.00.

2. The Stipulation of Settlement shall provide that the assessment for the 2015 tax year on said parcel shall be established at \$873,000.00.

3. 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 # 88-15

WHEREAS, the County of Bergen operates the Bergen County Law and Public Safety Institute (the "Institute"); and

WHEREAS, the New York City Fire Department ("FDNY") has removed from service 7.820 gallons of National Foam Kidd brand firefighting foam concentrate, ("Firefighting Foam") that is past its shelf life and has thus exceeded its operational life for firefighting purposes; and

WHEREAS, the City of New York ("the City") acting by and through the FDNY, has agreed to donate the Firefighting Foam to the County for use by the Institute for training purposes; and

WHEREAS, the Bergen County Board of Chosen Freeholders, by Resolution No. 1198-15, adopted on October 14, 2015, authorized the County to share the donated Firefighting Foam with the Borough of Upper Saddle River for training purposes, subject to availability and the terms set forth in an "AGREEMENT TO SHARE DONATED FIREFIGHTING FOAM CONCENTRATE," (the "Agreement") annexed hereto as Exhibit A; and

WHEREAS, the governing body of the Borough of Upper Saddle River has determined that it is in the best interest of the residents and taxpayers of the municipality to accept the donation of the Firefighting Foam for training purposes, subject to the terms and conditions set forth in the Agreement,

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Upper Saddle River, as follows:

1. The recitals set forth above are incorporated into the body of this resolution as if set forth at length herein.
2. The Borough of Upper Saddle River hereby accepts the donation from the County of Bergen of the Firefighting Foam as set forth above, subject to the terms of the Agreement annexed hereto as Exhibit A.
3. The Mayor is hereby authorized to execute an Agreement with the County of Bergen in the form annexed hereto as Exhibit A, together with any other documents necessary to complete the above contemplated transaction.

*Resolution #89-15

WHEREAS, N.J.S.A. 49:4-58 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budget appropriations;

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 Treasurer is hereby authorized to effect the following transfers:

<u>FROM</u>		<u>TO</u>	<u>AMOUNT</u>
Legal, OE	\$1,200	Prosecutor, S&W	\$1,200
Legal, OE	2,000	Finance, S&W	2,000
Recreation, O	2,000	Bldg., OE	2,000
Roads, S&W	15,000	Recycling, OE	15,000
Utility, Gas	15,000 >	Water	2,000
	>	Natural Gas	2,000
	>	Electricity	2,500
	>	Fire Hydrants	3,000
	>	Street Lighting	2,000
	>	Telephone	3,500
		Total:	\$35,200

*Resolution #90-15

WHEREAS, the Borough of Upper Saddle River has previously entered into a contract with Downes Tree Service, Inc., 65 Royal Avenue, Hawthorn, NJ, in connection with Lions Memorial Park Improvements, Lower Field; and

WHEREAS, Change Order #1 has been submitted which covers an extension of the walking pathway paving and adjacent topsoiling, seeding and mulch; 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 \$15,270.00 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 Downes Tree Service Inc. by \$15,270.00.

*Resolution #91-15

WHEREAS, the Governor's Council on alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents,

youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey' and

WHEREAS, the Borough Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, Borough Council was applied for funding to the Governor's Council on alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Upper Saddle River, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Upper saddle River Municipal Alliance grant for fiscal year 2015 in the amount of:

DEDF	\$9,876
Cash Match	2,469
In-Kind	7,407

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

*Resolution #92-15

WHEREAS, there is presently pending certain land use litigation; and

WHEREAS, the Governing Body determines it is in the best interests of the Borough to retain the services of Special Counsel in connection with said land use litigation; and

WHEREAS, the retaining of legal services constitutes an exception of the public bidding process pursuant to N.J.S.A. 40A:11-5(1)(a)(i).

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby retains the services of Joseph S. Conte, Esq. as special counsel for the Borough and Governing Body in these negotiations; and

BE IT FURTHER RESOLVED that legal counsel hired herein shall be compensated in accordance with the terms and conditions of a Professional Services Agreement on file in the Office of the Borough Clerk; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute the aforesaid Professional Services Agreement; and

BE IT FURTHER RESOLVED that a notice of the adoption of this resolution shall be published in the official newspaper of the Borough.

Councilman Durante read for the first time: (Ord. #18-15)

"AN ORDINANCE TO AMEND CHAPTER 122 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, STREETS AND SIDEWALKS".

Resolution by Councilman Durante, seconded by Councilman DeBerardine:

"AN ORDINANCE TO AMEND CHAPTER 122 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, STREETS AND SIDEWALKS" was introduced at a Mayor and Council meeting on December 3, 2015 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 December 28, 2015 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, Durante, Florio, Hafner. Nays: None. Motion approved.

RULE 7. Public Comments:

Mr. Roger Worley, 31 Hillside Avenue presented a petition requesting the closing of Hillside Avenue at Plymouth Drive.

Mr. Worley said the town changed from a farming community to an attractive family community which produced an increase in vehicular traffic. He reported that 7 acres behind his property located in Rockland County, has been surveyed with the possibility of building a school. Mr. Worley felt Hillside Avenue is already a dangerous road and a school would only increase bus traffic. He said if Hillside Avenue were to be closed, he would be willing to donate a portion of his property to ensure continued emergency service and for the safety of the residents. Mayor Minichetti said the Governing Body will review the petition but noted that closing Hillside Avenue would divert traffic to other streets.

Mr. Arnold Bahnsen, 15 Rambling Brook Road, objected to prohibiting a left turn onto Hillside Avenue at the intersection of Plymouth Drive. He suggested erecting a Stop sign instead of the No Left Turn sign. Chief Rotella noted that a traffic study indicated the dangerous topography of the roadway and felt that the right decision was made to prohibit left hand turns onto Hillside Avenue. Councilman DeBerardine said that while it may cause some inconvenience, it ensures greater vehicle safety.

In response to Ms. Sophia Kotsopulos, 26 Valley Lane, Mayor Minichetti said they will review the petition to close Hillside Avenue and re-address the issue. Ms. Kotsopulos commented that the DPW is doing an amazing job throughout the town.

RULE 8. Adjournment:

A motion to adjourn by Councilman DeBerardine, 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