

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, June 2, 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. Boy Scout Matthew Shames played Taps.

Rev. Dawn Corlew offered a prayer in memory of all those who served and who are presently serving our country.

Mayor Minichetti swore in Fire Dept. Lieutenant Nicholas Brusco.

Mayor Minichetti swore in Ambulance Corps Capt. Amy Lauren.

Councilman Ditkoff distributed USR 5K Run donations to the following organizations: USR Fire Dept. \$2,500; USR Ambulance Corps \$2,500; USR Ed. Foundation \$1,000; USR DARE \$1,000; USR Boy Scouts \$1,000; USR Girl Scouts \$1,000; Jeremy's Heroes \$1,000; Shelter our Sisters \$500; Rose Foundation \$500. Upper Saddle River High School students Elizabeth Menten and Tyler Eufer will each receive a check for \$2,000.

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 May 5, 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 May, 2016 and deposited them with the Collector/Treasurer:

Landscape Permit	\$ 65.00
Peddlers License	10.00
Garage Sales	20.00
Liquor License	432.00
Copies	<u>30.15</u>
Total	\$ 557.15

The Borough Clerk's office issued 4 licenses for the month of May. \$10.80 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of publication was received for:

1. Resolution #53-16 - Civil Rights Policy
2. Introduction Ord. #2-16 - Exceed CAP
3. Introduction Ord. #3-16 - Capital Improvements

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

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

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

Youth Guidance Council: Minutes of May 6, 2016 were received and filed.

Borough Official's Report:

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

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

NWBCUA Minutes of April 19, 2016.

PSE&G public hearing notice re rate change.

Montvale Planning Bd. notice Re-examination of Master Plan.

Resolutions from Hasbrouck Heights, Wallington, Montvale, Paramus, Fair Lawn, Harrington Park, Bd. of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$4,291,058.35:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$4,291,058.35 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:

Councilman DiMartino read for the second time: (Ord. #4-16)

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES AND A NEW FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,233,887 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS".

Mayor Minichetti opened the public hearing.

Mr. John Giudice, 22 Ripplewood Drive, submitted a report he prepared regarding the extension of water mains. He said Upper Saddle River has 20%-25% coverage of fire hydrants compared to other municipalities and asked the Council to consider a long-term plan to install additional hydrants over the next 20 years.

Resolution by Councilman DiMartino, seconded by Council Durante:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES AND A NEW FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,233,887 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS" was introduced at a Regular meeting of the Mayor and Council on May 5, 2016 and passed its first reading. After public hearing held on June 2, 2016 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 #72-16 to amend approved Municipal Budget by Councilman Durante, seconded by Councilman DeBerardine:

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

Councilman DiMartino read Resolution #68-16, seconded by Councilman DeBerardine:

MUNICIPAL BUDGET OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, NEW JERSEY FOR THE FISCAL YEAR 2016.

BE IT RESOLVED that the following statements of revenues and appropriations constitutes the Municipal Budget of the Borough of Upper Saddle River for the year 2016; and

BE IT FURTHER RESOLVED that said budget was published in the May 12, 2016 issue of The Record; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Governing body of the Borough of Upper Saddle River does hereby approve the Municipal Budget for the year 2016 in the amount of \$12,752,630.00. .

Mayor Minichetti opened the public hearing.

Ms. Janine Yatko, 12 Robin Ridge Road, asked about the process of collecting cash for tax payments and was told the Borough no longer accepts cash. Ms. Yatko made a statement that \$4,000 was missing and that CFO Gene Leporiere lost his CPA license and used the \$4,000 to pay medical

bills for his child back in 2006. Mr. Leporiere explained he had not lost his license and that the money was approved by the Board of Directors which was paid back the following month.

Borough Attorney Regan said Ms. Yatko made serious allegations and asked Police Chief Rotella to bring Ms. Yatko to the Bergen County Prosecutor's office to file her statement.

Ms. Yatko then said she may have been mistaken and offered an apology.

In response to Ms. Yatko inquiry as to the audit process, CFO informed her an audit is conducted annually by a reputable company and recorded in the budget documents. Ms. Yatko asked about the \$1,000,000 for the redevelopment of affordable housing and was informed bonds purchased in 2003 were used to purchase property on East Crescent Avenue and the Porcelanosa property, which will be constructed by the Bergen County Housing Authority. Ms. Yatko questioned the reason for a cost reduction for garbage and recycling services and was informed the Borough has a five-year contract for these services and that the reduction may be due partly to the decrease in dumping fees. Mr. Leporiere pointed out the Borough still maintains a Triple A Moody rating which allows for low interest rates for our bonding.

Mr. Marshall Grupp, said that the 2016 municipal budget should have been posted on the Borough's website prior to adoption. In response to his question, Mr. Leporiere said \$143,000 has been appropriated in the budget to fund legal fees and that he will send Mr. Marshall additional information.

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

\*Resolution #68-16(A)

USER FRIENDLY BUDGET OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, NEW JERSEY FOR THE FISCAL YEAR 2016

BE IT RESOLVED that the following statements of revenues and appropriations constitutes the Municipal Budget of the Borough of Upper Saddle River for the year 2016; and

BE IT FURTHER RESOLVED that said budget was published in the May 12, 2016 issue of The Record; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Governing body of the Borough of Upper Saddle River does hereby approve the local Municipal Budget and the User Friendly Budget for the year 2016 in the amount of \$12,752,630.00.

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 unanimously approved by all Council members present.

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

\*Resolution #69-16

WHEREAS, the Borough of Upper Saddle River has entered into a Three Year Cooperative Agreement with the County of Bergen, as provided under the Interlocal Services Act N.J.S.A. 40A:-1 et. seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that a Municipal Representative be appointed by the Governing Body of the Borough of Upper Saddle River to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1, 2016 through June 30, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby appoints Theodore F. Preusch as Municipal Representative to participate on the Community Development Regional Committee.

\*Resolution #70-16

WHEREAS, application for renewal of an alcoholic beverage license has been received from Wine For You, Inc., 380 Route 17 North, Upper Saddle River, N.J. 07458 and proper fees have been filed with State and local authorities;

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage license be renewed effective July 1, 2016 to June 30, 2017:

License #0263-44-002-002

A Plenary Retail Distribution License is hereby issued to Wine For You, Inc., 380 Route 17 North, Upper Saddle River, N.J. 07458.

\*Resolution #71-16

WHEREAS, the Bergen County Board of Chosen Freeholders is authorized to cause snow to be plowed from the County-owned or County controlled roads; and

WHEREAS, the Bergen County Department of Public Works desires to employ the services of the Borough of Upper Saddle River for snow plowing operations on county roads located within the Municipality for a period of two snow seasons; and

WHEREAS, the Borough of Upper Saddle River agrees to furnish the necessary equipment and personnel required to perform snow plowing on County roads at the operating rate of \$90.00 per hour;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Upper Saddle River does hereby agree to execute an Agreement with the

County of Bergen to provide services and equipment for snowplowing operations for the 2016-2018 snow seasons.

\*Resolution #73-16

WHEREAS, there is presently pending in the Superior Court of New Jersey, Law Division, Bergen County a matter entitled, "Moncure Corey, et als v. Borough of Upper Saddle River", Docket No. BER-L-003921-15; and

WHEREAS, a Stipulation of Settlement has been prepared whereby plaintiffs' claims against the Borough for monetary and other damages would be released and forever discharged; and

WHEREAS, the Stipulation of Settlement further relates to issues pertaining to a Certificate of Occupancy and use of property known as 536B Route 17 North in the Borough; and

WHEREAS, legal counsel for the Borough has recommended approval of the settlement.

NOW THEREFORE BE IT RESOLVED that Mayor Joanne L. Minichetti and the Borough Zoning Official be and are hereby authorized to execute the Stipulation of Settlement.

A motion by Councilman Durante, seconded by Councilman DiMartino to approve Fire Department membership of Michael J. Motacki.

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

RULE 6. Public Comments:

Mr. Regan responded to Mr. Thomas Brophy, 8 Albert Drive, noting that COAH litigation is still pending with multiple decisions having to be decided. Mr. Brophy complained the entire Planner's report is not on the website and was informed that due to pending litigation, some portions were omitted. In response to a question by Mr. Brophy, Mr. Regan pointed out that based on State Statute 40A:2, the public cannot vote on Bond issues. Discussion took place regarding the number of children rental units would produce vs. for sale units. Mr. Kevin Boswell, Borough Engineer explained the difference between rental units and for sale units as it relates to the number of school children generated. Mr. Regan told Mr. Brophy the Sunshine Notice for the May 5, 2016 meeting was more than compliant.

Mr. Eric Friis, 4 Sparrowbush Road, said the Harvard studies support the fact that rental units produce more children than for sale units. Borough Engineer Boswell said he did not know what States the Harvard studies cover, but that the Department of Community Affairs uses the Smart Growth report from Rutgers as the standard for New Jersey. As to the demolition at the Mack-Cali site, Mr. Boswell said Mr. Friis was mistaken and that no Stop Work Order had been issued. He pointed out that in the process of soil moving, the work had to stop because it involved soil moving and that during the demolition process, walls were removed and asbestos abated

which the NJ Department of Environmental Protection oversees. Mr. Boswell noted Mack-Cali has retained an Environmental expert for the entire project who will submit reports to the DEP, as governed by State Statutes.

Ms. Janine Yatko, questioned Planner Joseph Burgis' report on the number of students that would be generated from rental units vs. ownership. Mr. Regan pointed out Mr. Burgis is a highly regarded Planner and if she disagreed, she could hire her own professional to submit an expert report. Councilwoman Florio and Councilman Durante pointed out that input was obtained from the local Board of Education and from Northern Highlands High School, each who indicated that the number of students had decreased. Mayor Minichetti said issues were looked at on many levels, including litigation costs and the best decision for the Borough was made.

There being no further comments; public hearing was closed.

RULE 7. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman DeBerardine was unanimously approved by all Council members present.  
(Meeting adjourned at 9:35 pm)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk