

Minutes of Regular Meeting of the Mayor and Council held on Thursday, August 4, 2016 at 8:00 PM at the Upper Saddle River Borough Hall.

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

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.

A motion by Councilman DeBerardine, seconded by Councilman Durante to promote Police Officer Craig Parrella and Police Officer Michael Spina to rank of Sergeant, effective immediately was unanimously approved by all Council members present.

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

Mayor Minichetti administered the Oath of Office to Officer Craig Parrella and Officer Michael Spina and congratulated them on their promotion.

RULE 1. Roll Call:

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|--------------|----------------------|---------|
| 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 July 7, 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 Councilwoman Florio.

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

RULE 3. Borough Clerk's Report:

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

| | |
|------------------|--------------|
| Liquor Licenses | \$ 936.00 |
| Landscape Permit | 5.00 |
| Garage Sales | 12.00 |
| Copies | <u>23.21</u> |
| Total | \$ 976.21 |

The Borough Clerk's office issued 7 licenses for the month of July. \$11.40 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of publication was received for:

1. Resolution #68-16 - Adoption of 2016 Municipal Budget.
2. Introduction Ord. #4-16 - Capital Improvements.

RULE 3. Borough Clerk's Report.

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

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

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

Youth Guidance Council: Minutes of June 3, 2016 were received and filed.

Borough Official's Report:

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

RULE 4. Communications, Petitions & Bills:

PSE&G public hearing notice re changes in recovery charge and annual adjustment.

Planning Board public hearing notice re 359 E. Saddle River Road.

Planning Board public hearing notice re 32 Ridge Road.

Boro of Montvale Master Plan public hearing notice.

NWBCUA Minutes of June 21 and Audit Report for 2015.

Resolutions from Hackensack, New Milford, Bd. of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$7,873,471.64.

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$7,873,471.64 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. #5-16)

"AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED 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 on June 4, 2015".

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

Resolution by Councilman DiMartino, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED 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 on June 4, 2015" was introduced at a Regular meeting of the Mayor and Council on July 7, 2016 and passed its first reading. After public hearing held on August 4, 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.

Councilman Durante read for the second time: (Ord. #6-16)

"AN ORDINANCE TO AMEND CHAPTER 76 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, LICENSES".

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

"AN ORDINANCE TO AMEND CHAPTER 76 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, LICENSES" was introduced at a Regular meeting of the Mayor and Council on July 7, 2016 and passed its first reading. After public hearing held on August 4, 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.

Councilman Durante read for the second time: (Ord. #7-16)

"AN ORDINANCE TO AMEND AND SUPPLEMENT THE ZONING ORDINANCE AND ZONING MAP OF THE BOROUGH OF UPPER SADDLE RIVER, NEW JERSEY".

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

Resolution by Councilman Durante, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND AND SUPPLEMENT THE ZONING ORDINANCE AND ZONING MAP OF THE BOROUGH OF UPPER SADDLE RIVER, NEW JERSEY" was introduced at a Regular meeting of the Mayor and Council on July 7, 2016 and passed its first reading. After public hearing held on August 4, 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.

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 by Councilman Hafner, seconded by Councilwoman Florio to approve Consent Agenda was unanimously approved by all Council members present.

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

*Resolution #67-16

WHEREAS, on or about April 20, 2015, an Upper Saddle River police officer was attacked by two German Shepherds which resulted in the Animal Control Division of the Bergen County Department of Health Services taking custody of the dogs; and

WHEREAS, four Summonses were issued in connection with such incident; and

WHEREAS, a Stipulation of Settlement has been prepared which would establish terms and conditions for the return of the dogs to their owner; and

WHEREAS, Chief Patrick Rotella and Bob Harris, the Bergen County Animal Control Officer, have approved the Stipulation of Settlement.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby approves the Stipulation of Settlement on behalf of the Borough.

*Resolution #78-16

WHEREAS, THE Mayor and Council of the Borough of Upper Saddle River wishes to make application to the Commissioner of Transportation for aid under the New Jersey Trust Fund Authority Act, Local Aid Infrastructure Trust Grant program; and

WHEREAS, the Council has determined that such application should be prepared by Capital Alternatives Corp., 618 River Road, New Milford, NJ 07646, the grants specialists, herewith authorized by the Borough of Upper Saddle River to assist in this matter; and

WHEREAS, Capital Alternatives Corp. is authorized to prepare, assemble and submit the necessary documentation on behalf of the Borough of Upper Saddle River for the following project:

Lake Road Bridge Rehabilitation

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that Capital Alternatives Corp. shall be paid a ten percent (10%) Fulfillment Fee for a municipal-authorized and awarded application in accordance with terms and conditions of a contract to be agreed upon between Capital Alternatives Corp. and the Borough of Upper Saddle River.

*Resolution #79-16

RESOLUTION ENDORSING THE "FAIRNESS FORMULA" AS INTRODUCED BY GOVERNOR CHRISTIE TO PROMOTE FAIR FUNDING FOR UPPER SADDLE RIVER STUDENTS AND TO RELIEVE THE UNFAIR PROPERTY TAX BURDEN.

WHEREAS, Upper Saddle River Public Schools receive State funding pursuant to the funding formula known as the School Funding Reform Act; and

WHEREAS, the State of New Jersey does not fully fund the program as currently constructed; and

WHEREAS, in order to operate its local and regional school systems, the Borough of Upper Saddle River has had no alternative but to raise supplemental funding through a local school tax based upon real estate owned with the Borough; and

WHEREAS, utilizing real estate taxes to subsidize the school systems places an undue and unfair burden upon owners of property within the Borough, particularly since those same taxpayers are overfunding other school districts by way of allocation of New Jersey State taxes through the School Funding Reform Act; and

WHEREAS, Governor Christie has introduced a "Fairness Formula" in which each District will receive an equal amount of State aid per student, and, in so doing, will provide substantial property tax relief to owners of real property within the Borough and allow for the schools to operate on a more fiscally responsible basis and provide the tools and staffing to provide a quality education to our Borough's students; and

WHEREAS, Governor Christie's "Fairness Formula" for the coming school year would result in each district receiving \$6,599.00 in State aid for each student enrolled; and

WHEREAS, such an equitable redistribution of State aid based upon number of pupils educated in a given school district is expected to yield a local tax savings in the amount of \$3,642.00 for the average property owner in Upper Saddle River; and

WHEREAS, Governor Christie's "Fairness Formula" will eliminate the gross overfunding of other local school districts in and around the State of New Jersey; and

WHEREAS, the Governing Body wishes to take action to foster and improve the health, safety, welfare and education of its local population;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Upper Saddle River, in the County of Bergen and State of New Jersey, hereby endorses the "Fairness Formula" as introduced by Governor Christie as a means of approaching a fair level of funding for local schools and provide relief from overly burdensome property taxes experienced by owners of real property in the Borough of Upper Saddle River;

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Governor Chris Christie, State Senator Gerald Cardinale, Assemblyman Robert Auth, Assemblywoman Holly Schepisi, County Executive James Tedesco, the Bergen county Freeholders, the Upper Saddle River Board of Education and all Bergen County municipalities.

A motion by Councilman Durante, seconded by Councilman Ditkoff to approve Jr. Firefighter application of Miranda Vallese.

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

Councilwoman Florio read for the first time: (Ord. #8-16)

"AN ORDINANCE TO BAN THE SALE OF DOGS AND CATS FROM PET SHOPS".

Resolution by Councilwoman Florio, seconded by Councilman Durante:

"AN ORDINANCE TO BAN THE SALE OF DOGS AND CATS FROM PET SHOPS" was introduced at a Mayor and Council meeting on August 4, 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 September 1, 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 Councilwoman Florio, seconded by Councilman Hafner to appoint Katherine Hubbard student representative on the Upper Saddle River Green Team.

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

RULE 7. Public Comments:

In response to Mr. Eric Friis, 4 Sparrowbush Road, as to why the Council did not wait to approve the Settlement Agreement with Mack Cali until after the Court's decision in Ocean County, Mr. Regan said it would have been disastrous to wait until the Court decided on the Borough's affordable housing obligation. Mr. John Zabo of Burgis Associates noted that every time a decision is made, the number of affordable housing units increase. Mr. Regan explained that Bergen County is in Region 1 and that with a 30% reduction off the original number of 529 units from Fair Share, it would still obligate Upper Saddle River to 370, Econsult's number is 347 and Master Richard Reading's number is 387. Mr. Friis asked the Council to consider breaking the Settlement Agreement.

There being no more comments, hearing was closed.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilwoman Florio was unanimously approved by all Council members present. (Meet adjourned at 8:40 pm).

Respectfully submitted,

Rose Vido, RMC
Borough Clerk