

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, December 1, 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.

Mr. Steven Benvenisti, Vice Chairman of MADD presented the Law Enforcement Recognition Award to Police Officer Colin Gurney for his commendable service protecting the community and making our roads safer from drunk driving violations. Mr. Benvenisti congratulated Officer Gurney for winning the award for the third time.

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 November 3, 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.

RULE 3. Borough Clerk's Report:

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

Landscape Permits	\$ 10.00
Copies	5.52
Garage Sales	<u>4.00</u>
Total	\$ 19.52

Proof of publication was received for:

1. Adoption of Ord. #9-16 - DPW Salaries

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 November 4 was received and filed.

Borough Official's Report:

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

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

RULE 4. Communications, Petitions & Bills:

BCUA public hearing notice re 2017 proposed rates. Minutes of October 18.  
Public hearing notice re 24 Hour Fitness, USA, Ramsey Zoning Board.  
2016 Re-examination report of Master Plan from Borough of Ramsey.  
Resolutions from Rochelle Park, Bd. of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$4,708,776.77:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$4,708,776.77 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, Ditzkoff, 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 Ditzkoff, seconded by Councilwoman Florio was unanimously approved by all Council members present.

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

\*Resolution #106-16

WHEREAS, the Office of the Bergen County Prosecutor has approved the transfer of the following vehicle to the Upper Saddle River Police Department:

2000 Mercedes Benz 500  
4 door - BLACK  
VIN #WDBNG75J5YA072909  
("the vehicle")

WHEREAS, the use of the vehicle by the Upper Saddle River Police Department has concluded, and applicable regulations require, that the vehicle can be sold at auction and the proceeds deposited into the Municipal Enforcement Account to be used by the Police Department solely for law enforcement purposes.

NOW THEREFORE BE IT RESOLVED, that Theodore F. Preusch, QPA be and is hereby authorized to take such measures as are necessary to auction the vehicle; and

BE IT FURTHER RESOLVED that the proceeds from the sale of the vehicle shall be deposited into the Municipal Enforcement Account which shall be utilized by the Upper Saddle River Police Department for law enforcement purposes.

\*Resolution #107-16

WHEREAS, A Tax Clearance Certificate to Transfer has not been filed with the New Jersey Division of Taxation to transfer Liquor License #0263-33-004-008 from Atrimec Realty Corp. to East Crescent Development Group, LLC;

NOW, THEREFORE, BE IT RESOLVED, that Resolution #87-16, dated October 16, 2016 approving the transfer is hereby rescinded, effective immediately and re-issued to Atrimec Realty Corp.

\*Resolution #108-16

WHEREAS, the Upper Saddle River Fire Department is in possession of certain property, as indicated on the attached list, that needs to be destroyed because they are damaged and inoperable;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Upper Saddle River, County of Bergen, that Fire Chief Erik Vierheilg be and is hereby authorized to dispose of such property in such manner and within such time period as may be appropriate and practical.

\*Resolution #109-16

WHEREAS, an emergency has arisen with respect to Bd. of Health, Other Professional & Special Services, and no adequate provision was made in the 2016 budget for the aforesaid purpose and N.J.S.A. 40A-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation created including this appropriation to be created by this resolution is \$45,000 and three percent of the total operations in the budget for the year 2016 is \$382,578.90; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3%) percent of the total operating appropriations in the budget for 2016;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for Bd. of Health, Other Professional & Special Services, in the amount of \$45,000.
2. That said emergency appropriation shall be provided in full in the 2017 budget.

3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of Local Government Services.

Resolution by Councilman DeBerardine, seconded by Councilman Durante:

WHEREAS, an Agreement has been prepared between Porven Real Estate, Inc. ("Porven") entitled, "Contract For Sale of Effluent Flow Capacity" ("the Agreement") and the Borough of Upper Saddle River whereby the Borough will acquire an additional sewer allocation for such use as the Borough deems appropriate, which allocation relates to Porven's sewer allocation under the 1979 Ten Cees Agreement.

NOW THEREFORE BE IT RESOLVED, that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforesaid Agreement.

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

A motion by Councilman Durante, seconded by Councilman DeBerardine to approve Fire Department membership of Erik Seay.

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

RULE 7. Public Comments:

In response to the accusation of wrongdoings directed towards Chief Financial Officer/Tax Collector Gene Leporiere, by Ms. Janine Yatko at the June 2, 2016 Council meeting, Mr. Leporiere read a letter from his attorney Wm. Strasser dated November 21, 2016 addressed to Janine Matteo Yatko, 12 Robin Ridge Road, Upper Saddle River, NJ in which Mr. Strasser explained the facts and circumstances regarding an incident involving Mr. Leporiere in 2001 when he was Treasurer of the Union County Chapter of the NJSCPA. Mr. Strasser stated if Ms. Yatko continues to make further unfounded allegations, Mr. Leporiere will take all necessary action to protect his reputation. (A copy of Mr. Leporiere's letter is on file in the office of the Borough Clerk).

Mr. Erik Friis, 4 Sparrowbush Road, questioned Mr. Regan as to the appropriateness of his campaigning for the candidates running for Council. In response, Mr. Regan pointed out he is a resident and registered voter in Upper Saddle River and has a constitutional right to campaign and vote for whomever he pleases.

In response to Mr. Friis regarding the comment previously made by Mayor Minichetti, Mr. Regan said he has worked with various towns since 1979 and

that Mayor Minichetti is the fifth Mayor he has worked with and finds the accusations and name-calling posted on Mr. Friis' website despicable.

Mr. Friis said he doesn't condone those comments but has no censorship as to what is posted.

Councilman Durante pointed out Mayor Minichetti was the one who handed out water at 3:00 a.m. during Superstorm Sandy and helped residents who sought relief at the Cavallini School.

Councilman Ditkoff reminded Mr. Friis he has control over his own website and resents the accusations of corruption posted by him on August 11 .

Councilman Hafner said Mr. Friis should follow the rules and should offer his questions respectfully to the Council and as a professional who has a business in town does not want to be put down by Mr. Friis or anyone else.

Councilman DeBerardine asked Mr. Friis to retract comments made on his Facebook page and offer Mayor Minichetti an apology.

Ms. Sharon Reissman, 79 Glenwood Road, said she supports Mayor Minichetti and the town Council and pointed out Mayor Minichetti has served as Mayor for almost 6 years, previously serving on the Council. She said Mayor Minichetti was Founder of the USR Educational Foundation as well as being involved with the Girl Scouts assisting them with achieving their Gold and Silver awards. She noted Mayor Minichetti's deep commitment to the town and dedication to service especially during time of emergencies such as Superstorm Sandy. Ms. Reissman said she is proud of Mayor Minichetti and finds it disheartening at the disparaging remarks directed toward her. She asked Mr. Friis to refrain from promoting scare tactics and to stop the accusatory statements that affects everyone. She said she believes Mayor Minichetti and the Council, who are long-time residents, have the town's best interests at heart. She also noted that 70% of the voters endorsed Councilman Ditkoff and Hafner in the General Election. Ms. Reissman said she was honored to call Joanne Minichetti her friend.

Mr. Thomas Brophy, 8 Albert Drive said he was disappointed that the town only received \$20,000 from the Rockland County sewer litigation.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman DiMartino was unanimously approved by all Council members present. (Meeting adjourned at 8:42 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk