

Minutes of the Regular Meeting of the Mayor and Council held on Monday, October 3, 2013 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Council President DeBerardine chaired the meeting and called for a Moment of Silence and led the Pledge of Allegiance.

Council President DeBerardine proclaimed October 10, 2013 as "Put the Brakes on Fatalities Day".

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	Absent
Council President	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 September 5, 2013 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 Ditkoff.

RULE 3. Borough Clerk's Report:

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

Copies	\$ .25
Peddler's License	10.00
Garage Sales	40.00
Total	\$ 50.25

The Borough Clerk's office issued 3 dog licenses for the month of September. \$3.60 was forwarded to the Department of Health for the pilot clinic and Animal Control Fund.

Proofs of publication were received for the following:

- 1) Introduction of Ord. #6-13 - 2013 Employee Compensation
- 2) Introduction of Ord. #7-13 - Parks & Playgrounds.

Results of the Special School Election held on September 24, 2013 for a \$2,760,000 roof replacement project are as follows:

1) Yes	570
2) No	114

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

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

Fire Department: Report for the month of September was received and filed.

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

Historic Preservation Commission: Minutes of September 9, 2013 were received and filed.

Youth Guidance Council: Minutes of September 13, 2013 were received and filed.

Borough Official's Report:

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

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

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

Northwest Bergen Utilities Authority Minutes of July 9, & September 12, 2013.

Resolutions from New Milford, Tenafly, Bd.Of Chosen Freeholders.

Councilman DiMartino presented bills in the amount of \$3,685,048.09:

A motion by Councilman DiMartino, seconded by Councilman Durante to pay bills in the amount of \$3,685,048.09 was unanimously approved by all Council members present. Council President DeBerardine declared bills approved for payment and ordered checks drawn.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, 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 Councilman DiMartino was unanimously approved by all Council members present.

\*Resolution #102-13

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Adele Nasta v. Borough of Upper Saddle River", Docket Nos. 006699-2012 and 005105-2013, which matters involve appeals of the assessment on certain premises known as Block 809, Lot 8.02 and being more commonly known as 32 Old Stone Church Road, for the 2012 and 2013 tax years; and

WHEREAS, the parcel is assessed for the 2012 and 2013 tax years at \$1,169,900; and

WHEREAS, said appeals were filed to contest the assessment on the property for the 2012 and 2013 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 appeals based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the assessment for the 2012 tax year on said parcel shall be established at \$1,119,900.

2. The Stipulation of Settlement shall provide that the assessment for the 2013 tax year on said parcel shall be established at \$1,069,900.

3. Plaintiff agrees to waive interest due on the refunds in connection with this settlement. In addition, any refunds due the property owner 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 #103-13

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify

to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments and Recommendations

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments and Recommendations

as evidenced by the Group Affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit: R.S. 54:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Directors of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office".

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Upper Saddle River, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

\*Resolution #104-13

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on September 26, 2013 to provide 2013-2014 Snowplowing Services; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by Groesbeck & Groesbeck, 155 Darlington Avenue, Ramsey, NJ 07446 was the lowest responsible bidder in an amount of \$120.00 to \$140.00 per hour; 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 to Groesbeck & Groesbeck, 155 Darlington Avenue, Ramsey, NJ 07446, to provide 2013-2014 Snowplowing Services in the amount of \$120.00 to \$140.00 per hour;

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.

\*Resolution #105-13

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Borough of Upper Saddle River Bikeway Construction project.

WHEREAS, the Borough of Upper Saddle River desires to receive \$460,375 in funds from the New Jersey Department of Transportation Highway Trust Fund for the purpose of construction of a Borough of Upper Saddle River Bikeway; and

WHEREAS, the Department's Bikeways program is to encourage New Jersey residents to bike and walk; and

WHEREAS, the Borough wishes to construct a bikeway, which is fully segregated from the public road system, from Lions Memorial Park to Hess Field; and

WHEREAS, the proposed bikeway will fully reside on access easements or property fully owned by the Borough of Upper Saddle River or the Upper Saddle River Board of Education; and

WHEREAS, the Borough's design consultant developed a plan of action and cost estimate to for construction of the bikeway and additional colorized surface treatments, barrier-free improvements at public roads, wayfaring signage, and other physical complementary safety improvements;

NOW, THEREFORE BE IT RESOLVED that the Council of the Borough of Upper Saddle River, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2014- Upper Saddle River -00018 to the New Jersey Department of Transportation on behalf of the Borough of Upper Saddle River.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Upper Saddle River and that their signature constitutes acceptance of the terms and

conditions of the grant agreement and approves the execution of the grant agreement.

\*Resolution #106-13

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Reconstruction of Lake Road Bridge project.

WHEREAS, the Borough of Upper Saddle River desires to receive \$266,125 in funds from the New Jersey Department of Transportation Highway Trust Fund for the purpose of the reconstruction of Lake Road Bridge; and

WHEREAS, the Borough Engineer has developed a plan of action and cost estimate to replace the Lake Road Bridge;

WHEREAS, the project will also improve safety to the local schools and commuter lines, thus leveraging the requested funds;

NOW, THEREFORE BE IT RESOLVED that the Council of the Borough of Upper Saddle River formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application MA-2014-Upper Saddle River Borough-00136 to the New Jersey Department of Transportation on behalf of the Borough of Upper Saddle River.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Upper Saddle River and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

\*Resolution #107-13

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Reconstruction of Sparrowbush Road.

WHEREAS, the Borough of Upper Saddle River desires to receive \$242,950 in funds from the New Jersey Department of Transportation Highway Trust Fund for the purpose of resurfacing, making safety improvements and traffic calming measures along Sparrowbush Road; and

WHEREAS, the Borough Engineer has developed a plan of action and cost estimate to improve Sparrowbush Road and key intersections through the addition of pavement markings and other physical complementary safety improvements; and

WHEREAS, the project will also improve safety to the local schools and commuter lines, thus leveraging the requested funds;

NOW, THEREFORE BE IT RESOLVED that the Council of the Borough of Upper Saddle River formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application MA-2014-Upper Saddle River Borough-00135 to the New Jersey Department of Transportation on behalf of the Borough of Upper Saddle River.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Upper Saddle River and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

\*Appoint Matt Koski to the Shade Tree Commission to fill an unexpired term to December 31, 2017.

\*Appoint Joan Clifford to the Shade Tree Commission to fill an unexpired term to December 31, 2014.

\*Appoint Maria Urban to the Shade Tree Commission to fill an unexpired term to December 31, 2013.

\*Appoint Peter Stenzi, Alt. II member on the Shade Tree Commission to fill an unexpired term to December 31, 2013.

\*Appoint Sofia Kotsopoulos to the Environmental Committee to fill an unexpired term to December 31, 2013.

\*Appoint Dr. R. Ramamoorthy to the USB Board of Health to fill an unexpired term to December 31, 2015.

Councilman Durante read for the first time: (Ord. #8-13)

"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 September 5, 2013".

Resolution by Councilman Durante, seconded by Councilman Ditkoff:

"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 September 5, 2013" was introduced at a Mayor and Council meeting on October 3, 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 November 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.

Councilwoman Florio read for the first time: (Ord. #9-13)

"AN ORDINANCE TO AMEND CHAPTER 98 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "PARKS AND PLAYGROUNDS".

Resolution by Councilwoman Florio, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND CHAPTER 98 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "PARKS AND PLAYGROUNDS"was introduced at a Mayor and Council meeting on October 3, 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 November 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 questions regarding the Lake Road Bridge reconstruction, Ms. Carolyn Jean Christman, 478 West Saddle River Road, was advised to file an OPRA request for a copy of the grant applications for the project.

RULE 8. Adjournment:

A motion to adjourn by Councilman Ditkoff, seconded by Councilman Hafner was unanimously approved by all Council members present. (Meeting adjourned at 8:30 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk