

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, November 7, 2013 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 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	Present
Council President	Roger DeBerardine	Present
Councilman	Steven DiMartino	Present
Councilman	Jonathan Ditkoff	Absent
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Absent
Councilman	Thomas Hafner	Absent

RULE 2. Minutes of Executive, Closed and Regular Meetings of October 3, 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 DiMartino.

RULE 3. Borough Clerk's Report:

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

Copies	\$ 6.06
Garage Sales	30.00
Total	\$ 36.06

Proofs of publication were received for the following:

- 1) Adoption of Ord. #6-13 - 2013 Employee Compensation
- 2) Adoption of Ord. #7-13 - Parks & Playgrounds
- 3) Notice to Bidders-Snowplowing for 2013-14 season

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

DPW: Report for the months of Sept. & October were received and filed.

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

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

Youth Guidance Council: Minutes of October 11, 2013 were received and filed.

Borough Official's Report:

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

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

Other Boards & Commissions:

Municipal Court: Report for the months of September & October were received and filed.

RULE 4. Communications, Petition & Bills:

NWBCUA notice of meetings on October 16, 2013 & 2014 Preliminary budget. JIF 2014 Proposed budget.

Resolutions from Saddle River, Rutherford, River Edge, Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$5,681,750.78:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$5,681,750.78 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.
Nays: None. Motion approved.

RULE 5. Unfinished Business;

Councilman Durante read for the second 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.

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

Resolution by Councilman Durante, seconded by Councilman DeBerardine:

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 Regular meeting of the Mayor and Council on October 3, 2013 and passed its first reading. After public hearing held on November 7, 2013, 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, Durante.
Nays: None. Motion approved.

Councilman DiMartino read for the second time: (Ord. #9-13)

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

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 CHAPTER 98 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "PARKS AND PLAYGROUNDS" was introduced at a Regular meeting of the Mayor and Council on October 3, 2013 and passed its first reading. After public hearing held on November 7, 2013, 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, Durante.
Nays: None. Motion approved.

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 DiMartino, seconded by Councilman Durante was unanimously approved by all Council members present.

*Resolution #108-13

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, " Alexander and Natalya Onik v. Borough of Upper Saddle River", Docket No. 018668-2012, which matter involves an appeal of the assessment on certain premises known as Block 1017, Lot 2.32, Unit C001 and being more commonly known as 1 Schindler Court, for the 2012 tax year; and

WHEREAS, the parcel is assessed for the 2012 tax year at \$590,500; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2012 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 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 \$540,500.

2. Plaintiff agrees to waive interest due on the refund 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 #109-13

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Dawn Katz v. Borough of Upper Saddle River", Docket Nos. 018504-2012 and 003884-2013, which matters involve appeals of the assessment on certain premises known as Block 212, Lot 7.01 and being more commonly known as 523 East Saddle River Road, for the 2012 and 2013 tax years; and

WHEREAS, the parcel is assessed for the 2012 tax year at \$1,145,300; 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 and 2013 tax years on said parcel shall be established at \$1,000,000.
2. Plaintiff agrees to waive interest due on the refund in connection with this settlement. In addition, any refund 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 #110-13

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Attilio and Nicolina Del Verme v. Borough of Upper Saddle River", Docket No. 018487-2012, which matter involves an appeal of the assessment on certain premises known as Block 1113, Lot 2.05 and being more commonly known as 18 Sunflower Drive, for the 2012 tax year; and

WHEREAS, the parcel is assessed for the 2012 tax year at \$1,388,900; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2012 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 2012 tax year on said parcel shall be established at \$1,300,000.
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 #111-13

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>	
Police, S&W	\$ 58,000	Group Ins.	\$58,000
Police, S&W	7,500	Recycling, OE	15,000
Police Civilians	7,500		
Sewer Charge/Ramsey	1,200	Bd. Of Health	1,200

*Resolution # 112-13

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Mark D. and Suzanne S. Alexander v. Borough of Upper Saddle River", Docket Nos. 010319-2012 and 001401-2013, which matters involve an appeal of the assessment on certain premises known as Block 811, Lot 4.04 and being more commonly known as 14 Dansfield Court, for the 2012 and 2013 tax years; and

WHEREAS, the parcel is assessed for the 2012 and 2013 tax years at \$2,031,500; 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 appeal based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the appeal filed for the 2012 tax year shall be withdrawn.
2. The Stipulation of Settlement shall provide that the assessment for the 2013 tax year on said parcel shall be established at \$1,800,000.
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

*Resolution #113-13

WHEREAS, the owner of Lot 1.01 in Block 502 as depicted on the Upper Saddle River tax map, which property is more commonly known as 62 Sparrowbush Road, has made application to the Township of Mahwah to connect into the sanitary sewer system of the Township; and

WHEREAS, said application has been approved by the Township Council of Mahwah; and

WHEREAS, an agreement has been prepared which is required to be approved by the Borough of Upper Saddle River in order to allow such connection.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute an agreement so as to permit the connection of the aforesaid property to the sanitary sewer system of the Township of Mahwah, provided that such agreement shall not be executed until such time as the connection is approved by the Northwest Bergen County utilities Authority (NWBCUA) and all required escrows and fees have been posted.

*Resolution #114-13

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Baskayan (Etals) Eugen A. v. Borough of Upper Saddle River", Docket Nos. 018457-2012 and 003882-2013, which matter involves an appeal of the assessment on certain premises known as Block 1107, Lot 5 and being more commonly known as 22 Skyline Drive, for the 2012 and 2013 tax years; and

WHEREAS, the parcel is assessed for the 2012 and 2013 tax years at \$1,469,000; and

WHEREAS, said appeal was 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 appeal based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the appeal filed for the 2012 tax year will be withdrawn.
2. The Stipulation of Settlement shall provide that the assessment for the 2013 tax year on said parcel shall be established at \$1,400,000.
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 #115-13

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Thomas R. and Cynthia L. O'Boyle v. Borough of Upper Saddle River", Docket Nos. 010315-2012 and 005126-2013, which matters involve appeals of the assessment on certain premises known as Block 1222, Lot 3 and being more commonly known as 144 Dimmig Road, for the 2012 and 2013 tax years; and

WHEREAS, the parcel is assessed for the 2012 and 2013 tax years at \$1,739,500; 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 appeal based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the appeal filed for the 2012 tax year will be withdrawn.
2. The Stipulation of Settlement shall provide that the assessment for the 2013 tax year on said parcel shall be established at \$1,700,000.
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 made payable to Nowell, Amoroso, Klein, Bierman, P.A., attorneys for plaintiffs Thomas R. and Cynthia L. O'Boyle.

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.

*Approve license to USR Historical Society to conduct a raffle on December 8, 2013.

*Approve license to Presentation Church to conduct a raffle on December 22, 2013.

*Approve road closures for Dick Meighan Run on November 28, 2013.

*Authorize Borough Clerk to seek bids for purchase of a dump truck with spreader and snowplow.

RULE 7. Public Comments:

Mr. Art Portmore, 24 Sherwood Road, expressed concern that the heavy equipment being used by the DPW to remove downed trees and brush while clearing a roadway through the woods would cause permanent damage to new vegetation. Mayor Minichetti explained the DPW is in the process of cleaning and removing silt from the river and removing downed trees in order to alleviate flooding with the least amount of damage to other areas.

Mr. David Dutkus, 199 Lake Street asked that the pond located on the dog park property be cleaned of silt as it causes severe flooding on his property during major storms.

Bart Mongelli, Esq. represented Roseland Management Services; Carl Goldberg, Co-President of Roseland Management Services represented Mack-Cali Realty Corporation.

Mr. Goldberg presented a rendering of the proposed development of the Pearson Education property and indicated the areas designated for residential, retail, commercial and recreational. He said the residential area would consist of 3 or 4 story high buildings containing 240 one and two bedroom luxury rental units. Mr. Mongelli pointed out the differences between this development to those of The Commons and that an open public meeting will be scheduled at a later date and place to further address comments.

Mr. & Mrs. Mortensen, 8 Iron Latch Court, said they felt the developer was presenting an apartment complex and expressed concern about traffic on Lake Street.

Mr. Michael Sena, 31 Possum Trail, asked about the location of the residential area since his property abuts the Pearson property.

In response to Mr. Carl Lundgren, 70 Cider Hill, on renting the existing building, Mr. Goldberg said they have been unable to find a new tenant.

Mr. Dan Callahan, 27 Lilline Lane was concerned that the development could raise our affordable housing obligation.

Ms. Rose DeBerardine, 49 Clover Lane questioned the impact on our schools and effect on our source of water and environment and questioned the possibility of flooding.

Mr. J. Reyneke, 3 Sleepy Hollow, said more sports fields are needed and supported the construction of a recreational area.

Mr. George Wolfe, 22 Possum Trail, asked about the amount of taxes involved.

Mr. Thomas Dillon, 6 Sandstone Ridge, questioned the impact on property values.

Mr. Larry Gorga, 50 Riverview Terrace, asked that the issue be addressed in a civil manner.

Ms. Angela Sacco, 8 Cobblestone Court, said people should attend the open meeting.

In response to Mr. Ronald Dario, 2 Emerald Woods Court, Mr. Regan noted that even if the property is vacant, the owner of the property is still obligated to pay the taxes.

In response to Mr. John Guidice, 22 Ripplewood Drive, Mr. Regan said the Mayor would recuse herself if an application is received by the Planning Board since she is a resident within 200' of the Pearson site.

Mr. Mongelli told Mr. Christopher Reichert, 11 Barnfield Court that an open meeting will take place possibly at the Woodcliff Lake Hilton and that there would be a mailing and newspaper article advertising the event.

Ms. Lynch, 15 Autumn Court, asked about the number of students that would impact the schools and the possibility of busing.

Mr. David Verducci, 47 Lake Street, noted his property abuts the Pearson site and said that in addition to school enrollment, he questioned the impact on homes, the need for additional police and emergency services, and asked that issues such as the narrow roads, water, sewage, wetlands and environment be addressed.

Mr. Andrew Somple, 37 Tanglewood Hollow felt something will be going to occupy the site and suggested the Borough work in conjunction with them.

Mr. Andrew Rosenthal, 37 Knights Court, suggested the condos be age restricted.

Borough Planner Joseph Burgis said traffic, engineering, planning and environmental studies would have to be conducted. He explained that after a formal application is submitted, the Planning Board will have to consider an amendment to the Master Plan for a zone change which, if approved, would then be reviewed by the Mayor and Council.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman DeBerardine was unanimously approved by all Council members present. (Meeting adjourned at 9:15 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk