

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, March 2, 2017 at 8:00 p.m. at the Upper Saddle River Borough Hall.

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

Mayor Minichetti read Proclamation promoting Read Across America and Read Across America-NJ.

Mayor Minichetti swore in Erin McGuire as Fire Department Lieutenant.

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 15, 2016 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 February 2, 2017 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 February, 2017 and deposited them with the Collector/ Treasurer:

Landscape Permits	10.00
Garage Sales	2.00
Copies	<u>20.25</u>
Total	\$ 32.25

The Borough Clerk's office issued 96 licenses for the month of February. \$139.20 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of Publication was received from The Bergen Record and The Ridgewood News for:

- 1) Resolution #4-17 - Professional Services

Police: Report for the month of February, 2017 was received and filed.

DPW: Report for the month of February, 2017 was received and filed.

Fire Dept: Report for the months of January and February, 2017 were received and filed.

Library: Report for the month of February, 2017 was received and filed.

Planning Board: Year End report for 2016 was received and filed.

Borough Official's Report:

Construction Code Official: Report for the month of February, 2017 was received and filed.

Municipal Court: Report for the month of January, 2017 was received and filed.

RULE 4. Communications, Petitions & Bills:

NWBCUA Minutes of January 10, 2017

Resolutions from Fairview, Arlington.

Councilman DeBerardine presented bills in the amount of \$4,473,954.08:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$4,473,954.08 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 DeBerardine read for the second time: (Ord. #1-17)

"AN ORDINANCE TO AMEND CHAPTER 41 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED CONSTRUCTION CODES, UNIFORM".

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

Resolution by Councilman DeBerardine, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND CHAPTER 41 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED "CONSTRUCTION CODES, UNIFORM" was introduced at a Regular meeting of the Mayor and Council on February 2, 2017 and passed its first reading. After public hearing held on March 2, 2017 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 DeBerardine read for the second time: (Ord. #2-17)

"AN ORDINANCE TO AMEND CHAPTER 92 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED "NOISE".

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

Resolution by Councilman DeBerardine, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND CHAPTER 92 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED NOISE" was introduced at a Regular meeting of the Mayor and Council on February 2, 2017 and passed its first reading. After public hearing held on March 2, 2017, 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. #3-17)

"AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING TEMPORARY STORAGE FACILITIES AND REQUIRING THE ISSUANCE OF A PERMIT FOR THEIR PLACEMENT ON PROPERTY".

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

Resolution by Councilman Durante, seconded by Councilman DeBerardine:

"AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING TEMPORARY STORAGE FACILITIES AND REQUIRING THE ISSUANCE OF A PERMIT FOR THEIR PLACEMENT ON PROPERTY" was introduced at a Regular meeting of the Mayor and Council on February 2, 2017 and passed its first reading. After public hearing held on March 2, 2017, 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. #4-17)

"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.

Resolution by Councilman Durante, seconded by Councilman DeBerardine:

"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 February 2, 2017 and passed its first reading. After public hearing held on March 2, 2017, 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 to approve Consent Agenda by Councilman Hafner, seconded by Councilwoman Florio was unanimously approved by all Council members present.

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

*Resolution #39-17:

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF UPPER SADDLE RIVER, AUTHORIZING THE COUNCIL PRESIDENT, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$7,643,953 BOND ANTICIPATION NOTE, DATED FEBRUARY 17, 2017 AND PAYABLE FEBRUARY 16, 2018, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Upper Saddle River, in the County of Bergen, New Jersey (the "Borough"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Borough, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$7,643,953 Bond Anticipation Note, dated February 17, 2017 and payable February 16, 2018 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Upper Saddle River, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Council President, Borough Clerk, Chief Financial Officer and other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2017.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2017.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2017 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

*Resolution #40-17

WHEREAS, the Upper Saddle River Police Department has certain surplus property to wit:

MPH Python II
Radar Unit #4 Serial #549001940
Radar Unit #5 Serial #549001943
Radar Unit #PIP Serial #546002855
MPH Python III

Radar Unit #8 Serial #951000552

WHEREAS, the Chief of Police has indicated that these items were removed from service and is surplus property and the Spring Lake Heights, New Jersey Police Department has expressed an interest in these units;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, pursuant to the authority of N.J.S.A.40A:11-36(2) authorize the transfer of the aforementioned property to the Spring Lake Heights, New Jersey Police Department.

BE IT FURTHER RESOLVED that the Borough Administrator/Qualified Purchasing Agent will affect such transfer pursuant to New Jersey State Statues.

BE IT FURTHER RESOLVED that a copy of the within resolution shall be forwarded to the Chief of Police and the Finance Department for removal from the "Fixed Assets Inventory".

*Resolution #41-17

WHEREAS, the Borough of Upper Saddle River finds it is necessary to employ part-time despatchers; and

WHEREAS, Mr. Randy Yevchak was interviewed by the Police Chief Patrick Rotella; and

WHEREAS, Police Chief Rotella and Borough Administrator Theodore Preusch approve the hiring of Mr. Yevchak as a part-time Police Dispatcher; and

WHEREAS, Mr. Yevchak has completed all necessary training;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Upper Saddle River it hereby authorizes the employment of Mr. Randy Yevchak as a part-time Police dispatcher, effective January 11, 2017 at an hourly rate of \$19.00, with no additional benefits included;

BE IT FURTHER RESOLVED, that copies of this resolution shall be provided to the Chief of Police, Chief Financial Officer and Mr. Randy Yevchak.

*Resolution #42-17

WHEREAS, the Borough of Upper Saddle River finds it is necessary to employ part-time despatchers; and

WHEREAS, Mr. Gregory Pink was interviewed by the Police Chief Patrick Rotella; and

WHEREAS, Police Chief Rotella and Borough Administrator Theodore Preusch approve the hiring of Mr. Pink as a part-time Police Dispatcher; and

WHEREAS, Mr. Pink has completed all necessary training;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Upper Saddle River it hereby authorizes the employment of Mr. Gregory Pink as a part-time Police dispatcher, effective January 9, 2017 at an hourly rate of \$19.00, with no additional benefits included;

BE IT FURTHER RESOLVED, that copies of this resolution shall be provided to the Chief of Police, Chief Financial Officer and Mr. Gregory Pink.

*Resolution #43-17

WHEREAS, the Borough of Upper Saddle River finds it is necessary to employ part-time dispatchers; and

WHEREAS, Mr. Arman Fardanesh was interviewed by the Police Chief Patrick Rotella; and

WHEREAS, Police Chief Rotella and Borough Administrator Theodore Preusch approve the hiring of Mr. Fardanesh as a part-time Police Dispatcher; and

WHEREAS, Mr. Fardanesh has completed all necessary training;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Upper Saddle River it hereby authorizes the employment of Mr. Arman Fardanesh as a part-time Police dispatcher, effective October 25, 2016 at an hourly rate of \$19.00, with no additional benefits included;

BE IT FURTHER RESOLVED, that copies of this resolution shall be provided to the Chief of Police, Chief Financial Officer and Mr. Arman Fardanesh.

*Resolution #44-17

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on February 16, 2017 for the 2017-2018 Turf Program; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by JCW Inc. d/b/a Natural Green Lawn Care, 795 E. Main Street, Bridgewater, NJ 08807 was the lowest responsible bidder in an amount of \$25,398.00; 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 JCW Inc. d/b/a Natural Green Lawn Care, 795 E. Main Street, Bridgewater, NJ 08807 for the 2017-2018 Turf Program in the amount of \$25,398.00.

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 #45-17

WHEREAS, the Township of Mahwah has granted approval to the owner of 72 Sparrowbush Road, being also known as Block 501, Lot 3 (hereinafter "the property") to connect to the Township of Mahwah sanitary sewer system; and

WHEREAS, Agreements have been prepared pertaining to such connection between the Township of Mahwah and the Borough of Upper Saddle River and the Borough of Upper Saddle River and Chaithia Chaiwan, the owner of the property; and

NOW THEREFORE BE IT RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforementioned Agreements, subject to the approval of the Borough Engineer and the payment by the property owner of all fees, connection charges and costs to the Township of Mahwah, Borough of Upper Saddle River, and Northwest Bergen County Utilities Authority.

*Resolution #46-17

WHEREAS, N.J.S.A.40A:4-19 provides that, where any contract, commitments or payments are to be made prior to the final adoption of the 2017 budget, temporary appropriations should be made for the purpose and the amounts required in the manner and time therein provided; and

WHEREAS, the total appropriation in the 2016 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum of \$9,662,076; and

WHEREAS. One quarter of the appropriations in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum \$2,415,519.

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 following appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

TEMPORARY APPROPRIATIONS 2017

A&E	10,000	General Office	5,000
Finance, OE	6,000	Legal, Oe	30,000
Police, OE	30,000	Fire, OE	8,000
Ambulance, OE	3,000	Shade Tree, OE	3,000
DPW, OE	50,000	Recycling, OE	18,000
Blood Borne	800	Sr. Citizens	1,000
Recreation, OE	4,000	Library Maint.	229,000
Natural Gas	30,000	Solid Waste	45,000
Court, OE	5,000	DARE	1,000
Gen. Adm, S&W	4,000	Financial, S&W	3,000

Assessor, S&W	500	Legal, S&W	3,400
Pl. Bd. S&W	1,000	Building, S&W	2,300
Prosecutor, S&W	2,000	Shade Tree, S&W	400
DPW, S&W, StandBy	4,800	DPW S&W, OT	6,000
Recreation, S&W	500	LOSAP	32,000

*Resolution #47-17

WHEREAS, a Joint Service Agreement ("Agreement") has been prepared between the Borough of Upper Saddle River ("Borough") and Porven Real Estate, Inc. ("Porven") relating to premises commonly known as Lots 4.01 and 4.02 in Block 1002; and

WHEREAS, the Borough is the owner of Lot 4.02 and Porven is the owner of Lot 4.01; and

WHEREAS, said Agreement provides for the conveyance by Porven of 15,000 gallons per day of Porven's daily flow allocation to the Borough for such use as the Borough deems appropriate, including but not limited to use of such allocation for any inclusionary development or affordable housing development in the Borough; and

WHEREAS, the Agreement provides for the Borough to provide Porven with easements over Lot 4.02 for right-of-way and drainage purposes; and

WHEREAS, the Borough has agreed to contribute thirty-eight (38%) percent of the cost in connection therewith for engineering services relating to the designing and construction of certain facilities and improvements which relate to Porven's commercial project and the affordable housing proposed by the Borough on Lot 4.02; and

WHEREAS, the proposed Agreement will assist the Borough in development of affordable housing, both on Lot 4.02 and elsewhere in the Borough.

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 on behalf of the Borough.

*Approve Raffle License #373 to USR Woman's Club.

*Approve Raffle License #374 to USR Fire Department.

Councilman Ditkoff read for the first time: (Ord. #5-17)

"AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED ZONING".

Resolution by Councilman Ditkoff, seconded by Councilman Hafner:

"AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED ZONING" was introduced at a Mayor and Council

meeting on March 2, 2017 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 April 6, 2017 at 8:00 PM at the Borough Hall, 376 W. Saddle River Road, 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.

RULE 7. Public Comments: None.

RULE 8. Adjournment:

A motion to adjourn by Councilman Ditkoff, seconded by Councilman DeBerardine was unanimously approved by all Council members present. (Meeting adjourned at 8:15 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk