

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, September 5, 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.

Mayor Minichetti presented a proclamation congratulating Lucas Kovalcik and Tim Walsh, owners of the Gavity Vault in Upper Saddle River, on being named New Jersey State "Small Business Persons of the Year".

Supt. Of Schools, Dr. Monica Brown thanked Mayor Minichetti, Borough Administrator Preusch, Police Chief Rotella and DPW Supt. Fleshman for their assistance during a power outage that occurred during school hours last May. She noted in particular the efforts of Construction Code Official Jim Dougherty who stayed well into the night and replaced a damaged transformer line which allowed the school to open on time the next day. Dr. Brown said the facility and children were extremely grateful to Mr. Dougherty.

In attendance were Boy Scouts David Cummings, Nick Hamilton, Dan Hyman and Eric Tarbutton who were working on attaining a Merit Badge in Communications.

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
Councilman	Roger DeBerardine	Present
Councilman	Steven DiMartino	Present
Councilman	Jonathan Ditkoff	Present
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Absent

RULE 2. Minutes of Executive, Closed and Regular Meetings of August 1, 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 DeBerardine.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of August, 2013 and deposited them with the Collector/Treasurer:

Copies	\$ 14.99
Peddler's License	10.00
Landscaper Permit	5.00
Garage Sales	<u>12.00</u>
Total	\$\$41.99

The Borough Clerk's office issued 5 dog licenses for the month of August.

\$6.00 was forwarded to the Department of Health for the pilot clinic and Animal Control Fund.

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

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

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

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

Borough Official's Report:

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

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

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

United Water public hearing notice re increase in rates.

Resolutions from Borough of Moonachie, Emerson and Westwood.

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$4,636,806.38 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. Nays: None. Motion approved.

RULE 5. Unfinished Business:

Councilman DiMartino read for the second time: (Ord. #6-13)

"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 JERSEY', adopted June 7, 2012".

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 JERSEY', adopted June 7, 2012" was introduced at a Regular meeting of the Mayor and Council on August 1, 2013 and passed its first reading. After public hearing held on September 5, 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, Ditkoff, Durante, Florio. Nays: None. Resolution approved.

Councilwoman Florio read for the second time: (Ord. #7-13)

"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 Councilwoman Florio, seconded by Councilman Ditkoff:

"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 August 1, 2013 and passed its first reading. After public hearing held on September 5, 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, Ditkoff, Durante, Florio. Nays: None. Resolution 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 Ditkoff, seconded by Councilman Durante was unanimously approved by all Council members present.

*Resolution #88-13

WHEREAS, the Borough of Upper Saddle River has previously entered into a contract with Trico Electric LLC, 375 North Bergen, Teterboro, NJ 07608 in connection with the Lions Park Lighting Project; and

WHEREAS, Change Order #1 has been submitted which indicated an increase in additional equipment, repairs and rerouting of the power supply; and

WHEREAS, Change Order #1 has been filed with the Governing Body detailing the aforementioned facts and indicating that the proposed Change Order may be permitted pursuant to applicable rules.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River as follows:

1. The Governing Body does hereby determine that this Change Order is necessary and that it is in compliance with the provisions set forth in N.J.A.C. 5:34-4.4.

2. The foregoing Change Order constitutes a modification to effect economics and will decrease the contract by \$17,135 and is in accordance with the provisions of N.J.A.C. 5:34-4.7.

BE IT FURTHER RESOLVED that the aforementioned Change Order #1 be and is hereby approved for the work described in the Change Order, decreasing the contract price with Trico Electric LLC by \$17,135.

*Resolution #89-13

WHEREAS, Borough Engineer Christopher Statile has recommended that the property located at 48 Timberlane Road, Block 1220, Lot 4 be connected to the existing drainage system, as depicted on the submitted plan, subject to compliance of various stipulations as outlined by Borough Engineer Statile.

NOW, THEREFORE, BE IT RESOLVED that this request be and is hereby approved subject to the requirement that an agreement be prepared whereby the property owners and its successors in interest and assigns will indemnify and hold harmless the Borough in connection with the maintenance and operation of the proposed drainage connection; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforementioned Maintenance and Hold Harmless Agreement after same has been prepared by the Borough Attorney and the posting of a Maintenance Bond and payment of all engineering and legal fees.

*Resolution #90-13

RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that Fire Chief John Schianchi will attend the New Jersey State Firemen's Convention to be held in Wildwood, New Jersey on September 12 & 13, 2013; and

BE IT RESOLVED that the Treasurer is hereby authorized to issue him a check not exceeding \$200.00 for expenses in attending said conference; and

BE IT FURTHER RESOLVED that actual vouchers are to be submitted in due course to substantiate actual expenses and any portion of this advance not vouchered is to be returned.

*Resolution #91-13

RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the following lifetime firemen will attend the New Jersey State

Firemen's Convention to be held in Wildwood, New Jersey on September 12 & 13, 2012;

Eric Vierheilig	Jim Redmond
David Weingroff	Larry Rauch
Joe Raymond	Louis Manke
John Manke	

BE IT RESOLVED that the Treasurer is hereby authorized to issue each of them a check not exceeding \$200.00 for expenses in attending said conference; and

BE IT FURTHER RESOLVED that actual vouchers are to be submitted in due course to substantiate actual expenses and any portion of this advance not vouchered is to be returned.

*Resolution #92-13

WHEREAS, Jennifer Lacey has been employed to the position of Upper Saddle River Municipal Court Violations Clerk;

NOW, THEREFORE, BE IT RESOLVED, that Violations Clerk Jennifer Lacey be authorized to sign Municipal Court Bail and Fines Account checks.

*Resolution #93-13

WHEREAS, the Borough of Upper Saddle River has previously entered into a contract with LKL Contracting, 457 Shadyside Road, Ramsey, NJ 07448 in connection with the Hess Park Bathrooms; and

WHEREAS, Change Order #1 has been submitted which indicated an increase in supplemental construction; and

WHEREAS, Change Order #1 has been filed with the Governing Body detailing the aforementioned facts and indicating that the proposed Change Order may be permitted pursuant to applicable rules.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River as follows:

1. The Governing Body does hereby determine that this Change Order is necessary and that it is in compliance with the provisions set forth in N.J.A.C. 5:34-4.4.

2. The foregoing Change Order constitutes a modification to effect economics and will decrease the contract by \$6,365.00 and is in accordance with the provisions of N.J.A.C. 5:34-4.7.

BE IT FURTHER RESOLVED that the aforementioned Change Order #1 be and is hereby approved for the work described in the Change Order, decreasing the contract price with Trico Electric LLC by \$6,365.00.

*Resolution #94-13

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Hyun Ki and JumSook Kim v. Borough of Upper Saddle River", Docket No. 017503-2012, which matter involves an appeal of the assessment on certain premises known as Block 1017, Lot 2.02 and being more commonly known as 4 Schindler Court, for the 2012 tax year; and

WHEREAS, the parcel is assessed for the 2012 tax year at \$557,600; 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 \$510,000.
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 #95-13

WHEREAS, there is presently pending in the Tax Court of New Jersey certain matters entitled, "Aniello Nino Lotito and Danielle Lotito v. Borough of Upper Saddle River", Docket Nos. 006749-2012 and 007543-2013, which matters involve appeals of the assessment on certain premises known as Block 704, Lot 4 and being more commonly known as 10 Carlough Road, for the 2012 and 2013 tax years; and

WHEREAS, the parcel is assessed for the 2012 and 2013 tax years at \$1,163,100; 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 \$1,113,100.
2. Plaintiffs agree to waive interest due on the refunds in connection with this settlement. In addition, any refunds 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 #96-13

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "JayantThaker and AlkaThaker v. Borough of Upper Saddle River", Docket No. 006756-2012, which matter involves an appeal of the assessment on certain premises known as Block 706, Lot 18.08 and being more commonly known as 18 Forest Ridge, for the 2012 tax year; and

WHEREAS, the parcel is assessed for the 2012 tax year at \$1,176,800; 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 \$1,076,800.
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.

*Enabling Resolution #97-13 - 2013 Bergen County Open Space
Recreation, Farmland & Historic Preservation Trust Fund Grant
Hess Park Access Bridge Improvements

WHEREAS, the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to

municipal governments and to nonprofit organizations for assistance in the development or redevelopment of municipal recreation facilities; and,

WHEREAS, the Borough of Upper Saddle River desires to further the public interest by obtaining a matching grant of \$33,500 from the County Trust Fund to fund the following project: Hess Park Bridge Access Improvements; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body/board will hold/has held a public hearing on September 5, 2013 to receive comments on the submission of said application; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Upper Saddle River:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of August 29, 2013, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough Council of the Borough of Upper Saddle River has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Borough Council of the Borough of Upper Saddle River is committed to providing a dollar for dollar cash match for the project; and,
- RULE 4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Borough Council of the Borough of Upper Saddle River agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

*Resolution #98-13

WHEREAS, Borough Engineer Christopher Statile has recommended that the property located at 327 Spring Street, Block 1212, Lot 11 be connected to

the existing drainage system, as depicted on the submitted plan, subject to compliance of various stipulations as outlined by Borough Engineer Statile.

NOW, THEREFORE, BE IT RESOLVED that this request be and is hereby approved subject to the requirement that an agreement be prepared whereby the property owners and its successors in interest and assigns will indemnify and hold harmless the Borough in connection with the maintenance and operation of the proposed drainage connection; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforementioned Maintenance and Hold Harmless Agreement after same has been prepared by the Borough Attorney and the posting of a Maintenance Bond and payment of all engineering and legal fees.

*Resolution #99-13

WHEREAS, Borough Engineer Christopher Statile has recommended that the property located at 15 Meadowlark Place, Block 905, Lot 8 be connected to the existing drainage system, as depicted on the submitted plan, subject to compliance of various stipulations as outlined by Borough Engineer Statile.

NOW, THEREFORE, BE IT RESOLVED that this request be and is hereby approved subject to the requirement that an agreement be prepared whereby the property owners and its successors in interest and assigns will indemnify and hold harmless the Borough in connection with the maintenance and operation of the proposed drainage connection; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforementioned Maintenance and Hold Harmless Agreement after same has been prepared by the Borough Attorney and the posting of a Maintenance Bond and payment of all engineering and legal fees.

*Resolution #100-13

WHEREAS, Borough Engineer Christopher Statile has recommended that the property located at 19 Briarcliff Road, Block 502, Lot 15 be connected to the existing drainage system, as depicted on the submitted plan, subject to compliance of various stipulations as outlined by Borough Engineer Statile.

NOW, THEREFORE, BE IT RESOLVED that this request be and is hereby approved subject to the requirement that an agreement be prepared whereby the property owners and its successors in interest and assigns will indemnify and hold harmless the Borough in connection with the maintenance and operation of the proposed drainage connection; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforementioned

Maintenance and Hold Harmless Agreement after same has been prepared by the Borough Attorney and the posting of a Maintenance Bond and payment of all engineering and legal fees.

*Resolution #101-13

WHEREAS, Borough Engineer Christopher Statile has recommended that the property located at 75 Partridge Hill, Block 906, Lot 1 be connected to the existing drainage system, as depicted on the submitted plan, subject to compliance of various stipulations as outlined by Borough Engineer Statile.

NOW, THEREFORE, BE IT RESOLVED that this request be and is hereby approved subject to the requirement that an agreement be prepared whereby the property owners and its successors in interest and assigns will indemnify and hold harmless the Borough in connection with the maintenance and operation of the proposed drainage connection; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforementioned Maintenance and Hold Harmless Agreement after same has been prepared by the Borough Attorney and the posting of a Maintenance Bond and payment of all engineering and legal fees.

*Authorize Borough Clerk to seek bids for snowplowing services for the 2013-2014 season.

RULE 7. Public Comments:

Mr. George Stafford, Outreach Director of the New Jersey Highlands Coalition requested the Council consider a resolution supporting the goals and purposes of the 2004 Highlands Water Protection and Planning Act. He said the Act protects the State's water supplies and other significant resources and noted Upper Saddle River receives up to 20% of its drinking water from the Highlands.

Mr. Bart Mongelli, resident of 55 Anona Drive and attorney for Roseland, Mack-Cali asked the Council to clarify and confirm their attendance at the November 7 Council meeting at which time they will make a 45 minute presentation regarding the Pearson Education property.

In response, Mayor Minichetti pointed out they will not be on the agenda but that the November 7 meeting is an open meeting which everyone can attend.

RULE 8. Adjournment:

A motion to adjourn by Councilman Ditkoff, seconded by Councilman Durante was unanimously approved by all Council members present. (Meeting adjourned at 8:40 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk