

Minutes of Regular Meeting of the Mayor and Council held on Thursday, April 3, 2014 at 8:00 PM at the Upper Saddle River Borough Hall.

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

Mayor Minichetti read a Proclamation celebrating April 25, 2014 as Arbor Day.

Mayor Minichetti read a Proclamation congratulating and thanking the Saddle River Valley Lions Club for their service and for distributing \$2,000,000 to charitable organizations.

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 20, 2013 by Fax and mail in which the time, place and purpose of the meeting was set forth.

RULE 1. Roll Call:

Mayor Minichetti	Present
Mr. DeBerardine	Present
Mr. DiMartino	Present
Mr. Ditkoff	Present
Mr. Durante	Present
Ms. Florio	Present
Mr. Hafner	Absent

RULE 2. A motion by Councilman Durante, seconded by Councilwoman Florio to approve the Minutes of the Executive, Closed and Regular Meetings of March 6, 2014.

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

RULE 3. Borough Clerk's Report.

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

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

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

Youth Guidance Council: Minutes of March 7, 2014 were received and filed.

Borough Official's Report:

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

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

RULE 4. Communications, Petitions & Bills:

BCUA Minutes of February 4, 2014.

NJDEP public hearing notice re 2014 Annual Fee Report.

Resolutions from Carlstadt, Paramus.

Councilman DeBerardine presented bills in the amount of \$4,413,383.14.

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$4,413,383.14 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.

RULE 5. Unfinished Business:

Councilman Durante read for the second time: (Ord. #1-14)

"AN ORDINANCE TO PROHIBIT CERTAIN ACTS WITHIN THE BOROUGH OF UPPER SADDLE RIVER AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF".

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

Resolution by Councilman Durante, seconded by Councilman Ditkoff:

"AN ORDINANCE TO PROHIBIT CERTAIN ACTS WITHIN THE BOROUGH OF UPPER SADDLE RIVER AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF" was introduced at a Regular meeting of the Mayor and Council on March 6, 2014 and passed its first reading. After public hearing held on April 3, 2014, 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.

Councilman Durante read for the second time: (Ord. #2-14)

"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 Durante, 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 March 6, 2014 and passed its first reading. After public hearing held on April 3, 2014, 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.

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 by Councilman Ditkoff, seconded by Councilwoman Florio to approve Consent Agenda.

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

*Resolution #44-14

AUTHORIZE PISTOL RANGE AGREEMENT BETWEEN THE BOROUGH OF PARK RIDGE AND THE BOROUGH OF UPPER SADDLE RIVER

WHEREAS, the Borough of Park Ridge currently owns and operates a pistol range facility; and

WHEREAS, the Borough of Upper saddle River is interested in using said facility at a annual cost of \$3,500 with one day per work week set aside for its use; and

WHEREAS, one-half (1/2) of the payment shall be due on June 1, 2014 and the balance one-half (1/2) of the amount owed shall be paid by December 1, 2014; and

WHEREAS, the Borough of Upper Saddle River agrees to enter into an Interlocal Services Agreement to provide the Borough of Park Ridge the sum of \$14,575.80 which represents one-fifth of the costs for improvements to the pistol range; and

WHEREAS, the Borough of Park Ridge will accept a payment of \$4,858.60 annually in 2014, 2015 and 2016; and

WHEREAS, both parties believe these shared services agreements serves the best interest of the residents of their respective communities;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby authorizes the Mayor and Borough Clerk to execute said Agreements on behalf of the Borough of Upper Saddle River.

*Resolution #45-14

WHEREAS, the Borough of Upper Saddle River is in need of Public Safety Answering Point (PSAP) emergency dispatching service; and

WHEREAS, the Borough of Paramus has indicated that the Paramus Police Department Communication Center is capable of supporting 9-1-1 dispatching services for the Borough of Upper Saddle River;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper saddle River hereby authorizes the Mayor and Borough Clerk to execute an Interlocal Agreement with the Borough of Paramus to handle 9-1-1 dispatching services at a cost of \$4,216.00, effective January 1, 2014.

*Resolution #46-14

WHEREAS, the Borough of Upper Saddle River became the owner of 160 Crescent Avenue as of August 3, 2005; and

WHEREAS, there have been taxes for the years 2011-2014 assessed to this property in the amount of \$29,475.60;

NOW, THEREFORE, BE IT RESOLVED, that the 2012 and 2013 final billings be cancelled of record for the remainder of previous year 2011 final billing and the preliminary billing for 2014 as follows:

<u>Final 2011</u>		<u>2012</u>	
3 rd quarter	2,481.00	1 st quarter	2,413.00
4 th quarter	<u>2,482.52</u>	2 nd quarter	2,413.00
Total	4,963.52	3 rd quarter	2,439.68
		4 th quarter	<u>2,438.00</u>
		Total	9,703.68
<u>2013</u>		<u>Preliminary 2014</u>	
1 st quarter	2,426.00	1 st quarter	2,468.00
2 nd quarter	2,426.00	2 nd quarter	<u>2,468.00</u>
3 rd quarter	2,510.40	Total	4,936.00
4 th quarter	<u>2,510.00</u>		
Total	9,872.40		
	Grand Total: \$29,475.60		

*Resolution #47-14

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 2014 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 2013 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 \$11,270,040.44 ; and

WHEREAS. One quarter of the appropriations in the 2013 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum \$2,817,510.11;

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.

A&E, OE	\$10,000	Social Security	\$20,000
Tax Collector, OE	500	Fire, OSHA,OE	5,000
Police, OE	50,000	Mun. Alliance/Alcohol	1,000
Other Insurance	76,000	Finance,OE	10,000
Prosecutor, S&W	3,000	Court, S&W	10,000

*Ordinance #3-14

"EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)" was introduced at a Mayor and Council meeting on April 3, 2014 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 May 5, 2014, 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.

*A motion to approve License #348 to Upper Saddle River Fire Department for a raffle on May 18, 2014.

Councilwoman Florio read for the first time: (Ord. #4-14)

"AN ORDINANCE TO VACATE AND EXTINGUISH THE PUBLIC RIGHT IN AND TO A PORTION OF THOSE LANDS COMPRISING WHAT IS KNOWN AS "DEER HORN TRAIL" AS THE SAME ARE MORE PARTICULARLY DESCRIBED HEREIN".

Resolution by Councilwoman Florio, seconded by Councilman DeBerardine:

'AN ORDINANCE TO VACATE AND EXTINGUISH THE PUBLIC RIGHT IN AND TO A PORTION OF THOSE LANDS COMPRISING WHAT IS KNOWN AS "DEER HORN TRAIL" AS THE SAME ARE MORE PARTICULARLY DESCRIBED HEREIN" was introduced at a Mayor and Council meeting on April 3, 2014 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 May 5, 2014, 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. Nays: None.

Resolution #48-14 by Councilman DiMartino, seconded by Councilman DeBerardine:

"MUNICIPAL BUDGET OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, NEW JERSEY FOR THE FISCAL YEAR 2014"

BE IT RESOLVED, that the following statement of revenues and appropriations shall constitute the Municipal Budget of the Borough of Upper Saddle River for the year 2014;

BE IT FURTHER RESOLVED, that said budget will be published in the April 21, 2014 issue of The Record.

The Governing Body of the Borough of Upper Saddle River does hereby approve the Municipal Budget for the year 2014 in the amount of \$12,169,495.40.

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

RULE 7. Public Comments: None.

Mr. Regan read the Summary of Judgment regarding the Clean Water Act suit submitted by attorney Michael Burke in which he states that a court decision has been granted in the Borough's favor. It stated that the Rockland County Sewer District is liable for the sanitary sewer overflows into the Saddle River and that an evidentiary hearing to assess civil penalties for each spill, up to \$25,000 per spill, will be scheduled. Mr. Burke noted that they will pursue full payment of all attorneys' fees and costs for the seven years of litigation.

Mayor Minichetti read a statement regarding steps taken concerning the Mack-Cali property. She noted in February, 2012, she and Administrator Preusch went to Trenton to meet with representatives of Choose NJ and the Business Action Center to discuss the property. Mayor Minichetti outlined the dates, activities, conversations and meetings regarding this matter from 2012 up to the present time. In conclusion, Mayor Minichetti stated that no formal application for the development of the site has been submitted and that any application must be submitted to the proper Board. She said jurisdiction over development of the property lies with the Upper Saddle River Planning Board.

Mr. John Giudice, 22 Ripplewood Drive, said he attended the Mack-Cali presentation on April 1 and that the overall response from residents was not favorable to the development.

Mr. & Mrs. Mortensen, 8 Iron Latch West, asked that any future activities regarding the site remain transparent. Mr. Mortensen noted that the site contains wetlands and was told that maintenance of the proposed field would be the Borough's responsibility.

Mr. Christopher Reichert, 11 Barnfield Court asked that the Mayor make her statement available to the public. Mayor Minichetti said she will post the entire statement on the Borough website.

A motion by Councilman Durante, seconded by Councilman DiMartino to redirect the proposal submitted by DeCoatis, Fitzpatrick & Cole, LLP regarding 1 Lake Street to the Upper Saddle River Planning Board.

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

In response to a question from Mr. Jeff Hartman, 53 Brook Road, regarding the proposed Hillside Avenue development in Rockland County, Mr. Regan said he and Mr. Preusch attended a meeting of the Ramapo Design Review Board and objected to the lack of notice concerning the scheduled meeting. He noted that the Engineer for the development was unfamiliar with the history of the project and will have to follow-up with updated plans since the Engineer could not locate the water and sewer lines on a plan that was 10-12 years old. Mr. Regan pointed out that environmental regulations have changed since the original plan was proposed and estimated updating the infrastructures will cost millions of dollars. He said they will continue to monitor the project.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded Councilwoman Florio was approved by all Council members present. (Meeting adjourned at 9:00 pm)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk