

Minutes of the Regular Meeting of the Mayor and Council held on Monday, August 11, 2014 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 July 25, 2014 by Fax and mail and by publication on August 1, 2014 in which the time, place and purpose of the meeting was set forth.

Mayor Minichetti read the Proclamation supporting the "Drive Sober or Get Pulled Over" Campaign from August 15, 2014 to September 1, 2014.

RULE 1. Roll Call:

Mayor	Joanne L. Minichetti	Present
Councilman	Roger DeBerardine	Present
Councilman	Steven DiMartino	Absent
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 July 3, 2014 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 July, 2014 and deposited them with the Collector/Treasurer:

Liquor License	\$ 504.00
Copies	15.00
Garage	24.00
Total	<u>\$ 543.00</u>

The Borough Clerk's office issued 5 dog licenses for the month of July. \$9.00 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proofs of publication were received for the following:

1. Introduction of Ord. #5-14 - Capital Improvements
3. Introduction of Ord. #6-14 - 2014 Employee Compensation

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

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

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

Youth Guidance Council: Minutes of June 6, 2014 were received and filed.

Borough Official's Report:

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

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

Other Boards & Commissions:

Municipal Court: Report for the months of June and July were received and filed.

RULE 4. Communications, Petitions & Bills:

Thank you letter from Center for Food Action for bags of food items.

PSE&G notice of public hearing regarding rates.

NWBUA Minutes of June 17, 2014.

Resolutions from Edgewater, Midland Park, North Arlington, Little Ferry, Oakland, Hackensack, Montvale, Mahwah, Ridgewood, Waldwick, Woodcliff Lake, Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$7,411,263.25:

A motion by Councilman DeBerardine, seconded by Councilman Durante, to pay bills in the amount of \$7,411,263.25 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, Ditkoff, Durante, Florio, Hafner. Nays: None. Motion approved.

RULE 5. Unfinished Business:

Councilman Durante read for the second time: (Ord. #7-14)

"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 July 3, 2014 and passed its first reading. After public hearing held on August 11, 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, Ditkoff, Durante, Florio, Hafner. Nays: None. Resolution approved.

Councilman Ditkoff read for the second time: (Ord. #8-14)

"AN ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER, LOCATED IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, CANCELING CERTAIN PREVIOUSLY FUNDED CAPITAL IMPROVEMENT (PROJECT) BALANCES TO CAPITAL SURPLUS".

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

Resolution by Councilman Ditkoff, seconded by Councilman DeBerardine:

"AN ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER, LOCATED IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, CANCELING CERTAIN PREVIOUSLY FUNDED CAPITAL IMPROVEMENT (PROJECT) BALANCES TO CAPITAL SURPLUS" was introduced at a Regular meeting of the Mayor and Council on July 3, 2014 and passed its first reading. After public hearing held on August 11, 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, Ditkoff, Durante, Florio, Hafner. 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 Hafner, seconded by Councilwoman Florio was unanimously approved by all Council members present.

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

\*Resolution #77-14

WHEREAS, Borough Engineer Eileen Boland has recommended that foundation drains at 2 Patriots Lane, Block 213, Lot 8.01 be allowed to connect to the municipal storm drainage system located on Patriots Lane; and  
WHEREAS, all required fees have been deposited with the Borough;

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 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.

\*Resolution #78-14

APPOINTMENT OF REGISTRAR OF VITAL STATISTICS

BE IT RESOLVED, by the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, that Helena Loveless be appointed as Registrar of Vital Statistics, effective August 15, 2014; and

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 26:8-13, the Registrar of Vital Statistics shall serve a three-year term, which shall expire on August 15, 2017.

\*Resolution #79-14

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Garcia, Tito & Borrero, Ana Maria v. Borough of Upper Saddle River", Docket Nos. 009878-2013 and 002025-2014, which matters involve appeals of the assessment on certain premises known as Block 101, Lot 1 and being more commonly known as 53 Sparrowbush Road, for the 2013 and 2014 tax years; and

WHEREAS, the parcel is assessed for the 2013 and 2014 tax years at \$1,233,900 and

WHEREAS, said appeals were filed to contest the assessment on the property for the 2013 and 2014 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 2013 tax year shall be withdrawn.
2. The Stipulation of Settlement shall provide that the assessment for the 2014 tax year on said parcel shall be established at \$1,000,000.
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 #81-14

RESOLUTION THE UNDERTAKING OF A CONTINUING DISCLOSURE REVIEW AND AUTHORIZING PARTICIPATION IN THE MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE OF THE DIVISION OF ENFORCEMENT OF THE U.S. SECURITIES AND EXCHANGE COMMISSION

WHEREAS, the Borough of Upper Saddle River (the "Governmental Entity") has entered into continuing disclosure agreement(s) in connection with certain of its prior bond and/or note issuance(s) (the "Prior Issuances"), agreeing to file certain financial information and operating date and/or certain enumerated event notices with the former nationally recognized municipal securities information repositories or the Municipal Securities Rulemaking Board (the "MSRB") pursuant to the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"); and

WHEREAS, THE Governmental Entity has made certain representations regarding its continuing disclosures in bond and/or note offering documents in connection with its Prior Issuances; and

WHEREAS, in response to widespread concerns that many municipal issuers have not been complying with their obligations to file continuing disclosure documents under the Rule, and furthermore have made false representations concerning compliance in bond and note offering documents, the Division of Enforcement (the "Division") of the U.S. Securities and Exchange Commission (the "Commission"); has set forth its Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative"), attached hereto as Exhibit A, whereby the Commission will recommend favorable settlement terms to municipal issuers involved in the offer or sale of municipal securities, as well as underwriters of such offerings, if they self-report to the Division by 12:00 a.m. on September 1-, 2014, possible violations involving materially inaccurate statements in bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule; and

WHEREAS, pursuant to Local Finance Notice 2-14-9, attached hereto as Exhibit B, the Director of the Local Finance Board, Division of Local Government Services of the Department of Community Affairs of the State of New Jersey, has recommended the undertaking of a Review (as hereinafter defined) by all municipal insurers and participation in the MCDC Initiative, where appropriate, as determined by the facts of each Review (the LFB Recommendation");

NOW, THEREFORE, IN CONNECTION WITH THE LFB RECOMMENDATION, BE IT RESOLVED BY THE GOVERNMENTAL ENTITY, as follows:

Section 1. The Governmental Entity, through its Chief Financial Officer or a third-party disclosure-dissemination agent, is hereby directed to conduct a continuing disclosure review of its prior continuing disclosure undertakings (the "Review"), and the governmental Entity hereby ratifies any such previously conducted Review. Such Review shall include, but is not limited to, a historical review of the Governmental Entity's

continuing disclosure obligations and filings in connection with its Prior Issuances that are presently outstanding and which are no longer outstanding but, as of the date five years prior to the date of submission of the Questionnaire (as hereinafter defined)m, were outstanding; and the undertaking, at any time, of any applicable remedial filings with the MSRB deemed necessary for compliance with its continuing disclosure obligations.

Section 2. The Governmental Entity, through its Chief Financial Officer, is hereby authorized to participate in the MCDC Initiative, if in the discretion of the Chief Financial Officer after consultation with governmental Entity officials, it is determined that the offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule in connection with its Prior Issuances issued during the period beginning vie years prior to the date of submission of the Questionnaire.

Section 3. The Chief Financial Officer of the Governmental Entity is hereby authorized to execute and deliver any and all documents and instruments, including the Municipalities Continuing Disclosure Cooperation Initiative Questionnaire for Self-Reporting Entities contained in the MCDC Initiative (the "Questionnaire"), and to do and cause to be done any and all acts and things necessary or proper for participating in the MCDC Initiative and all related transactions, including the Review, contemplated by this resolution.

Section 4. all resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

\*Resolution #82-14

RESOLUTION OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY, DESIGNATING A \$666,000 BOND ANTICIPATION NOTE, DATED AUGUST 13, 2014, PAYABLE FEBRUARY 20, 2015, 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") desires to designate a \$666,000 Bond Anticipation Note, dated August 13, 2014, payable February 20, 2015 (the "Note"), as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (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 Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) said 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 2014.

SECTION 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2014:

<u>AMOUNT</u>	<u>DATED - DUE</u>
\$5,695,076 BANS	2/21/14 - 2/20/15

SECTION 4. 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, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. 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 2014 dated as of the date of delivery of the Note.

SECTION 6. This resolution shall take effect immediately upon its adoption.

Resolution #80-14 by Councilman DeBerardine, seconded by Councilman Durante:

WHEREAS, Mack-Cali Realty, L.P. and Roseland Management Services, L.P., the owners of property known as One Lake Street, Block 601, Lot 1 ("the Property") submitted a proposal dated March 18, 2014 ("the Rezoning Request") requesting a rezoning of the Property from the current IP Industrial Park zoning designation wherein is permitted office buildings, scientific and research laboratories and certain other uses to a mixed use development of residential, retail, office and recreational uses; and

WHEREAS, the Rezoning Request proposes 240 rental apartments in three story buildings, 14,000 square feet of retail space, office space consisting of 165,000 square feet, more than 1,500 parking spaces, and open space-recreational uses; and

WHEREAS, N.J.S.A. 19:37-1 permits the governing body of a municipality to ascertain the sentiment of the electorate upon any question or policy pertaining to the government or internal affairs of such municipality.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby request the Clerk of Bergen

County to print upon the official ballots to be used at the General Election to be held on Tuesday, November 4, 2014 the following public question:

MUNICIPAL QUESTION

"Should the Mayor and Council rezone the property known as One Lake Street, Block 601, Lot 1 currently occupied by Pearson Education from the current zone which permits office, research and related uses to a mixed use zone so as to permit 240 rental apartments in three story buildings, 14,000 square feet of retail space, office space of 165,000 square feet, more than 1,500 parking spaces and open space-recreational uses?"

INTERPRETIVE STATEMENT

Mack-Cali, L.P. and Roseland Management services, L.L.P., the owners of One Lake Street, currently occupied by Pearson Education, have requested the rezoning of this property to a mixed use zone. The proposal of the property owners is for a rezoning so as to permit 240 rental apartments in three story buildings above parking, 14,000 square feet of retail space, office space of 165,000 square feet, more than 1,500 parking spaces, and open space-recreational uses. The Mayor and Council seek to ascertain the sentiment of Borough voters as to this proposal.

Mayor Minichetti said Mack-Cali has a proposed plan on the table to develop 240 rental housing units atop parking in 3 story high buildings, in addition to retail, restaurant and offices. She pointed out 10% of the units would be low and moderate income units, according to COAH regulations to be adopted this Fall. Mayor Minichetti said based on data from other multi-family projects, this project will add 100 or more children to the school system and require an increase in police and emergency services. She feels most residents will agree this development will change the character of Upper Saddle River forever and impact the community as a whole for years to come. Mayor Minichetti said she believes the public has the right to speak out and voice their opinion.

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

Mayor Minichetti explained the referendum is non-binding and that the town is being polled for their opinion. She pointed out that no plans or actual application or escrow fees to conduct traffic, environmental and school impact studies, have been submitted and that residents are being asked for their opinion as to whether this matter should be discussed further.

Councilman Durante said it does not seem that Mack-Cali is willing to discuss the project directly with the Planning Board as they have not submitted any plans and have refused to submit the \$27,000 escrow fees to have proper studies done regarding traffic, drainage, etc. He said Mack-Cali may already have this information. He stated it is important the community look at the project which will change the complexion of this community.

RULE 7. Public Comments. None.

RULE 8. Adjournment.

A motion to adjourn by Councilman Durante, seconded by Councilwoman Florio unanimously approved by all Council members present. (Meeting adjourned at 8:20 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk