

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, August 18, 2015 at 8:00 p.m. at the Upper Saddle River Borough Hall.

A Moment of Silence was held for former resident John Hopper. Councilman Durante said John Hopper passed on August 11<sup>th</sup> at the age of 94. He noted that Mr. Hopper was a World War II veteran who came back from the war and started Hopper Brothers Builders and built what is now known as the Goetschius-Hopper Museum. Mr. Hopper served as the Construction and Zoning Official, Fire Subcode Officer, Fire Chief, and DPW Director for the Borough of Upper Saddle River. Mr. Hopper was also an active advisor to the USR Historical Society.

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 by fax, mail on July 23, 2015 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	Absent
Councilman	Jonathan Ditkoff	Absent
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Absent

RULE 2. Minutes of Executive, Closed and Regular Meetings of July 9, 2015 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 July, 2015 and deposited them with the Collector/Treasurer:

Liquor Licenses	\$	474.00
Copies		7.75
Garage Sales		16.00
Peddlers License		10.00
Landscape Permits		5.00
Total	\$	512.75

The Borough Clerk's office issued 5 dog licenses for the month of July. \$6.00 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) Adoption of Ord. #7-15 - Parks & Playgrounds
- 2) Adoption of Ord. #8-15 - Fire Prevention

- 3) Introduction of Ord. #9-15 - 2015 Employee Compensation
- 4) Adoption of Ord. #9-15 - 2015 Employee Compensation
- 5) Introduction of Ord. #10-15 - Soil Removal
- 6) Introduction of Ord. #11-15 - Library Parking
- 7) Introduction of Ord. #12-15 - Land Exchange
- 8) Notice to Bidders - Acquisition of Pumper/Tanker
- 9) Notice to Bidders - Hess Court Bridge Rehabilitation
- 10) Public Notice - Reschedule August 6 meeting

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.

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

Borough Official's Report:

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

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

Notice of Saddle River Special Planning Board meeting on September 8.  
PSE&G public hearing notice re Adjustment Charge Rate Schedules.  
Minutes of NBUA Minutes of June 17, 2015.  
Resolutions from Fort Lee, Paramus, Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$8,609,370.82:

A motion by Councilman DeBerardine, seconded by Councilman Durante to pay bills in the amount of \$8,609,370.82 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, Durante, Florio.  
Nays: None. Motion approved.

RULE 5. Unfinished Business:

Councilman Durante read for the second time: (Ord. #10-15)

"AN ORDINANCE TO AMEND CHAPTER 118 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED SOIL REMOVAL".

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

Resolution by Councilman Durante, seconded by Councilwoman Florio:

"AN ORDINANCE TO AMEND CHAPTER 118 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED SOIL REMOVAL" was introduced at a Regular meeting of the Mayor and Council on July 9, 2015 and passed its first reading. After public hearing held on August 18, 2015 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, Durante, Florio.

Nays: None. Resolution approved.

Councilman DeBerardine read for the second time: (Ord. #11-15)

"AN ORDINANCE TO ESTABLISH REGULATIONS GOVERNING PARKING AT THE UPPER SADDLE RIVER PUBLIC LIBRARY AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF".

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

Resolution by Councilman DeBerardine, seconded by Councilman Durante:

"AN ORDINANCE TO ESTABLISH REGULATIONS GOVERNING PARKING AT THE UPPER SADDLE RIVER PUBLIC LIBRARY AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF" was introduced at a Regular meeting of the Mayor and Council on July 9, 2015 and passed its first reading. After public hearing held on August 18, 2015 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, Durante, Florio.

Nays: None. Resolution approved.

Councilwoman Florio read for the second time: (Ord. #12-15)

"AN ORDINANCE TO AUTHORIZE THE EXCHANGE OF CERTAIN LANDS BY THE BOROUGH OF UPPER SADDLE RIVER AND TO AUTHORIZE THE CONVEYANCE THEREOF IN RETURN FOR OTHER LAND AND TO AUTHORIZE THE EXECUTION OF A CONTRACT AND OTHER DOCUMENTS IN CONNECTION THEREWITH".

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

Resolution by Councilwoman Florio, seconded by Councilman DeBerardine:

"AN ORDINANCE TO AUTHORIZE THE EXCHANGE OF CERTAIN LANDS BY THE BOROUGH OF UPPER SADDLE RIVER AND TO AUTHORIZE THE CONVEYANCE THEREOF IN RETURN FOR OTHER LAND AND TO AUTHORIZE THE EXECUTION OF A CONTRACT AND OTHER DOCUMENTS IN CONNECTION THEREWITH" was introduced at a Regular meeting of the Mayor and Council on July 9, 2015 and passed its first reading. After public hearing held on August 18, 2015 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, 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 DeBerardine, seconded by Councilman Durante was unanimously approved by all Council members present.

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

\*Resolution #65-15

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Ashish and Geeta Malik v. Borough of Upper Saddle River", Docket No. 006028-2014, which matter involves an appeal of the assessment on certain premises known as Block 915, Lot 21 and being more commonly known as 50 Rolling Ridge Road, for the 2014 tax year; and

WHEREAS, the parcel is assessed for the 2014 tax year at \$1,943,900.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2014 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 2014 tax year on said parcel shall be established at \$1,800,000.00.

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 #66-15

WHEREAS, the Mayor and Council has determined that it is necessary to retain New York legal counsel for the purpose of evaluating various environmental and land use issues relating to properties in New York proximate to the Upper Saddle River boundary.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby retain the services of Michael K. Burke, Esq. of the firm of Burke, Miele & Golden, LLP as Special Counsel in connection with this issue; and

BE IT FURTHER RESOLVED that such services constitute professional services which do not require advertising for bids pursuant to *N.J.S.A. 40A:11-5(1)(a)(i)*; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a Contract for such services, which is on file in the Office of the Borough Clerk; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby directed to publish notice of the award of the within Contract in accordance with the aforesaid statutory provision.

\*Resolution #67-15

WHEREAS, an Agreement has been prepared between the Borough of Upper Saddle River and PBA Local 218, which is a Collective Bargaining Agreement between the parties for the period from January 1, 2016 to December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the contract and Collective Bargaining Agreement on behalf of the Borough, subject to review and approval of the Borough Attorney.

\*Resolution #68-15

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on July 29, 2015 for the Hess Court Bridge Rehabilitation project; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by Sparwick Contracting, Inc. 18 Route 94, Lafayette, New Jersey 07848 was the lowest responsible bidder in the amount of \$141,536.00; 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 Sparwick Contracting, Inc. 18 Route 94, Lafayette, New Jersey 07848;

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.

A motion by Councilman Durante, seconded by Councilman DeBerardine to approve Fire Department membership of Gregory Pink.

Roll Call: Ayes: Council members DeBerardine, Durante, Florio.

Nays: None. Resolution approved.

Councilwoman Florio read for the first time: (Ord. #13-15)

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED VEHICLES AND TRAFFIC".

Resolution by Councilwoman Florio, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED VEHICLES AND TRAFFIC" was introduced at a Mayor and Council meeting on August 18, 2015 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 September 3, 2015 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, Durante, Florio.

Nays: None. Resolution approved.

RULE 7. Public Comments:

Ms. Elizabeth Pittman, 21 Old Stone Church Road, inquired about the status of closing Hillside Avenue. She asked if it is still being considered and expressed concern that it would increase traffic on Old Stone Church Road. Mayor Minichetti said some residents have indicated they will file a petition asking the Mayor and Council to open a discussion on the possibility of closing the road; however at the present time, no petition has been submitted. Mayor Minichetti said many factors would have to be considered including number of accidents, school busing, access for emergency vehicles and safety issues.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilwoman Florio was unanimously approved by all Council members present. (Meeting adjourned at 8:18 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk