

Minutes of the Regular Meeting of the Mayor and Council held on Monday, December 5, 2013 at 8:00 p.m. at the Upper Saddle River Borough Hall.

A 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 December 20, 2012 by fax and mail in which the time, place and purpose of the meeting was set forth.

Amanda and Breanna Doane were declared "Mayors For A Day" and read a Proclamation supporting the "Drive Sober Or Get Pulled Over" Holiday Campaign.

Mayor Minichetti acknowledged Police Officer Kenneth Osborne and the Upper Saddle River Police Department for being awarded the 2013 Outstanding Achievement Award for traffic safety.

RULE 1. Roll Call:

Mayor	Joanne L. Minichetti	Present
Council President	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 November 7, 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 November and deposited them with the Collector/Treasurer:

Copies	\$ 8.37
Garage Sales	8.00
Total	\$ 16.37

Proofs of publication were received for the following:

- 1) Introduction of Ord. #8-13 - Police Salaries
- 2) Introduction of Ord. #9-13 - Parks & Playgrounds

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

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

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

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

Historic Preservation Commission: Minutes of November 11, 2013 were received and filed.

Youth Guidance Council: Minutes of November 1, 2013 were received and filed.

Borough Official's Report:

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

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

RULE 4. Communications, Petitions & Bills:

NWBCUA Minutes of October 1, October 16, and November 12, 2013.

Resolution from Borough of Maywood.

Councilman DeBerardine presented bills in the amount of \$3,584,898.04:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$3,584,898.04 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. Motion approved.

RULE 5. Unfinished Business: 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 Councilman Ditkoff was unanimously approved by all Council members present.

*Resolution #116-13

BE IT RESOLVED that the Borough of Upper Saddle River hereby adopts and approves the Shared Services Agreement by and between the Borough and the Upper Saddle River Board of Education for an Emergency Medical Technician to serve as a part-time campus aide, which is incorporated herein by reference, and agrees to be bound thereby.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute the attached Agreement and any other documents necessary to effectuate said Agreement.

*Resolution #118-13

WHEREAS, the Governor's Council on alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey' and

WHEREAS, the Borough Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, Borough Council was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal rather than calendar year cycle; and

WHEREAS, FUNDING HAS BEEN MADE AVAILABLE TO UPPER Saddle River Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2-14 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind grant requirement for the extension funding.

NOW, THEREFORE, BE IT RRESOLVED that the Borough Council does hereby authorize the submission of the grant extension for the Upper Saddle River Municipal Alliance grant in the amount of:

DEDR	\$14,814.00
Cash Match	\$ 3,703.00
In Kind	\$11,110.00

The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance audit requirements.

*Resolution #119-13

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on November 27, 2013 for the purchase of a 2014 International Terrastar with Dump Body, Spreader and Snowplow; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by Deluxe International Trucks, Inc., 600 South River Street, Hackensack, NJ 07601 was the lowest responsible bidder in an amount of \$100,311.00; 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 Deluxe International Trucks, Inc., 600 South River Street, Hackensack, NJ 07601, to provide a 2015 International Terrastar with Dump Body, Spreader and Snowplow; in the amount of \$100,311.00

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 #120-13

WHEREAS, N.J.S.A. 49:4-58 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budget appropriations;

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 Treasurer is hereby authorized to effect the following transfers:

FROM		TO	
Building Dept, S&W	\$14,000	Recycling, OE	\$14,000
Building Dept, S&W	30,000	Group Insurance	37,000
Police, S&W	7,000		
Police, S&W	239,393.90	Ambulance, S&W	5,000
		Fire Prevention, S&W	9,000
		Gasoline	5,000
		Note Interest	210,393.90
		Legal, OE	10,000
A&E, S&W	22,000	Fire Dept., OE	6,000
DPW, OE	15,000		
		Bd. Of Health, OE	1,000
Dumping Fees	50,000	DPW, OE	50,000

*Resolution #121-13

WHEREAS, N.J.S.A.40a:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Upper Saddle River hereby requests the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$5,621.96 which is now available from the Department of Environmental Protection;

BE IT RESOLVED, that the like sum of \$5,621.96 is hereby appropriated under the caption "Recycling Tonnage Grant";

BE IT RESOLVED that the above is the result of funds from the Department of Environmental Protection in the amount of \$5,621.96.

*Resolution #122-3

WHEREAS, a need exists to contract for the below noted services for the Borough of Upper Saddle River, County of Bergen, New Jersey as a non-fair contract pursuant to the provisions of N.J.S.A.19:AA-4-20.5; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available upon adoption of the CY2014 Municipal Budget; and

WHEREAS, that continuation of the terms of this contract beyond December 31, 2013 is contingent upon availability of funds in the 2014 CY Budget of the Borough of Upper Saddle River; and

WHEREAS, the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

WHEREAS, Garbarini & Co. PC CPAs/RMAs has submitted a proposal to the Borough of Upper Saddle River indicating they will provide Auditing Services and agreed-upon procedure engagements as outlined in our engagement letter in an amount not to exceed \$44,000; and

WHEREAS, Garbarini & Co. PC CPAs/RMAs has completed and submitted a Business Entity Disclosure Certification which certified Garbarini & Co. PC CPAs/RMAs has not made any reportable contributions to a political or candidate committee in the Borough of Upper Saddle River, County of Bergen in the previous one year, and that the contract will prohibit Garbarini & Co. PC CPAs/RMAs from making any reportable contributions through the term of the contract;

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

- (1) The Mayor, Administrator and Borough Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Borough Clerk and available for public inspection.
- (2) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (3) A notice of this action shall be printed in the Legal Newspaper of the Borough of Upper Saddle River as required by law within ten (10) days of its passage.

- (4) The vendor shall supply the Borough of Upper Saddle River with a Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report with the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Services Contracts required by NJAD 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Borough from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

*Resolution #123-13

RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION
NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget year 2013 in the sum of \$51,160.00 which is now available as a grant from the United States Department of Agriculture in the amount of \$51,160.00;

BE IT FURTHER RESOLVED, that the like sum of \$51,160.00 is hereby appropriated under the caption "United States Department of Agriculture Grant".

BE IT FURTHER RESOLVED that the above is the result of a grant from the Department of Agriculture in the amount of \$51,160.00.

*Motion to approve Raffle License #342 to Diabetes Foundation for a raffle on June 14, 2014.

Mr. Regan read Resolution #117-13:

WHEREAS, the Borough of Upper Saddle River and the Upper Saddle River Housing Authority (hereinafter collectively "the Borough") were the developers of Crescent Village, a condominium consisting of twenty-four

(24) units, all of which are Deed restricted and available to persons of low and moderate income; and

WHEREAS, Crescent Village comprises twenty-four (24) units in Block 1016, with lot designations being Lots 1.01 to 1.24, inclusive; and

WHEREAS, the Upper Saddle River Housing Board was created pursuant to Ordinance No. 9-92 and is codified in §3-96.3 of the Borough Code and which is empowered to insure that housing units built for affordable housing will remain available to low and moderate income households; and

WHEREAS, each unit of the twenty-four (24) units in Crescent Village is governed by a document entitled, "Affordable Housing Agreement, Contains Deed Restrictions" (hereinafter "the Agreement") duly executed by each purchaser of a unit in Crescent Village; and

WHEREAS, Article III, paragraph C of the Agreement provides as follows:

"The terms, restrictions and covenants of this Affordable Housing Agreement may be extended by municipal resolution as provided for in *N.J.A.C. 5:93-1 etseq.* as may be amended and the Uniform Housing Affordability Controls set forth in *N.J.A.C. 5:80-26*. Such municipal resolution shall provide for a period of extended restrictions and shall be effective upon filing with the Council and the Authority. The municipal resolution shall specify the extended time period by providing for a revised ending date. An amendment to the Affordable Housing Agreement shall be filed with the recording office of Bergen County."

WHEREAS, the initial term of restriction was twenty (20) years from the initial sale date of each unit, with the original sale date on the respective units occurring in 1996 and 1997; and

WHEREAS, the Governing Body finds that it is critical that the units in Crescent Village continue to be made available to persons of low and moderate income after the expiration of the initial twenty (20) year period; and

WHEREAS, the Agreement signed by each unit owner in Crescent Village acknowledges that the terms, restrictions, and covenants detailed in the Agreement may be extended by municipal resolution, consistent with applicable regulations; and

WHEREAS, the Governing Body has determined that the restrictions should be extended for an additional thirty (30) years from the expiration of the initial restriction term.

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

1. The terms, restrictions, and covenants as set forth in the Agreement between each unit owner and the Upper Saddle River Housing Board shall be extended for an additional thirty (30) year period from the

expiration of the initial restriction term as same pertains to each of the twenty-four (24) units in Crescent Village.

2. A copy of this resolution shall be filed with the Upper Saddle River Housing Board and the Council On Affordable Housing.

3. An Amendment to the Agreement shall be executed by the appropriate officials of the Borough and the Upper Saddle River Housing Board, and the aforesaid officials be and are hereby authorized to execute any and all documents necessary to effectuate the extension of the affordable controls on the units in Crescent Village.

Mayor Minichetti opened the meeting for public comments on this Resolution:

Ms. Deana Miceli, 7 Chapel Lane, said she had hoped to sell her unit at market value after the expiration of the 20 year restriction. She asked if the original owners could be exempt as being "grandfathered" in to the additional restriction term.

Mayor Minichetti explained our Affordable Housing obligation as determined by COAH and that by extending the restriction period, it allows us to extend the opportunity to provide affordable housing to other families.

Ms. Ariela Shapiro, 2 Chapel Lane, said as a homeowner she is reluctant to make capital improvements to her unit since there is no increase in the value of the unit.

Ms. Elizabeth Odo, 23 Chapel Lane, said she is grateful she was able to purchase an affordable housing unit in town as it gave her an opportunity to own her own home and to live near her parents.

Resolution by Councilman DeBerardine, seconded by Councilman Durante:

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

RULE 7. Public Comments: None.

RULE 8. Adjournment:

A motion to adjourn by Councilman DeBerardine, seconded by Councilwoman Florio was unanimously approved by all Council members present. (Meeting adjourned at 8:32 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk