

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, February 6, 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.

Mayor Minichetti administered the Oath of Office to re-elected Council members Jonathan Ditkoff and Thomas Hafner.

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

Mayor Minichetti read Proclamation supporting "Read Across America" and "Read Across America-NJ".

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 December 5, 2013, End of Year Meeting of December 27, 2013 and Reorganization Meeting of January 7, 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 months of December, 2013 and January, 2014 and deposited them with the Collector/Treasurer:

Copies	\$46.00
Garage Sales	<u>2.00</u>
Total	\$48.00

The Borough Clerk's office issued 183 dog licenses for the month of January. \$258.60 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) 2014 Mayor & Council Meeting Schedule
- 2) Resolution #12-13-Professional Services, Garbarini & Co.

Police: Report for the months of December, 2013 and January, 2014 were received and filed.

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

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

Library: Report for the months of December, 2013 and January, 2014 were received and filed.

Historic Preservation Commission: Minutes of December 12, 2013 were received and filed.

Youth Guidance Council: Minutes of December 6, 2013 and January 10, 2014 were received and filed.

Borough Official's Report:

Borough Engineer: Report for the months of December, 2013 and January, 2014 were received and filed.

Construction Code Official: Report for the months of December, 2013 and January, 2014 were received and filed.

Other Boards & Commissions:

Municipal Court: Report for the months of November, December, 2013 and January, 2014 were received and filed.

RULE 4. Communications, Petitions & Bills:

BCUA Minutes of December 3, 2013 was received and filed.

BCUA notice of January 7, 2014 meeting.

NJ Transit notice of Section 5310 Grant Program.

Resolutions from Franklin Lakes, Alpine, New Milford, Park Ridge, Westwood, River Edge, Bogota, Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$8,805,645.49:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$8,805,645.49 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 #18-14

WHEREAS, the Borough of Upper Saddle River is a member of the Municipal Joint Insurance Fund; and

WHEREAS, the Borough is required to appoint a Fund Commissioner as its representative to the Municipal Joint Insurance Fund;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that Theodore F. Preusch be and is hereby appointed as the Borough's Fund Commissioner for the Municipal Joint Insurance Fund for the year 2014.

*Resolution #19-14

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Dept. of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the year 2013 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution designates Helena Loveless as the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that said Borough hereby endorses the submission of a recycling tonnage grant application to the New Jersey Dept. of Environmental Protection and designates the Bergen County Utilities Authority to serve as Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

*Resolution #20-14

WHEREAS, the New Jersey State Division of Contract Compliance and Equal Employment Opportunity, enforces N.J.S.A. 10:5-31 et seq., providing that no public contract be awarded until the contractor complies with the approve Affirmative Action Plan; and

WHEREAS, N.J.A.C. 17-27-3.5 requires each public agency to designate a Public Agency Compliance Officer (PACO);

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Upper Saddle River hereby appoints Borough Attorney Robert T. Regan, Esq. as its' Public Agency Compliance Officer for the year 2014.

*Resolution #21-14

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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

- 1) The Mayor and Council do hereby engage the services of:
Izenberg Appraisal Associates
400 Lanidex Plaza
Parsippany, New Jersey 07054

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

- 2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services.

*Resolution #22-14

WHEREAS, the Borough of Upper Saddle River requires services of a professional Risk Management Consultant for the year 2014; and

WHEREAS, it is contemplated that the 2014 budget will contain the necessary appropriations estimated to be reasonable required for such services; and

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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

- 1) The Mayor and Council do hereby engage the services of:
Nelson-Patterson Agency
746 River Road
New Milford, New Jersey 07646

All to serve at the pleasure of the Council at a fee paid by the Fund on behalf of the Municipality;

- 2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A.40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services.

*Resolution #23-14

WHEREAS, the Borough of Upper Saddle River requires professional legal services for the year 2014; and

WHEREAS, it is contemplated that the 2014 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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

- 1) The Mayor and Council do hereby engage the services of:
Robert T. Regan, Esq.
P O Box 214
Westwood, New Jersey 07675

All to serve at the pleasure of the Council at an annual salary and an hourly rate as set forth in the Agreement for additional services.

- 2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services.

*Resolution #24-14

WHEREAS, the Borough of Upper Saddle River requires services of a professional Bond Counsel for the year 2013; and

WHEREAS, it is contemplated that the 2013 budget will contain the necessary appropriations estimated to be reasonable required for such services; and

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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

- 1) The Mayor and Council do hereby engage the services of:
Rogut McCarthy LLC
37 Alden Street
Cranford, New Jersey 07016

All to serve at the pleasure of the Council per the Fee Schedule attached to the Contract;

- 2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A.40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services.

*Resolution #25-14

Authorizing the Establishment of a Petty Cash Fund for Confidential and Investigative Purposes

WHEREAS, N.J.S.A. 40A:5-21 authorizes establishment of a petty cash fund for the Police Department of the Borough of Upper Saddle River, County of Bergen, New Jersey; and

WHEREAS, said petty cash fund would be utilized for confidential police narcotics investigation; and

WHEREAS, it is the desire of the Governing Body that said fund be maintained under the direction of the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River does hereby approve the establishment of a petty cash fund as follows:

1. That the Upper Saddle River Police Department be and is hereby authorized to establish a petty cash fund in the amount of \$500.00, pursuant to the provision of N.J.S.A. 40:A:5-21.

2. That Chief of Police Patrick A. Rotella be and is hereby authorized to maintain said petty cash fund to be used by the Police Department for confidential investigative purposes in the amount of \$250.00.

*Resolution #26-14

WHEREAS, the Borough of Upper Saddle River requires professional planning services for the year 2014 and

WHEREAS, it is contemplated that the 2014 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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

- 1) The Mayor and Council do hereby engage the services of:
Burgis Associates, Inc.
25 Westwood Avenue
Westwood, New Jersey 07675

All to serve at the pleasure of the Council at a cost and an hourly rate as set forth in the Agreement for additional services.

- 2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

*Resolution #27-14

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Interlocal Services Agreement with the Borough of Waldwick for the year 2014; and

WHEREAS, it is contemplated that the 2014 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Borough of Waldwick has agreed to provide certain services to infants and pre-school children as mandated by the Public Health Council of the State of New Jersey; and

WHEREAS, the Governing Body of the Borough of Upper Saddle River has agreed to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River hereby approves and authorizes the execution of an Interlocal Services Agreement with the Borough of Waldwick at a cost as set forth in the Agreement for the period January 1, 2014 to December 31, 2014.

*Resolution #28-14

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	\$ 2,000	Assessor, S&W	4,000
DPW,OE	60,000	Ambulance, S&W	3,000
Finance, OE	10,000	Fire Prevention, S&W	1,000
Animal Control, OE	1,500	DPW, S&W	20,000
Municipal Alliance	1,000		
Bond Principal	400,000		
Bond Interest	36,000		
Legal, OE	10,000		
Buildings & Grounds	7,000		
Bd. Of Health	10,000		

*Resolution #29-14

WHEREAS, N.J.S.A. 40A:5-29 permits a local unit to accept bequests and gifts made to it; and

WHEREAS, Mr. Stuart Hayim, owner of Maserati of Bergen County, has offered to make a donation for the purchase of a "plate reader"; and

WHEREAS, this item will be utilized by the Upper Saddle River Police Department;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Upper Saddle River hereby gratefully accepts this generous donation; and

BE IT FURTHER RESOLVED, that a letter expressing our gratitude be sent to Mr. Stuart Hayim, c/o Maserati of Bergen County, Route 17 South, Upper Saddle River, New Jersey.

*Resolution #30-14

WHEREAS, the Borough of Upper Saddle River is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Mayor and Council are desirous of selling said surplus property in an "as is" condition without express or implied warranties;

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

- 1) 2000 Ford Explorer Vin. #1FMZU72E9YZC41443
- 2) 1997 Ford F250 Pick-up Vin. #1FTHF26H3VEA95402
- 3) 1997 International 3600 Bus Vin. #1HVBDABL5VH464673
- 4) 1999 (Approx.) Generator Trailer (home-made)
- 5) 2010 Stahl Utility Body (From Fire Dept.)

*Resolution #31-14

Service Agreement For A Certified Recycling Professional to Prepare the Annual Recycling Tonnage Report.

*Resolution #32-14

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on January 28, 2014 for the repair and installation of a gabion wall at 31 Possum Trail, Upper Saddle River, NJ; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by Ascape Landscape & Construction Co., 634 Route 303, Blauvelt, New York in the amount of \$57,600 was the lowest bid; 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 Ascape Landscape & Construction Co., 634 Route 303, Blauvelt, New York for the repair and installation of a gabion wall at 31 Possum Trail, Upper Saddle River, NJ in the amount of \$57,600;

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 #33-14

WHEREAS, a Resolution adopting the Updated Rules and Regulations Governing the Administration of the Upper Saddle River Police Department was approved by the Borough Council at a meeting held on September 1, 2011; and

WHEREAS, changes to the Rules and Regulations associated with the New Jersey Association of Chiefs of Police Accreditation Standards have been proposed; and

WHEREAS, Mayor Joanne L. Minichetti as the "Appropriate Authority" has reviewed and signed-off on the changes to the Rules and Regulations;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Upper Saddle River as follows:

1. The Amended Rules and Regulations of the Upper Saddle River Police Department be and are hereby adopted in accordance with Chapter 3, Section 49 of the Revised General Ordinances of the Borough of Upper Saddle River;
2. The Borough Clerk shall forward a certified copy of the of this Resolution to the Chief of Police of the Upper Saddle River Police Department;
3. The Chief of the Upper Saddle River Police Department shall serve a copy of the Amended Rules and Regulations of the Upper Saddle River Police Department heretofore adopted by this Resolution upon members of the Upper Saddle River Police Department and any other entity that may require a copy of same for purposes of accreditation.

*Resolution #34-14

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, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, Borough Council was applied for funding to the Governor's Council on alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Upper Saddle River, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Upper saddle River Municipal Alliance grant for fiscal year 2014 in the amount of:

DEDF	\$9,876
Cash Match	2,469
In-Kind	7,407

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

*Approve list of towing operators for the year 2014, as per Police Chief recommendation.

*Approve road closures in 2014 for May 17 Run For Education; June 7 Youth Triathlon; October 26 Pink Passion Run; November 27 Dick Meighan Run.

*Approve licenses to Saddle River Valley Lions Club to conduct a car raffle, 50/50 raffle and Games of Chance on May 26, 2014.

A motion by Councilman DiMartino, seconded by Councilman Durante to appoint Robin Friedman to serve on the Library Board of Trustees for a term to expire 12/31/2018.

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

A motion by Councilwoman Florio, seconded by Councilman DiMartino to appoint Jay Perez to serve on the Environmental Committee for a term to expire on 12/31/2014.

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

A motion by Councilman Durante, seconded by Councilman Ditkoff to appoint members to serve on the Green Team for a term to expire 12/31/2014.

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

A motion by Councilman DeBerardine, seconded by Councilman Durante to waive the time period for a road opening permit and to approve the Indemnification Agreement between the Borough of Upper Saddle River and Triangle Manufacturing.

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

RULE 7. Public Comments.

Mr. Dan Callahan, 27 Lilline Lane asked that the Council consider amending the ordinance regarding parking of recreational vehicles. He detailed the number of violations he received and submitted photos of other violations near his property. Mayor Minichetti said the Council will look at the current ordinance and if necessary, make recommendations and/or changes.

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 8:30 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk