

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, May 2, 2013 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 December 20, 2012 by fax and mail in which the time, place and purpose of the meeting was set forth.

Chief Raymond J. Hayduca, New Jersey Chiefs Association President congratulated the Upper Saddle River Police Department on achieving accreditation status and noted that the USRPD received the highest marks in the County. Chief Hayduca presented Chief Rotella with a plaque acknowledging the Police Department's achievements.

Mr. Harry Delgado, Accreditation Manager stated the Upper Saddle River Police Department was the best in New Jersey and noted the rigorous process to attain accreditation and the voluntary commitment made by the Police Officers of Upper Saddle River. Mr. Delgado congratulated the Department on their professionalism.

Chief Rotella accepted the plaque on behalf of the Police Department and acknowledged the efforts of all those involved from the beginning of the process to its conclusion.

Mayor Minichetti described an automobile accident in which several police officers were instrumental in saving the life of the driver. She acknowledged the efforts of the police officers, Upper Saddle River Fire Department and Upper Saddle River Volunteer Ambulance Corps.

Mayor Minichetti presented the Life Saving Medal to Det. Lt. Edward Kane, Sgt. Emmett McDowell, Officer Craig Parella and Det. Tara Kilduff for going above and beyond the call of duty to save a life. The driver of the vehicle praised and thanked the Officers for their heroic efforts.

Mayor Minichetti presented the Honorable Service Medal to Dispatcher Robert Hyman for his prompt and efficient dispatching of all the emergency services.

RULE 1. Roll Call:

Mayor	Joanne L. Minichetti	Present
Councilman	Roger DeBerardine	Present
Councilman	Steven DiMartino	Present
Councilman	Jonathan Ditkoff	Absent
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Absent
Councilman	Thomas Hafner	Present

RULE 2. Minutes of Executive, Closed and Regular Meetings of April 4, 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 DiMartino.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of April, 2013 and deposited them with the Collector/Treasurer:

Copies	\$ 9.71
Landscaping Permits	130.00
Liquor License	504.00
Garage Sales	22.00
Total	<u>\$665.71</u>

The Borough Clerk's office issued 18 dog licenses for the month of April. \$39.60 was forwarded to the Department of Health for the pilot clinic and Animal Control Fund.

Proofs of Publication were received for:

- 1) Notice to Bidders-Apparatus for Fire Support Vehicle
- 2) Introduction of #3-13 - Parks & Playgrounds

On April 23, 2013 the Borough received the following bids for Lions Park Lighting from:

1. Trico Electric	\$ 90,555.00
2. Haitz Electric	110,000.00
3. HBC, Inc.	114,100.00
4. I&T Electrical	119,750.00
5. ACI Electric	119,810.00
6. Power W/ Prestige	123,777.00
7. Vanore Electric	130,345.00
8. Tiffany Electric	200,000.00

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

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

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

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

Historic Preservation Commission: Minutes of April 8, 2013 were received and filed.

Youth Guidance Council: Minutes of April 5, 2013 were received and filed.

Borough Official's Report:

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

Construction Code Official: Report for the months of March and April were received and filed.

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

Cablevision notice of rate change.

NWBCUA Minutes of March 5, 2013.

Resolutions from Carlstadt, Montvale, Bd. Of Chosen Freeholders.

A motion by Councilman DeBerardine, seconded by Councilman Durante to pay bills in the amount of \$5,610,144.13 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, Durante, Hafner.  
Nays: None. Motion approved.

RULE 5. Unfinished Business:

Councilman DiMartino read for the second time: (Ord. #4-13)

"CALENDAR YEAR 2013 - ORDINANCE #4-13 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)".

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

Resolution by Councilman DiMartino, seconded by Councilman DiBerardine:

"CALENDAR YEAR 2013 - ORDINANCE #4-13 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)" was introduced at a Regular meeting of the Mayor and Council on April 4, 2013 and passed its first reading. After public hearing held on May 2, 2013, 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, Durante, Hafner.  
Nays: None. Motion approved.

Councilman DiMartino read for the second time: (Res. #57-13)

"MUNICIPAL BUDGET OF THE BOROUGH OF UPPER SADDLE RIVER COUNTY OF BERGEN, NEW JERSEY FOR THE FISCAL YEAR 2013"

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

Resolution by Councilman DiMartino, seconded by Councilman Durante:

"MUNICIPAL BUDGET OF THE BOROUGH OF UPPER SADDLE RIVER COUNTY OF BERGEN, NEW JERSEY FOR THE FISCAL YEAR 2013" was introduced at a Regular meeting of the Mayor and Council on April 4, 2013 and passed its first reading. After public hearing held on May 2, 2013, 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, Durante, 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 Councilman DiMartino, was unanimously approved by all Council members present.

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

\*Resolution #58-13

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on April 23, 2013 for the Lions Park Lighting Project; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by Trico Electric, LLC, 375 North Street, Teterboro, N.J. 07608, was the lowest responsible bidder in the amount of \$90,555.00; 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 Trico Electric, LLC, 375 North Street, Teterboro, N.J. 07608 for the Lions Park Lighting Project in the amount of \$90,555.00;

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 #59-13

WHEREAS, the Borough of Upper Saddle River Police Department requires certain equipment, materials and labor for a program known as Info-Cop E-Ticketing hardware in certain police vehicles; and

WHEREAS, an Agreement has been prepared between the Borough and Gold Type Business Machine, Inc. ("GTBM") for the providing of such equipment, materials and labor, as well as services in connection therewith; and

WHEREAS, the Chief of Police has recommended that a Contract be entered into with GTBM for the aforesaid purposes; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(dd) exempts from the public bidding process the provision for performance or goods or services for the support

or maintenance of proprietary computer hardware and software and accordingly the proposed Contract is exempt from the public bidding process; and

WHEREAS, the Borough of Upper Saddle River has appointed a Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-3a which permits an increase in the bid threshold to \$36,000.00, which constitutes an additional basis whereby the Borough is permitted to award such Contract; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available for entering into this Contract.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the Borough does hereby award a Contract to GTBM for a five (5) year period for the sum of \$18,200.00, plus per ticket fees as set forth on Exhibit A attached to a document entitled, "End User Hardware, Setup and Support Agreement"; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforesaid Contract on behalf of the Borough.

\*Resolution #60-13

WHEREAS, on May 14, 2009, the Upper Saddle River Planning Board granted preliminary and final site plan approval to 20 Industrial Avenue, LLC, for 20 Industrial Avenue, Block 1015, Lot 18; and

WHEREAS, a two-year maintenance guarantee in the amount of \$7,530.00 was deposited with the Borough on March 4, 2011; and

WHEREAS, Borough Engineer has made a final site inspection and determined all work properly maintained and therefore approves the release of the maintenance bond;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River hereby authorizes the release of the above-mentioned Maintenance Guarantee in the amount of \$7,530.00.

\*Resolution #61-13

WHEREAS, the Borough of Upper Saddle River has previously entered into a contract with John Garcia Construction, 183 Friar Lane, Clifton, NJ 07013, in connection with the installation of gabion baskets at Hess Court Park; and

WHEREAS, Change Order #1 has been submitted which indicated a decrease in the As-Built quantities; and

WHEREAS, Change Order #1 has been filed with the Governing Body detailing the aforementioned facts and indicating that the proposed Change Order may be permitted pursuant to applicable rules.

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

1. The Governing Body does hereby determine that this Change Order is necessary and that it is in compliance with the provisions set forth in N.J.A.C. 5:34-4.4.
2. The foregoing Change Order constitutes a modification to effect economics and will decrease the contract by \$4,451.00 and is in accordance with the provisions of N.J.A.C. 5:34-4.7.

BE IT FURTHER RESOLVED that the aforementioned Change Order #1 be and is hereby approved for the work described in the Change Order, decreasing the contract price with John Garcia Construction by \$4,351.00.

\*Resolution #62-13

WHEREAS, the Borough of Upper Saddle River desires to establish the 2013 Temporary Capital Budget of said municipality by inserting therein the following project:

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

Section 1. The 2013 Temporary Capital Budget of the Borough of Upper Saddle River is hereby established by the adoption of the schedule to read as follows:

Temporary Capital Budget of the  
Borough of Upper Saddle River  
County of Bergen, New Jersey  
Projects Scheduled for 2013|  
Method of Financing

<u>Project</u>	<u>Est. Cost</u>	<u>Cap. Imp. Fund</u>	<u>Bonds</u>
Various Improvements	875,000	41,700	833,000

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2013 Temporary Capital Budget, to be included in the 2013 Permanent Capital Budget as adopted.

\*Resolution #63-13

WHEREAS, the local municipal budget for the year 2013 was approved on April 4, 2013; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Upper Saddle River, Bergen County that the following amendments to the approved budget of 2013 be made:

CURRENT FUND BUDGET

APPROPRIATIONS	FROM	TO
8. Capital Improvement-Excluded from CAPS Capital Improvement Fund	0.00	41,700
TOTAL CAPITAL IMPROVEMENTS EXCLUDED FROM CAPS	0.00	41,700
(H-2)TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES EXVCLUDED FROM CAPS	2,519,641.13	2,561,341.13
(O)TOTAL GENERAL APPROPRIATIONS EXCLUDED FROM CAPS	2,519,641.13	2,561,341.13
(1)SUBTOTAL GENERAL APPROPRIATIONS (Items H-1 and O	10,967,981.10	11,009,681.10
(M) Reserve for Uncollected Taxes	1,000,000.00	958,300.00

\*Motion to approve Block Party permit for Oak/Fern Dell, subject to police approval.

A motion by Councilman Durante, seconded by Councilman Hafner to approve Fire Department membership of Derek Weinberg and Keith Janosky.

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

Councilman DeBerardine read for the first time: (Ord. #5-14)

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW ADDITIONAL FURNISHINGS, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$875,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION, TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS AND TO AMEND BOND ORDINANCE NO. 3-12 ADOPTED ON JUNE 7, 2012".

Resolution by Councilman DeBerardine, seconded by Councilman Durante:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW ADDITIONAL FURNISHINGS, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$875,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION, TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS AND TO AMEND BOND ORDINANCE NO. 3-12 ADOPTED ON JUNE 7, 2012" was introduced at a Mayor and Council

meeting on May 2, 2013 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 June 6, 2013, 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, Durante, Hafner.  
Nays: None. Motion approved.

RULE 7. Public Comments:

CFO Gene Leporiere answered questions posed by Ms. Michelle Dugan, 15 Ridge Road, regarding the 2013 Municipal Budget.

Mr. John Giudice, 22 Ripplewood Drive, asked if there were any long term plans for the tree farm, traffic, storm water management, as referred to in the 20/20 Vision report. Mayor Minichetti said she worked on the 20/20 Vision from its inception and noted a number of projects that had been accomplished. She pointed out that a sewer survey indicated residents were not interested in pursuing sewers and that an open space referendum had been defeated twice and therefore no future funds would be available.

Mr. Darius Michalski, 71 Pleasant Avenue, questioned the number of violations imposed on his property. Mr. Preusch advised the Council that Mr. Michalski instituted an appeal and that the violations were upheld by the County Board of Appeals.

Councilman DeBerardine read his letter to the local newspapers outlining the summary of event regarding the Pearson Education property. He stated the Council is not interested in developing residential units and feels the best use of the property is for corporate and/or commercial use. He pointed out that Mayor Minichetti will recuse herself from any involvement since she is a property owner within 200 ft. of the site.

Mr. Marshall Grupp, 27 Hidden Glen Road, said the Council should not have indicated the Pierson property could contain 500-700 units until a site plan was presented.

Mr. Bud Cheney, 14 Sherwood Road, asked that the river channel be cleaned and maintained as water backs up and causes flooding. Mayor Minichetti said that due to the number of severe storms experienced this year, deeper clean-up is needed. She said stream cleaning is part of the DEP Flood Hazard Area permit application.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman DeBerardine was unanimously approved by all Council members present. (Meeting adjourned at 9:10 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk