

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, May 4, 2017 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Moment of Silence and Pledge of Allegiance was led by Council President DeBerardine.

Pursuant to the Open Sunshine Act P.L. 1975, c. 231, proper notice of this meeting has been provided by submitting appropriate notice to The Ridgewood News and The Record on December 15, 2016 by Fax and mail in which the time, place and purpose of the meeting was set forth.

RULE 1. Roll Call:

Mayor	Joanne L. Minichetti	Absent
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 April 6, 2017 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 Ditkoff.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of April, 2017 and deposited them with the Collector/ Treasurer:

Landscape Permits	\$ 733.00
Garage Sales	8.00
Copies	1.30
Peddlers License	<u>10.00</u>
Total	\$ 752.30

The Borough Clerk's office issued 9 licenses for the month of April. \$10.80 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of Publications were received from The Bergen Record for:

- 1) Adoption of Ord. #5-17 - Zoning
- 2) Introduction of Ord. #6-17 - CAP
- 3) Introduction of Ord. #7-17 - Temporary garages
- 4) Introduction of Ord. #8-17 - Acquisition of property
- 5) Resolution #59-17 - Introduction of 2017 Municipal Budget
- 6) Publication of 2017 Municipal Budget
- 7) Synopsis of 2016 Audit Report

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

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

Fire Dept: Report for the months of March & April were received and filed.

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

Youth Guidance Council: Minutes of April 7, 2017 were received and filed.

Borough Official's Report:

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

RULE 4. Communications, Petitions & Bills:

Montvale public hearing notice re Re-examination of Master Plan.

Montvale public hearing notice re St. Joseph Regional High School.

Mahwah public hearing notice re Re-examination of Master Plan.

NWBCUA public hearing notice re Connection Fees & 3/21/17 Minutes.

Resolutions from Allendale, Ramsey, Westwood, Saddle River.

Councilman Durante presented bills in the amount of \$5,915,648.80:

A motion by Councilman Durante, seconded by Councilwoman Florio to pay bills in the amount of \$5,915,648.80 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.

RULE 5. Unfinished Business:

Councilman Hafner read for the second time: (Ord. #6-17)

"AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14) FOR THE CALENDAR YEAR 2017".

Council President DeBerardine opened the public hearing.

In response to Mr. Marshall Grupp, 27 Hidden Glen Road, who asked for an explanation of the CAP Ordinance, Borough Auditor Dieter Lerch said the 1977 law controls gross spending of town and that it is tied to inflation. He says the law allows for a reserve of ½% and 3 ½%; however, this amount is not spent but banked as a reserve in the budget. Mr. Lerch pointed to a document circulating in town and said the document has some incorrect information and that the actual 2017 tax levy is 1.97% over the 2016 budget. He explained that for the past three years, the municipal tax portion of the budget has shown an increase of \$75.00 from 2014 to 2017; amounting to an increase of \$25.00 each year for the past three years. Councilman Ditkoff pointed out 15% of taxes are for the municipal share and the rest is for local, regional and County taxes.

Resolution by Councilman Hafner, seconded by Councilwoman Florio.

"AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14) FOR THE CALENDAR YEAR 2017" was introduced at a Regular meeting of the Mayor and Council on April 6, 2017 and passed its first reading. After public hearing held on May 4, 2017 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.

Councilman Durante read for the second time: (Ord. #7-17)

"AN ORDINANCE TO AMEND ORDINANCE #3-17 ENTITLED "AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING TEMPORARY STORAGE FACILITIES AND REQUIRING THE ISSUANCE OF A PERMIT FOR THEIR PLACEMENT ON PROPERTY".

Council President DeBerardine opened the public hearing; there being no comments, hearing was closed.

Resolution by Councilman Durante, seconded by Councilman Ditkoff:

"AN ORDINANCE TO AMEND ORDINANCE #3-17 ENTITLED "AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING TEMPORARY STORAGE FACILITIES AND REQUIRING THE ISSUANCE OF A PERMIT FOR THEIR PLACEMENT ON PROPERTY" was introduced at a Regular meeting of the Mayor and Council on April 6, 2017 and passed its first reading. After public hearing held on May 4, 2017 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.

Councilman Durante read for the second time: (Ord. #8-17)

"AN ORDINANCE TO AUTHORIZE THE PURCHASE OF CERTAIN REAL PROPERTY BEING A PORTION OF BLOCK 601 AS DEPICTED ON THE TAX ASSESSMENT MAP".

Council President DeBerardine open the public hearing; there being no comments, hearing was closed.

Resolution by Councilman Durante, seconded by Councilwoman Florio:

"AN ORDINANCE TO AUTHORIZE THE PURCHASE OF CERTAIN REAL PROPERTY BEING A PORTION OF BLOCK 601 AS DEPICTED ON THE TAX ASSESSMENT MAP" was introduced at a Regular meeting of the Mayor and Council on April 6, 2017 and passed its first reading. After public hearing held on May 4, 2017 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.

Councilman Durante read Resolution #60-17:

"MUNICIPAL BUDGET OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, NEW JERSEY FOR THE FISCAL YEAR 2017".

Council President DeBerardine opened the public hearing.

Mr. Richard Medina, 295 Lake Street, asked about the \$1 million dollars surplus noted in the budget. Mr. Lerch said surplus is put back as reserve funds and also used to pay down debt. As to the budget amount of \$22,000 for file cabinets, it was explained that the cabinets are circular, steel cabinets needed for overabundance of Borough records.

Mr. Marshall Grupp, 27 Hidden Glen Road, asked the Council consider holding a date at which time private residents can have an opportunity to ask questions regarding the budget prior to its introduction. Mr. Grupp said a number of comments noted in the current audit report have been outstanding since 2015 and questioned why they had not been corrected. Mr. Lerch said unfortunately the 2016 audit report was presented to the Mayor and Council in late September making it difficult to address and correct the findings; however, the matter will be addressed and rectified and that a Corrective Action Plan will be established.

Resolution #60-17 by Councilman Durante, seconded by Councilwoman Florio:

"MUNICIPAL BUDGET OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, NEW JERSEY FOR THE FISCAL YEAR 2017".

BE IT RESOLVED that the following statements of revenues and appropriations constitutes the Municipal Budget of the Borough of Upper Saddle River for the year 2017;

BE IT FURTHER RESOLVED that said budget was published in the April 11, 2017 issue of The Record.

The Governing Body of the Borough of Upper Saddle River does hereby approve the Municipal Budget for the year 2017 in the amount of \$12,050,186.

Roll Call: Ayes: Council members DeBerardine, Ditkoff, Durante, Florio, Hafner. Nays: 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 Councilwoman Florio, was unanimously approved by all Council members present.

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

*Resolution #61-17

WHEREAS, Pilgrim Pipeline is proposing a project to install two pipelines to convey petroleum material to and from a refinery in Linden, New Jersey; and

WHEREAS, one pipeline will carry crude oil from a terminal in Albany, New York to the refinery in Linden, New Jersey and the other will carry refined finished product from the refinery back to Albany, New York; and

WHEREAS, the proposed route for the pipeline will cross the New Jersey highlands region, an area that has been afforded special protection by the New Jersey State Legislature by its passage in 2004 of the New Jersey Highlands Water Protection and Planning Act, which Act created the Highlands Water Protection and Planning Council and the Highlands Regional Master Plan to ensure resource based planning would be used in the Highlands to combat sprawl and the depletion of water quality and quantity as the region provides drinking water to 5.4 million residents; and

WHEREAS, the pipeline would traverse Bergen County towns including Mahwah, Franklin Lakes and Oakland and possibly affect the Borough of Upper Saddle River; and

WHEREAS, the wise stewardship of our natural resources involves protection of all of the Borough's water supplies and other natural resources for generations to come; and

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of Upper Saddle River supports the following:

1. The Council opposes the proposed Pilgrim Pipeline.
2. The Council calls for a moratorium on any and all planning, proposal, surveying or construction of the Pilgrim pipeline.
3. The Council requests a full environmental consequence of the project.
4. The Council seeks the cooperation of other similarly located and affected townships and asks that all nearby affected town adopt a similar resolution.
5. The Council asks that a copy of this Resolution be forwarded to the NJDEP, Senator Cardinale, Assembly Auth and Assemblywoman Schepisi.

*Resolution #62-17

WHEREAS, our United States Armed Forces protect the freedom, security and prosperity the individuals within the United States enjoy every day; and

WHEREAS, our Armed Forces men and women possess the necessary commitment required to achieve the levels of recruitment and retention needed to sustain the strength, vitality and character of the United States Armed Forces; and

WHEREAS, the sacrifices that members of the Armed Forces and their families have made have preserved the liberties that enriched this nation; and

WHEREAS, members of the Armed Forces protect not only our freedom, but the freedom of citizens of other countries; and

WHEREAS, we respect and value the sacrifices Armed Forces members and their families have endured to uphold the principles of this grand Nation; and

WHEREAS, in 2004, the United States Congress passed a resolution proclaiming May as National Military Appreciation Month calling all Americans to remember all those who gave their lives in defense of our freedom and to honor the men and women of our Armed Services who have served and who are now serving our Country; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River does hereby recognize the commitment and sacrifice the members of the United States Armed Forces make every day; and

BE IT FURTHER RESOLVED, that the Mayor and Council proclaim the month of May, 2017 as National Military Appreciation Month and ask that a copy of this Resolution be sent to the Bergen County Executive, Bergen County Board of Chosen Freeholders and the Bergen County Division of Veteran Services.

*Resolution #63-17

WHEREAS, the Borough of Upper Saddle River has previously entered into a contract with Kovatch Mobile Equipment Corp, 28823 Network Place, Chicago, IL. 60673, for a 2017 KME Predator 3,000 gallon Custom Pumper/Tanker; and

WHEREAS, Change Order #1 in the amount of \$4,349 has been submitted which indicate an increase in the overall cost; and

WHEREAS, Change Order #9 in the amount of \$3,578 and Change #10 in the amount of \$1,571 have been submitted which indicate a decrease in the overall cost; and

WHEREAS, Change Order #1, #9 and #10 have been filed with the Governing Body detailing the aforementioned facts and indicating that the proposed Change Orders 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 these Change Orders are 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 Orders constitutes a modification to effect economics and will decrease the contract by \$800.00 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, #9 and #10 be and are hereby approved for the work described in the Change Orders, decreasing the contract price with Kovatch Mobile Equipment Corp. by \$800.00

*Resolution #64-17

WHEREAS, the following equipment is no longer needed by the Borough of Upper Saddle River Police Department; 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. The sale of the surplus property shall be conducted by GovDeals pursuant to New Jersey State Contract A-709667/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and the State of New Jersey.
2. The sale will be conducted online and the address of the auction site is govdeals.com
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
4. A list of the surplus property to be sold is noted below.
5. The surplus property as identified shall be sold in "as is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Borough of Upper Saddle River reserves the right to accept or reject any bid submitted.

- Two (2) Cisco 3800 Series integrated services routers, Serial #:FOC13071T3Y, Serial #:FOC13022LPE, NEW
- One (1) Cannon Load Bank, Model L-28-350, NSN:6150014198144 Serial #:1130, USED
- Weapons Rack, NSN:1095004070674, (No Serial # observed) NEW
- One (1) Flatbed Trailer, 5 ton, 4 wheel, general purpose, Model M1061A1, NSN:2330012073533, Serial #/Vin:1692, USED
- One (1) Vermont Trailer Mounted Generator, MEP 803A, 10KW, NSN:6115013199032, Hours 600+, Serial #:FZ29225, USED
- One (1) Cargo Trailer, Model M1102, NSN:2330-01-387-5426 Serial #:09767, USED

*Approve Jr. Firefighter application of Kyle Peters.

Resolution #65-17 by Councilman Ditkoff, seconded by Councilman Durante:

WHEREAS, the Mayor and Council has advertised that sealed bids would be received by the Borough of Upper Saddle River for Solid Waste Collection Service and Collection of Recyclable Materials; and

WHEREAS, in response to said advertisement for proposals, two bids were received on April 18, 2017 at 10:00 a.m., one from Interstate Waste Services of New Jersey, Inc., 300 Frank W. Burr Blvd., Suite 39, Teaneck, NJ and one from Superior Waste and Carting, Inc., P.O. Box 508, Nyack, NY. Attached hereto and made a part of this resolution are the bids as received by the Borough Clerk and Borough Administrator/Qualified Purchasing Agent; and

WHEREAS, the specifications required that each bidder submit a list of vehicles that would be utilized in the collection of solid waste and recyclable materials; and

WHEREAS, all vehicles are required to be registered in accordance with New Jersey Administrative Code 7:26-3.1; and

WHEREAS, the bid specifications set forth that the successful contractor have a vehicle dedication affidavit setting forth a number of vehicles reasonably calculated to meet the requirements of the specifications; and

WHEREAS, the Mayor and Council has determined that the vehicles represented by Superior Waste and Carting, Inc. are not in accordance with N.J.A.C. 7:26-3.1 and the vehicles as listed upon the submitted vehicle list are not properly decalated by the New Jersey State Department of Environmental Protection; and

WHEREAS, Superior Waste and Carting, Inc. is listed upon a New Jersey Department of Environmental Protection "Companies on Hold" list dated May 1, 2017, 09:25 a.m.; and

WHEREAS, the Mayor and Council has determined that the false and inaccurate statements made in the listing by Superior Waste and Carting, Inc. in its bid, disqualifies said bidder as the lowest responsible bidder; and

WHEREAS, the bid submitted by Interstate Waste Services of New Jersey, Inc., complies with all the requirements, and the equipment represented by said contractor has been determined to be accurate.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Upper Saddle River does hereby award a contract to Interstate Waste Services of New Jersey, Inc, 300 Frank W. Burr Blvd., Teaneck, NJ for a period of 1 year at a rate of \$525,386.00 commencing July 1, 2017 and ending June 30, 2018 in the sum of \$525,386.00; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be authorized to execute a contract in connection with this matter after same has been prepared.

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

Resolution #66-17 by Councilman Ditkoff, seconded by Council Durante:

WHEREAS, the Borough of Upper Saddle River advertised for the receipt of sealed proposals on April 18, 2017 for the collection and removal of recyclable materials for the period from July 1, 2017 to June 30, 2022, with the term of any Contract being within the discretion of the Mayor and Council; and

WHEREAS, in response to the advertisement for proposals, two bids were received from Superior Waste and Carting, Inc. ("Superior") of Nyack, New York and from Interstate Waste Services of New Jersey, Inc. ("Interstate") of Teaneck, New Jersey; and

WHEREAS, for the time period encompassed under the bid proposal, Superior's bid was lower in dollar amount than Interstate's for the respective time periods; and

WHEREAS, the Borough has reviewed the various proposals and has determined that Superior lacks the equipment required under the Specifications to perform the Contract, has inadequate working capital and the financial ability to perform the Contract, is designated as a company "on hold" by the New Jersey Department of Environmental Protection ("DEP"), having outstanding obligations to either said Agency or the Department of Taxation, and most significantly has never provided solid waste collection or collection of recyclable materials to a New Jersey municipality and has only limited experience in such cases for several Rockland County, New York municipalities; and

WHEREAS, based upon the Borough's investigation, it is determined that Superior is not the lowest qualified bidder and may not be awarded the Contract; and

WHEREAS, the bid submission by Interstate satisfies the criteria under the Specifications so as to be deemed the lowest qualified bidder; and

WHEREAS, the Chief Financial Officer has certified that funds are available for payment of such services.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby award a Contract for collection and removal of recyclable materials to Interstate for the one year period commencing July 1, 2017 and ending June 30, 2018 in the sum of \$233,479.00; and

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

Roll Call: Ayes: Council members DeBerardine, Ditzkoff, Durante, Florio, Hafner. Nays: None.

Councilwoman Florio read for the first time: (Ord. #9-17)

"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 INFORMATION TECHNOLOGY EQUIPMENT, NEW ADDITIONAL FURNISHINGS 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 \$995,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS".

Resolution by Councilwoman Florio, 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 INFORMATION TECHNOLOGY EQUIPMENT, NEW ADDITIONAL FURNISHINGS 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 \$995,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS" was introduced at a Mayor and Council meeting on May 4, 2017 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 1, 2017 at 8:00 PM at the Borough Hall, 376 W. Saddle River Road, 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, Ditkoff, Durante, Florio, Hafner. Nays: None.

RULE 7. Public Comments:

In response to questions by Mr. Marshall Grupp, 27 Hidden Glen Road regarding the 9 acres at the Mack-Cali property, Mr. Regan explained as per the Settlement Agreement, the Borough will pay \$5 million dollars, less credits for the construction of affordable housing units.. Councilman Ditkoff said we are looking into obtaining grants to cover the \$2,000,000 cost for the 9 acres and that construction of an athletic field or other alternatives is possible for the site.

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 8:45 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk