

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, October 1, 2015 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Moment of Silence and Pledge of Allegiance was led by Mayor Minichetti.

Mr. Steven Benvenisti, Vice Chairman of MADD presented the Distinguished Service Award to Police Officers Joseph Farrow, Michael Spina and Collin Gurney for their meritorious service enforcing laws in order to protect the community and make our roads safer from drunk driving violations.

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 December 19, 2014 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	Absent
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 September 3, 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 DiMartino.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of September, 2015 and deposited them with the Collector/Treasurer:

Copies	\$	5.45
Garage Sales		18.00
Landscape Permits		10.00
Total	\$	33.45

The Borough Clerk's office issued 2 dog licenses for the month of September. \$2.40 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. #10-15 - Soil Removal
- 2) Adoption of Ord. #11-15 - Parking at Library
- 3) Adoption of Ord. #12-15 - Land Exchange
- 4) Introduction of Ord. #13-15 - Vehicles & Traffic
- 5) Notice to Bidders - 2015 Road Improvement Project

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

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

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

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

Borough Official's Report:

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

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

NBCUA Minutes of July 21, 2015.

Resolutions from Borough of Ramsey and Bd. Of Chosen Freeholders.

Councilman DiMartino presented bills in the amount of \$3,894,247.84:

A motion by Councilman DiMartino, seconded by Councilman Durante to pay bills in the amount of \$3,894,247.84 was unanimously approved by all Council members present. Mayor Minichetti declared bills approved for payment and ordered checks drawn.

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

RULE 5. Unfinished Business:

Councilman Durante read for the second time: (Ord. #14-15)

"AN ORDINANCE TO AMEND CHAPTER 137 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED TREES".

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

Resolution by Councilman Durante, seconded by Councilman Ditkoff:

"AN ORDINANCE TO AMEND CHAPTER 137 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED TREES" was introduced at a Regular meeting of the Mayor and Council on September 3, 2015 and passed its first reading. After public hearing held on October 1, 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 DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

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

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

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

Resolution by Councilman Ditkoff, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, VEHICLES AND TRAFFIC" was introduced at a Regular meeting of the Mayor and Council on September 3, 2015 and passed its first reading. After public hearing held on October 1, 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 DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Councilman Durante read for the second time: (Ord. #16-15)

"AN ORDINANCE TO AMEND CHAPTER 122 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED STREETS AND SIDEWALKS".

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 122 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, STREETS AND SIDEWALKS" was introduced at a Regular meeting of the Mayor and Council on September 3, 2015 and passed its first reading. After public hearing held on October 1, 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 DiMartino, 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 DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

*Resolution #61-15

WHEREAS, application for renewal of an alcoholic beverage license has been received from BESO XOXO, 209 State Highway Route 17, Upper Saddle River, N.J. 07458 and proper fees have been filed with State and local authorities; and

WHEREAS, pursuant to N.J.S.A.33:1-12.39, the New Jersey Division of Alcoholic Beverage Control Commission has granted a Special Ruling N.J.S.A. 33:1-12.39 for the 2015-2016 license term;

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage pocket license be renewed effective July 1, 2015 to June 30, 2016, with approval based upon the representations set forth in the petitioner's notarized letter;

License #0263-33-003-004

A Plenary Retail Distribution License is hereby issued to BESO XOXO Corporation, 209 State Highway Route 17, Upper Saddle River, N.J. 07458.

*Resolution #72-15

WHEREAS, the Borough of Upper Saddle River entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; and

WHEREAS, the Borough Council of the Borough of Upper Saddle River recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Borough Council of the Borough of Upper Saddle River has determined that it is in the best interests of the citizens of the Borough of Upper Saddle River to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough Council of the Borough of Upper Saddle River hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough of Upper Saddle River with Econsult Solutions, Inc.

The Borough Council of the Borough of Upper Saddle River hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough of Upper Saddle River with the approval of the Borough's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough Council of the Borough of Upper Saddle River further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Borough of Upper Saddle River shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough.
6. This Resolution shall take effect immediately.

*Resolution #73-15

RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that Fire Chief Erik Verheilg attended the New Jersey State Firemen's Convention held in Wildwood, New Jersey on September 17 and 18, 2015; and

BE IT RESOLVED that the Treasurer is hereby authorized to issue him a check not exceeding \$200.00 for expenses in attending said conference; and

BE IT FURTHER RESOLVED that actual vouchers are to be submitted in due course to substantiate actual expenses and any portion of this advance not vouchered is to be returned.

*Resolution #74-15

RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the following lifetime firemen attended the New Jersey State Firemen's Convention held in Wildwood, New Jersey on September 17 and 18, 2015:

Larry Rauch
John Manke
Joseph Kelly
Joseph Raymond

BE IT RESOLVED that the Treasurer is hereby authorized to issue each of them a check not exceeding \$200.00 for expenses in attending said conference; and

BE IT FURTHER RESOLVED that actual vouchers are to be submitted in due course to substantiate actual expenses and any portion of this advance not vouchered is to be returned.

*Resolution #75-15

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on September 22, 2015 to provide Snowplowing Services for the 2015-2016 season; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by Groesbeck & Groesbeck, 155 Darlington Avenue, Ramsey, NJ 07446 was the lowest responsible bidder in an amount of \$130.00 to \$150.00 per hour as the base bid and \$120.00 to \$150.00 per hour as the alternate 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 Groesbeck & Groesbeck, 155 Darlington Avenue, Ramsey, NJ 07446, to provide 2015-2016 Snowplowing Services; bid;

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 #76-15

WHEREAS, the Upper Saddle River Public Library and the Upper Saddle River

Historical Society is co-sponsoring a Harvest Festival on Sunday, October 25, 2015; and

WHEREAS, Upper Saddle River Municipal Code §98-6.1B permits the Mayor and Council to suspend the parking regulations at Lions Memorial Park, the Public Library and the Goetschius Museum;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River does hereby suspend the parking regulations which require a permit sticker and/or placard for Sunday, October 25, 2015.

*Resolution #77-15

WHEREAS, the Borough of Upper Saddle River ("the Borough") is the owner of certain premises known as Block 1002, Lot 4.02 as depicted on the Borough tax map ("the property" or "the premises") which encompasses a land area of approximately 7.8 acres; and

WHEREAS, the Borough is desirous to have the property developed with a total of seventy (70) affordable housing units, forty-six (46) of which would be available to senior citizens and twenty-four (24) units for special needs individuals; and

WHEREAS, the Borough has reviewed a presentation by the Housing Development Corporation of Bergen County ("the Housing Corporation"), a not-for-profit corporation and an affiliated entity of the Bergen County Housing Authority; and

WHEREAS, *N.J.S.A. 40A:12-21(1)* permits a municipality to convey land to a duly incorporated non-profit housing corporation for the purpose of constructing low and moderate income housing; and

WHEREAS, a Ground Lease Option Agreement has been prepared which provides for a Ground Lease between the Borough and the Housing Corporation and an option to the Housing Corporation to obtain funding by September 30, 2016, provided that by said date the Housing Corporation performs all due diligence in connection with the property, including but not limited to, environmental studies and filing a development application with the Borough for the construction of the affordable units as described aforesaid; and

WHEREAS, the Governing Body has determined that execution of this Ground Lease Option Agreement will advance the purpose of constructing affordable housing units on the property in furtherance of the Borough's Affordable Housing Plan.

NOW THEREFORE BE IT RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the Ground Lease Option Agreement on behalf of the Borough.

*Resolution #78-15

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on September 22, 2015 for the Acquisition of a 3000 gallon Pumper/Tanker; and

WHEREAS, in response to said advertisement for proposals, three (3) bids were received, with the submission by First Priority, 2444 Ridgeway Blvd., Manchester, New Jersey 08759 being the lowest responsible bidder in the amount of \$662,187.00; and

WHEREAS, the bid has been reviewed by the Borough Attorney 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 First Priority, 2444 Ridgeway Blvd., Manchester, New Jersey 08759;

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 Councilwoman Florio to approve Fire Department membership of Arman Fardanesh:

Roll Call: Ayes: Council member DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Councilman Ditkoff read for the first time: (Ord. #17-15)

"AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, ZONING".

Resolution by Councilman Ditkoff, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED ZONING" was introduced at a Mayor and Council meeting on October 1, 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 November 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 member DiMartino, Ditkoff, Durante, Hafner. Nays: Councilwoman Florio.

RULE 7. Public Comments:

Mr. Thomas Farley, 49 Elizabeth Terrace, suggested Upper Saddle River and Mahwah purchase the Apple Ridge property for use as a 9 hole golf course

and recreation. Mayor Minichetti informed Mr. Farley that a subdivision application for development of single family homes on the property was approved by the Planning Board at a meeting held last night. Mr. Barry Ervin, 50 Mill Glen Road was informed that after lengthy discussions, the resolution regarding development of the property will reflect a number of conditions, as required by the Planning Board.

Mr. Scot Beckerman introduced himself as the new Northern Highlands Regional High School Superintendent of Schools and offered the Council his assistance. Mayor Minichetti thanked and welcomed Mr. Beckerman.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman DiMartino was unanimously approved by all Council members present. (Meeting adjourned at 8:27 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk