

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, October 5, 2017 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 presented a certificate of commendation to Officer Louis Lupinacci and EMT's Patrick Donahue and Sergei Hillman for their life-saving actions on August 22, 2017.

Mayor Minichetti read a Proclamation promoting National Bullying Awareness Month.

Mayor Minichetti declared October 10, 2017 as "Put the Brakes on Fatalities Day".

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

RULE 2. Minutes of Executive, Closed and Regular Meetings of September 7, 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 DeBerardine.

RULE 3. Borough Clerk's Report:

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

|              |             |
|--------------|-------------|
| Garage Sales | 16.00       |
| Copies       | <u>2.40</u> |
| Total        | \$ 16.40    |

The Borough Clerk's office issued 3 licenses for the month of September. \$6.60 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. #11-17 - Noise
- (2) Introduce Ord. #12-17 - Re-appropriation of funds

Police: Report for the month 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 and Minutes of 6/21/17 were received and filed.

Youth Guidance Council: Minutes of 9/22/17 were were received and filed.

Borough Official's Report:

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

RULE 4. Communications, Petitions & Bills:

BCUA notice of 2017 Environmental Awareness Challenge Grant and Minutes of 7/25/17..

USR Planning Board public hearing notice re Block 1002, Lot 4.01.

PSE&G public hearing notice re gas base rate adjustments.

Resolutions from Allendale, Harrington Park, Hasbrouck Heights, Tenafly, Paramus, Closter, North Arlington, Carlstadt, Hackensack, New Milford, Alpine, Fairview.

Councilman DeBerardine presented bills in the amount of \$5,512,428.74.

A motion by Councilman DeBerardine, seconded by DiMartino to pay bills in the amount of \$5,512,428.75 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, Hafner. Nays: None.

RULE 5. Unfinished Business:

Councilman DeBerardine read for the second time: (Ord. #12-17)

"CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$87,993.25 FOR THE ACQUISITION OF A MASON DUMP TRUCK WITH PLOW AND A SPREADER ATTACHMENT FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY AND TO TRANSFER AN UNEXPENDED BOND ORDINANCE BALANCE AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION".

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

Resolution by Councilman DeBerardine, seconded by Councilman Ditkoff:

"CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$87,993.25 FOR THE ACQUISITION OF A MASON DUMP TRUCK WITH PLOW AND A SPREADER ATTACHMENT FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY AND TO TRANSFER AN

UNEXPENDED BOND ORDINANCE BALANCE AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION" was introduced at a Regular meeting of the Mayor and Council on September 7, 2017 and passed its first reading. After public hearing held on October 5, 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, DiMartino, Ditkoff, Durante, 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 Councilman Ditkoff was unanimously approved by all Council members present.

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

\*Motion to hire John Chiavelli to formulate and prepare Borough newsletter.

\*Motion to hire Tyler Yaccarino to redesign and update Borough website.

\*Resolution #94-17

WHEREAS, the Borough of Upper Saddle River requires professional legal services as necessary for the the Borough of Upper Saddle River; and

WHEREAS, it is contemplated that the 2017 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"; and

WHEREAS, the engagement of such service is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which exempts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession;

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:

Joel Kurtzberg, Esq.

Cahill Gordon Reindel, LLP  
80 Pine Street  
New York, New York 10005

to perform such services at a cost and hourly rate as set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Upper Saddle River is hereby authorized to enter into a professional services contract with Joel Kurtzberg, Esq.

\*Resolution #95-17

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Juan and Maria Estevez v. Borough of Upper Saddle River", Docket No. 012530-2017, which matter involves an appeal of the assessment on certain premises known as Block 1219, Lot 1 and being more commonly known as 286 East Saddle River Road, for the 2017 tax year; and

WHEREAS, the parcel is assessed for the 2017 tax year at \$1,125,000.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2017 tax year.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby authorize settlement of the above-captioned appeal based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the assessment for the 2017 tax year on said parcel shall be established at \$900,000.00.

2. Plaintiffs agree to waive interest due on the refund in connection with this settlement. In addition, any refund due the property owners shall be payable in the form of a cash refund or credit against future taxes due for the first quarter following the entry of judgment, at the option of the Borough.

BE IT FURTHER RESOLVED that the Borough attorney, Robert T. Regan, Esq., be and is hereby authorized and directed to execute any and all documents necessary to effectuate the terms of the within settlement.

\*Resolution #96-17

WHEREAS, the Borough of Upper Saddle River requires professional engineering services for the Design and Inspection of the Lake Road Bridge construction; and

WHEREAS, it is contemplated that the 2017 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"; and

WHEREAS, the engagement of such service is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which exempts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession;

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:

Kevin J. Boswell, P.E.  
Boswell Engineering  
330 Phillips Avenue  
South Hackensack, NJ 07606

to perform such services at a cost as outlined in the September 12, 2017 proposal submitted by Kevin J. Boswell. P.E.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services.

\*Resolution #97-17

WHEREAS, the Planning Board of the Borough of Upper Saddle River granted major subdivision approval and ancillary relief to Apple Ridge USR, L.L.C. relating to 50.33 acres in the R-1 District known and designated as Block 401, Lots 2 and 4, which approval permits the development of the property with single-family homes; and

WHEREAS, the resolution of approval is conditioned upon the execution of a Developer's Agreement for Site Restoration and Construction Costs.

NOW THEREFORE BE IT RESOLVED that Mayor Joanne L. Minichetti, Borough Administrator Theodore Preusch and Borough Clerk Rose Vido be and are hereby authorized to execute the aforesaid Developer's Agreement.

Mayor Minichetti appointed Meredith Schaum to serve as Alternate III on the USR Planning Board to fill an unexpired term to December 31, 2017.

RULE 7. Public Comments:

Ms. Elizabeth Pittman, 21 Old Stone Church Road asked that the Council not consider closing Hillside Avenue. She cited various traffic study statistics showing a higher number of accidents and speeding citations issued on Hillside Avenue as opposed to a lesser number of incidents occurring on Old Stone Church Road.

In response to Ms. Amy Lauren, 8 Hemlock Hill objecting to the eruvs that were installed in Upper Saddle River, Mr. Regan said Special Counsel Bruce Rosen will file an answer to the complaint in Federal Court in one week and that the answer will be posted on the Borough's website.

Mr. John Bushman, 312 Shadyside Road, Ramsey, NJ said he is a contractor working at a site on Deerfield Lane and asked the Council consider waiving the section of the ordinance requiring installation of Belgium Block curbing. He pointed out that no other property on the street has Belgium Block. Mr. Preusch will follow-up on the matter and advise Mr. Bushman.

Ms. Meredith Schaum, 48 Timberlane Road, said the community is not being made aware of the many good things happening in Upper Saddle River and suggested that the Council consider retaining a public relations firm. Ms. Schaum said other towns use public relations firms and that professionals can help the Mayor and Council get the word out regarding our schools, businesses and community; Ms. Schaum said citizens can be engaged for ideas and that she would be willing to help.

RULE 8. Adjournment:

A motion to adjourn by Councilman DeBerardine, seconded by Councilman Durante was unanimously approved by all Council members present. (Meeting adjourned at 8:40 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk