

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, September 7, 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.

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	Absent
Councilman	Jonathan Ditkoff	Present
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Present (8:25 pm)

RULE 2. Minutes of Special Executive & Closed meetings of July 31 and Executive, Closed and Regular Meetings of August 3, 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 August, 2017 and deposited them with the Collector/Treasurer:

Landscape Permits	\$ 61.00
Garage Sales	14.00
Copies	<u>.25</u>
Total	\$ 75.25

The Borough Clerk's office issued 8 licenses for the month of August. \$9.60 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. #10-17 Employee Compensation
- (2) Introduction of Ord. #11-17 Noise

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

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

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

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

Borough Official's Report:

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

Municipal Court: Report for the months of July and August were received and filed.

RULE 4. Communications, Petitions & Bills:

PSE&G public hearing notice re changes to electric/gas green programs.  
Ramsey Planning Bd. notice of application for 600 Rt. 17 North

Councilman DeBerardine presented bills in the amount of \$5,493,222.30:

A motion by Councilman DeBerardine, seconded by DiMartino to pay bills in the amount of \$5,493,222.30 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.  
Nays: None.

RULE 5. Unfinished Business:

Councilman Ditkoff read for the second time: (Ord. #11-17)

"AN ORDINANCE TO AMEND CHAPTER 92 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED NOISE".

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

Resolution by Councilman Ditkoff, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND CHAPTER 92 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED NOISE" was introduced at a Regular meeting of the Mayor and Council on August 3, 2017 and passed its first reading. After public hearing held on September 7, 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.  
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 Ditkoff, seconded by Councilwoman Florio was unanimously approved by all Council members present.

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

\*Resolution #83-17

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

WHEREAS, said renewed membership terminates as of December 31, 2017 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership:

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Borough of Upper Saddle River agrees to renew its membership in the Bergen County Municipal Joint insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Borough Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

\*Resolution #84-17

RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that Fire Chief Erik Verheilig attended the New Jersey State Firemen's Convention held in Wildwood, New Jersey on September 14 and 15, 2017; 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 #85-17

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 Sept. 14 & 15, 2017:

Larry Rauch  
John Manke  
Joseph Kelly  
Joseph Raymond  
Brandon Bach

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 #86-17

WHEREAS, by resolution dated July 12, 2017, the Planning Board of the Borough of Upper Saddle River granted major subdivision approval to Martin Wojcik for the development of four single-family homes and the creation of four residential building lots relating to premises known as Block 810, Lot 6, being more commonly known as 409 East Saddle River Road; and

WHEREAS, a Developer's Agreement has been prepared by the Planning Board attorney on behalf of both the Borough and the Board.

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

\*Resolution #87-7

WHEREAS, the Borough of Upper Saddle River is sponsoring an Oktoberfest on Saturday, October 7, 2017, with a rain date on Sunday, October 8, 2017; and

WHEREAS, the Mayor and Council have granted permission for said Oktoberfest to take place at Lions Memorial Park, Block 801, Lot 3; and

WHEREAS, Upper Saddle River Municipal Code 98-6.1B permits the Governing Body to suspend the parking regulations at Lions Park; and

WHEREAS, Upper Saddle River Municipal Code 98-4D(5) permits the Governing Body to allow alcoholic beverages within a designated areas on occasion;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Upper Saddle River does hereby suspend the parking regulations which requires a permit sticker and or placard and allow alcoholic beverages within the designated areas on October 7, 2017, rain date October 8, 2017.

\*Resolution #88-7

WHEREAS, the Bergen County Historic Preservation Trust Fund of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund provides grants to non-profit organizations for assistance in the preservation of historic buildings, districts, and sites; and

WHEREAS, the Upper Saddle River Historical Society has filed a grant application to the Bergen County Division of Cultural & Historical Affairs of Open Space for financial assistance with a historic preservation project; and

WHEREAS, the Division of Cultural & Historic Affairs approved a Trust Fund award in the amount of \$12,021.00 for the restoration of the Hopper-Goetschius Museum Outkitchen, Gutters, Posts and Garret Wall located on property known as 363 East Saddle River road, Upper Saddle River, New Jersey, Block 811, Lot 2 on the tax map of the Borough of Upper Saddle River; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River hereby authorizes execution of Contract Agreement #17-00165, dated August 9, 2017-August 9, 2020, in the amount of \$12,021.00.

\*Resolution #89-17

WHEREAS, N.J.S.A.40a:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Borough of Upper Saddle River has received a State of NJ Hazardous Waste 2014 Recycling Tonnage Grant of \$4,998.84 and wishes to amend its 2017 budget to include this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Upper Saddle River hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$4,998.84 which is now available as:

Miscellaneous Revenue from:

Special Items of General Revenue Anticipated with Prior Writ.ten Consent of the Director Of the Division of Local Government Services;

State & Federal Revenues Off-Set with Appropriations;  
Hazardous Waste 2014 Recycling Tonnage Grant

BE IT RESOLVED that the sum of \$4,998.84 is hereby appropriated under the caption of:

General Appropriations

Operations excluded from the CAP

State and Federal Programs Receivable-Off-Set by Revenues:  
Hazardous Waste 2014 Recycling Tonnage Grant

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward one copy of this resolution to the Director of the Division of Local Government Services.

\*Resolution #90-17

WHEREAS, N.J.S.A.40a:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Borough of Upper Saddle River has received a State of NJ Solid Waste Administration FY 2017 Clean Communities Grant of \$20,822.19 and wishes to amend its 2017 budget to include this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Upper Saddle River hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$20,822.19 which is now available as:

Miscellaneous Revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director Of the Division of Local Government Services;

State & Federal Revenues Off-Set with Appropriations;

Solid Waste Administration FY 2017 Clean Communities Grant

BE IT RESOLVED that the sum of \$20,822.19 is hereby appropriated under the caption of:

General Appropriations

Operations excluded from the CAP

State and Federal Programs Receivable-Off-Set by Revenues:

Solid Waste Administration FY 2017 Clean Communities Grant

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward one copy of this resolution to the Director of the Division of Local Government Services.

\*Resolution #91-17

WHEREAS, N.J.S.A.40a:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Borough of Upper Saddle River has received a State of NJ State Forestry Services Green Community Grant of \$2,150.00 and wishes to amend its 2017 budget to include this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Upper Saddle River hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$2,150.00 which is now available as:

Miscellaneous Revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director Of the Division of Local Government Services;

State & Federal Revenues Off-Set with Appropriations;

State Forestry Services Green Community Grant

BE IT RESOLVED that the sum of \$2,150.00 is hereby appropriated under the caption of:

General Appropriations

Operations excluded from the CAP

State and Federal Programs Receivable-Off-Set by Revenues:

State Forestry Services Green Community Grant

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward one copy of this resolution to the Director of the Division of Local Government Services.

\*Resolution #92-17

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR HOLDING AN OKTOBERFEST BENEFITING USR CARES, A 501(c)3 ORGANIZATION

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipts from a fund raising event on October 7, 2017(Rain date October 8, 2017) entitled "Oktoberfest" by the municipality and donates all proceeds to USR CARES; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from the Oktoberfest are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Upper Saddle River, County of Bergen, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to donate all the

proceeds to USR CARES to fulfill their charter of helping those in need.

2. The Clerk of the Borough of Upper Saddle River, County of Bergen, is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

\*Resolution #93-17

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Ware Road project.

NOW, THEREFORE BE IT RESOLVED, that Council of Borough of Upper Saddle River formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018 - Ware Road - 00150 to the New Jersey Department of Transportation on behalf of Borough of Upper Saddle River.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Upper Saddle River, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution #82-17 by Councilman Durante, seconded by Councilman Ditkoff:

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:

Marci A. Hamilton, Esq.  
36 Timber Knoll Drive  
Washington Crossing, PA 18977

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 Marci A. Hamilton, Esq.

Roll Call: Ayes: Councilman DeBerardine, Ditkoff, Durante, Florio.  
Nays: None.

Councilman DeBerardine read for the first 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".

Resolution by Councilman DeBerardine, seconded by Councilwoman Florio.

"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 Mayor and Council meeting on September 7, 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 October 5, 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: Councilman DeBerardine, Ditkoff, Durante, Florio.  
Nays: None.

#### RULE 7. Public Comments:

In response to Ms. Karen Johnson, 19 Parker Place, Mayor Minichetti read a statement from attorney Bruce Rosen in regard to the eruv litigation noting that counsel has been gathering material in order to present an aggressive defense and that the Borough has been granted an extension of time in which to respond. It was pointed out that Mayor Minichetti has been dismissed as an individual defendant. Mr. Rosen stated the Borough has agreed to maintain the status quo with the Mahwah lechis that have been installed but that the Plaintiffs cannot add lechis to or repair those along Old Stone Church Road and Weiss Road. Mayor Minichetti said updates will be posted on the Borough's website.

In regard to a subsequent question by Ms. Johnson regarding the deer problem, Mayor Minichetti said Bergen County does not have a wildlife

program and that the only solution to curbing the deer population would be to allow bow and arrow hunting which she opposes for a number of reasons. She informed the resident that an ordinance has recently been established allowing for 10' high deer fences in the rear yard.

Ms. Lee Brigham, 44 Old Stone Church Road asked if the Borough was considering closing Hillside Avenue. Mayor Minichetti explained that a homeowner offered the town his property and that the issue was discussed, but no decision was made.

Mr. Thomas Brophy, 8 Albert Drive was informed that Upper Saddle River did not give South Monsey approval to install the eruvs.

Mr. Ed Cenci, 8 Brook Road, said it is a bad idea to close Hillside Avenue as it may cause more traffic on Brook Road and said that buses use Hillside to access the East Road. Mayor Minichetti pointed out that buses and trucks are prohibited from using Hillside Avenue as there is a steel slab over the exiting bridge. Councilman Durante stated he is not in favor of closing Hillside Avenue unless it can be demonstrated that there is a real need for the closing of the road.

Mr. Eric Friis, 4 Sparrowbush Road, complained about the comments made on Swiftreach. Mayor Minichetti said she responded to a September 4th news article in which Teaneck invited residents to attend their meeting after seeing a post on his website.

Ms. Molly Aboussleman, 25 Old Stone Church Road, said she opposes closing Hillside Avenue as it would create more traffic on Old Stone Church Road Which is just as curvy and dangerous as Hillside Avenue. She complimented Mayor Minichetti as being a great Mayor.

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 8:30 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk