

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, December 4, 2014 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 the Apprehension Award to Police Officers Michael Spina, Kyle Zyskowski and Ho-Ho-Kus Police Officer Jaime Bodart commending them for their outstanding service. Police Chief Rotella explained the circumstances involving the pursuit and capture of a criminal.

Mayor Minichetti presented a proclamation to the Manke and Greene families in memory of Firemen Lou Manke and Oscar Greene honoring their service to the community.

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 20, 2013 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	Present
Councilman	Thomas Hafner	Absent

RULE 2. Minutes of Executive, Closed and Regular Meetings of November 6, 2014 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 November, 2014 and deposited them with the Collector/Treasurer:

Garage Sales	\$	6.00
Copies		.25
Landscape Permits		<u>5.00</u>
Total	\$	11.25

The Borough Clerk's office issued 3 dog licenses for the month of November. \$6.60 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. Sunshine Notice of Town Hall Meeting
3. Adoption of Ord. #9-14 - Parks & Playgrounds

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

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

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

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

Youth Guidance Council: Minutes of November 15, 2014 were received and filed.

Borough Official's Report:

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

RULE 4. Communications, Petitions & Bills:

BCUA Minutes of October 21, 2014 and public hearing notice re wastewater and solid waste service charges.

Public hearing notice from Ramsey re 2014 Master Plan Amendment.

Resolutions from New Milford, Hackensack, Mahwah, Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$3,001,200.40:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$3,001,200.40 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, Florio. Nays: None.

RULE 5. Unfinished Business: 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, DiMartino, Ditkoff, Durante, Florio. Nays: None.

*Resolution #64-14

WHEREAS, application for renewal of an alcoholic beverage license has been received from Atrimec Realty Corp., P O Box 475, Jersey City, New Jersey

07310, 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 for the 2014-1015 license term;

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage pocket license be renewed effective July 1, 2014 to June 30, 2015:

License #0263-33-004-008

A Plenary Retail Consumption License is hereby issued to Atrimec Realty Corp., P O Box 475, Jersey City, New Jersey 07310.

*Resolution #103-14

WHEREAS, the Upper Saddle River Police Department has certain surplus property to wit: One (1) Truck Vault Command Unit; and

WHEREAS, the Chief of Police has indicated that this item was removed from service and is surplus property and the Woodridge, New Jersey Police Department has expressed an interest in this unit;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, pursuant to the authority of N.J.S.A.40A:11-36(2) authorize the transfer of the aforementioned property to the Woodridge, New Jersey Police Department.

BE IT FURTHER RESOLVED that the Borough Administrator/Qualified Purchasing Agent will affect such transfer pursuant to New Jersey State Statues.

BE IT FURTHER RESOLVED that a copy of the within resolution shall be forwarded to the Chief of Police and the Finance Department for removal from the "Fixed Assets Inventory".

*Resolution #104-14

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, 2014 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 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 #105-14

WHEREAS, the Bergen County Municipal Joint Insurance Fund (hereinafter the Fund) is a duly chartered Municipal Insurance Fund as authorized by NJSA 40a:10-36 et seq., and

WHEREAS, the Borough of Upper Saddle River is currently a member of said Fund; and

WHEREAS, effective December 31, 2014, said membership will expire unless earlier renewed; and

WHEREAS, the Mayor and Council of the Borough of Upper Saddle River has resolved to renew said membership;

NOW, THEREFORE, it is agreed as follows:

1. The Borough of Upper Saddle River hereby renews its membership in the Bergen County Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2015 and ending January 1, 2018*.

2. The Borough of Upper Saddle River hereby ratifies and reaffirms the Indemnity and Trust Agreement, Bylaws and other organizational and operational documents of the Bergen County municipal Joint Insurance Fund as from time to time amended and altered by the Department of insurance in accordance with the applicable statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.

3. The Borough of Upper Saddle River agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.

4. In consideration of the continuing membership of the Borough of Upper 10agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of the Borough of Upper Saddle River.

5. Executed the 4th day of December, 2014 as the lawful and binding act and deed of the Borough of Upper Saddle River, which execution has been duly authorized by public vote of the governing body.

*Resolution #106-14

WHEREAS, the Borough of Upper Saddle River wishes to enter into a Shared Services Agreement with the Northwest Bergen County Utilities Authority; and

WHEREAS, the Borough of Upper Saddle River is in need of TV inspection services; and

WHEREAS, the Governing Body of the Borough of Upper Saddle River has agreed to enter into such an Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River hereby approves and authorizes the execution of a Shared Services Agreement with the Northwest Bergen County Utilities Authority to provide TV inspection services for the years 2015 and 2016.

*Resolution #107-14

WHEREAS, the Upper Saddle River Police Department has certain surplus property to wit: One (1) Plastic Trunk Tray ; and

WHEREAS, the Chief of Police has indicated that this item was removed from service and is surplus property and the Waldwick, New Jersey Police Department has expressed an interest in this unit;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, pursuant to the authority of N.J.S.A.40A:11-36(2) authorize the transfer of the aforementioned property to the Waldwick, New Jersey Police Department.

BE IT FURTHER RESOLVED that the Borough Administrator/Qualified Purchasing Agent will affect such transfer pursuant to New Jersey State Statues.

BE IT FURTHER RESOLVED that a copy of the within resolution shall be forwarded to the Chief of Police and the Finance Department for removal from the "Fixed Assets Inventory".

*Resolution #108-14

WHEREAS, the Mayor and Council is in need of surveying services pertaining to real properties known as Block 1016, Lots 2,3,4&6 as depicted on the Borough tax assessment map; and

WHEREAS, the Borough is in receipt of a proposal from Boswell Engineering, (hereinafter "the engineer") to provide surveying services for the above referenced sites; and

WHEREAS, the retaining of engineering services constitutes an exception to the public bidding process pursuant to *N.J.S.A. 40A:11-5(1)(a)(i)*.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby authorizes entering into a Professional Service Agreement with the engineer in an amount not to exceed \$14,400.00; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute the aforesaid Professional Service Agreement, a copy of which is on file in the Office of the Borough Clerk; and

BE IT FURTHER RESOLVED that a Notice of the adoption of this resolution shall be published in the official newspaper of the Borough.

*Resolution #109-14

WHEREAS, N.J.S.A. 49:4-58 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budget appropriations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River in the County of Bergen and State of New Jersey that the Treasurer is hereby authorized to effect the following transfers:

FROM		TO	
General	\$3,000	A&E, OE	\$3,000
Utility/Tel.	2,000	Utility, Nat.Gas	2,000
Fire Prev.OE	1,500	Fire Dept, OE	1,500
General, OE	762	Bld. Dept. OE	762
DPW, S&W	10,000	Police,SW/OT	10,000
DPW,OE	31,000	Police,S&/OT	31,000
Sewer/Montvale	4,000	Police,SW/OT	4,000
Zoning, OE	1,000	Police,SW/OT	1,000
Eng., OE	13,000	Police,SW/OT	13,000
Planning, OE	1,000	Police,SW/OT	1,000

*Resolution #110-14

WHEREAS, an action entitled "Borough of Upper Saddle River, New Jersey, et al v. Rockland County Sewer District #1" which is presently pending in the United States District Court, Southern District of New York under Docket No. 07 Civ. 00109 (ER); and

WHEREAS, an Agreement has been proposed whereby the Borough and an individual plaintiff would receive payment from the Rockland County Sewer District #1 (hereinafter "defendant") the sum of \$950,000.00; and

WHEREAS, a Settlement Agreement has been prepared.

NOW THEREFORE BE IT RESOLVED that Mayor Joanne L. Minichetti be and is hereby authorized to execute the Settlement Agreement on behalf of the Borough, subject to the review and approval of the final draft of the Settlement Agreement by Council President Roger DeBerardine and Borough attorney Robert T. Regan, Esq.

*Resolution #111-14

WHEREAS, there is presently pending in the Superior Court of New Jersey, the following matters: "Mayor and Council of the Borough of Upper Saddle River and John Walsh, Zoning Officer of the Borough of Upper Saddle River v. Martin Wojcik; Creative Gardens, Inc.; Sam Hirsch; Supreme Mulch Limited Liability Company; John Does 1-10; XYZ Corporations 1-10" filed in the Law Division, Bergen County, Docket No. BER-L-5706-12." "Concerned Citizens of USR ACG, Inc. v. Creative Gardens, Inc.; Martin Wojcik; Supreme Mulch, LLC; Sam Hirsch; Trees Now, LLC; The Borough of Upper Saddle River; John Does 1 through 10; and XYZ Corporation or LLC's 1 through 10" filed in the Law Division, Bergen County, Docket No. BER-L-5376-13."

WHEREAS, a Settlement Agreement has been proposed which would permit the development of certain property known as Block 810, Lot 6 as depicted on the Borough tax map, being more commonly known as 409 East Saddle River Road (hereinafter "the property") with a four (4) lot residential subdivision; and

WHEREAS, the subject property is in a R-1 Residential Zone subject to an Overlay District known as the SR Scarce Resource Residential District governed by §150-10.5 (hereinafter "the Ordinance"); and

WHEREAS, the Ordinance requires that an affordable housing obligation be considered if a scarce resource site is proposed for redevelopment, provided however that the affordable obligation may be satisfied by means of other than an on-site set aside as determined by the Mayor and Council and subject to the approval of the Court-Appointed Master and/or the Council On Affordable Housing; and

WHEREAS, the Borough has determined that the affordable housing obligation for the property shall be satisfied on other property acquired by the Borough for this specific purpose.

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

1. The Governing Body hereby approves the Settlement Agreement, and the Mayor and Borough Clerk be and are hereby authorized to execute same.

2. The Governing Body represents that the affordable component attached to the property will be satisfied on Borough-owned property.

BE IT FURTHER RESOLVED that counsel for the Borough be and is hereby authorized to file the aforesaid Settlement Agreement with the court and to execute any and all documents necessary to effectuate the terms of the Settlement Agreement.

*Resolution #113-14

WHEREAS, the Upper Saddle River Police Department is in possession of certain property which needs to be destroyed for security reasons or items which can be sold as indicated on the attached list;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Upper Saddle River, County of Bergen, that Police Chief Patrick Rotella be and is hereby authorized to dispose of such property in such manner and within such time period as may be appropriate and practical.

Mayor Minichetti appointed Todd Bakal as a Class IV member on the USR Planning board to fill an unexpired term to December 31, 2017.

RULE 7. Public Comments:

Mr. Barry Ervin, 50 Mill Glen Road, thanked the Mayor, Council, Police Department and Dept. of Public Works for their efforts in assuring that the USR 5K Run, formally known as the Dick Meighan Run, take place safely regardless of the existing weather conditions. He said there were 2150 registered participants who ran without incident due to the outstanding job in clearing the roads and was proud to be part of the community.

RULE 8. Adjournment:

A motion to adjourn by Councilman DiMartino, seconded by Councilman DeBerardine was unanimously approved by all Council members present. (Meeting adjourned at 8:25 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk