

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, February 5, 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.

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	Present
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 December 4, 2014 and Minutes of Executive, Closed and Reorganization Meeting of January 8, 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 Councilwoman Florio.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of December, 2014 and January 2015 and deposited them with the Collector/Treasurer:

Garage Sales	\$	8.00
Copies		24.56
Landscape Permits		25.00
Total	\$	57.56

The Borough Clerk's office issued 3 dog licenses for the month of December and 154 licenses for the month of January. \$227.40 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) 2015 Mayor & Council Meeting Schedule
- 2) Resolution #108-14 - Professional services, Boswell Eng.

Police: Report for the months of December & January were received and filed.

DPW: Report for the months of December & January were received and filed.

Fire Dept: Report for the months of December & January were received and filed.

Library: Report for the months of December & January were received and filed.

Historic Preservation Commission: Minutes of 12/8/14 and 2014 Activity Report were received and filed.

Borough Official's Report:

Borough Engineer: Report for the month of December was received and filed.

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

Other Boards & Commissions:

Municipal Court: Report for the months of November & December were received and filed.

RULE 4. Communications, Petitions & Bills:

NBCUA Minutes of November 13, & December 9, 2014 and Special meeting notice for February 17, 2015.

Zoning Ordinance #14-904-C from Borough of Saddle River.

2014 Annual report from West Bergen Mental Healthcare.

Resolutions from Titon Falls and Bd. Of Chosen Freeholders.

Mutual Aid and Rapid Deployment resolutions from 21 towns.

Councilman DeBerardine presented bills in the amount of \$5,643,210.21:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$5,643,210.21 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, Hafner. Nays: None. Motion approved.

RULE 5. Unfinished Business:

Councilman Durante read for the second time: (Ord. #1-15)

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

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

Resolution by Councilman Durante, seconded by Councilman DeBerardine:

AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "ZONING" was introduced at a Regular meeting of the Mayor and Council on January 8, 2015 and passed its first reading. After

public hearing held on February 5, 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 DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Councilman DeBerardine read for the second time: (Ord. #2-15)

AN ORDINANCE TO AMEND CHAPTER 118 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "SOIL REMOVAL".

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

Resolution by Councilman DeBerardine, seconded by Councilman Durante:

AN ORDINANCE TO AMEND CHAPTER 118 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "SOIL REMOVAL" was introduced at a Regular meeting of the Mayor and Council on January 8, 2015 and passed its first reading. After public hearing held on February 5, 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 DeBerardine, 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 Councilman Ditkoff was unanimously approved by all Council members present.

\*Resolution #14-15

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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:

Izenberg Appraisal Associates  
205 Main Street  
Chatham, New Jersey 07928

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services for the year 2015.

\*Resolution #15-15

WHEREAS, the Borough of Upper Saddle River requires professional legal services for the year 2015; and

WHEREAS, it is contemplated that the 2015 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" without competitive bids must be publicly advertised;

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:

Robert T. Regan, Esq.  
P O Box 214  
Westwood, New Jersey 07675

All to serve at the pleasure of the Council at an annual salary and an hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services.

\*Resolution #16-15

WHEREAS, the Borough of Upper Saddle River requires services of a professional Bond Counsel for the year 2015; and

WHEREAS, it is contemplated that the 2015 budget will contain the necessary appropriations estimated to be reasonable required for such services; and

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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

- 1) The Mayor and Council do hereby engage the services of:

Rogut McCarthy LLC  
37 Alden Street  
Cranford, New Jersey 07016

All to serve at the pleasure of the Council per the Fee Schedule attached to the Contract;

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A.40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services.

\*Resolution #17-15

WHEREAS, the Borough of Upper Saddle River requires services of a professional Risk Management Consultant for the year 2015; and

WHEREAS, it is contemplated that the 2015 budget will contain the necessary appropriations estimated to be reasonable required for such services; and

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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

- 1) The Mayor and Council do hereby engage the services of:

Nelson-Patterson Agency  
746 River Road  
New Milford, New Jersey 07646

All to serve at the pleasure of the Council at a fee paid by the Fund on behalf of the Municipality;

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A.40A:11-51 which excepts from

competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services.

\*Resolution #18-15

WHEREAS, the Borough of Upper Saddle River requires professional planning services for the year 2015 and

WHEREAS, it is contemplated that the 2015 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" without competitive bids must be publicly advertised;

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:

Burgis Associates, Inc.  
25 Westwood Avenue  
Westwood, New Jersey 07675

All to serve at the pleasure of the Council at a cost and an hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

\*Resolution #19-15

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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:

Boswell Engineering Co.  
330 Phillips Avenue  
South Hackensack, New Jersey 07606

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services for the year 2015.

\*Resolution #20-15

WHEREAS, the New Jersey State Division of Contract Compliance and Equal Employment Opportunity, enforces N.J.S.A. 10:5-31 et seq., providing that no public contract be awarded until the contractor complies with the approve Affirmative Action Plan; and

WHEREAS, N.J.A.C. 17-27-3.5 requires each public agency to designate a Public Agency Compliance Officer (PACO);

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Upper Saddle River hereby appoints Borough Attorney Robert T. Regan, Esq. as its' Public Agency Compliance Officer for the year 2015.

\*Resolution #21-15

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

WHEREAS, the Borough is required to appoint a Fund Commissioner as its representative to the Municipal Joint Insurance Fund;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that Theodore F. Preusch be and is hereby appointed as the Borough's Fund Commissioner for the Municipal Joint Insurance Fund for the year 2015.

\*Resolution #22-15

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Dept. of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the year 2015 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution designates Helena Loveless as the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that said Borough hereby endorses the submission of a recycling tonnage grant application to the New Jersey Dept. of Environmental Protection and designates the

Bergen County Utilities Authority to serve as Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

\*Resolution #23-15

Authorizing the Establishment of a Petty Cash Fund for  
Confidential and Investigative Purposes

WHEREAS, N.J.S.A. 40A:5-21 authorizes establishment of a petty cash fund for the Police Department of the Borough of Upper Saddle River, County of Bergen, New Jersey; and

WHEREAS, said petty cash fund would be utilized for confidential police narcotics investigation; and

WHEREAS, it is the desire of the Governing Body that said fund be maintained under the direction of the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River does hereby approve the establishment of a petty cash fund as follows:

1. That the Upper Saddle River Police Department be and is hereby authorized to establish a petty cash fund in the amount of \$500.00, pursuant to the provision of N.J.S.A. 40:A:5-21.

2. That Chief of Police Patrick A. Rotella be and is hereby authorized to maintain said petty cash fund to be used by the Police Department for confidential investigative purposes in the amount of \$250.00.

\*Resolution #24-15

WHEREAS, the Borough of Upper Saddle River wishes to enter into a Drug and Alcohol Testing Agreement for the year 2015; and

WHEREAS, it is contemplated that the 2015 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

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

The Mayor and Council do hereby engage the services of:

Valley Medical Group  
15 Essex Road  
Paramus, New Jersey 07652

All to serve at the pleasure of the Council at an hourly rate as set forth in the Agreement.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services.

\*Resolution #25-15

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Interlocal Services Agreement with the Borough of Waldwick for the year 2015; and

WHEREAS, it is contemplated that the 2015 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Borough of Waldwick has agreed to provide certain services to infants and pre-school children as mandated by the Public Health Council of the State of New Jersey; 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 an Interlocal Services Agreement with the Borough of Waldwick at a cost as set forth in the Agreement for the period January 1, 2015 to December 31, 2015.

\*Resolution #26-15

WHEREAS, the Borough of Upper Saddle River is in need of Public Safety Answering Point (PSAP) emergency dispatching service; and

WHEREAS, the Borough of Paramus has indicated that the Paramus Police Department Communication Center is capable of supporting 9-1-1 dispatching services for the Borough of Upper Saddle River;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper saddle River hereby authorizes the Mayor and Borough Clerk to execute an Interlocal Agreement with the Borough of Paramus to handle 9-1-1 dispatching services at a cost as set forth in the Agreement, effective January 1, 2015.

\*Resolution #27-15

AUTHORIZE PISTOL RANGE AGREEMENT BETWEEN THE BOROUGH OF  
PARK RIDGE AND THE BOROUGH OF UPPER SADDLE RIVER

WHEREAS, the Borough of Park Ridge currently owns and operates a pistol range facility; and

WHEREAS, the Borough of Upper saddle River is interested in using said facility at an annual cost as set forth in the Agreement, with one day per work week set aside for its use; and

WHEREAS, one-half (1/2) of the payment shall be due on June 1, 2015 and the balance one-half (1/2) of the amount owed shall be paid by December 1, 2015; and

WHEREAS, both parties believe these shared services agreements serves the best interest of the residents of their respective communities;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby authorizes the Mayor and Borough Clerk to execute said Agreements on behalf of the Borough of Upper Saddle River.

\*Resolution #28-15

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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:

Garbarini & Co.  
285 Division Ave.  
Carlstadt, NJ 07072

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services for the year 2015.

\*Resolution #29-15

WHEREAS, Borough Engineer Eileen Boland has recommended that Patmark Management Group, LLC, 1181 McBride Avenue, Woodland Park, NJ 07424 owner of 11 Spook Ridge Road, Block 511, Lot 4, be allowed to connect a new footing drain to the existing catch basin located in Spilt Rock Road; and

WHEREAS, all required fees have been deposited with the Borough;

NOW, THEREFORE, BE IT RESOLVED that this request be and is hereby approved subject to the requirement that an Maintenance and Hold Harmless Agreement be prepared whereby the property owners and its successors in interest and assigns will indemnify and hold harmless the Borough in connection with the maintenance and operation of the proposed connection; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforementioned Maintenance and Hold Harmless Agreement after same has been prepared by the Borough Attorney.

\*Resolution #30-15

WHEREAS, the Upper Saddle River Fire Department is the custodian of certain surplus property which is no longer serviceable, damaged or no longer in compliance with NFPA safety regulations; and

WHEREAS, the Borough of Upper Saddle River is desirous of donating this equipment to the Bergen County Department of Public Safety Fire Academy;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the property itemized on the attached memorandums from Fire Chief Erik Vierheilig be transferred to the Bergen County Fire Academy.

\*Approve towing operators for the year 2015 as recommended by Chief Rotella.

\*Approve raffle licenses to Saddle River Valley Lions Club for car raffle, 50/50 raffle and Games of Chance on May 26-30, 2015.

\*Approve raffle license to Diabetes Foundation for raffle on June 20, 2015.

\*Approve raffle license to USR Educational Foundation for raffle on March 12, 2015.

\*Approve 2015 road closures for Run For Education, Youth Triathlon, Pink Passion Run and USR 5K Run.

A motion by Councilman Durante, seconded by Councilman Ditkoff to approve membership of Joseph Farrow, Jonathan Hart, Joseph Torres and Gerald Wagner in USR Fire Department.

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

A motion by Councilman DiMartino, seconded by Councilwoman Florio to appoint Wren DiGisi to serve on the Library Board of Trustees to 12/31/19.

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

Resolution #31-15 by Councilman DeBerardine, seconded by Councilman DiMartino:

WHEREAS, N.J.S.A.40A:12A-6 provides that no area of a municipality shall be determined to be a redevelopment area unless the Governing Body by resolution authorizes the Planning Board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area in accordance with the statutory criteria; and

WHEREASS, the Mayor and Council desires to have the Planning Board undertake such preliminary investigation with respect to a certain property known as Block 1002, Lot 4.02 ("the property"); and

WHEREAS, the Mayor and Council states that the preliminary investigation pertaining to the property shall be undertaken by means other than the use of the power of eminent domain;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the Planning Board be and is hereby authorized to undertake a preliminary investigation in order to determine whether the property is a redevelopment area; and

BE IT FURTHER RESOLVED that the Planning Board shall undertake such an investigation in accordance with the provisions of N.J.S.A.40A:12A-6b and shall conduct a public hearing in accordance with the provisions thereof and shall thereafter transmit its report to the Mayor and Council.

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

RULE 7. Public Comments:

Mr. Sarosh Dalal, 7 Lenape Trail, said his son received a ticket for parking in the street overnight and asked the ordinance be changed to protect residents from receiving tickets.

Mayor Minichetti said if there is a need to park overnight in the street, a call to the Police Department would avoid getting a ticket. She explained the ordinance allows clear access for snow plowing and helps the police alleviate crime. Mayor Minichetti stated that a notice regarding overnight parking is posted in the Borough Bulletin, on the Borough's web page and Facebook and that a call to the Police Dept. will prevent residents from getting a ticket.

RULE 8. Adjournment:

A motion by Councilman Durante, seconded by Councilman DiMartino to return to Closed Session was unanimously approved by all Council members present. (Meeting ended at 8:26 pm.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk