

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, March 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	Absent
Councilman	Thomas Hafner	Present

RULE 2. Minutes of Executive, Closed and Regular Meetings of February 5, 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 February, 2015 and deposited them with the Collector/Treasurer:

Garage Sales	\$ 4.00
Copies	11.52
Landscape Permits	15.00
Total	\$ 30.52

The Borough Clerk's office issued 103 dog licenses for the month of February. \$144.60 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) Introduction of Ord. #1-15- Zoning
- 2) Introduction of Ord. #2-15 - Soil Removal
- 3) Resolution #4-15 - Professional Services
- 4) 2015 Mayor and Council Meeting Schedule

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

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

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

Youth Guidance Council: Minutes of February 6, 2015 were received and filed.

Borough Official's Report:

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

Construction Code Official: Report for the month of January & February were received and filed.

Other Boards & Commissions:

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

RULE 4. Communications, Petitions & Bills:

NBCUA Minutes of January 12, 2015.

Resolutions from Fort Lee, Norwood, Hackensack, Ridgewood, Lodi, Oakland, Northwest Bergen Utilities Authority, Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$5,205,655.14:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$5,205,655.14 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. Motion approved.

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 Hafner, seconded by Councilman Durante was unanimously approved by all Council members present.

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

\*Resolution #32-15

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:

Piazza & Associates  
216 Rockingham Row  
Princeton, NJ 08540

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 #33-15

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF UPPER SADDLE RIVER, AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$5,755,486 BOND ANTICIPATION NOTE, DATED FEBRUARY 20, 2015 AND PAYABLE FEBRUARY 19, 2016, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Upper Saddle River, in the County of Bergen, New Jersey (the "Borough"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Borough, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$5,755,486 Bond Anticipation Note, dated February 20, 2015 and payable February 19, 2016 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

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

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2015.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2015.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2015 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

\*Resolution #34-15

WHEREAS, the Borough of Upper Saddle River advertised that sealed proposals would be received on February 24, 2015 to provide services for the 2015 Turf Program; and

WHEREAS, in response to said advertisement for proposals, a bid submitted by Perennial Services, LLC, 1107 Goffle Road, Hawthorne, New Jersey 07506 was the lowest responsible bidder in the amount of \$26,875; 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 Perennial Services, LLC, 1107 Goffle Road, Hawthorne, New Jersey 07506;

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 #35-15

WHEREAS, N.J.S.A. 40A:4-19 provides that, where any contract, commitments or payments are to be made prior to the final adoption of the 2015 budget, temporary appropriations should be made for the purpose and the amounts required in the manner and time therein provided; and

WHEREAS, the total appropriation in the 2014 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum of \$10,610,417.55; and

WHEREAS. One quarter of the appropriations in the 2014 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum \$2,652,604.39.

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 following appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

TEMPORARY APPROPRIATIONS 2015

Inside Cap Appropriations

Department

A&E, S&W	\$20,000	Finance, S&W	\$20,000
Finance, OE	50,000	Assessor, S&W	20,000
Legal, S&W	15,000	Planning Bd., S&W	1,000
Bld. Dept., S&W	10,000	Other Ins.	80,000
Police, S&W	100,000	Police, OE	20,000
Emergency Mgt.	1,000	Fire Dept., OE	2,700
Ambulance, S&W	6,000	Fire Prev., OE	1,000
Shade Tree, S&W	600	DPW, S&W	55,000
DPW, OE	70,000	Recycling Contract	40,000
Bld. & Grounds	2,000	Bd. Of Health, OE	3,000
Recreation, S&W	10,000	Library Maint.	232,000
Utility Acct.	10,000	Solid Waste Cont.	100,000

Court, S&W	4,000	Social Security	20,000
Reserve Tax Appeals	4,000	Bond Interest	60,000

Councilman Hafner read Resolution #37-15:

WHEREAS, there are major traffic issues on State Highway Route 17 that negatively affects the Borough of Upper Saddle River; and

WHEREAS, many adjacent municipalities are adversely affected by the amount of traffic on Route 17 North and South which includes, but not limited to, the boroughs of Allendale, Ho-Ho-Kus, Mahwah, Ramsey, Saddle River and Waldwick; and

WHEREAS, this highway is usually overcrowded and congested causing serious motor vehicle accidents, particularly those involving large trucks and tractor trailers; and

WHEREAS, in the interest of safety, the Borough of Upper Saddle River requests the New Jersey Department of Transportation to take prompt action to address local and highway traffic issues;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Upper Saddle River asks that all those municipalities bordering Route 17 North and South support and pass a like Resolution; and

BE IT FURTHER RESOLVED that a copy of the Resolution be forwarded to the New Jersey Department of Transportation, to all members of their respective Legislative Districts and to Bergen County Executive James Tedesco.

\*Resolution #38-15

WHEREAS, the Borough of Upper Saddle River has determined there is a need to address the use of the Internet and wireless communication by the Borough, its employees and agents to provide information online; and

WHEREAS, to encourage the responsible use of Social Media, to further the goals of the Borough and the missions of its departments and affiliated boards, commissions and authorities, the Borough has determined to adopt a policy regulating same; and

WHEREAS, the Mayor and Council has determined that said policy is in the best interest of the Borough.

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

1. The Social Media Policy attached hereto is hereby adopted by the Borough of Upper Saddle River as part of the Borough Administrative Policy and is applicable to all Borough Employees, agencies and departments as well as

any affiliated government or non-government agency or official.

2. This Resolution hereby amends and supersedes all prior Resolutions that are inconsistent herewith.
3. This Resolution shall take effect immediately.

\*Approve Raffle License #357 & #358 to Saddle River Reformed Church.

\*Ord.#4-15-AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14) FOR THE CALENDAR YEAR 2015 was introduced at a Mayor and Council meeting on March 5, 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 April 9, 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.

Councilman Ditkoff read for the first time: (Ord. #3-15)

"AN ORDINANCE TO AMEND CHAPTER 102 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "PROPERTY MAINTENANCE".

Resolution by Councilman Ditkoff, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND CHAPTER 102 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "PROPERTY MAINTENANCE" was introduced at a Mayor and Council meeting on March 5, 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 April 9, 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 members DeBerardine, DiMartino, Ditkoff, Durante, Hafner. Nays: None. Resolution approved.

RULE 7. Public Comments:

In response to inquiry by Mr. J. Giudice, 22 Ripplewood Drive, regarding the status of the Apple Ridge project, Mr. Regan said the Mayor and Council cannot comment and have no jurisdiction over the project. He suggested Mr. Giudice check with the Planning Board to see if it is on their agenda.

RULE 8. Adjournment:

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

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk