

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, June 4, 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.

Mr. Barry Ervin distributed donations from the Upper Saddle River 5K Run to the following:

Extra Mile Scholarships-\$1,000 to Ann Pless, \$500 to Thomas Wei, \$500 to Clare Dalton. Donations of \$500 were presented to the Fire Department, Ambulance Corps, DARE, Boy Scouts, Girl Scouts and Jeremy's Heroes.

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 May 7, 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 May, 2015 and deposited them with the Collector/Treasurer:

Copies	\$	19.45
Garage Sales		22.00
Landscape Permits		<u>15.00</u>
Total	\$	56.45

The Borough Clerk's office issued 17 dog licenses for the month of May. \$26.40 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) Adoption of Ord. #3-15 - Property Maintenance
- 2) Adoption of Ord. #4-15 - Establish CAP Bank
- 3) Introduction of Ord. #5-15 - Streets & Sidewalks
- 4) Introduction of Ord. #6-15 - Capital Improvements
- 5) Resolution #42-15 - Introduction of 2015 Municipal Budget
- 6) Public notice, Reschedule of 4/2/15 meeting

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

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

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

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

RULE 4. Communications, Petitions & Bills:

Senator Cardinale letter informing that USR is receiving \$21,430.87 from Clean Communities Grant.

NBCUA Report of Audit and Minutes of April 21, 2015

Planning Bd. Notice of public hearing re Apple Ridge, USR, LLC.

Public hearing notice from PSE&G re rate adjustments

Resolutions from Alpine, Oakland, Northvale, Park Ridge, Rutherford, Township of Washington, Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$3,648,049.85:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$3,648,049.85 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. #7-15)

"AN ORDINANCE TO AMEND CHAPTER 98 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED PARKS AND PLAYGROUNDS".

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

Resolution by Councilman Durante, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND CHAPTER 98 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED PARKS AND PLAYGROUNDS" was introduced at a Regular meeting of the Mayor and Council on May 7, 2015 and passed its first reading. After public hearing held on June 4, 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. Resolution approved.

Councilman Durante read for the second time: (Ord. #8-15)

"AN ORDINANCE TO AMEND CHAPTER 51 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED FIRE PREVENTION".

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 51 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED FIRE PREVENTION" was introduced at a Regular meeting of the Mayor and Council on May 7, 2015 and passed its first reading. After public hearing held on June 4, 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. Resolution approved.

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 Councilwoman Florio was unanimously approved by all Council members present.

*Resolution #52-15

WHEREAS, the Borough of Upper Saddle River has entered into a Three Year Cooperative Agreement with the County of Bergen, as provided under the Interlocal Services Act N.J.S.A. 40A:-1 et. seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that a Municipal Representative be appointed by the Governing Body of the Borough of Upper Saddle River to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1, 2015 through June 30, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby appoints Theodore F. Preusch as Municipal Representative to participate on the Community Development Regional Committee.

*Resolution #53-15

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Zorm 2009 LLC v. Borough of Upper Saddle River",

Docket Nos. 018340-2012, 017607-2013 and 015361-2014 which matters involve appeals of the assessment on certain premises known as Block 703, Lot 8 and being more commonly known as 40 Carlough Road, for the 2012, 2013 and 2014 tax years; and

WHEREAS, the parcel is assessed for the 2012, 2013 and 2014 tax years at \$789,400.00; and

WHEREAS, said appeals were filed to contest the assessment on the property for the 2012, 2013 and 2014 tax years.

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 appeals based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the assessment for the 2012 tax year on said parcel shall be affirmed.

2. The Stipulation of Settlement shall provide that the assessment for the 2013 and 2014 tax years on said parcel shall be established at \$450,000.00.

3. Plaintiff agrees to waive interest due on the refund in connection with this settlement. In addition, any refund due the property owner 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 #54-15 read by Councilman DeBerardine, seconded by Councilman Durante:

Resolution Authorizing the Transfer of Surplus Equipment

WHEREAS, the Upper Saddle River Department of Police is in sole and exclusive possession of surplus equipment which is no longer needed for public use; and

WHEREAS, the Borough of Woodcliff Lake, New Jersey, Department of Police is desirous of receiving such equipment; and

WHEREAS, the Mayor and Council of the Borough of Upper Saddle River has been advised that the following equipment is now considered surplus:

- Heckler and Koch Universal Machine Pistols (.40 Cal. S&W Semi-Auto)
 1. Serial #162003875 (Damaged, for parts)
 2. Serial #162003876
 3. Serial #162003877

WHEREAS, pursuant to N.J.S.A.40A:11-36(2), a contracting unit may dispose of personal property no longer needed for public use without public bidding when the sale is made to another government unit.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Upper Saddle River that it hereby approves the sale of the above-referenced surplus equipment to the Borough of Woodcliff Lake Police Department, in the sum of one thousand (\$1,000) dollars.

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

Resolution #55-15 read by Councilman DiMartino, seconded by Councilman Hafner:

WHEREAS, the Federal Emergency Management Agency ("FEMA") has released preliminary work maps, the result of which has resulted in some properties in the Borough being included in a high-risk flood zone; and

WHEREAS, Borough officials have been advised by a number of property owners that these proposed flood hazard determinations are scientifically or technically incorrect;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Borough hereby supports the efforts of homeowners who object to these determinations; and

BE IT FURTHER RESOLVED that the Governing Body hereby urges FEMA to strongly consider the objections to the flood hazard determination made by Borough property owners; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to FEMA and to owners of properties within the Borough whose properties are affected by FEMA's flood mapping and determination.

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

Councilman Ditkoff said a number of homeowners were upset by the arbitrary determination by FEMA to include their properties in the flood zone and that the Governing Body will support their appeals if incorrectly identified.

Councilman DiMartino read for the first time: (Ord. #9-15)

"AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED AN ORDINANCE RELATING TO THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF UPPER

SADDLE RIVER, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTED ON JULY 3, 2014".

Resolution by Councilman DiMartino, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED AN ORDINANCE RELATING TO THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTED ON JULY 3, 2014" was introduced at a Mayor and Council meeting on June 4, 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 July 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, Florio, Hafner. Nays: None. Resolution approved.

RULE 7. Public Comments:

Mr. Barry Ervin thanked the Mayor and Council, Police Department, Ambulance Corps and DPW for their assistance during the Upper Saddle River 5K Run.

RULE 8. Adjournment:

A motion to adjourn by Councilman DiMartino, seconded by Councilman Durante was unanimously approved by all Council members present. (Meeting adjourned at 8:20 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk

