

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, November 2, 2017 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Moment of Silence and Pledge of Allegiance was led by Council President DeBerardine.

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	Absent
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 October 5, 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 DiMartino.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of October, 2017 and deposited them with the Collector/Treasurer:

Landscaper Permit	\$	20.00
Garage Sales		26.00
Copies		<u>1.40</u>
Total	\$	47.40

The Borough Clerk's office issued 4 licenses for the month of October. \$7.80 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. #12-17 - Re-appropriation of funds

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

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

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

Library: Report for the month of October and Minutes of 10/18/17 were received and filed.

Borough Official's Report:

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

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

RULE 4. Communications, Petitions & Bills:

NWBCUA 2018 Preliminary Budget and Minutes of 9/19/17

Resolutions from NJ General Assembly, Oradell, Northvale, Midland Park, Bergenfield, Hackensack, Closter.

A motion by Councilman DiMartino, seconded by Councilman Durante to pay bills in the amount of \$3,758,647.88 was unanimously approved by all Council members present. Council President DeBerardine declared bills approved for payment and ordered checks drawn.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. 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 Hafner, seconded by Councilwoman Florio was unanimously approved by all Council members present.

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

*Resolution #98-17

WHEREAS, application for renewal of an alcoholic beverage pocket license has been filed with the Division of Alcoholic Beverage Control Commission by East Crescent Development Corp, 1000 Wyckoff Avenue, Mahwah, New Jersey 07430 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 N.J.S.A. 33:1-12.39 for the 2017-2018 and 2018-2019 license term;

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage pocket license be renewed effective July 1, 2017-June 30, 2018, based upon the representations set forth in the petitioner's notarized letter and is subject to review and/or modification should the factual circumstances warrant:

License #0263-33-004-009

A Plenary Retail Consumption License is hereby issued to East Crescent Development Corp, 1000 Wyckoff Avenue, Mahwah, New Jersey.

*Resolution #99-17

WHEREAS, there is presently pending in the Tax Court of New Jersey certain matters entitled, "Mehdi Kassai v. Borough of Upper Saddle River", Docket No. 014105-2015, and "Pam Real Estate LLC v. Borough of Upper Saddle River", Docket Nos. 003042-2016 and 001755-2017, which matters involve appeal of the assessment on certain premises known as Block 1005, Lot 4 and being more commonly known as 96 Lake Street, for the 2015, 2016 and 2017 tax years; and

WHEREAS, the parcel is assessed for the 2015, 2016 and 2017 tax years at \$1,891,700.00; and

WHEREAS, said appeals were filed to contest the assessment on the property for the 2015, 2016 and 2017 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 appeal based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the appeal for the 2015 tax year on said parcel shall be withdrawn.

2. The Stipulation of Settlement shall provide that the assessment for the 2016 tax year on said parcel shall be established at \$1,430,000.00.

3. The Stipulation of Settlement shall provide that the assessment for the 2017 tax year on said parcel shall be established at \$1,325,000.00.

4. 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.

5. Plaintiff has agreed that there will be no appeal filed for the 2018 tax year, with the provisions of the Freeze Act being applicable to the assessment for said tax year.

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 #100-17

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:

<u>FROM</u>		<u>TO</u>	
Other insurance	\$140,000	Worker's Comp.	\$164,000
Ins. Waivers	20,000		
Group Insurance	4,000		
Group Insurance	\$26,000	DPW, S&W	60,000
Social Security	5,000		
Tax Collector, S&W	15,000		
Bldg., S&W	10,000		
Court, S&W	4,000		
Court, S&W	\$ 1,000	A&E, S&W	23,000
Police, S&W	22,000		
TOTAL	\$247.000		\$247.000

*Resolution #101-17

WHEREAS, an emergency has arisen with respect to Legal Services for recently developed litigation and no adequate provision was made in the 2017 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriation created, including the appropriation to be created by this resolution is \$400,000 and three (3) percent of the total operating appropriations in the budget for 2016 is \$288,136; and

WHEREAS, the foregoing appropriation together with prior appropriations exceeds three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2016;

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmative concurring_ that in accordance with NJS 40A:4-49, petition be made to the Director of the Division of Local Government services for permission to exceed the statutory limitation of 3 percent for the creation of an appropriation for the purpose set forth in the preamble in accordance with the following:

1. An emergency appropriation is hereby made for Legal Expenses in the amount of \$400,000.
2. That said emergency appropriation shall be provided for in full in the 2018 budget. \$288,136 is requested to be excluded from "CAPS" and \$111,864 within "CAPS" pursuant to NJS 40A:4-45 3c(1).
3. That an Emergency Note not in excess of the above amount be authorized pursuant to NJS 40A:4-51.

4. That such note shall be executed by the Chief Financial Officer and the Mayor and attested to and seal affixed thereto by the Borough Clerk.

5. That such note shall be dated prior to December 31, 2017, may be renewed from time to time and such note and any renewals shall be payable on or before December 31, 2018. The Chief Financial Officer is hereby authorized to sell said note and any renewals thereof from time to time.

6. That the statement required by the Local Finance Board has been filed with the Clerk and a copy transmitted to the Director of the Division of Local Government Services.

7. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

*Resolution #102-17

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 Division of Criminal Justice 2017 Body Armor Grant of \$1,865.87 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 \$1,865.87 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;

Division of Criminal Justice 2017 Body Armor
Grant

BE IT RESOLVED that the sum of \$1,865.87 is hereby appropriated under the caption of:

General Appropriations

Operations excluded from the CAP

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

Division of Criminal Justice 2017 Body Armor 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 #103-17

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Duane A. and Sarah E. Bryan v. Borough of Upper Saddle River", Docket No. 002434-2017, which matter involves an appeal of the assessment on certain premises known as Block 810, Lot 11.02 and being more commonly known as 11 Strawberry Lane, for the 2017 tax year; and

WHEREAS, the parcel is assessed for the 2017 tax year at \$1,206,700.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2017 tax year.

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 appeal based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the assessment for the 2017 tax year on said parcel shall be established at \$1,131,700.00.

2. The Stipulation of Settlement shall provide that the assessment for the 2018 tax year on said parcel shall be established at \$1,056,700.00.

3. Plaintiffs agree to waive interest due on the refund in connection with this settlement. In addition, any refund due the property owners 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 #104-17

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:

Arthur R. Thibault, Jr. Esq.
Apruzzese, McDermott, Mastro & Murphy
25 Independence Boulevard
Warren, New Jersey 07059

to perform such services at a fee of \$205.00 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the Mayor and Borough Clerk be and are hereby authorized to enter into a professional services contract with Arthur R. Thibault, Jr., Esq.

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

Mr. Regan read Resolution #105-17, seconded by Councilman Durante:

Cancellation of Current Fund Balances - Grants Receivables and Appropriated Grant Reserves.

WHEREAS, certain Current Fund grant receivable balances remain on the Current Fund Balance Sheet; and,

WHEREAS, unexpended Current Fund appropriated grant reserve balances remain on the Current Fund Balance Sheet; and,

WHEREAS, it has been determined that the Borough has collected all funds eligible to be received from these grant programs; and,

WHEREAS, it has been further determined that the programs associated with these grants have been completed; and,

WHEREAS, it is necessary to formally cancel said grant receivable and appropriated grant reserve balances from the Current Fund balance sheet,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Upper Saddle River, that the following grant balances be canceled of record.

<u>Grant Description</u>	<u>Grant Receivable Balance</u>	<u>Appropriated Grant Reserve Balance</u>	<u>Operational Fund Balance</u>
State of New Jersey Aggressive Municipal Alliance on Drug Abuse	\$ 5,792.50		\$5,792
Municipal Alliance on Alcoholism and	9,619		9,619

