

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, July 5, 2018 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Moment of Silence and Pledge of Allegiance was led by Mayor Minichetti.

MADD representative Steven Benvenisti presented the 2017 Safety Award to Officer Colin Gurney and Officer Kevin McWilliams for their outstanding efforts in keeping our community safe by having the most drunk driving arrests.

The Apprehension Award was presented to Sgt. William Lynch and Officer Kevin McWilliams for their exceptional actions in apprehending two criminals. The Honorable Service Award was presented to Dispatcher Akira Yamaki for his help in coordinating local Police agencies who assisted our Officers.

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 19, 2017 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	Present
Councilman	Roger DeBerardine	Absent
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 June 7, 2018 were delivered to all members of the governing body and posted on the bulletin board and were unanimously approved following a motion by Councilman Ditkoff, seconded by Councilwoman Florio.

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

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of June, 2018 and deposited them with the Collector/Treasurer:

Landscaper Permit	\$ 200.00
Copies	50.30
Liquor License	1,008.00
Garage Sales	20.00
Total	<u>\$1,278.30</u>

The Borough Clerk's office issued 7 licenses for the month of June. \$11.40 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of Publications were received for:

- (1) Adoption of Ord. #6-18 - Zoning
- (2) Adoption of Ord. #7-18 - Property Maintenance
- (3) Introduction of Ord. #9-10 Employee Compensation
- (4) Intro. & Adoption of Ord. #10-18 Tax Exemption Agreement
- (5) Resolution #73-18 Civil Rights Policy

RULE 3. Borough Clerk's Report:

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

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

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

Library: Report for the month of June and Minutes of 5/16/18 were received and filed.

Borough Official's Report:

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

RULE 4. Communications, Petitions & Bills:

NWBCUA Minutes of May 15, 2018

PSE&G petition requesting increase in electric and gas service rates.

DOT notice of approved grant in amount of \$215,000 for Ware Road.

A motion by Councilman DiMartino, seconded by Councilman Durante to pay bills in the amount of \$2,604,844.81 was unanimously approved by all Council members present. Mayor Minichetti declared bills approved for payment and ordered checks drawn.

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

RULE 5. Unfinished Business:

Councilwoman Florio read for the second time: (Ord. #9-18)

"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 August 3, 2017".

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

Resolution by Councilwoman Florio, seconded by Councilman DiMartino:

"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 August 3, 2017" was introduced at a Regular meeting of the Mayor and Council on June 7, 2018 and passed its first reading. After public hearing held on July 5, 2018, 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 DiMartino, Ditkoff, Durante, Florio.  
Nays: None.

Councilman Durante read for the second time: (Ord.#10-18)

"AN ORDINANCE AUTHORIZING A CERTAIN LONG TERM EXEMPTION AGREEMENT BETWEEN THE BOROUGH OF UPPER SADDLE RIVER AND USR HDC SUPPORTIVE HOUSING URBAN RENEWAL, LP PURSUANT TO N.J.S.A. 40A:21-1 ET SEQ".

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

Resolution by Councilman Durante, seconded by Councilman DiMartino:

"AN ORDINANCE AUTHORIZING A CERTAIN LONG TERM EXEMPTION AGREEMENT BETWEEN THE BOROUGH OF UPPER SADDLE RIVER AND USR HDC SUPPORTIVE HOUSING URBAN RENEWAL, LP PURSUANT TO N.J.S.A. 40A:21-1 ET SEQ" was introduced at a Regular meeting of the Mayor and Council on June 7, 2018 and passed its first reading. After public hearing held on July 5, 2018, 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 DiMartino, Ditkoff, Durante, Florio.  
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 Ditkoff, seconded by Councilman Durante was unanimously approved by all Council members present.

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

\*Resolution #88-18

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 Group LLC, 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, 2018-June 30, 2019, 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 Group LLC, 1000 Wyckoff Avenue, Mahwah, New Jersey.

\*Resolution #90-18

WHEREAS, the Borough of Upper Saddle River requires Engineering Design and Construction Inspection services of the Ware Road, from Route 17 to Union Avenue, improvement project; and

WHEREAS, it is contemplated that the 2018 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Local Public Contracts Law (NJSA 40:A11-1 et. seq.) requires that 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  
330 Phillips Avenue  
South Hackensack, NJ 07606

All to serve at the pleasure of the Council at a fee not to exceed \$38,000.00 (\$17,000 for design and \$21,000 for construction inspection) as mutually agreeable to the parties for actual services rendered.

2. The engagement of such services is made without competitive bidding under the provisions of N.J.S.A 40A:11-5 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession and whose practice is required by law.

3. A copy of this resolution shall be published in The Record as required by law within 10 days of its passage.

\*Resolution #91-18

WHEREAS, the following property is no longer needed by the Upper Saddle River Police Department; and

WHEREAS, the Mayor and Council are desirous of selling said the property in an "as is" condition without express or implied warranties;

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

1. The sale of the property shall be conducted by GovDeals pursuant to New Jersey State Contract A-709667/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and the State of New Jersey.

2. The sale will be conducted online and the address of the auction site is govdeals.com.

3. The sale is being conducted pursuant to Local Finance Notice 2008-9.

4. The property to be sold is noted below.

5. The property as identified shall be sold in "as is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

6. The Borough of Upper Saddle River reserves the right to accept or reject any bid submitted.

1990 BMY-Harsco Vin. #NL1311-36-00789

\*Resolution #92-18

WHEREAS, Ordinance No. 4-85 authorized the execution of an Agreement between the Boroughs of Upper Saddle River ("Borough"), Montvale ("Montvale") and Woodcliff Lake ("Woodcliff Lake") whereby sanitary sewer connection for certain dwelling units in the Borough would be connected to the public sanitary sewer system maintained by Montvale and Woodcliff Lake; and

WHEREAS, on or about January 21, 1985, a Sewer Connection Agreement was entered between the Borough, Montvale and Woodcliff Lake which permitted the connection of certain properties in Blocks 1205, 1206, 1207 and 1213 to connect to the Montvale and Woodcliff Lake sanitary sewer system; and

WHEREAS, Ordinance No. 19-94 authorized an amendment to the aforesaid 1985 Sewer Connection Agreement whereby certain properties in Block 922 in the Borough may connect to the Montvale sewer system, subject to the approval of Montvale and the payment of all connection charges and fees required by Montvale; and

WHEREAS, on or about June 24, 1997 the 1985 Sewer Connection Agreement was amended to include a property known as Block 307, Lot 1 to connect to the Montvale sewer system; and

WHEREAS, a request has been made by the owner of Block 308, Lot 5, being more commonly known as 2 Thier Lane, to connect to the Montvale sewer system ("the property")

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby authorize and approve the property to be connected to the Montvale sewer system, subject to the approval by the Borough of Montvale of such sewer connection, and the property owner being responsible for all connection charges and fees required for such service by the Borough of Montvale.

\*Resolution #94-18

RESOLUTION OF THE BOROUGH OF UPPER SADDLE RIVER ADOPTING THE UPDATED RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF THE UPPER SADDLE RIVER POLICE DEPARTMENT

WHEREAS, Section 3-49 of the Code of the Borough of Upper Saddle River requires that the Upper Saddle River Police Department under the authority of the Appropriate Authority to promulgate Rules and Regulations for the administration of the department, and the conduct of its members in addition to those general requirements set forth in Article X of the Code of The Borough of Upper Saddle; and

WHEREAS, the Chief of the Upper Saddle River Police Department has submitted to the Mayor, the Appropriate Authority a copy of the updated and revised Rules and Regulations governing the Upper Saddle River Police Department which comply with current accreditation standards, and

WHEREAS, the Mayor and Borough Administrator has reviewed the Rules and Regulations submitted by the Chief of Police of the Upper Saddle River Police Department and has found same to be proper in form and content and finds that it would be in the best interest of the Borough that the Rules and Regulations be adopted by the Governing Body of the Borough of Upper Saddle River; and

WHEREAS, the Chief of Police shall, pursuant to policies established, administer and enforce the Rules and Regulation of the Upper Saddle River Police Department.

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

1. The Revised Rules and Regulations of the Upper Saddle River Police Department be and are hereby adopted in accordance with Article X, Section 3-49 of the General Ordinances of the Borough of Upper Saddle River;
2. The Borough Clerk shall forward a certified copy of the Resolution to the Chief of Police of the Upper Saddle River Police Department;
3. The Chief of the Upper Saddle River Police Department shall serve a copy of the Revised Rules and Regulations of the Upper Saddle River Police Department and any other entity that may require a copy of same for purposes of accreditation.

\*Resolution #95-18

WHEREAS, the Planning Board has granted development approvals for the construction of 186 market rate townhouse dwelling units, 22 affordable housing units and a clubhouse and pool on premises known and designated as Block 601, Lot 1, as depicted on the Borough tax map being more commonly known as One Lake Street ("the property"); and

WHEREAS, in order for sanitary sewer service to be provided to the property for the approved development, a Treatment Works Approval ("TWA") Permit Application is required to be filed with the Department of Environmental Protection.

NOW THEREFORE BE IT RESOLVED that Mayor Joanne L. Minichetti, Borough Administrator Theodore Preusch and Borough Engineer Kevin Boswell be and are hereby authorized to execute all forms related to the aforesaid TWA Application on behalf of the Borough.

RULE 7. Public Comments:

In response to Mr. Richard Medina, 295 Lake Street, he was informed the amount spent on the eruv litigation amounted to \$600,000. Mr. Regan said the litigation is on-going and that an Order to Show Cause has been filed with oral arguments scheduled for July 7.

Ms. Nvair Beylarian, 242 West Saddle River Road, inquired as to her OPRA request previously submitted; Borough Clerk will look into the matter.

Mr. Perry Bonomo, 19 Plymouth Drive and Mr. Armando Diaz, 23 Plymouth Drive asked about the status of closing Hillside Avenue. They were informed that a cul-de-sac had been considered, but that there are other factors which need be taken into account such as traffic safety, sight hazard, and the impact on residents and emergency vehicles.

Mr. Erik Friis, 4 Sparrowbush Road asked questions relating to non-compliance by the Bergen Eruv Association, garbage and recycling issues and items billed by Attorney Bruce Rosen.

Mr. Regan said that at the May Council meeting, Mr. Friis displayed a lack of decency by giving Councilman Ditkoff the finger and in his opinion, forfeited his right to have the Council respond to him. Mr. Regan told Mr. Friis he has the right to make comments. Mr. Friis said his civil rights were violated and that Councilman Ditkoff deserved the finger.

Mr. Steve Romano, 18 Danebury Downs, said he wanted the Council to know that when he was stopped by Det. Edward Kane, the Officer did a thorough investigation job, while treating him with the utmost respect. He said as a new resident, he is proud to be part of the community that has such thoughtful and helpful police officers and would like Det. Kane to be commended for his actions.

RULE 8. Adjournment:

A motion to adjourn by Councilman DiMartino, seconded by Councilwoman Florio was unanimously approved by all Council members present. (Meeting adjourned at 8:45 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk