

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, September 6, 2018 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.

Council President DeBerardine chaired the meeting.

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	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 August 2, 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 Durante, seconded by Councilman DiMartino.

RULE 3. Borough Clerk's Report:

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

Peddler's License	\$ 220.00
Copies	36.40
Garage Sales	<u>12.00</u>
Total	\$ 268.40

Proof of Publications were received for:

- (1) Introduction of Ord. #11-18 - Licenses
- (2) Resolution #97-18 - Professional Services, Boswell Eng.

RUE 3. Borough Clerk's Report.

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

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

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

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

Borough Official's Report:

Borough Engineer: Status report for capital projects.

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

Other Boards & Commissions:

Municipal Court: Report for the months of July & August were received and filed.

RULE 4. Communications, Petitions & Bills:

NWBCUA Minutes of July 16, 2018, adoption of Bond Resolution #87-2018 and notice of special meeting on August 22, 2018.

PSE&G public hearing notice re electric green programs and solar pilot charges.

Resolutions from Westwood, Midland Park, Ho-Ho-Kus, Saddle Brook.

Councilman DiMartino presented bills in the amount of \$6,957,320.34:

A motion by Councilman DiMartino, seconded by Councilman Durante to pay bills in the amount of \$6,957,320.34 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:

Councilman Durante read for the second time: (Ord. #11-18)

"AN ORDINANCE TO AMEND CHAPTER 76 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED LICENSES".

Council President DeBerardine opened the public hearing; there being no comments, hearing was closed.

Resolution by Councilman Durante, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND CHAPTER 76 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED LICENSES" was introduced at a Regular meeting of the Mayor and Council on August 2, 2018 and passed its first reading. After public hearing held on September 6, 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 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 Councilwoman Florio was unanimously approved by all Council members present.

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

*Motion to approve Social Affairs License for Oktoberfest.

*Motion to approve Social Affairs License for Fire Dept. wetdown.

*Motion to approve Raffle License for Diabetes Foundation, Inc.

*Motion to approve Raffle License for USR Fire Department.

*Resolution #101-18

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Arnold E. Reiter (Trste) v. Borough of Upper Saddle River", Docket No. 012929-2017, which matter involves appeal of the assessment on certain premises known as Block 1012, Lot 27.02 and being more commonly known as 5 Joseph Court, for the 2017 tax year; and

WHEREAS, the parcel is assessed for the 2017 tax year at 2,200,000.00; 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 \$2,000,000.00.

2. The parties agree that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year 2018, and therefore agree that the provisions of *N.J.S.A. 54:51A-8*, commonly known as the "Freeze Act", shall be applicable to and a final disposition of this case and the entire controversy and of any actions pending or hereafter instituted by the parties concerning the assessment on the property referred to herein for said Freeze Act year. No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent years.

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 # 102-18

RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that Fire Chief Larry Rauch attend the New Jersey State Firemen's Convention held in Wildwood, New Jersey on September 13 and 14, 2018; and

BE IT RESOLVED that the Treasurer is hereby authorized to issue him a check not exceeding \$200.00 for expenses in attending said conference; and

BE IT FURTHER RESOLVED that actual vouchers are to be submitted in due course to substantiate actual expenses and any portion of this advance not vouchered is to be returned.

*Resolution #103-18

RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the following lifetime firemen attend the New Jersey State Firemen's Convention held in Wildwood, New Jersey on September 13 and 14, 2018:

John Manke

Joseph Kelly

Joseph Raymond

Brandon Bach

Erik Verheilig

BE IT RESOLVED that the Treasurer is hereby authorized to issue each of them a check not exceeding \$200.00 for expenses in attending said conference; and

BE IT FURTHER RESOLVED that actual vouchers are to be submitted in due course to substantiate actual expenses and any portion of this advance not vouchered is to be returned.

*Resolution #104-18

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Old Stone Church Road project.

NOW, THEREFORE BE IT RESOLVED, that Council of Borough of Upper Saddle River formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019 - Old Stone Church Road Improvements - 00165 to the New Jersey Department of Transportation on behalf of Borough of Upper Saddle River.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Upper Saddle River, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

*Resolution #105-18

WHEREAS, the Borough of Upper Saddle River requires engineering services to prepare a grant application for the 2019 NJDOT local aid for improvements to Old Stone Church Road; 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 \$2,200.00 for preparation and submission of electronic grant application MA-2019-Old Stone Church Road Improvements-00165 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.

Motion by Councilman Durante, seconded by Councilwoman Florio to write a letter on behalf of the Borough to our legislators to oppose any action that would require Upper Saddle River schoolchildren to be forced to cross district lines to attend schools was unanimously approved by all Council members present.

RULE 7. Public Comments:

In response to Ms. Barbara Vitale, 295 Lake Street, it was explained that Resolution #105-18 retains the services of Boswell Engineering to prepare and submit necessary documents to apply for a DOT grant for improvements to Old Stone Church Road for a fee of \$2,200.

In response to Ms. Nvair Beylarian, 242 West Saddle River Road, Mr. Regan said a group has filed litigation against New Jersey seeking a remedy to desegregate schools. He explained the motion offered by the Council opposes legislation that would require Upper Saddle River schoolchildren to cross district lines to attend school.

Ms. Sheryl Romano, 421 West Saddle River Road, said the error in Borough Bulletin regarding the date of the Council meeting prevented many residents from attending the meeting. Mr. Regan said unfortunately there was a typographical error, but the legal notice of the meeting schedule was published last December and that the schedule is always posted on the Bulletin Board.

Representatives of Rockland Electric were in attendance: Keith Scerbo, Neil Winter, Mike Pinto, Tom Brazziolo. Ms. Romano asked questions regarding the location of 4 utility poles, licensing of meter installers, lack of service during Superstorm Sandy, inadequate notices regarding the installation of smart meters, radio frequency, opt-out process and cost.

Council questions concerned possible customer savings, lack of communication, ineffective notices of installation and amount of opt-out fee.

In response, Mr. Scerbo said the 4 utility poles are located on Hillcrest Drive, Carlough Road, Sleepy Hollow Road and Route 17 and apologized for length of time to restore service during Superstorm Sandy, but they are now taking preventive measures in advance of storms. He said meter technicians are not licensed electricians, but fully trained, certified installers who are provided with uniforms, badges and company cars. Mr. Scerbo noted the radio frequency of smart meters emits 40 microwatts per centimeter square which is less than that of a cell phone or microwave. Mr. Scerbo said the \$15 per month opt-out fee covers the cost of a meter reader physically visiting a site to read the meter. As to the lack of ineffective notices, Mr. Scerbo said a focus group designed the postcard in order to attract the attention of customers; which is sent 90 days in advance of the installation. After that, a letter is sent to the resident 45 days before installation and then 10 days prior to installation an automated phone call is made to the resident.

Mr. Neil Winter responded to Mr. Richard Medina, 295 Lake Street. He said after meeting with the Council last week regarding storm related issues, it was suggested they attend tonight's meeting and make a presentation regarding smart meters. Mr. Medina pointed out that the public should have been informed of their attendance. Mr. Winter said the Borough will be notified when smart meters are scheduled to be installed.

Mr. Marshall Grupp, 27 Hidden Glen, commented that the general ledger is not being reconciled every month as recommended in the audit report. He was informed that an ordinance was adopted to buy the Creative Gardens

property if necessary, in order to build senior affordable housing on the site. In response to the \$1.6 million grant to purchase property at Pearson Education, Mr. Grupp was told it would be used for recreational purposes. As to the amount of legal fees regarding the eruv litigation, it was pointed out that a large majority of residents wanted the Borough to defend its' ordinance regarding posting on utility poles.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman DiMartino was unanimously approved by all Council members present.
(Meeting adjourned at 9:40 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk