

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, October 4, 2018 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Pledge of Allegiance was led by Mayor Minichetti.

Moment of Silence was observed for the passing of Firefighter Brian Hoffman. Mayor Minichetti read and presented a Proclamation to Ms. Jennifer Hoffman in memory of her husband Brian expressing gratitude for his dedication and service to the community. Firefighter Pat Bertollo expressed his admiration for fellow firefighter Brian Hoffman and conveyed condolences on behalf of the Fire Department.

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.

Mayor Minichetti proclaimed October 10, 2018 "Put the Brakes on Fatalities Day".

RULE 1. Roll Call:

Mayor	Joanne L. Minichetti	Present
Councilman	Roger DeBerardine	Present
Councilman	Steven DiMartino	Absent
Councilman	Jonathan Ditkoff	Absent
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Absent

RULE 2. Minutes of September 6, 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 Councilwoman Florio.

RULE 3. Borough Clerk's Report:

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

Landscape License	\$ 300.00
Copies	4.00
Garage Sales	14.00
Total	<u>\$ 318.00</u>

The Borough Clerk's office issued 4 licenses for the month of September. \$7.80 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. #11-18 - Licenses
- (2) Resolution #105-18 - Professional Services, Boswell Eng.

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

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

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

Library: Report for the month of September and Minutes of 9/12/18 were received and filed.

Youth Guidance Council: Minutes of 9/14/18 were were received and filed.

Borough Official's Report:

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

RULE 4. Communications, Petitions & Bills:

PSE&G public hearing notice re Clean Energy program.

NBCUA Minutes of August 22, 2018.

Resolutions from Moonachie, Closter, Tenafly, Westwood, Saddle Brook, Washington Township, Old Tappan, Saddle River, Bergenfield, North Arlington, Little Ferry, Montvale.

Councilman DeBerardine presented bills in the amount of \$3,456,502.61.

A motion by Councilman DeBerardine, seconded by Councilman Durante to pay bills in the amount of \$3,456,502.61 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, Durante, Florio.

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

Roll Call: Ayes: Council members DeBerardine, Durante, Florio.

Nays: None.

*Resolution #106-18

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 2018-2019 & 2019-2020 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 #0263-33-003-004

A Plenary Retail Consumption License is hereby issued to BESO XOXO Corporation, 36 Sleepy Hollow Road, Upper Saddle River, NJ 07458.

*Resolution 107-18

WHEREAS, Borough Engineer Marisa Tiberi has recommended that owner, Jay Braunstein, 11 Holly Drive, Block 710, Lot 19 be allowed to connect a sump pump located on the aforementioned site to the municipal storm drain system as noted on the attached site plan; and

WHEREAS, all required fees have been deposited with the Borough;

NOW, THEREFORE, BE IT RESOLVED that this request be and is hereby approved subject to the requirement that an agreement be prepared whereby the property owners and its successors in interest and assigns will indemnify and hold harmless the Borough in connection with the maintenance and operation of the proposed connection; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforementioned Maintenance and Hold Harmless Agreement after same has been prepared by the Borough Attorney.

*Resolution 108-18

A RESOLUTION AUTHORIZING APPOINTMENT OF MUNICIPAL REPRESENTATIVES
TO THE BERGEN COUNTY COMMUNITY DEVELOPMENT REGIONAL COMMITTEE

WHEREAS, the Municipality 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:8a-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council to appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2018-2019 term starting July 1, 2018 and ending on June 30, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council hereby appoints Theodore F. Preusch as its representative and to serve on the Community Development Regional Committee for FY 2018-2019; and

BE IT FURTHER RESOLVED that an original copy of this resolution be forwarded to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor; Hackensack, New Jersey 07601 for receipt no later than Friday, October 12, 2018.

*Resolution #109-18

WHEREAS, Federal law known as the "1033 Program" allows local law enforcement agencies to obtain surplus property at little or no cost to municipalities; and

WHEREAS, the Upper Saddle River Police Department is enrolled in a program established by the United States Department of Defense, pursuant to 10 U.S.C.S2576a; and

WHEREAS, pursuant to New Jersey State Statute, Chapter 23, P.L. 2015, Mayor and Council approval is required for the acquisition of federal property and subsequent transfer to local law enforcement;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Upper Saddle River that it does hereby approve the transfer of federal property from the US Department of Defense to the Upper Saddle River Police Department.

*Resolution #110-18

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 Dept. of Highway Traffic Safety grant of \$6,530.28 and wishes to amend its 2018 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 2018 in the sum of \$6,530.28 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;

Highway Traffic Safety Grant, 2018 U Drive, U Text, U Pay

BE IT RESOLVED that the sum of \$6,530.28 is hereby appropriated under the caption of:

General Appropriations

Operations excluded from the CAP

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

Highway Traffic Safety Grant, 2018 U Drive, U Text, U Pay

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 #111-18

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Shujun Gao v. Borough of Upper Saddle River", Docket No. 001455-2018, which matter involves appeal of the assessment on certain premises known as Block 1203, Lot 14.02 and being more commonly known as 10 Mettowee Farms Court, for the 2018 tax year; and

WHEREAS, the parcel is assessed for the 2018 tax year at \$1,380,000.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2018 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 2018 tax year on said parcel shall be established at \$1,280,000.00.

2. The parties agree that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year 2019, 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 #112-18

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 July 5, 2018, the 1985 Sewer Connection Agreement was amended to include a property known as Block 308, Lot 5 to connect to the Montvale sewer system; and

WHEREAS, a request has been made by the owner of Block 922, Lot 19, being more commonly known as 84 Huff Terrace, 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.

*Approve raffle license #384 to Upper Saddle River Fire Department.

*Approve raffle license #386 to USR Historical Society, Inc.

*Appoint David Repetto as Class B member and Scott Japko as Alt. II member on the Historic Preservation Commission to 12/31/18.

*Appoint Joshua Reimbauer as high school liaison on Bd. of Health to 12/31/18.

Councilman Durante read for the first time: (Ord. #12-18)

"CAPITAL ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION AND INSTALLATION OF AN EMERGENCY GENERATOR AT THE FIRE HOUSE IN, BY AND FOR THE BOROUGH,

APPROPRIATING THEREFOR THE SUM OF \$60,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE BOROUGH”.

Resolution by Councilman Durante, seconded by Councilman DeBerardine:

“CAPITAL ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION AND INSTALLATION OF AN EMERGENCY GENERATOR AT THE FIRE HOUSE IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$60,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE BOROUGH” was introduced at a Mayor and Council meeting on October 4, 2018 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 November 1, 2018 at 8:00 PM at the Borough Hall, 376 W. Saddle River Road, 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, Durante, Florio.

Nays: None.

RULE 7. Public Comments.

Ms. Sheryl Romano, 421 W. Saddle River Road questioned the Resolution approving a sewer connection from 84 Huff Terrace to the Borough of Montvale sewer system. Mr. Regan explained a 1985 agreement with Montvale and Woodcliff Lake allowed 24 homes on Oak Drive to connect to the sewer system. Since then, the agreement has been extended to allow residences from Huff Terrace and Their Lane to also hook into the system at their own expense. In response to Ms. Romano, Mr. Regan said that Huff Terrace is not within the eruv boundary.

Ms. Romano cited a New York report regarding Smart Meters and said that various States such a Vermont and Central Hudson, have opt-out of Smart Meters. She said O&R overcharges for dimmer switches and that Smart Meters consume more electricity than analog. Mr. Regan said the town has no jurisdiction over the Bd. of Public Utilities and that a letter was sent to them in August objecting to the opt-out fee of \$15.00, but that there has been no response. Ms. Romano suggested using a third party vendor, however, it was pointed out that Rockland Electric would still be providing the electric service. Chief Rotella said Smart Meters allows the police to pinpoint power outages immediately compared to the time involved in trying to identify and locate a pole where the outage occurred. He noted this allows a faster response time especially to those residents with special needs.

Mr. Anstotle Zerzoudis, 10 Harvey Lane was informed homeowners are allowed to work on their own property on Sundays. Mr. Zerzoudis assured the Council that there would be no heavy construction only prep work for a new dwelling.

Ms. Deanne DeFuccio, 28B Ash Road, Ms. Elizabeth Schaum, 26C Ash Road and Ms. Bonali Dalal, 26D Ash Road described the condition of the road and said it needs to be resurfaced. Mr. Preusch explained that a similar

request was made for another private street, Maple Road, but the request was withdrawn when they were informed that a road is required to be 50' wide and that the residents would lose some of their frontage. Ms. DeFuccio asked if the town would reimburse the residents if they chose to resurface the road themselves. It was pointed out that it is a private road, but we could try to contact the current responsible party to see if they would improve the road.

Mr. Matt Leonard, 10 Grist Mill Lane, was informed that in the last two months, all of the poles containing eruv's have been inspected and all the lechis have been changed from white to black.

Ms. Ohanian, 10 Grist Mill, said the solution to the Smart Meters would be to put the wires underground and that several States have banned Smart Meters. Mr. Regan reiterated that the town has no jurisdiction over the Bd. of Public Utilities. Mr. Regan said the BPU has absolute power but that residents have the option of filing a request to the BPU. In response to her complaint about speeders, Chief Rotella said that if a traffic study showed that 85% drove over the speed limit, the speed limit would be raised and pointed out a civilian's perspective of the speed of a vehicle is often faster than actual.

RULE 8. Adjournment.

A motion to adjourn by Councilman Durante, seconded by Councilman DeBerardine was unanimously approved by all Council members present. (Meeting adjourned at 9:00 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk