

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

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	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 November 1, 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 Ditkoff.

RULE 3. Borough Clerk's Report:

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

Copies	\$ <u>43.55</u>
Total	\$ 43.55

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

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

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

Borough Official's Report:

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

Municipal Court: Report for the months of October & November were received and filed.

RULE 4. Communications, Petitions & Bills:

NWBCUA Minutes of October 16, 2018.

Saddle River Planning Bd. notice re Master Plan amendment.

NJ Transit public hearing notice

Resolution from Fair Lawn.

Councilman DeBerardine presented bills in the amount of \$3,398,996.96.

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$3,398,996.96 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.

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 #121-18

WHEREAS, an emergency has arisen with respect to Legal, General Fees Services and adequate provision was not made in the 2018 budget for the aforesaid purpose, and NJS 40A:4-48 provides 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 \$90,000 and three (3) percent of the total operating appropriations in the budget for 2018 is \$370,351.56; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2018;

NOW, THEREFORE, BE IT RESOLVED, (not less than 2/3 of all governing body members affirmative concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for Legal, General Fees in the amount of \$90,000.
2. That said emergency appropriation shall be provided for in full in the 2019 Budget, Outside of Caps.
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

\*Resolution #122-18

WHEREAS, an emergency has arisen with respect to Solid Waste Collection, and adequate provision was not made in the 2018 budget for the aforesaid purpose, and NJS 40A:4-48 provides 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 \$230,000 and three (3) percent of the total operating appropriations in the budget for 2018 is \$370,351.56; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2018;

NOW, THEREFORE, BE IT RESOLVED, (not less than 2/3 of all governing body members affirmative concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for Solid Waste Collection in the amount of \$230,000.
2. That said emergency appropriation shall be provided for in full in the 2019 Budget, Outside of Caps.
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

\*Resolution #123-18

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>	
Engineering, O/E	\$ 11,000		
Group Insurance	48,000		
Other Insurance	22,500		
Sr. Citizens Cont.	6,000		
Social Security	24,000		
Recreation, O/E	3,000		
Shade Tree, O/E	2,000		
		A&E, S&W	\$ 4,000
		A&E, O/E	5,000
		Finance, O/E	20,000
		Tax Assessor, S&W	7,000
		Planning Bd., S&W	500
		Fire, O/E	8,000
		DPW, O/E	21,000
		Bd. of Health, O/E	8,000
		Ambulance, S&W	2,600
		Cel. Of Pub. Events	7,000
		Water	10,000
		Telecommunications	2,500
		DCRP	7,000
		Reserve for Tax Appeals	13,900
Total:	\$116,500	Total	\$116,500

\*Resolution #124-18

WHEREAS, the Bergen County Board of Chosen Freeholders is authorized to cause snow to be plowed from the County-owned or County controlled roads; and

WHEREAS, the Bergen County Department of Public Works desires to employ the services of the Borough of Upper Saddle River for snow plowing operations on county roads located within the Municipality for a period of two snow seasons; and

WHEREAS, the Borough of Upper Saddle River agrees to furnish the necessary equipment and personnel required to perform snow plowing on County roads at the operating rate of \$110.00 per hour;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Upper Saddle River does hereby agree to execute an Agreement with the County of Bergen to provide services and equipment for snowplowing operations for the 2018-2020 snow seasons.

\*Resolution #125-18

MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, a Bergen County HOME Investment Partnerships application of \$500,000.00 has been proposed by Housing Development Corporation of Bergen County for the construction of affordable housing, in the Borough of Upper Saddle River on the property located on Lot 4.02 Block 1002 , and

WHEREAS, pursuant to the State Interlocal Services Act, HOME funds may not be spent in a municipality without authorization by the Mayor and Council, and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Upper Saddle River, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid HOME application,

Now, Therefore, Be It Resolved, that the Mayor and Council of the Borough of Upper Saddle River hereby confirm endorsement of the aforesaid project, and

Be It Further Resolved, that a copy of this resolution shall be sent to the Director of the Bergen County Division of Community Development so that implementation of the aforesaid project may be expedited.

\*Resolution #126-18

WHEREAS, the Council of the Borough of Upper Saddle River passed Resolution #115-18 on 11/1/18 requesting permission for an insertion of a special item of revenue in the 2018 budget for the following:

County of Bergen, Municipal Alliance 3<sup>rd</sup> quarter reimbursement,  
\$1,596.00; and

WHEREAS, the sum of \$1,596.00 was to be appropriated for the same amount; and

WHEREAS, it has been determined that this special item of revenue is no longer needed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Upper Saddle River that Resolution #115-18 is hereby rescinded as a special item of revenue and offsetting appropriation; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward a copy of this resolution to the Director of the Division of Local Government Services.

\*Resolution #127-18

WHEREAS, the Council of the Borough of Upper Saddle River passed Resolution #117-18 on 11/1/18 requesting permission for an insertion of a special item of revenue in the 2018 budget for the following:

Bergen County Prosecutor's Office Forfeited Funds \$4,972.00

WHEREAS, the sum of \$4,972.00 was to be appropriated for the same amount; and

WHEREAS, it has been determined that this special item of revenue is no longer needed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Upper Saddle River that Resolution #117-18 is hereby rescinded as a special item of revenue and offsetting appropriation; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward a copy of this resolution to the Director of the Division of Local Government Services.

\*Resolution #128-18

WHEREAS, the Borough of Upper Saddle River previously renewed Pocket Liquor License #0263-33-003-004 for BESO XOXO for the license term 2018-2019 by Resolution #106-18 dated October 4, 2018; and

WHEREAS, the New Jersey Department of Alcoholic Beverage Control Commission has determined that the aforementioned pocket liquor license cannot be renewed until the applicant has complied with State Statute N.J.S.A.33:12.18;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River hereby rescinds Resolution #106-18 issued to BESO XOXO, 36 Sleepy Hollow Road, Upper Saddle River, NJ 07458.

\*Resolution #129-18

Resolution authorizing Petty Cash Funds for the Finance, Registrar and Police Departments

WHEREAS, Pursuant to the provisions of N.J.S.A. 40A:5-21 application

is hereby made for permission to establish a petty cash fund for the following offices and amounts:

Finance	\$ 50.00
Registrar	100.00
Police	1100.00

WHEREAS, the Petty Cash Funds will be used by the aforementioned offices or departments to pay claims for minor emergency purchases in amounts less than \$25.00 (twenty-five dollars). Certification is hereby made that the person having custody of the fund will be bonded with corporate surety in an amount not less than \$1,000.00 or the amount of the fund whichever is greater. The custodian of such fund and the amount of surety bond will be as follows:

Gene Leporiere, Chief Financial Officer	\$1000.00
Helena Loveless, Registrar	1000.00
Patrick Rotella, Chief of Police	1000.00

NOW THEREFORE BE IT RESOLVED, this application was authorized at a meeting of the Borough Council for the Borough of Upper Saddle River, County of Bergen, held on the 6th day of December and upon approval of the Director of Local Government Services, authorization will be given for the issuance of a check to the fund custodian in the amount set forth in this application.

\*Resolution #130-18

Resolution authorizing the cancellation of stale dated checks.

WHEREAS, there are outstanding checks drawn on certain municipal accounts held at Columbia Bank that are over six months old and should be canceled,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Upper Saddle River that the following stale dated checks for the following be canceled and the amounts be refunded to MRNA:

CURRENT ACCOUNT #24803514

CK #	DATE	PAYEE	AMT
16120	Old	Unknown	\$ 117.50
16261	Old	Unknown	38.13
17380	Old	Unknown	190.00
17562	Old	Unknown	445.49
18840	6/23/15	Northern Highlands Regional H.S.	.38
19552	12/28/15	CVS Pharmacy	127.96
19956	4/7/16	Lagondola Pizzeria	84.50
20545	10/6/16	Bergen County Improvement Auth	155.00
20968	2/2/17	Age's Auto, LLC	5109.26
21172	3/2/17	Cavallini Student Activity Acct	400.00
21279	4/6/17	PSE&G	1803.61
21989	10/30/17	Robert Gunn	100.00

TOTAL

\$9006.64

\*Resolution #131-18

BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River wish to enter into a grant agreement with the County of Bergen for the purpose of using a \$1,6000,000 .00 grant award from the 2017 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the acquisition of open space property in the project entitled "Open Space Land Acquisition-1 Lake Street Park" located in Block 601, Lot 1, on the tax maps of the Borough of Upper Saddle River.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Joanne L. Minichetti to be a signatory to the aforesaid grant agreement Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Theodore F. Preusch to sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project;

RULE 7. Public Comments:

Ms. Nvair Beylerian, 242 W. Saddle River Road, said residents want meetings livestreamed and noted the tape would go directly from the Council meetings to the website and would not be diverted.

Mr. Richard Medina, 295 Lake Street, said a couple of thousand people are in favor of livestreaming the meetings which would take less than a day to set up and would not be expensive. Mr. Medina suggested Resolutions and Executive meeting minutes be posted on the website in addition to the Regular meeting minutes.

In response to Ms. Barbara Vitale, 295 Lake Street, Mr. Regan explained the purpose of the emergency resolutions and transfer of funds resolution as well as the Resolution with the County of Bergen for snowplowing services.

Mr. Erik Friis, 4 Sparrowbush Road, said he spoke to a representative of DEP and that Mr. Boswell's calculations were incorrect, that aquatic life is dying and that Toll Brothers is pumping water into the brook.

There being no further comments, public hearing was closed.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman Ditzkoff was unanimously approved by all Council members present.

(Meeting adjourned at 8:25 pm)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk