

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, February 7, 2019 at 8:00 p.m. at the Upper Saddle River Borough Hall.

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

Mayor Minichetti presented a Proclamation to former Borough Prosecutor Michael Kingman for his 26 years of service to the community.

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 18, 2018 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	Absent

RULE 2. Minutes of December 6 and December 27, 2018 and January 3, 2019 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.

Roll Call: Ayes: Council members DeBerardine, 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 January, 2019 and deposited them with the Collector/Treasurer:

Copies	4.37
Landscapers License	189.00
Garage Sales	4.00
Total	<u>\$ 197.37</u>

The Borough Clerk's office issued 154 licenses for the month of January. \$217.80 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Police: Report for the months of December, 2018 & January, 2019 were received and filed.

DPW: Report for the months of December, 2018 and January, 2019 were received and filed.

Fire Dept: Report for the months of December, 2018 and January, 2019 were received and filed.

Library: Report for the months of November, December, 2018 and January 2019 were received and filed.

Youth Guidance Council: Minutes of 1/4/19 were received and filed.

Borough Official's Report:

Construction Code Official: Report for the months of December, 2018 and January, 2019, and yearly 2018 report were received and filed.

Municipal Court: Report for the months of December, 2018 and January, 2019 were received and filed.

RULE 4. Communications, Petitions & Bills:

Rapid Deployment resolutions from Maywood, Rochelle Park, Alpine, Closter, Fair Lawn, Bergenfield, Park Ridge, Franklin Lakes, Saddle River, Allendale, River Edge, Cresskill, Moonachie, Lyndhurst, Fort Lee, Waldwick, Montvale, Harrington Park, Oakland, New Milford, Lodi, Dumont, Leonia, Tnp. Of Washington, Wood-Ridge, Little Ferry, Waldwick, South Hackensack, Ridgewood.

Resolution opposing North Bergen Liberty Generating power plant from Old Tappan, Carlstadt, Allendale, Wyckoff, Wyckoff, Tnp. Of Washington, Teaneck, Maywood, Hackensack, Ho-Ho-Kus, Fairview, FairLawn, Teterboro.

Public hearing notice NJ Open Space Trust Fund.

NWBCUA Minutes of November 20, 2018& 2019 budget.

Saddle River Ordinance to amend Chapter 210 entitled Zoning.

Resolution from Teaneck re Suez Service Lines.

Councilman DeBerardine presented bills in the amount of \$7,004,977.92.

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$7,004,977.92 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. 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 DiMartino was unanimously approved by all Council members present.

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

*Resolution #16-19

WHEREAS, the Borough of Upper Saddle River requires services of a professional Bond Counsel for the year 2019; and

WHEREAS, it is contemplated that the 2019 budget will contain the necessary appropriations estimated to be reasonable required for such services; and

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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

- 1) The Mayor and Council do hereby engage the services of:

Rogut McCarthy LLC
37 Alden Street
Cranford, New Jersey 07016

All to serve at the pleasure of the Council per the Fee Schedule attached to the Contract;

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A.40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

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

*Resolution #17-19

WHEREAS, the Borough of Upper Saddle River requires services of a professional Risk Management Consultant for the year 2019; and

WHEREAS, it is contemplated that the 2019 budget will contain the necessary appropriations estimated to be reasonable required for such services; and

WHEREAS, the Borough of Upper Saddle River requires the resolution authorizing the award of contract for "Professional Services" without competitive bids must be publicly advertised;

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

1) The Mayor and Council do hereby engage the services of:

Nelson-Patterson Agency
746 River Road
New Milford, New Jersey 07646

All to serve at the pleasure of the Council at a fee paid by the Fund on behalf of the Municipality;

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A.40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

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

*Resolution #18-19

WHEREAS, the Borough of Upper Saddle River requires professional planning services for the year 2019 and

WHEREAS, it is contemplated that the 2019 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" 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:

Burgis Associates, Inc.
25 Westwood Avenue
Westwood, New Jersey 07675

All to serve at the pleasure of the Council at a cost and an hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

*Resolution #19-19

WHEREAS, the Borough of Upper Saddle River requires professional engineering services for the year 2019 and

WHEREAS, it is contemplated that the 2019 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" 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 Co.
330 Phillips Avenue
South Hackensack, New Jersey 07606

All to serve at the pleasure of the Council at a cost and an hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services for the year 2019.

*Resolution #20-19

WHEREAS, the Borough of Upper Saddle River wishes to enter into a Drug and Alcohol Testing Agreement for the year 2019; and

WHEREAS, it is contemplated that the 2019 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

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

The Mayor and Council do hereby engage the services of:

Valley Medical Group
15 Essex Road
Paramus, New Jersey 07652

All to serve at the pleasure of the Council at an hourly rate as set forth in the Agreement.

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

*Resolution #21-19

WHEREAS, the Borough of Upper Saddle River is in need of Public Safety Answering Point (PSAP) emergency dispatching service; and

WHEREAS, the Borough of Paramus has indicated that the Paramus Police Department Communication Center is capable of supporting 9-1-1 dispatching services for the Borough of Upper Saddle River; and

WHEREAS, the Governing Body wishes to appoint Lt. David Lally to serve as 9-1-1 Coordinator for the Borough of Upper Saddle River;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper saddle River hereby authorizes the Mayor and Borough Clerk to execute an Interlocal Agreement with the Borough of Paramus to handle 9-1-1 dispatching services at a cost as set forth in the Agreement, effective January 1, 2019.

*Resolution #22-19

WHEREAS, the New Jersey State Division of Contract Compliance and Equal Employment Opportunity, enforces N.J.S.A. 10:5-31 et seq., providing that no public contract be awarded until the contractor complies with the approve Affirmative Action Plan; and

WHEREAS, N.J.A.C. 17-27-3.5 requires each public agency to designate a Public Agency Compliance Officer (PACO);

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Upper Saddle River hereby appoints Borough Attorney Robert T. Regan, Esq. as its' Public Agency Compliance Officer for the year 2019.

*Resolution #23-19

WHEREAS, the Borough of Upper Saddle River is a member of the Municipal Joint Insurance Fund; and

WHEREAS, the Borough is required to appoint a Fund Commissioner as its representative to the Municipal Joint Insurance Fund;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that Theodore F. Preusch be and is hereby appointed as the Borough's Fund Commissioner for the Municipal Joint Insurance Fund for the year 2019.

*Resolution #24-19

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made

to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Dept. of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for the year 2019 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution designates Helena Loveless as the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that said Borough hereby endorses the submission of a recycling tonnage grant application to the New Jersey Dept. of Environmental Protection and designates the Bergen County Utilities Authority to serve as Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

*Resolution #25-19

Authorizing the Establishment of a Petty Cash Fund for Confidential and Investigative Purposes

WHEREAS, N.J.S.A. 40A:5-21 authorizes establishment of a petty cash fund for the Police Department of the Borough of Upper Saddle River, County of Bergen, New Jersey; and

WHEREAS, said petty cash fund would be utilized for confidential police narcotics investigation; and

WHEREAS, it is the desire of the Governing Body that said fund be maintained under the direction of the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River does hereby approve the establishment of a petty cash fund as follows:

1. That the Upper Saddle River Police Department be and is hereby authorized to establish a petty cash fund in the amount of \$500.00, pursuant to the provision of N.J.S.A. 40:A:5-21.

2. That Chief of Police Patrick A. Rotella be and is hereby authorized to maintain said petty cash fund to be used by the Police Department for confidential investigative purposes in the amount of \$250.00.

*Resolution #26-19

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Interlocal Services Agreement with the Borough of Waldwick for the year 2019; and

WHEREAS, it is contemplated that the 2019 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Borough of Waldwick has agreed to provide certain services to infants and pre-school children as mandated by the Public Health Council of the State of New Jersey; and

WHEREAS, the Governing Body of the Borough of Upper Saddle River has agreed to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River hereby approves and authorizes the execution of an Interlocal Services Agreement with the Borough of Waldwick at a cost as set forth in the Agreement for the period January 1, 2019 to December 31, 2019.

*Resolution #27-19

WHEREAS, the Borough of Upper Saddle River requires professional affordable housing agent services for the year 2019; and

WHEREAS, the Borough of Upper Saddle River requires 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:

Piazza & Associates
216 Rockingham Row
Princeton, NJ 08540

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A.40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services for the year 2019.

*Resolution #28-19

WHEREAS, the following property is not 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.

Basketweave Safariland 070-83-182
Glock 19/23 Left hand Mid Ride-Quality:1

Nylon Safariland 6365-83-261
Glock 17/22 Right Hand Low Ride-Quality:1

Basketweave Safariland 070-83-181
Glock 17/22 Right Hand Mid Ride-Quality: 2

Plain Leather Safariland 070-83-181
Glock 17/22 Right Hand Mid Ride-Quality: 1

STX Safariland 6365-83
Glock 17/22 Right Hand Mid Ridge-Quality: 2

(Two) Outback Power system Inverters. Model#OBS-0009-001 (NEW)

Starting Bid: \$500.00 each

(One) Drash Heater Model D900 Part 83041 (Used)

Starting Bid: \$250.00

Vehicle Description:

2011 Ford Crown Victoria Blk/White Vin.#2FABP7BV6BX100412
MILEAGE, 51,000+

*Resolution #29-19

WHEREAS, the Borough of Upper Saddle River requires professional appraisal services for the year 2019 and

WHEREAS, the Borough of Upper Saddle River requires 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:

Izenberg Appraisal Associates
205 Main Street
Chatham, New Jersey 07928

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services for the year 2019.

*Resolution #30-19

BE IT RESOLVED, the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, hereby appoints the firm of Boswell Engineering, 330 Phillips Avenue, South Hackensack, NJ to serve as Zoning Code Official; and

BE IT FURTHER RESOLVED, the Zoning Code Official shall serve from January 1, 2019 to December 31, 2019.

*Resolution #31-19

BE IT RESOLVED, the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, hereby appoints Gerald Falotico to serve as Deputy Zoning/Code Enforcement Officer; and

BE IT FURTHER RESOLVED, the Deputy Zoning/Code Enforcement Officer shall serve from January 1, 2019 to December 31, 2019.

*Resolution #32-19

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Agreement with the Bergen County Dept. of Health Services to provide a Blood Borne Pathogens Program for the year 2019; and

WHEREAS, it is contemplated that the 2019 budget will contain the necessary appropriations estimated to be reasonably required for such services;

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

The Mayor and Council do hereby engage the services of:

Bergen County Dept. of Health Services
One Bergen County Plaza
Hackensack, New Jersey 07601

all to serve at the pleasure of the Council at an hourly rate as set forth in the Agreement;

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

*Resolution #33-19

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Agreement with the Bergen County Dept. of Health Services to provide a Public Health Officer, a Registered Environmental Health Specialist, Septic and Well Services, Animal Control Services and Employee Assistance Program for the year 2019; and

WHEREAS, it is contemplated that the 2019 budget will contain the necessary appropriations estimated to be reasonably required for such services;

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

The Mayor and Council do hereby engage the services of:

Bergen County Dept. of Health Services
One Bergen County Plaza
Hackensack, New Jersey 07601

all to serve at the pleasure of the Council at a yearly fee as set forth in the Shared Services Agreement;

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

*Resolution #34-19

AUTHORIZE PISTOL RANGE AGREEMENT BETWEEN THE BOROUGH OF
PARK RIDGE AND THE BOROUGH OF UPPER SADDLE RIVER

WHEREAS, the Borough of Park Ridge currently owns and operates a pistol range facility; and

WHEREAS, the Borough of Upper saddle River is interested in using said facility at an annual cost of \$3,500.00, with one day per work week set aside for its use; and

WHEREAS, one-half (1/2) of the payment shall be due on June 1, 2019 and the balance one-half (1/2) of the amount owed shall be paid by December 1, 2019; and

WHEREAS, both parties believe these shared services agreements serves the best interest of the residents of their respective communities;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby authorizes the Mayor and Borough Clerk to execute said Agreement on behalf of the Borough of Upper Saddle River.

*Resolution #35-19

WHEREAS, the Borough of Upper Saddle River requires professional auditing services for the year 2019; and

WHEREAS, the Borough of Upper Saddle River requires 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:

Lerch, Vinci & Higgins, LLP
17-17 Route 208
FairLawn, New Jersey 07410

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services for the year 2019.

*Resolution #36-19

WHEREAS, the Borough of Upper Saddle River requires professional legal services for the year 2019; and

WHEREAS, it is contemplated that the 2019 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" 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:

Robert T. Regan, Esq.
P O Box 214
Westwood, New Jersey 07675

All to serve at the pleasure of the Council at an annual salary and an hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

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

*Resolution #37-19

CONSENT AND AGREEMENT TO THE EXECUTION OF AN ORDER OF PROVISIONAL AUTHORIZATION AND DESIGNATION OF AN ACTING MUNICIPAL COURT ADMINISTRATOR BETWEEN THE MUNICIPALITY OF UPPER SADDLE RIVER AND THE MUNICIPALITY OF ALLENDALE.

WHEREAS, pursuant to N.J.S.A.2C:12-10 the Municipality of Upper Saddle River and the Municipality of Allendale are required to provide for a Municipal Court Administrator; and

WHEREAS, pursuant to N.J.S.A.40A:65-1 et. seq., any municipality of the State of New Jersey may contract with any other municipality or municipalities to share services that any party to the agreement is empowered to provide within its own jurisdiction; and

WHEREAS, in accordance with N.J.S.A.2C:12-1 (c) the Municipality of Upper Saddle river and the Municipality of Allendale consent and agree to share the professional services of the Municipal Court Administrators on a provisional basis to undertake the duties of the absent Municipal Court Administrator during scheduled and/or unscheduled leaves, within the two respective municipalities; and

WHEREAS, the rate of pay shall be \$20.00 per hour as established by N.J.S.A.2C:12-10(b), not to exceed \$2,000 annually.

NOW, THEREFORE, BE IT RESOLVED, that the Municipality of Upper Saddle River and the Municipality of Allendale consent to the above agreement.

*Resolution #38-19

CONSENT AND AGREEMENT TO THE EXECUTION OF AN ORDER OF PROVISIONAL AUTHORIZATION AND DESIGNATION OF AN ACTING MUNICIPAL COURT ADMINISTRATOR BETWEEN THE MUNICIPALITY OF UPPER SADDLE RIVER AND THE MUNICIPALITY OF MONTVALE.

WHEREAS, pursuant to N.J.S.A.2C:12-10 the Municipality of Upper Saddle River and the Municipality of Montvale are required to provide for a Municipal Court Administrator; and

WHEREAS, pursuant to N.J.S.A.40A:65-1 et. seq., any municipality of the State of New Jersey may contract with any other municipality or municipalities to share services that any party to the agreement is empowered to provide within its own jurisdiction; and

WHEREAS, in accordance with N.J.S.A.2C:12-1 (c) the Municipality of Upper Saddle River and the Municipality of Montvale consent and agree to share the professional services of the Municipal Court Administrators on a provisional basis to undertake the duties of the absent Municipal Court Administrator during scheduled and/or unscheduled leaves, within the two respective municipalities; and

WHEREAS, the rate of pay shall be \$30.00 per hour as established by N.J.S.A.2C:12-10(b), not to exceed \$2,000 annually.

NOW, THEREFORE, BE IT RESOLVED, that the Municipality of Upper Saddle River and the Municipality of Montvale consent to the above agreement.

*Resolution #39-19

WHEREAS, Los Angeles-based Diamond Generating Corporation, a subsidiary of Mitsubishi, has proposed and has requested permits to build a 1,200-mega-watt natural gas-fired power plant in North Bergen; and

WHEREAS, all documentation to date states that all of the electricity produced by the plant would be used by ConED in New York and the project is anticipating permit approvals by the Environmental Protection Agency and the New Jersey Department of Environmental Protection by the end of 2019, and to be operational by 2022; and

WHEREAS, this natural gas plant would be a large source of air pollution and greenhouse gas emissions in New Jersey; and

WHEREAS, the Governing Body of the Borough of Upper Saddle River has a principal responsibility to protect health and safety of its residents and businesses; and

WHEREAS, gas infrastructure facilities can annually emit into the air hundreds of tons of pollutants including particulate matter, toxic chemicals such as sulfur dioxide, mercury, and other pollutants; and

WHEREAS, based on the American Lung Association "State of the Air 2018" report, the counties of Bergen and Hudson, which will be most impacted by emissions from this power plant, already have significant populations with pediatric and adult asthma, COPD, and other conditions which will be exacerbated by additional volumes of air pollution; and

WHEREAS, Bergen and Hudson Counties already receive grades of 'F' from the American Lung Association for ozone air pollution, and this proposed new plant will increase the concentration of ground ozone; and

WHEREAS, the proposed gas-fired electric plant will be approximately one mile from an existing gas-fired electric plant operated by PSE&G that is already one of the largest sources of air pollution in New Jersey; and

WHEREAS, the proposed gas-fired plant will produce limited and temporary economic benefits to Bergen County due to the fact that New Jersey electrical generating equipment is exempt from

property tax and the residents of Bergen will incur the health care costs associated with increased pollution; and

WHEREAS, the gas-fired power plant represents a direct threat to one of the state's most crucial ecological resources, the Meadowlands, which serves many beneficial functions; and

WHEREAS, the proposed gas-fired plant will provide electric energy to New York only; and

WHEREAS, the intensity of development requested by this plant is inappropriate for this region given the population density in our area; and

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of Upper Saddle River, New Jersey in the interest of protecting its residents and businesses opposes construction of the north Bergen Liberty Generating power plant; and

BE IT FURTHER RESOLVED, that the Township Clerk shall forward this Resolution to Governor Phil Murphy, Congressman Josh Gottheimer, Commissioner of the New Jersey Department of Environmental Protection Catherine McCabe, Senator Kristin Corrado, Assemblyman Kevin Rooney, Assemblyman Chris DePhillips, County Executive James Tedesco and the Northwest Bergen Association of Mayors .

*Resolution #40-19

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Interlocal Services Agreement with the Borough of Paramus wherein the Borough of Paramus will provide street sweeping services for the Borough of Upper Saddle River; and

WHEREAS, it is contemplated that the 2019 budget will contain the necessary appropriation at an annual cost of \$5,500.00 which is reasonably required for such services; and

WHEREAS, the Mayor and Council deem it to be in the best interest of the Borough of Upper Saddle River to enter into an Interlocal Agreement with the Borough of Paramus for street sweeping services;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River hereby approves and authorizes the execution of an Interlocal Services Agreement with the Borough of Paramus for the year 2019.

*Resolution #41-19

WHEREAS, the Borough of Upper Saddle River requires professional auditing services for the LOSAP program for the year 2019; and

WHEREAS, the Borough of Upper Saddle River requires 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:

Lerch, Vinci & Higgins, LLP
17-17 Route 208
FairLawn, New Jersey 07410

All to serve at the pleasure of the Council at a cost and hourly rate as set forth in the Agreement for additional services.

2) The engagement of such services is made without competitive bidding under the provisions of N.J.S.A. 40A:11-51 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for such services for the year 2019.

*Resolution #42-19

WHEREAS, the Borough of Upper Saddle River wishes to enter into an User Agreement with the Borough of North Arlington for use of the North Arlington Police Department Pistol Range for the year 2019; and

WHEREAS, it is contemplated that the 2019 budget will contain the necessary appropriations estimated to be reasonably required for such services; and

WHEREAS, the Borough of North Arlington has agreed to allow the Upper Saddle River Police Department to use the pistol range for a daily fee of \$100 per day; and

WHEREAS, the Governing Body of the Borough of Upper Saddle River has agreed to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River hereby approves and authorizes the execution of an User Agreement with the Borough of North Arlington at a cost set forth in the Agreement for the year 2019.

*Resolution #43-19

WHEREAS, N.J.S.A. 40A:4-19 provides for a temporary budget to be made prior to the adoption of the annual budget for the payment of any contract , commitment or payments, and

WHEREAS , the total appropriations for 2018, exclusive of any appropriations for capital improvements, debt service and public assistance is \$11,380,9 13.00, and

WHEREAS, the temporary budget allows for 26.25% of these net appropriations totaling \$2,987,489.66, and

WHEREAS, the total temporary budget adopted including this amendment totals \$2,912,500;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Upper Saddle River in the County of Bergen that the following appropriation constitutes the 2019 temporary budget:

<u>DEPARTMENT</u>	<u>TYPE</u>	<u>AMOUNT</u>
General	OE	\$5,000

*Resolution #44-19

WHEREAS, the Borough of Upper Saddle River previously approved a Person-To-Person transfer of Liquor License #0263-44-002-003 for Upper SR Liquors, LLC by Resolution #15-19 dated January 3, 2019; and

WHEREAS, the New Jersey Department of Alcoholic Beverage Control Commission has determined that the aforementioned liquor license must be amended to include the address of the place of business;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River hereby amends Resolution #15-19 issued to Upper SR Liquors, LLC, located at 380 Route 17, Upper Saddle River, New Jersey, 07458.

*Resolution #45-19

BE IT RESOLVED, the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, hereby appoints Chet Roberts to serve as Fire Prevention Official; and

BE IT FURTHER RESOLVED, the the Fire Prevention Official shall serve from January 1, 2019 to December 31, 2019.

*Motion to approve Tow Companies for 2019, as per Police Chief recommendation.

*Motion to approve raffle license #387,388 & #389 to Saddle River Valley Lions Charities, Inc. for car, 50/50, games of chance.

*Motion to approve raffle license #390 to Diabetes Foundation.

*Motion to approve raffle license #391 to USR PTO.

*Approve Jr. Fire Dept. membership of Spencer Robert Hymans and Joseph Meehan.

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to appoint Councilman Vincent Durante Council President for 2019.

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

Councilman Durante read for the first time (Ord. #1-19)

AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED VEHICLES AND TRAFFIC".

Resolution by Councilman Durante, seconded by Councilman Ditkoff:

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED VEHICLES AND TRAFFIC" was introduced at a Regular meeting of the Mayor and Council on February 7, 2019 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council on March 7, 2019 at 8:00 pm at the Borough Hall, Upper Saddle River at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

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

Councilman DeBerardine read for the first time: (Ord. #2-19)

AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "ADMINISTRATION OF GOVERNMENT".

Resolution by Councilman DeBerardine, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "ADMINISTRATION OF GOVERNMENT" was introduced at a Regular meeting of the Mayor and Council on February 7, 2019 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council on March 7, 2019 at 8:00 pm at the Borough Hall, Upper Saddle River at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

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

Councilman Durante read for the first time; (Ord. #3-19)

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED "VEHICLES AND TRAFFIC".

Resolution by Councilman Durante, seconded by Councilman DeBerardine:

"AN ORDINANCE TO AMEND CHAPTER 145 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED "VEHICLES AND TRAFFIC" was introduced at a Regular meeting of the Mayor and Council on February 7, 2019 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council on March 7, 2019 at 8:00 pm at the Borough Hall, Upper Saddle River at which time and place all persons interested therein will be given an opportunity to be heard concerning same.

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

RULE 7. Public Comments:

In response to Richard Medina, 295 Lake Street, Mr. Regan explained that Resolution #27-19 provides for Piazza Associates to act as the Borough's Affordable Housing Agent. Mr. Regan noted that Resolution #37-19 and #38-19 provide a reciprocal arrangement if there is a conflict of interest or if the Count Administrator is unavailable. In regard to Resolution #43-19, he said it provides for the governing body to make appropriations for the period between the beginning of the fiscal years and the adoption of the budget. Mr. Regan explained that Resolution #44-19 rescinds the liquor license of Upper Saddle River Liquors, LLC, pending NJABC approval.

Ms. Deanne DeFuccio, 28B Ash Road and Ms. Bonali Dalal, 26D Ash Road said since their private road is not being repaved by the Borough, would they receive a tax credit if they repaved it themselves? In response, Mr. Regan explained the homes on Ash Road are flag lots, built off a private driveway and that they should contact Mr. Rinaldi, the Borough Tax Assessor to inquire about filing a tax appeal.

Erik Friis, 4 Sparrowbush Road, asked if the Council would answer his questions. Mr. Regan told Mr, Friis to voice his comments or make a statement. Mr. Friis provided comments regarding the impact on the health of children and senior citizens caused by water contamination. After causing a disruption, Mr. Friis was escorted from the building.

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 8:32 p.m.)

Respectfully submitted,

Linda Marmora
Planning Board Clerk