

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, March 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 Mr. Thomas Hafner for his nine years of service as Councilman.

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.

Mayor Minichetti read a proclamation celebrating "Read Across America" and "Read Across America-NJ" beginning March 1, 2019.

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

RULE 2. Minutes of February 7, 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 Councilman DiMartino.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of February, 2019 and deposited them with the Collector/Treasurer:

Copies	5.05
Landscape License	389.00
Garage Sales	2.00
Total	<u>\$ 396.05</u>

The Borough Clerk's office issued 139 licenses for the month of February. \$195.60 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of publication were received:

- 1) Resolutions #16-19, #17-19, #18-19, #19-19, #27-19, #29-19, #35-19, #36-19, #41-19.
- 2) Introduction of Ord. #1-19-Vehicles & Traffic, weight limit.

- 3) Introduction of Ord. #2-19-Administration of Gov't.-PD.
- 4) Introduction of Ord. #3-19-Vehicles & Traffic, No parking.

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

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

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

Borough Official's Report:

Borough Engineer: Status report dated February 22, 2019 was received and filed.

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

Municipal Court: Report for the month of February was received and filed.

RULE 4. Communications, Petitions & Bills:

Resolutions from Emerson, Ridgefield Park, Elmwood Park, Demerest, Teaneck, Rochelle Park.

NWBCUA Minutes of January 8, 2019./

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$5,306,782.25 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:

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

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

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

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. After public hearing held on March 7, 2019, 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. Nays: None.

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

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

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

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. After public hearing held on March 7, 2019, 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. Nays: None.

Councilman DeBerardine read for the second time: (Ord. #3-19)

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

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

Resolution by Councilman DeBerardine, 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. After public hearing held on March 7, 2019, 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. 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 Councilwoman Florio was unanimously approved by all Council members present.

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

*Resolution #46-19

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey' and

WHEREAS, the Borough Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, Borough Council was applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Upper Saddle River, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Upper Saddle River Municipal Alliance grant for fiscal year 2020 in the amount of:

DEDF	\$9,876
Cash Match	2,469
In-Kind	7,407
Total Budget	\$19,752

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements and authorizes the execution of the Municipal Alliance Grant-Letter of Agreement for the period July 1, 2019-June 30, 2020.

Resolution #47-19

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF UPPER SADDLE RIVER, AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING AN \$8,205,267 BOND ANTICIPATION NOTE, DATED FEBRUARY 15, 2019 AND PAYABLE FEBRUARY 14, 2020,

AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Upper Saddle River, in the County of Bergen, New Jersey (the "Borough"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Borough, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue an \$8,205,267 Bond Anticipation Note, dated February 15, 2019 and payable February 14, 2020 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Upper Saddle River, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2019.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2019.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the

Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchasers of the Note and to further provide such original purchasers with a certificate of obligations issued during the calendar year 2019 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

*Resolution #48-19

WHEREAS, Borough Engineer Marisa Tiberi has recommended that the owners, Weston & Brittany Baker, 63 Rolling Ridge Road, Lot 916, Lot 22, be allowed to connect from the above-mentioned property to the municipal storm drain system as noted on the attached site plan; and

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

WHEREAS, pursuant to Borough Code 122-2.D, no permit will be issued between the moratorium dates of December 1 and March 15 of each year;

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 #49-19

WHEREAS, N.J.S.A.40A:5-29 permits a local unit to accept bequests and gifts made to it; and

WHEREAS, Exelon Generation Company, LLC has offered to donate thirty-five (35) MSA Millennium Protective Masks; and

WHEREAS, these items will be utilized by the Upper Saddle River Police Department;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Upper Saddle River hereby gratefully accepts this generous gift; and

BE IT FURTHER RESOLVED, that a letter expressing our gratitude be sent to Exelon Generation Company, LLC.

*Resolution #50-19

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.

*Motion to appoint Arman Fardanesh to serve on the Board of Health for a 3 year term to 12/31/21.

Councilman Durante read for the first time: (Ord. #4-19)

BOND ORDINANCE TO AMEND SECTIONS 4, 6, 7, 8, 10 AND 11 OF THE BOND ORDINANCE (ORD. NO. 4-16) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,233,887 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED ON JUNE 2, 2016.

Resolution by Councilman Durante, seconded by Councilman DiMartino:

BOND ORDINANCE TO AMEND SECTIONS 4, 6, 7, 8, 10 AND 11 OF THE BOND ORDINANCE (ORD. NO. 4-16) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,233,887 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED ON JUNE 2, 2016 was introduced at a Regular meeting of the Mayor and Council on March 7, 2019 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council on April 4, 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.

In response to concerns by a Mahwah Planning Board member, Borough Engineer Kevin Boswell read a letter from Mr. Mark Pedersen of the DEP, which was sent to Mahwah Mayor Roth, stating that the Apple Ridge site was satisfactorily remediated. Mr. Boswell said they are coordinating with county and state agencies who have the authority to impose fine; however no violations or fines have been imposed up to this date. Mr. Boswell gave a telephone phone number to Mr. Pedersen at the DEP for any resident who has a question.

RULE 7. Public Comments:

Mr. Erik Friis, 4 Sparrowbush Road, rejected Mr. Pedersen's letter. He said people are in jeopardy, fish are dying and the wastewater index tests they took showed there were violations.

Councilman Ditkoff pointed out that Assemblyman Gottheimer and Governor Murphy had been made aware of this situation and were satisfied with the report.

In response to Ms. Rue Eisen, 130 Lake Street, questioning the 3 accidents that caused Rt. 17 to shut down, Chief Rotella said 2 were accidents that hit poles and one was a truck that hit the overhead wires and that the DOT diverted traffic to local roads.

Ms. Carolyn Christman, 480 W. Saddle River Road, complained that it was difficult for her to hear with the present sound system. She pointed to a FEMA notice indicating that the municipal building and police station received funds and questioned why funds were not allotted to the Lake Rd. bridge project instead.

No one on the Council was aware of the article, but Mayor Minichetti responded that the Borough received a grant of \$500,000 to replace the bridge.

In response to Ms. Christman's questions, Mr. Boswell reported that the geometry of the bridge will remain the same otherwise it will cause flooding downstream and noted that the width and opening will stay the same, the rip-rap will be replaced, the bridge deck repaired and the guardrail replaced where necessary.

There being no more comments; hearing was closed.

RULE 7. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman DeBerardine was unanimously approved by all Council members present. (Meeting adjourned at 8:35 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk