

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF UPPER SADDLE RIVER
APRIL 4, 2019 8:00 p.m.**

PRESIDING: Mayor Minichetti called the meeting to order at 8:00 p.m.

Moment of Silence for resident Isabel Shirvanian, who recently passed away at the age of 103, and Pledge of Allegiance was led by Mayor Minichetti.

Mayor Minichetti swore in new Council Member Douglas Rotella.

PUBLIC NOTICE: 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 supporting U/Drive, U/Text, U/Pay, Distracted Driving Crackdown.

At this time, Mayor Minichetti recognized the winners of the 125th Anniversary Logo Contest as follows: Reynolds School Winner: Reese Ford, Bogert School Winner: Aimee Lin, Cavallini School Winner: Cannon Chiu, Northern Highlands Runner Up: Emily Bookstaver and the Grand Prize Winner: Paola Ceden. Prizes were given to the winners and Mayor Minichetti thanked everyone for their contributions.

RULE 1. ROLL CALL:

Mayor	Joanne L. Minichetti	Present
Council Member	Roger DeBerardine	Present
Council Member	Steven DiMartino	Present
Council Member	Jonathan Ditkoff	Present
Council Member	Vincent M. Durante	Present
Council Member	Joanne Florio	Present
Council Member	Douglas Rotella	Present

RULE 2. APPROVAL OF MINUTES

Minutes of March 7, and March 25, 2019 were delivered to all members of the governing body and posted on the bulletin board and were unanimously approved following a motion by Council Member Durante, seconded by Council Member DeBerardine.

RULE 3. BOROUGH CLERK'S REPORT

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

Copies	\$ 18.05
Landscaper License	2,964.00
Peddler's License	250.00
Garage Sales	<u>4.00</u>
Total	\$3,236.05

The Borough Clerk's office issued 66 licenses for the month of March. \$115.20 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of publications received:

- 1) Adoption of Ord. #1-19-Vehicles & Traffic, weight limit.
- 2) Adoption of Ord. #2-19-Administration of Gov't.-PD.
- 3) Adoption of Ord. #3-19-Vehicles & Traffic, No parking.
- 4) Introduction of Ord. #4-19-Bond Anticipation Note.
- 5) Sunshine Notice for March 25, 2019 Special Meeting.

The following reports were received and are on file for the month of March:

- 1) Police Report
- 2) DPW Report
- 3) Fire Department Report
- 4) Construction Code Official Report
- 5) Library Meeting Minutes for January, February and March 2019

RULE 4. COMMUNICATIONS, PETITIONS AND BILLS

Communications: Resolutions from Alpine, New Milford, Harrington Park, Bergen County League of Municipalities, Tenafly, Maywood, Teaneck. Minutes of the NBCUA Meeting February 19, 2019. West Bergen Mental Healthcare 2018 Annual Report.

Approval of Bills: A motion by Council Member DeBerardine, seconded by Council Member DiMartino to pay bills in amount of \$4,666,811.65 was unanimously approved and Mayor Minichetti declared bills approved for payment and ordered checks drawn. Roll Call Vote: AYES, Unanimous.

RULE 5. UNFINISHED BUSINESS

Ordinance # 4-19

BOND ORDINANCE TO AMEND SECTIONS 4, 6, 7, 8, 10, AND 11 OF THE BOND ORDINANCE (ORD. 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 Offered by Council Member Durante
Seconded by Council Member DeBerardine

OPEN TO THE PUBLIC: Richard Medina, 295 Lake Street inquired if part of this ordinance was for funding property on Lake Street. Borough Administrator Preusch explained that this specific funding was for the fields on the subject property, Block 601 Lot 1.

Roll Call Vote: AYES, Unanimous

RULE 6. NEW BUSINESS

Consent Agenda:

All items listed hereunder 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.

- R# 52-19 Suez Lead Pipe Replacement
- R# 53-19 Approval of Storm Drain Connection – 336 Lake Street
- R# 54-19 Support Gateway Tunnel Project
- R# 55-19 Approval of Developer's Agreement – One Lake Street
- R# 57-19 Cancel Unexpended Balance of Emergency Appropriations
- R# 58-19 Amend Emergency Resolution #122-18

Appointment of Robert Paglieri to Recreation Commission, term to expire 12/31/23.
Appointment of the following to the Fields Committee:

Vincent Durante	Steve DiMartino
Jon Ditkoff	Kevin Boswell
Ted Preusch	Ed Gartner
Bob Fleishman	Joe Abbatiello
Greg Smiechowski	Nick Pirsos
Scott Vandesnow	Robert Paglieri

Resolution Offered by Council Member Ditkoff
Seconded by Council Member Florio

OPEN TO THE PUBLIC (Consent Agenda Items Only):

Richard Medina inquired about Resolution 53-19 and Borough Attorney Regan stated that this storm drain connection was the recommendation of the Borough Engineer due to drainage issues and the property owner must enter into a Hold Harmless and Indemnification Agreement with the Borough. Mr. Medina further stated that he would like to review the site plan associated with this project.

Mr. Medina also inquired about Resolution 57-19, specifically the unexpended balances for legal services and Borough Attorney Regan addressed this.

NOW, THEREFORE, BE IT RESOLVED, the Borough of Upper Saddle River in conference assembled, that the governments of the states of New Jersey and New York must work together with federal government to shepherd the Gateway Trans-Hudson Tunnel project, and determine the funding strategy to design and build the project with haste and expediency; and

BE IT FURTHER RESOLVED, that the Borough of Upper Saddle River calls on the support of the Trump Administration and Congress for this vital investment in the busiest transportation corridor in the nation; and

BE IT FURTHER RESOLVED, that the Borough of Upper Saddle River urges thoughtful and careful consideration of the impacts that the development, planning and construction of the Gateway Tunnel Project will have on those municipalities where construction will occur; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the President of the United States, the New Jersey and New York Congressional Delegations, all members of the New Jersey State Legislature and the Governors and Lieutenant Governors of New York and New Jersey.

	Moved	Second	Ayes	Nays	Absent	Abstain
Council Member DeBerardine			x			
Council Member DiMartino			x			
Council Member Ditkoff	x					
Council Member Durante			x			
Council Member Florio		x				
Council Member Rotello			x			

I hereby certify that the above resolution was adopted by the Mayor and Council on April 4, 2019.



Rose Vido, R.M.C., Borough Clerk

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #55-19
April 4, 2019**

Settlement Agreement - Toll Brothers

WHEREAS, a Settlement Agreement was entered into between the Borough of Upper Saddle River and Mack-Cali Realty, L.P. which permits the development of certain premises known as Block 601, Lot 1, now known as Lot 1.01, with 208 townhouse units, including 22 affordable units; and

WHEREAS, said settlement was approved by the Superior Court of New Jersey by Order dated March 27, 2017; and

WHEREAS, Toll Bros., Inc. ("Toll") is the successor in interest to Mack-Cali Realty, L.P.; and

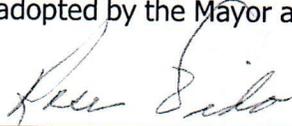
WHEREAS, a Developer's Agreement has been prepared detailing the obligations of Toll in the construction of the project; and

WHEREAS, the requisite bonds, sureties, insurance and escrow documents have been posted, together with applicable fees.

NOW THEREFORE BE IT RESOLVED that the Governing Body hereby authorizes the execution of the Developer's Agreement.

	Moved	Second	Ayes	Nays	Absent	Abstain
Council Member DeBerardine			x			
Council Member DiMartino			x			
Council Member Ditkoff	x					
Council Member Durante			x			
Council Member Florio		x				
Council Member Rotello			x			

I hereby certify that the above resolution was adopted by the Mayor and Council on April 4, 2019.



Rose Vido, R.M.C., Borough Clerk

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #57-19
April 4, 2019**

**CANCEL UNEXPENDED BALANCE OF EMERGENCY APPROPRIATIONS
LEGAL, GENERAL FEES SERVICE**

WHEREAS, the Borough of Upper Saddle River adopted Emergency Resolution No. 121-18, on December 6, 2018 for expenses related to Legal, General Fees Services: and

WHEREAS, the unexpended funds of the emergency appropriation have been reviewed and it has been determined these funds are no longer necessary for the purpose originally created; and

WHEREAS, the unexpended balance of the appropriation reserve budget for Emergency Appropriation - Legal, General Fees Service in the amount of \$85,000 be cancelled.

Description

**Emergency Appropriation - Legal, General Fees Service
Amount Cancelled: \$85,000**

	Moved	Second	Ayes	Nays	Absent	Abstain
Council Member DeBerardine			x			
Council Member DiMartino			x			
Council Member Ditkoff	x					
Council Member Durante			x			
Council Member Florio		x				
Council Member Rotello			x			

I hereby certify that the above resolution was adopted by the Mayor and Council on April 4, 2019.



Rose Vido, R.M.C., Borough Clerk

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #58-19
April 4, 2019

AMENDING EMERGENCY RESOLUTION NO. 122-18

WHEREAS, the Borough of Upper Saddle River is amending Emergency Resolution No. 122-18, adopted on December 6, 2018 in its entirety as follows:

WHEREAS, an emergency has arisen with respect to solid waste collection and no adequate provision was made in the 2018 budget for the aforesaid purpose; and

WHEREAS, N.J.S.A. 40A:4-48 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation created by this resolution is \$320,000 and, three percent (3%) of the total operating appropriations in the budget for 2018 is \$370,352; and

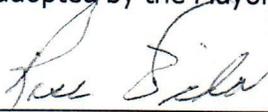
WHEREAS, the foregoing appropriation, together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2018; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Upper Saddle River, County of Bergen (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 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 and is requested to be excluded from CAPS, pursuant to N.J.S.A.40A:5-45.3c(1).
3. That an "Emergency Note" and any renewals thereof not in excess of the above amount be authorized pursuant to N.J.S.A. 40A:4-48 and in accordance with the provision of N.J.S.A. 40A:4-51.
4. That an "Emergency Note" and any renewals thereof shall be executed by the Chief Financial Officer and the Mayor and attested to and the seal affixed thereto by the Borough Clerk and shall be payable on or before December 31, 2019. The Chief Financial Officer is hereby authorized to sell said note and any renewals thereof from time to time.
5. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.

	Moved	Second	Ayes	Nays	Absent	Abstain
Council Member DeBerardine			x			
Council Member DiMartino			x			
Council Member Ditkoff	x					
Council Member Durante			x			
Council Member Florio		x				
Council Member Rotello			x			

I hereby certify that the above resolution was adopted by the Mayor and Council on April 4, 2019.



 Rose Vido, R.M.C., Borough Clerk