AGENDA OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF UPPER SADDLE RIVER
JUNE 6, 2019 8:00 p.m.

Moment of Silence – Pledge of Allegiance

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.

Presentation: Volunteer Service Awards & EMS Explorer Award for their service to Upper Saddle River Volunteer Ambulance Corps & Community.

Distribution of Donations/Scholarships: Upper Saddle River 5k Run

Rule 1. **Roll Call:**

Mayor Minichetti
Mr. DeBerardine
Mr. DiMartino
Mr. Ditkoff
Mr. Durante
Ms. Florio
Mr. Rotella

Rule 2. **Approval of Minutes** Roll Call:

- May 2, 2019 Executive Meeting
- May 2, 2019 Closed Meeting
- May 2, 2019 Regular Meeting

Rule 3. **Borough Reports**

Borough Clerk's Report:

Police
Fire
Library
Recreation Commission
Environmental Committee
Youth Guidance Council
Department of Public Works
Ambulance Corps
Planning Board
Historic Preservation Commission
Shade Tree Commission

Borough Official's Report:

Borough Attorney
Borough Engineer
Construction Code Official

Other Boards & Commissions:

Municipal Court

Rule 4. **Communications, Petitions and Bills:**

Motion to Pay Bills: Roll Call:

Rule 5. **Unfinished Business**

1. Second reading, public hearing Ord. #5-19 Establish CAP Bank.
   Roll Call:

2. Second reading, public hearing Ord. #6-19 Amend Youth Guidance Council By-Laws
   Roll Call:

3. Resolution #64-19, public hearing on Adoption of 2019 Municipal Budget.
   Roll Call:

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.

Open to the Public for Consent Agenda Items Only

Motion to Approve Consent Agenda Items Roll Call:

*1. Resolution #65-19 Authorizing Agreement between USRA Coalition and Here -4-You Consulting
*2. Resolution #66-19 Tax Appeal Settlement – Malik
*3. Resolution #67-19 Reduction of Performance Bond – Toll Brothers
*4. Motion to Authorize Borough Clerk to seek bids for 2019 Road Improvement project.
*5. Motion to Appoint Members to Youth Guidance Council:
Despina Anastaspoulos: two-year term. Term to expire 12/31/20
Marge Fiori: Mayor's Rep. one-year term. Term to expire 12/31/19
*6. Motion to Appoint Robert C. Fischer as a member of the USR Fire Department

Rule 7. **Public Comment**

Rule 8. **Adjournment**

1. Motion to Adjourn

Agenda subject to change

Borough of Upper Saddle River, NJ
Calendar Year 2019

Ordinance #5-19

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45)FOR THE CALENDAR YEAR 2019

WHEREAS, the Local Government Cap Law, NJSA 40A:4-45.1 et seq. provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, NJSA 40A:4-45.15A provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determines that a 1.0% increase in the budget for said year, amounts to $95,202 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Upper Saddle River shall, in accordance with this ordinance and NJSA 40A4-45.14 be increased by 3.5%, amounting to $333,208 and the CY 2019 municipal budget for the Borough of Upper Saddle River be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon; be filed with said Director within 5 days after such adoption.

The above Ordinance was introduced at a Regular meeting of the Mayor and Council on May 2, 2019 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council on June 6, 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.

Rose Vido, RMC
Borough Clerk

BOROUGH OF UPPER SADDLE RIVER

ORDINANCE #6-19

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

BE IT ORDAINED by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, and State of New Jersey as follows:

Section 1.

Chapter 3 of the Code of the Borough of Upper Saddle River, Administration of Government, Article XXIV, Youth Guidance Council, §3-96, Powers and Duties, be and is hereby amended to add the following paragraph:

§3-96. Powers and duties.

> **E. Conflict of interest.** Any member of the Youth Guidance Council who has a relationship as an employee, consultant or volunteer with any agency receiving funding through activities of the Youth Guidance Council or has a member of his or her immediate household who has such a relationship shall agree to file a statement agreeing to recuse and absent themselves from any discussion pertaining to such funding and shall refrain from voting on all matters pertaining to that funding.

Section 2. Severability.

If any section, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate

the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such subject shall be rendered.

Section 3. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 4. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law.

The above Ordinance was introduced at a Regular meeting of the Mayor and Council on May 2, 2019 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council on June 6, 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.

Rose Vido, RMC
Borough Clerk

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #64-19
June 6, 2019

MUNICIPAL BUDGET OF THE BOROUGH OF UPPER SADDLE RIVER COUNTY OF BERGEN, NEW JERSEY FOR THE FISCAL YEAR 2019

BE IT RESOLVED that the following statements of revenues and appropriations constitutes the Municipal Budget of the Borough of Upper Saddle River for the year 2019;

BE IT FURTHER RESOLVED that said budget was published in the May 24, 2019 issue of The Record.

The Governing body of the Borough of Upper Saddle River does hereby approve the Municipal Budget for the year 2019 in the amount of $12,970,085.

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

I hereby certify that the above resolution was adopted by the Mayor and Council on June 6, 2019.

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

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #65-19
June 6, 2019

Authorizing Agreement between USRA Coalition and Here-4-You Consulting

WHEREAS, the Mayor and Council Borough of Upper Saddle River wishes to approve an agreement between USRA Coalition and Here-4-You Consulting, P.O. Box 2361 Front Royal, Virginia 22630, to provide consultation, research and writings to appropriate funding sources to help sustain and advance programs for Substance Abuse and Mental Health Services; and

WHEREAS, it is contemplated that the 2019 budget will contain the necessary appropriations at a cost not to exceed $4000, as set forth in the agreement;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Saddle River hereby approves and authorizes the execution of an Agreement between USRA Coalition and Here-4-You Consulting for the year 2019.

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

I hereby certify that the above resolution was adopted by the Mayor and Council on June 6, 2019.

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

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #66-19
June 6, 2019

Tax Appeal Settlement - Malik

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Ashish and Geeta Malik v. Borough of Upper Saddle River", Docket Nos. 001453-2018 and 005799-2019, which matters involve appeals of the assessment on certain premises known as Block 915, Lot 21 and being more commonly known as 50 Rolling Ridge Road, for the 2018 and 2019 tax years; and

WHEREAS, the parcel is assessed for the 2018 tax year at $1,800,000.00 and for the 2019 tax year at $1,600,000.00; and

WHEREAS, said appeals were filed to contest the assessment on the property for the 2018 and 2019 tax years.

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 appeals 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 remain at $1,800,000.00.

2. The Stipulation of Settlement shall provide that the assessment for the 2019 tax year on said parcel shall be established at $1,550,000.00.

3. Plaintiffs agree to waive interest due on the refund in connection with this settlement. In addition, any refund due the property owners 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.

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

I hereby certify that the above resolution was adopted by the Mayor and Council on June 6, 2019.

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

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #67-19
June 6, 2019

Authorizing Reduction of Performance Bond
Toll Brothers- Pleasant Brook Estates

WHEREAS, Toll Bros., Inc. ("Toll") is the developer of a project known as Pleasant Brook Estates being Block 401, Lots 2 and 4 as depicted on the Borough tax assessment map; and

WHEREAS, Toll was required to post a Restoration Bond in the sum of $2,160,000 which was required to remain in place until such time as a full Performance Bond was posted; and

WHEREAS, the Borough Engineer has recommended that the Restoration Bond be released in that a Performance Bond has been posted.

NOW THEREFORE BE IT RESOLVED that the Governing Body hereby authorizes the release of the Restoration Bond in view of the fact that a Performance Bond has been provided (Bond No. 2253911); and

BE IT FURTHER RESOLVED that the Borough Engineer has recommended that the amount of the Performance Bond be reduced from $3,834,000 to $2,129,439; and

BE IT FURTHER RESOLVED that the amount of the Performance Bond shall be $2,129,439, with the cash component thereof to remain at $255,532.

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

I hereby certify that the above resolution was adopted by the Mayor and Council on June 6, 2019.

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