AGENDA OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF UPPER SADDLE RIVER
JULY 8, 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.

Proclamation: LGBTQ PRIDE MONTH - July 2019

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:
• June 6, 2019 Executive Meeting
• June 6, 2019 Closed Meeting
• June 6, 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

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 #68-19 Authorizing Amicus Participation in the Appeal of Verizon New Jersey Inc. v. Hopewell Borough
*3. Resolution #70-19 Disposal of PD Property with GovDeals
*4. Resolution #71-19 Approval to Submit a Grant Application and Execute a Grant Contract with the NJDOT for Hidden Glen Road Project
*5. Resolution #72-19 Renewal of ABC Pocket License East Crescent Development Group
*6. Resolution #73-19 Authorizing Adoption of Revised 457b Deferred Comp. Plan with Lincoln Financial
*8. Resolution #75-19 Resolution in Support of NJ Per Capita State Aid Legislation for Libraries
*9. Resolution #76-19 Authorizing the Execution of Deed of Conservation Easement Blk. 601 Lot 1.02
*10. Resolution #77-19 Approving List of Eligible Volunteers for LOSAP & the CPI Increase

Introduction of Ordinance #7-19

THE FLOOD DAMAGE PREVENTION ORDINANCE Roll Call:

Introduction of Ordinance #8-19

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, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, 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 $1,850,000 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.

Roll Call:

Introduction of Ordinance #9-19 (Pending)

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE RELATING TO THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, STATE OF NEW JERSEY, adopted July 5, 2018."

Roll Call:
Rule 7. Public Comment

Rule 8. Adjournment

Motion to Adjourn

Roll Call:

*Agenda subject to change*
BOROUGH OF UPPER SADDLE RIVER

Office of the Mayor

PROCLAMATION

LGBTQ PRIDE MONTH - JULY 2019

WHEREAS, On June 28, 1969, the New York City Police Department raided the Stonewall Inn, a bar that was frequented by members of the Lesbian, Gay, Bisexual, Transgender and Questioning, or LGBTQ community; and

WHEREAS, the Stonewall Riots marked the beginning of the liberation movement that transformed the oppression of LGBTQ people into calls of pride and action, and LGBTQ Pride Month, where we commemorate the events of June 1969 and commit to achieving equal justice under the law for LGBTQ Americans; and

WHEREAS, Upper Saddle River has a proud LGBTQ community, from all walks of life, which has the right to feel safe and not live with fear of harassment and persecution and not be discriminated against; and

WHEREAS, all people deserve to live with dignity and respect, free from fear and violence and protected against discrimination, regardless of their gender identity or sexual orientation. During LGBTQ Pride Month, we celebrate the proud legacy LGBTQ individuals have woven into the fabric of our Nation, we honor those who have fought to perfect our Union, and we continue our work to build a society where every child grows up knowing that their country supports them, is proud of them, and has a place for them exactly as they are.

THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Borough of Upper Saddle River, N. J. does hereby recognize July 2019 as LGBTQ Pride Month in Upper Saddle River.

Given under my hand and seal this Eighth Day of July
In the year of our Lord, two thousand nineteen

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JOANNE L. MINICHETTI, MAYOR
BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #68-19
July 8, 2019

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF UPPER SADDLE RIVER
AUTHORIZING AMICUS PARTICIPATION IN THE APPEAL OF
VERIZON NEW JERSEY INC.
V.
HOPEWELL BOROUGH

WHEREAS, on January 28, 2018, the New Jersey Tax Court ruled in favor of Hopewell Borough (“Hopewell”) in the case of Verizon New Jersey Inc. v. Hopewell Borough (“Hopewell Litigation”), and affirmed the ten-year-old decision of the Mercer County Tax Board regarding Verizon’s obligation to pay business personal property tax to Hopewell for the year of 2008, and

WHEREAS, an appeal and cross-appeal have been filed by Verizon and Hopewell; and

WHEREAS, Verizon is challenging the constitutionality of N.J.S.A. 54:4-1, which requires the payment of personal property taxes by Verizon and certain other telephone service providers; and

WHEREAS, the outcome of the appeal will affect the Borough of Upper Saddle River’s continued collection of personal property tax pursuant to N.J.S.A. 54:4-1; and

WHEREAS, Joel Shain, Esq., of the law firm of Shain Schaffer PC (“Shain Schaffer”) serves as Public Utility Counsel for the League of Municipalities (“League”); and

WHEREAS, the League is participating in the Appeal as Amicus Curiae (“Amicus”) and has engaged Shain Schaffer to act on its behalf; and

WHEREAS, joining the League in this appeal is in the public interest; and
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, that the Borough of Upper Saddle River will participate with the League of Municipalities as Amicus Curiae in the appeal of the Hopewell Litigation.

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 July 8, 2019

Joy C. Convertini, R.M.C.
Deputy Borough Clerk
BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #69-19
July 8, 2019

PROFESSIONAL SERVICES AGREEMENT – BOSWELL ENGINEERING
FY 2019 LOCAL AID PROJECT – OLD STONE CHURCH ROAD IMPROVEMENTS

WHEREAS, the Borough of Upper Saddle River requires professional engineering services for the Design and Construction Inspection of the Old Stone Church Road Improvements; 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
330 Phillips Avenue
S. Hackensack, NJ 07606

All to serve at the pleasure of the Council in an amount not to exceed $38,000 as set forth in the Agreement.

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.

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 July 8, 2019.

Joy C. Convertini, R.M.C., Deputy Borough Clerk
BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #70-19
July 8, 2019

AUTHORIZING DISPOSAL OF POLICE DEPARTMENT PROPERTY BY GOVDEALS

WHEREAS, the following property is not needed by the Upper Saddle River Police Department; and

WHEREAS, the Mayor and Council are desirous of selling and/or disposing of said 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 and/or disposed 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.

1: HP Desktop Serial #: 2UA3300256
2: HP Desktop Serial #: MXL3383F8H
3: Dell Desktop Serial #: 1SJ5M91
4: Dell Desktop Serial #: DG7N9K1
5: APC Battery Backup (malfunctioning)
6: HannSpree Monitor Serial #:014TX3XY02298
7: Asus Monitor Serial #: C9LMTF036277
8: Acer Monitor Serial #:ETLNW0C0061010F5494022
9: HP Monitor Serial #: CNC323PJP5
10: Netgear Modem
11: Cisco router
12: Asus BluRay Drive
13: Nine (9) keyboards
14: Two (2) HP network switches
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 July 8, 2019.

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Joy C. Convertini, R.M.C.,  
Deputy Borough Clerk
BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #71-19
July 8, 2019

APPROVAL to SUBMIT GRANT APPLICATION and EXECUTE GRANT CONTRACT WITH the NJDOT for HIDDEN GLEN ROAD PROJECT

NOW, THEREFORE BE IT RESOLVED, that Council of Borough of Upper Saddle River formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-Hidden Glen Road-00209 to the New Jersey Department of Transportation on behalf of Borough of Upper Saddle River.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Upper Saddle River, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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 July 8, 2019

Joy C. Convertini, R.M.C.
Deputy Borough Clerk
BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #72-19
July 8, 2019

RENEWAL OF ALCOHOLIC BEVERAGE POCKET LICENSE
EAST CRESCENT DEVELOPMENT GROUP

WHEREAS, application for renewal of an alcoholic beverage pocket license has been filed with the Division of Alcoholic Beverage Control Commission by East Crescent Development Group LLC, 1000 Wyckoff Avenue, Mahwah, New Jersey 07430 and proper fees have been filed with State and local authorities; and

WHEREAS, pursuant to the New Jersey Division of Alcoholic Beverage Control Commission has granted Special Ruling N.J.S.A.33:1-12.39 for License Terms 2019-2020 and 2020-2021;

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage pocket license be renewed effective July 1, 2019-June 30, 2020, based upon the representations set forth in the petitioner’s notarized letter and is subject to review and/or modification should the factual circumstances warrant:

License #0263-33-004-009

A Plenary Retail Consumption License is hereby issued to East Crescent Development Group LLC, 1000 Wyckoff Avenue, Mahwah, New Jersey.

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 July 8, 2019.

Joy C. Convertini, R.M.C.,
Deputy Borough Clerk
BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #73-19
July 8, 2019

AUTHORIZING REVISED 457b DEFERRED COMPENSATION PLAN WITH LINCOLN FINANCIAL

WHEREAS, the Borough of Upper Saddle River by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the “Plan”) for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and


WHEREAS, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations;

WHEREAS, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations;

WHEREAS, such revised Plan shall supersede the previously adopted Plan;

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts a revised Plan 92-PD-Lincoln-121316.

BE IT FURTHER RESOLVED that Lincoln Retirement Services, LLC (hereinafter referred to as “Lincoln”) has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that Lincoln will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.
BE IT FURTHER RESOLVED that the Certified Financial Officer is authorized to execute an Administrative Services Agreement with Lincoln (94-SA-Lincoln-110217) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IT FURTHER RESOLVED that the Certified Financial Officer is authorized to serve as the “Administrator” of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Employer that the Clerk forward a certified true copy of this resolution to the Certified Financial Officer; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

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 July 8, 2019.

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Joy C. Convertini, R.M.C.
Deputy Borough Clerk
BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #74-19
July 8, 2019

RENEWAL OF ALCOHOLIC BEVERAGE PLENARY RETAIL DISTRIBUTION LICENSE – UPPER SADDLE RIVER LIQUORS LLC

WHEREAS, application for renewal of an alcoholic beverage license has been filed with the Division of Alcoholic Beverage Control Commission by UPPER SR LIQUORS, LLC, 380 Route 17 N, Upper Saddle River, NJ 07458 d/b/a Bottle King Discount Wines & Spirits, and proper fees have been filed with State and local authorities;

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage license be renewed effective July 1, 2019-June 30, 2020:

License #0263-44-002-004

A Plenary Retail Distribution License is hereby issued to UPPER SR LIQUORS, LLC, 380 Route 17 N, Upper Saddle River, NJ 07458, d/b/a Bottle King Discount Wines & Spirits.

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 July 8, 2019.

Joy C. Convertini, R.M.C
Deputy Borough Clerk
BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #75-19
July 8, 2019

RESOLUTION IN SUPPORT OF NEW JERSEY PER CAPITA STATE AID LEGISLATION

WHEREAS, libraries fill a vital role by serving as the local outlet for state services in their communities; and

WHEREAS, state support for public libraries in New Jersey is through the Library Per Capita State Aid Program; and

WHEREAS, the Library Per Capita State Aid program was reduced by 42% in FY 2010 and has not been increased since that time; and

WHEREAS, this support is only $0.41 cents per person per year; and

WHEREAS, funding the state per capita aid program at $10.5 million would substantially benefit public library users, and keep lights on and doors open at public libraries; and

WHEREAS, the libraries of New Jersey depend upon these funds as a vital component to support their communities in early literacy, employment seeking, small business assistance, internet access and lifelong learning.

RESOLVED, that the Council of the Borough of Upper Saddle River urges the New Jersey Legislature to support the critical legislation of Assembly Bill A3801 and Senate Bill S2668, which would provide $1.20 per person in funding for New Jersey’s libraries.

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 July 8, 2019.

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Joy C. Convertini, R.M.C
Deputy Borough Clerk
BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #76-19
July 8, 2019

RESOLUTION AUTHORIZING EXECUTION OF DEED OF CONSERVATION EASEMENT

WHEREAS, the Borough of Upper Saddle River and the County of Bergen ("County") have entered into a Bergen County Open Space Trust Fund Grant Agreement dated August 1, 2018 whereby the Borough will convey a Conservation Easement to the County pertaining to open space property known as Block 601, Lot 1.02 ("the property") as depicted on the Borough tax map; and

WHEREAS, the Conservation Easement is for and in consideration of the sum of $1,600,000.00 to be paid by the County to the Borough representing a portion of the acquisition price for the property; and

WHEREAS, the Deed of Conservation Easement provides for the maintenance of the property as open space and for recreational purposes.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council and Borough Clerk be and are hereby authorized to execute the Deed of Conservation Easement on behalf of the Borough.

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 July 8, 2019.

Joy C. Convertini, R.M.C
Deputy Borough Clerk
BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #77-19
July 8, 2019

RESOLUTION APPROVING LIST OF ELIGIBLE VOLUNTEERS
FOR LOSAP (LENGTH OF SERVICE AWARDS PROGRAM) & CPI INCREASE

WHEREAS, the Borough of Upper Saddle River adopted Ordinance
#12-01 creating a Length of Service Awards Program (LOSAP) for active
volunteer members of the Upper Saddle River Fire Department and Ambulance
Corps; and

WHEREAS, the aforementioned Ordinance was amended by Ordinance
#3-07 whereby the annual contribution was increased by 2% and thereafter
adjusted based on the Consumer Price Index (CPI) as calculated by the Director
of the Division of Local Government Services;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer
of the Borough of Upper Saddle River hereby approves the certified list of
eligible volunteers as per the attached for the years 2017 and 2018 paid in the
subsequent years;

BE IT FURTHER RESOLVED, that the Chief Financial Officer of the
Borough of Upper Saddle River hereby certifies the CPI was 0.8% for the year
2017 and 1.6% for the year 2018.

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
July 8, 2019.

Joy C. Convertini, R.M.C
Deputy Borough Clerk