

**AGENDA OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF UPPER SADDLE RIVER
OCTOBER 3, 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 by Assemblymen Robert Auth: Recognizing Upper Saddle River’s 125th Anniversary

MADD Award Presentation: Police Officer McWilliams

Proclamation: Put the Brakes on Fatalities Day – October 10, 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:

- September 18, 2019 Executive Meeting
- September 18, 2019 Closed Meeting
- September 18, 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.

- *Resolution #104-19 Participation in the NJ Cooperative Purchasing Alliance
- *Resolution #105-19 Cooperative Pricing Agmt. with the Cranford Police Cooperative Pricing System
- *Resolution #106-19 Tax Appeal Settlement – Pak
- *Resolution #107-19 Property Tax Overpayments
- *Resolution #108-19 Authorization of Employment Agreement
- *Resolution #109-19 Authorization of Emergency Appropriation

***Motion to approve Raffle License for USR Historical Society**

Open to the Public for Consent Agenda Items Only

Motion to Approve Consent Agenda Items Roll Call:

***Introduction of Ordinance**

AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED "ZONING" re: FENCES

Roll Call:

Rule 7. Public Comment

Rule 8. Adjournment

Motion to Adjourn Roll Call:

Agenda subject to change

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #104-19
October 3, 2019**

**RESOLUTION FOR MEMBER PARTICIPATION IN THE
NEW JERSEY COOPERATIVE PURCHASING ALLIANCE**

WHEREAS, N.J.S.A.40A:11-11(5) authorizes contracting units to establish a cooperative pricing system and to enter into a cooperative pricing alliance for its administration; and

WHEREAS, in order to broaden the County's efforts and pursuant to Bergen County Freeholder Resolution #21-18, the Bergen County Cooperative Pricing System was renamed the NEW JERSEY COOPERATIVE PURCHASING ALLIANCE; and

WHEREAS, on October 3, 2019, the Governing Body of the Borough of Upper Saddle River, County of Bergen, State of New Jersey duly considered participation in the NEW JERSEY COOPERATIVE PRICING ALLIANCE for the provision and performance of goods and services.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby approves its participation in the NEW JERSEY COOPERATIVE PURCHASING ALLIANCE; and

BE IT FURTHER RESOLVED, that pursuant to the provisions of N.J.S.A.40A:11-11(5) the Borough Administrator/Qualified Purchasing Agent is hereby authorized to enter into the NEW JERSEY COOPERATIVE PURCHASING ALLIANCE.

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 October 3, 2019.

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

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #105-19
October 3, 2019**

**A RESOLUTION AUTHORIZING THE BOROUGH OF UPPER SADDLE RIVER TO
ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Cranford Police Cooperative Pricing System (ID # 47-CPCPS), hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on October 3, 2019 the governing body of the Borough of Upper Saddle River, County of Bergen, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Upper Saddle River.

AUTHORITY

Pursuant to the provisions of *N. J.S.A. 40A:11-11(5)*, the is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the, *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

Theodore F. Preusch, Borough Administrator

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 October 3, 2019.

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

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #106-19
October 3, 2019**

Authorization of Tax Appeal Settlement

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Young H. and Sharon Oh Pak v. Borough of Upper Saddle River", Docket No. 003877-2019, which matter involves appeal of the assessment on certain premises known as Block 513, Lot 12 and being more commonly known as 131 Fawn Hill Road, for the 2019 tax year; and

WHEREAS, the parcel is assessed for the 2019 tax year at \$1,200,000.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2019 tax year.

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 appeal based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the assessment for the 2019 tax year on said parcel shall be established at \$1,150,000.00.

2. 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 October 3, 2019.

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

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #107-19
October 3, 2019**

Property Tax Overpayment Refunds

WHEREAS, the Tax Collector has requested that the Mayor and Council approve the following refunds due to overpayments have been made by the following properties and must be refunded as follows:

2018 Property Tax Overpayment Refunds

Block / Lot

214 / 8 \$ 9233.17

Total \$ 9233.17

NOW, THEREFORE, BE IT RESOLVED, that the the Mayor and Council of the Borough of Upper Saddle River hereby approve the refunds for the above properties and have the Tax Collector adjust the tax records accordingly.

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 October 3, 2019.

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

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #108-19
October 3, 2019**

AUTHORIZATION OF EMPLOYMENT AGREEMENT – GENE LEPORIERE

WHEREAS, Gene Leporiere (“Leporiere”) presently serves, and has for an extended period of time served as the Certified Municipal Finance Officer (“CMFO”) and Tax Collector for the Borough of Upper Saddle River (“Borough”); and

WHEREAS, the Borough has advised Leporiere of an impending reorganization of the CMFO and Tax Collector positions; and

WHEREAS, as a result of such impending reorganization, Leporiere and the Borough have discussed and agreed to terms governing the separation of Leporiere’s employment with the Borough; and

WHEREAS, the Borough and Leporiere have memorialized such terms in a written agreement (the “Agreement”) which has heretofore been approved by Leporiere, the terms of which are incorporated by reference herein; and

WHEREAS, the Borough wishes to approve the terms of said the Agreement and to authorize the Mayor to execute the same.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that Mayor Joanne L. Minichetti be and hereby is authorized to execute the Agreement with Leporiere; and

BE IT FURTHER RESOLVED that the Borough Clerk, the Borough Administrator and the Borough Attorney be and are hereby authorized to take any and all appropriate steps to implement this resolution.

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 October 3, 2019.

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

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #109-19
October 3, 2019

AUTHORIZATION OF EMERGENCY APPROPRIATION

WHEREAS, an emergency has arisen with respect to the funding of the required Down Payment for Various Public Improvements and Acquisitions to protect the health, safety and welfare of the residents of the Borough; and

WHEREAS, no adequate provision was made in the 2019 budget for the unforeseen aforesaid purpose and N.J.S.A.40A-48 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of emergency appropriation created, including this appropriation to be created by this resolution is \$36,450 and three percent (3%) of the total operating appropriations in the budget for 2019 is \$333,078;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, (by not less than two-thirds of all members thereof affirmatively concurring) that the emergency appropriation made for Down Payments on Improvements in the amount of \$36,450 will be provided in full in the 2020 budget of the Borough and that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for:
 - Current Fund
 - Capital Improvements
 - Down Payments on Improvement \$36,450
2. That said emergency appropriation shall be provided in full in the 2020 budget of the Borough.
3. That funds for the appropriation shall be provided from surplus funds on hand.
4. That two (2) certified copies of this resolution be filed with the Director of Local Government Services.
5. That the statements required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government 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 October 3, 2019.

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