

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF UPPER SADDLE RIVER
August 1, 2019 8:00 p.m.**

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

Moment of Silence - Pledge of Allegiance

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.

RULE 1. ROLL CALL

Mayor	Joanne L. Minichetti	Present
Council Member	Roger DeBerardine	Present
Council Member	Steven DiMartino	Absent
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 the Regular Meeting, Executive Meeting and Closed Session of July 8, 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 Florio. Roll Call Vote: AYES, Unanimous

RULE 3. BOROUGH CLERK'S REPORT

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

Copies	5.25
Landscaper License	304.00
Garage Sales	8.00
Total	\$317.25

The Borough Clerk's office issued 5 licenses for the month of July; \$6.00 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of publications received:

- 1) Introduction of Ord. # 7-19- Flood Damage Prevention Ordinance
- 2) Introduction of Ord. # 8-19- Bond Ordinance Various Public Improvements

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

- 1) Police Report
- 2) DPW Report
- 3) Fire Department Report
- 4) Construction Code Official Report
- 5) Municipal Court

RULE 4. COMMUNICATIONS, PETITIONS AND BILLS

Communications: NBCUA Meeting Minutes – June 18, 2019

Approval of Bills: A motion by Council Member DeBerardine, seconded by Council Member DiMartino to pay bills in amount of \$2,264,416.84 was unanimously approved and Mayor Minichetti declared bills approved for payment and ordered checks drawn.

Roll Call Vote: AYES, Unanimous.

RULE 5. UNFINISHED BUSINESS

Public Hearing: **Ordinance # 7-19**

FLOOD DAMAGE PREVENTION ORDINANCE

Resolution Offered by Council Member Durante
Seconded by Council Member DeBerardine

OPEN TO THE PUBLIC: No one wished to be heard.

Roll Call Vote: AYES, Unanimous

Public Hearing: **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.

Resolution Offered by Council Member Durante
Seconded by Council Member DeBerardine

OPEN TO THE PUBLIC: No one wished to be heard.

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.

- **Resolution #79-19 Award contract to AJM Contractors, Inc. for 2019 Road Improvement project in amount of \$140,421.50.**
- **Resolution #80-19 Property Tax Overpayment Refunds**
- **Resolution #81-19 Cancellation of Stale and Outstanding Checks**
- **Resolution #82-19 Cancellation of Unapproved Trust Funds**
- **Resolution #83-19 Cancellation of Various Accounts**
- **Resolution #84-19 Approval of Items of Revenue and Appropriation – 2019 Clean Comm. Grant**
- **Resolution #85-19 Dedication by Rider – Fire Penalties**
- **Resolution #86-19 Dedication by Rider – Disposal of Forfeited Property**
- **Resolution #87-19 Shared Serv. With NBCUA – Sanitary Sewer Jetting Services**
- **Resolution #88-19 Auth. Agreement with Ramsey for Additional Sewer Allocation**

Motion to approve raffle license #394 to Diabetes Foundation

OPEN TO THE PUBLIC (Consent Agenda Items Only):

A motion to approve the Consent Agenda items offered by Council Member Ditkoff.

Seconded by Council Member Rotella

Roll Call Vote: AYES, Unanimous

Introduction of Ordinance # 9-19

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."

Motion to introduce Ordinance # 9-19 offered by Council Member DeBerardine

Seconded by Council Member Ditkoff

Roll Call Vote: AYES, Unanimous

RULE 7. PUBLIC COMMENT

Marshall Grupp, 27 Hidden Glen Road, Upper Saddle River stated that he is very concerned about what is happening at the Apple Ridge and One Lake Street sites. Mayor Minichetti directed his inquiry to Mr. Michael Kelly, P.E., Boswell Engineering and Mr. Kelly read a statement regarding the status of the Orchard Ridge (Apple Ridge) site, outlining what has transpired over the last several weeks as a result of three significant rain events. A Stop Work Order has been issued for both sites and remains in effect at this time.

Mr. Grupp asked why the site was clear cut all at one time and this was discussed in detail. The DEP granted approval to clear the site in its entirety and test one acre at a time. The meeting minutes from the July 24, 2019 meeting with Borough Officials, Toll Brother's representatives and Boswell representatives will be posted on the Borough website.

Mr. John Peck, Toll Brothers Div. SVP and Mr. Rick Hoff, Toll Brothers Attorney were in attendance and answered other questions pertaining to the Orchard Ridge site. Mr. Grupp asked about receiving updates frequently about the status of the project and Mr. Kelly stated that the weekly reports will be submitted to the Borough.

Mr. Grupp asked Mr. Peck what measures are being taken to ensure that the soil erosion and flooding issues will be eliminated. Mr. Peck stated that the priority is getting the site stabilized. Storm water runoff in the Pleasant Brook was also addressed and Mr. Grupp inquired about the number of storm drains. He was informed that there is an adequate number on the site.

Zareh Beylerian, 242 West Saddle River Road, asked about the use of fertilizer on residential properties. She further stated that she has a pond on her property that is affected by the flooding of the Saddle River. In addition, she has an issue with an algae bloom. She inquired about the stabilization of Orchard Ridge and Mr. Kelly explained that once the site is stabilized, all of the storm water measures will function as designed.

Eric Friis, 4 Sparrowbush Road asked why there were no stabilization measures put in place immediately after the site was cleared and Mr. Peck stated that there were measures in place but they were inadequate. He outlined revised measures currently being implemented. Mr. Friis asked Mr. Kelly about arsenic contamination and Mr. Kelly stated that the Borough has tested the water for arsenic continually and results are below legal levels. Mr. Friis asked why the storm water in the detention basins has not been tested for arsenic and Mr. Kelly addressed this. Mr. Friis read recommendations that he feel should be implemented at the Orchard Ridge site before the Stop Work Order is lifted.

Maryann Virgona, 34 Maple Road asked if there were minutes from the Realtors Meeting in May of 2019. She was advised that this was not a public meeting and there are no minutes.

Marc Garbar, (address not given) inquired about the prior month's discussion about the Pride Proclamation and the reference made regarding the Democratic Club. The Mayor and Council addressed this.

Richard Medina, 295 Lake Street addressed the Pride Proclamation read at the July 2019 meeting.

Lisa Glick, 22 Ripplewood Drive thanked the Mayor and Council for installing temporary traffic signs and stated that it seems to be somewhat effective.

Mr. Grupp asked about the 2018 Municipal Audit and was advised that it will be posted on the Borough website.

Borough Attorney Regan read a social media post by Mr. Friis and stated that the allegation made is very serious. He further stated that he intends to start an investigation with the Bergen County Prosecutor.

RESOLUTION FOR CLOSED SESSION

WHEREAS, the members of the Upper Saddle River Mayor and Council deem it necessary to discuss certain actions under Section 7b of the Open Public Meetings Act; and

WHEREAS, the discussions more specifically will involve:

1. Personnel

NOW, THEREFORE, BE IT RESOLVED, that at 9:04 p.m. the Mayor and Council deem it necessary to exclude the public from discussion; a motion was made and seconded to go into Closed Session.

Voice Vote: All AYES.

At 9:15, the Regular Meeting of the of the Mayor and Council resumed.

Resolution #89-19 PROFESSIONAL SERVICES AGREEMENT APPOINTMENT OF MASER CONSULTING FOR ENGINEERING SERVICES

Motion Offered by Council Member Durante. Seconded by Council Member DeBerardine
Roll Call Vote: AYES, Unanimous

RULE 8. ADJOURNMENT

A motion to adjourn by Council Member DeBeraradine, seconded by Council Member Florio was unanimously approved by all Council members present. (Meeting adjourned at 9:20 p.m.)

Respectfully submitted,

Joy C. Convertini, RMC
Deputy Municipal Clerk