

**ZOOM SIGN IN INFORMATION**

**By Computer:**

Link: <https://zoom.us/j/842319706>  
Meeting ID: 842-319-706

**By Phone:**

1-669-900-6833  
1-877-853-5247

Then dial meeting ID (842-319-706) followed by #, then #, #9 to raise hand.

**Revised 5/7/2020 (Addition of R# 67-20)**

*Meeting held via teleconference  
due to Covid19*

**AGENDA OF THE REGULAR MEETING  
OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF UPPER SADDLE RIVER  
MAY 7, 2020 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 19, 2019 by email which the time, place and purpose of the meeting was set forth.

**❖ Proclamation – Designation of the Red Rose as the Borough Flower**

**Rule 1. Roll Call:**

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

**Rule 2. Approval of Minutes**

- April 2, 2020
- May 2, 2020

**Roll Call:**

Regular Meeting  
Special Meeting

**Rule 3. 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:**

**Other Boards & Commissions**

Borough Attorney  
Borough Engineer  
Construction Code Official

Municipal Court

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

Motion to Pay Bills:

**Roll Call:**

**Rule 5. Unfinished Business**

**1. Public Hearing Ord. #1-20 Establish CAP Bank**

**Roll Call:**

**2. Resolution #64-20 Governing Body Certification of Compliance**

**Roll Call:**

**3. Public Hearing - Adoption of 2020 Municipal Budget**

**Resolution #65-20 Adoption of 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.

Motion to Approve Consent Agenda Items:

**Roll Call:**

- \*1. **Resolution #66-20** Authorization for Bond Reduction to Toll Brothers for The Preserve in Upper Saddle River
- \*2. **Resolution #67-20** Appointment of James Mangin as Certified Tax Collector

**Rule 7. Public Comment**

**Rule 8. Adjournment**

Motion to Adjourn

**Roll Call:**

*Agenda subject to change*

**Ordinance # 01-20**

**BOROUGH OF UPPER SADDLE RIVER BERGEN COUNTY, NEW JERSEY  
CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST  
OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 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 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 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 Borough Council of the Borough of Upper Saddle River in the County of Bergen finds its advisable and necessary to increase its CY 2020 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 Borough Council hereby determines that a 1.0% increase in the budget of said year, amounting to \$100,700 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough 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 ORDAINED**, by the Borough Council of the Borough of Upper Saddle River, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Upper Saddle River shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$352,451, and that the CY 2020 municipal budget for the Borough of Upper Saddle River be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, 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; 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 April 2, 2020 and passed its first reading. It will be considered for final passage at a meeting of the said Mayor and Council on May 7, 2020 at 8:00 p.m. 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.

Joy Convertini, RMC  
Municipal Clerk

	<b>Moved</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Council Member DeFuccio</b>			<b>x</b>			
<b>Council Member DiMartino</b>		<b>x</b>				
<b>Council Member Ditkoff</b>			<b>x</b>			
<b>Council Member Durante</b>	<b>x</b>					
<b>Council Member Florio</b>			<b>x</b>			
<b>Council Member Rotella</b>					<b>x</b>	

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment  
Decisions Under Title VII of the Civil Rights Act of 1964"**

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #64-20  
May 7, 2020**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, That the Mayor and Council of the Borough of Upper Saddle River hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**Moved    Second    Ayes    Nays    Absent    Abstain**

Council Member DeFuccio  
Council Member DiMartino  
Council Member Ditkoff  
Council Member Durante  
Council Member Florio  
Council Member Rotella

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON MAY 7, 2020

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Joy C. Convertini, RMC – Borough Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #65-20  
May 7, 2020**

**MUNICIPAL BUDGET OF THE BOROUGH OF UPPER SADDLE RIVER  
COUNTY OF BERGEN, NEW JERSEY FOR THE FISCAL YEAR 2020**

**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 2020;

**BE IT FURTHER RESOLVED** that said budget was published in the April 20, 2020 issue of The Record.

The Governing body of the Borough of Upper Saddle River does hereby approve the Municipal Budget for the year 2020 in the amount of \$13,474,265.

**Moved      Second      Ayes      Nays      Absent      Abstain**

**Council Member DeFuccio  
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 May 7, 2020.

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

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #66-20  
May 7, 2020**

**Authorization of Bond Reduction to Toll Brothers  
The Preserve at Upper Saddle River**

**WHEREAS**, subdivision approval was granted by the Planning Board of the Borough of Upper Saddle River pertaining to a project known as “The Preserve At Upper Saddle River” being more commonly known as Block 401, Lots 2 and 4 as depicted on the tax assessment map; and

**WHEREAS**, Toll Brothers Land Development, the project’s developer, has submitted a request for a reduction in the amount of the Performance Bond; and

**WHEREAS**, Marisa Tiberi, P.E. of Boswell Engineering has recommended that the amount of Bond No. 2253911 be reduced so as to provide for a bond amount of \$384,711.66 and that a Cash Bond remain in the amount of \$42,745.74.

**NOW THEREFORE BE IT RESOLVED** that based upon the recommendation of the Borough Engineer, that the reduction in the aforesaid Bond amount be approved.

**Moved Second    Ayes    Nays    Absent    Abstain**

**Council Member DeFuccio  
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 May 7, 2020.

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

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #67-20  
May 7, 2020**

**Appoint Certified Tax Collector – James Mangin**

**WHEREAS**, there is a vacancy in the position of Tax Collector of the Borough of Upper Saddle River.

**NOW THEREFORE BE IT RESOLVED** that **James Mangin** be and is hereby appointed to the position of Tax Collector effective immediately.

Moved Second    Ayes    Nays    Absent    Abstain

Council Member DeFuccio  
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 May 7, 2020.

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