

Minutes of the Regular Meeting of the Mayor and Council held on Monday, July 8, 2013 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Moment of Silence and Pledge of Allegiance was led by Mayor Minichetti.

Mayor Minichetti presented an proclamation to Kenneth Gallo on behalf of father Louis Gallo who served as Public Defender for over 30 years.

Officer Tara Kilduff presented an appreciation award to Gregory Pink for his continuous volunteer participation and assistance in the many Youth Guidance Council and DARE programs, as well as being a member of the Ambulance Corps and EMS Club.

Pursuant to the Open Sunshine Act P.L. 1975, Chapter 231, proper notice of this meeting has been provided by submitting appropriate notice to The Ridgewood News and The Record on December 20, 2012 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
	Councilman	Roger DeBerardine	Present
	Councilman	Steven DiMartino	Present
	Councilman	Jonathan Ditkoff	Present
	Councilman	Vincent M. Durante	Present
	Councilwoman	Joanne Florio	Present
	Councilman	Thomas Hafner	Present

RULE 2. Minutes of Executive, Closed and Regular Meetings of June 6, 2013 were delivered to all members of the governing body and posted on the bulletin board and were unanimously approved following a motion by Councilman Durante, seconded by Councilwoman Florio.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of June, 2013 and deposited them with the Collector/Treasurer:

Copies	\$ 6.05
Garage Sales	20.00
Total	\$ 26.05

The Borough Clerk's office issued 37 dog licenses for the month of June. \$50.40 was forwarded to the Department of Health for the pilot clinic and Animal Control Fund.

Proofs of Publication were received for:

- 1) Resolution #57-13- Adopt 2013 budget
- 2) Adoption of Ord. #4-13 - Exceed CAP
- 3) Introduction of Ord. #5-13 - Various improvements

Police: Report for the month of June was received and filed.

DPW: Report for the month of June was received and filed.

Fire Dept: Report for the month of June was received and filed.

Library: Report for the month of June was received and filed.

Youth Guidance Council: Minutes of May 10, 2013 were received and filed.

Borough Official's Report:

Borough Engineer: Report for the month of June was received and filed.

Construction Code Official: Report for the June was received and filed.

RULE 4. Communications, Petitions & Bills:

Thank you letter from Saddle River Valley Lions Club for cooperation and assistance with the annual carnival.

Resolution from Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$2,409,951.44:

A motion by Councilman DeBerardine, seconded by Councilman Durante to pay bills in the amount of \$2,409,951.44 was unanimously approved by all Council members present. Mayor Minichetti declared bills approved for payment and ordered checks drawn.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Motion approved.

RULE 5. Unfinished Business: None.

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.

A motion to approve Consent Agenda by Councilman Hafner, seconded by Councilman Ditkoff was unanimously approved by all Council members present.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Motion approved.

\*Resolution #71-13

WHEREAS, the Borough of Upper Saddle River requires public health services for the year 2013; and

WHEREAS, it is contemplated that the 2013 budget will contain the necessary appropriations estimated to be reasonable 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 that the Borough Council of the Borough of Upper Saddle River as follows:

- 1) The Mayor and Council do hereby engage the services of:

Northwest Bergen Regional Health Commission  
20 West Prospect Street`  
Waldwick, New Jersey 07463

All to serve at the pleasure of the Council at an annual fee of \$47,516.21 and a Registrar's salary reimbursement of \$8,000 as set forth in the Agreement for services.

- 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.

\*Resolution #72-13

WHEREAS, the Borough of Upper Saddle River requires the services of an Animal Control Officer for the year 2013; and

WHEREAS, it is contemplated that the 2013 budget will contain the necessary appropriations estimated to be reasonable 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 that the Borough Council of the Borough of Upper Saddle River as follows:

- 1) The Mayor and Council do hereby engage the services of:

Tyco Animal Control Services  
1 Stouts Lane  
Ho-Ho-Kus, New Jersey 07423

All to serve at the pleasure of the Council at an annual cost of \$9300 and an hourly rate of \$60 as set forth in the Agreement for services.

- 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.

\*Resolution #73-13

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Ronald and Lorraine Dario v. Borough of Upper Saddle River", Docket No. 009142-2012, which matter involves an appeal of the assessment on certain premises known as Block 704, Lot 1.06 and being more commonly known as 2 Emerald Woods Court, for the 2012 tax year; and

WHEREAS, the parcel is assessed for the 2012 tax year at \$1,265,000; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2012 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 2012 tax year on said parcel shall be established at \$1,215,000.

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.

\*Resolution #74-13

WHEREAS, Borough Engineer Christopher Statile has recommended that the property located at 48 Clover Lane, Block 704, Lot 25 be connected to the existing drainage system, as depicted on the submitted plan, subject to compliance of various stipulations as outlined by Borough Engineer Statile.

NOW, THEREFORE, BE IT RESOLVED that this request be and is hereby approved subject to the requirement that an agreement be prepared whereby the property owners and its successors in interest and assigns will indemnify and hold harmless the Borough in connection with the maintenance and operation of the proposed drainage connection; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the aforementioned Maintenance and Hold Harmless Agreement after same has been prepared by the Borough Attorney and the posting of a Maintenance Bond and payment of all engineering and legal fees.

\*Resolution #75-13

REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget year 2013 in the sum of \$2,788.29 which are additional funds from the Clean Communities Grant in the amount of \$2,788.29;

BE IT FURTHER RESOLVED, that the like sum of \$2,788.29 is hereby appropriated under the caption "Clean Communities Grant".

BE IT FURTHER RESOLVED that the above is the result of additional funds from the Clean Communities Grant in the amount of \$2,788.29.

\*Resolution #76-13

WHEREAS, the Borough of Upper Saddle River has previously entered into a contract with Tilcon-NY, 625 Mt. Hope Road, Wharton, NJ 07885 in connection with the 2012 Road Improvement Program; and

WHEREAS, Change Order #1 has been submitted which indicated a decrease in the As-Built quantities; and

WHEREAS, Change Order #1 has been filed with the Governing Body detailing the aforementioned facts and indicating that the proposed Change Order may be permitted pursuant to applicable rules.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River as follows:

1. The Governing Body does hereby determine that this Change Order is necessary and that it is in compliance with the provisions set forth in N.J.A.C. 5:34-4.4.
2. The foregoing Change Order constitutes a modification to effect economics and will decrease the contract by \$7,626.71 and is in accordance with the provisions of N.J.A.C. 5:34-4.7.

BE IT FURTHER RESOLVED that the aforementioned Change Order #1 be and is hereby approved for the work described in the Change Order, decreasing the contract price with Tilcon-NY by \$7,626.71.

\*Resolution #77-13

WHEREAS, the Upper Saddle River Fire Department has requested a change in status for the following Fire Department volunteers from active resident members to active non-resident members; and

WHEREAS. Article VI, Section 4 of the Upper Saddle River Fire Department Constitution and By-laws requires such members to reside in a "surrounding town, bordering borough"; and

WHEREAS, the Fire Department membership has approved a change in status for John Schianchi, 3 Bridle Way, Saddle River, NJ and Louis Lupinacci, 116 Shuart Road, Airmont, NY;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby approve the request to allow John Schianchi and Louis Lupinacci to remain as members of the Upper Saddle River Fire Department as active non-residents members.

\*Resolution #78-13

WHEREAS, Chapters 36 and 102 of the Borough Code establish regulations pertaining to the maintenance of properties; and

WHEREAS, the aforesaid provisions permit the Borough to remedy and abate conditions on private property after notice to the affected property owner; and

WHEREAS, personnel in the Borough's Department of Public Works are, from time to time, required to perform work on properties, the conditions of which contravene the aforesaid Chapters; and

WHEREAS, the Governing Body wishes to memorialize charges to be assessed against property owners when employees of the Department of Public Works are required to perform maintenance work on properties.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby establish an hourly rate of \$100.00 per employee in connection with maintenance work performed on private properties.

A motion by Councilman Durante, seconded by Councilman DiMartino to approve fire Department membership of Nicholas Brusco and Andrew Dina.

Roll Call: Ayes: Council members DiBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Motion approved.

A motion by Councilwoman Florio, seconded by Councilman Durante to appoint James Dougherty as Deputy Zoning Enforcement Officer, effective July 1, 2013.

Roll Call: Ayes: Council members DiBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Motion approved.

Mayor Minichetti appointed Councilman Vincent Durante to serve as the Mayor's representative on the Upper Saddle River Planning Board.

RULE 7. Public Comments:

Mr. Robert Jacobs, 48 Clover Lane, explained the Borough Engineer's recommendation as to the location of installing a drainage connection from his property to the municipal storm drain system would involve the removal of a very large tree and asked the Council to reconsider an alternative location. Mayor Minichetti said the Council cannot over-ride the Engineer's recommendation but asked Administrator Preusch to discuss the matter with Borough Engineer Statile.

Mr. John Guidice, 22 Ripplewood Drive, referred to a letter previously sent to the Mayor and Council requesting a public town meeting be held to discuss the Pearson Education property. Mayor Minichetti and Councilman Durante pointed out that Mack-Cali has not submitted any plans or application regarding the property and therefore there is nothing to discuss. Councilman DeBerardine read an article from the current Borough Bulletin explaining the Governing Body is committed to doing what is beneficial for the community and its' residents and that is consistent with zoning regulations. He pointed out the property is zoned "commercial" and that appropriate use of the property must be determined through a study of the property, its impact on the town and a re-examination of the Master Plan.

Mr. William O'Neill, 47 Lake Street, asked that residents be kept informed as to the status of the property. Councilman DeBerardine stated information will be published in the Borough Bulletin in order to keep residents up-to-date.

Ms. Michele Lezott, 5 Cider Hill, said her property faces Creative Gardens and she has no objections to the operation of the nursery. She noted she has no issue with the trucks, odor or noise emitting from the property and that the tenant has been a good neighbor.

RULE 8. Adjournment:

A motion to adjourn by Councilman DeBerardine, seconded by Councilman Durante was unanimously approved by all Council members present. (Meeting adjourned at 8:35 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk