

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, November 3, 2016 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Moment of Silence and Pledge of Allegiance was led by Council President DeBerardine.

Councilman Durante read a summary of events that took place on August 5, 2016 which led to members of the Police Department and Ambulance Corps being awarded the Life Saving and Honorable Service Medals.

The Life Saving Medal was awarded to Officer Kenneth Osborn, Officer Kenneth Rodriguez, Detective Tara Kilduff, Ambulance Corps Capt. Amy Lauren, and Ambulance Corps Lt. Arman Fardanesh for being an integral part in the life-saving treatment and rapid transportation of a patient resulting in saving a life.

The Honorable Service Medal was awarded to Dispatcher Steven Gildea for his timely and composed conduct in assisting emergency services personnel during a serious medical situation.

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, 2015 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	Absent
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 October 6, 2016 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 Councilman Ditkoff.

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

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of October, 2016 and deposited them with the Collector/Treasurer:

Garage Sales	\$	<u>28.00</u>
Total	\$	28.00

The Borough Clerk's office issued 6 dog licenses for the month of October. \$10.20 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of publication was received for:

1. Notice to Bidders-2016-2017 Snowplowing Services
2. Adoption of Ord. #8-16 - Pet Shops

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

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

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

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

Youth Guidance Council: Minutes of October 7 was received and filed.

Borough Official's Report:

Construction Code Official: Report for the month of October was received and filed.

RULE 4. Communications, Petitions & Bills:

NJ Transit public hearing notice of November 9, 2016.

Saddle River notice of adoption of amended 2016 Third Round Housing Plan.

Rockland Election public hearing notice for rate increase

NWBCUA Minutes of September 20, 2016 and 2017 Preliminary Budget.

Resolutions from NWBCUA, Moonachie, Bd. of Chosen Freeholders.

Councilman DiMartino presented bills in the amount of \$6,739,865.15:

A motion by Councilman DiMartino, seconded by Councilman Durante to pay bills in the amount of \$6,739,865.15 was unanimously approved by all Council members present. Council President DeBerardine declared bills approved for payment and ordered checks drawn.

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

RULE 5. Unfinished Business:

Councilman Durante read for the second time: (Ord. #9-16)

"AN ORDINANCE TO AMEND 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 AUGUST 4, 2016".

Council President DeBerardine opened the public hearing; there being no comments, hearing was closed.

Resolution by Councilman Durante, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND 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 AUGUST 4, 2016" was introduced at a Regular meeting of the Mayor and Council on October 6, 2016 and passed its first reading. After public hearing held on November 3, 2016 it passed its second and final reading and was duly adopted by the Council and approved by the Council President and shall take effect when published according to law.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: 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 Councilwoman Florio was unanimously approved by all Council members present.

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

\*Resolution #94-16

WHEREAS, N.J.S.A. 49:4-58 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budget appropriations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River in the County of Bergen and State of New Jersey that the Treasurer is hereby authorized to effect the following transfers:

<u>FROM</u>		<u>TO</u>	
Bldg. Dept, S&W	6,000	Fire Prevention, S*W	6,000
Shade Tree	3,000>	Ambulance, S&W	6,000
Social Security	3,000>		
Roads, S&W	25,900	Cel. Public E vents	4,500
		Telephone	6,400
		Natural Gas	6,000
		Street Lighting	9,000
Bldg. Dept, S&W	8,000	Bldgs * Grounds	8,000
Legal, Gen. Exp.	10,000	Engineering Services	10,000
Roads, S&W	45,000	Solid Waste Collection	45,000
Legal, Gen.	17,000	Dumping Fees	17,000
Roads, S&W	8,000>	Recreation	3,500
		Field Maintenance	4,500

\*Resolution #95-16

WHEREAS, almost all local units of government and Boards of Education in New Jersey including the Borough of Upper Saddle River secure insurance through governmental entities known as joint insurance funds (hereinafter JIF's); and

WHEREAS, existing law limits JID's to investments otherwise authorized for local governmental entities and Boards of Education; and

WHEREAS, insurance mechanisms such as JIF's have different cash flow needs than local government and Boards of Education; and

WHEREAS, existing law greatly limits the potential investment earnings, currently less than 1% on investments of approximately \$1 billion; and

WHEREAS, S-2663 and A-4234 would permit JIF's to invest in debt obligations of any governmental entity established under the laws of the State of New Jersey and federal agencies or governmental corporations; and

WHEREAS, while the range of investments permitted by S-2663 and A-4234 is still very conservative, it would save the taxpayers at least \$10 million per year; and

WHEREAS, S-2663 and A-4234 would also reduce interest expense for local units of government and Boards of Education by creating an additional purchaser of their bonds; and

WHEREAS, S-2663 and A-4234 would also permit JIF's to join together and create a joint investment and cash management program further increasing investment income;

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

1. Legislation is urged to adopt S-2663 and A-4234; and
2. A copy of this resolution shall be sent to all legislators as well as the Governor, Commissioner of the Dept. of Banking and Insurance and the Commissioner of the Dept. of Community Affairs.

\*Resolution #96-16

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the

requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments and Recommendations

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments and Recommendations

as evidenced by the Group Affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and

have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 54:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in additions shall forfeit his office".

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Upper Saddle River, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

\*Resolution #97-16

WHEREAS, the Borough of Upper Saddle River wishes to enter into a Shared Services Agreement with the Northwest Bergen County utilities Authority; and

WHEREAS, the Borough of Upper Saddle River is in need of TV inspection services; and

WHEREAS, the Governing Body of the Borough of Upper Saddle River has agreed to enter into such an Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River hereby approves and authorizes the execution of a Shared Services Agreement with the Northwest Bergen County Utilities Authority to provide TV inspection services for the years 2017 and 2018.

\*Resolution #98-16

WHEREAS, an emergency has arisen with respect to Insurance-Group/Other and no adequate provision was made in the 2016 budget for the aforesaid purpose and N.J.S.A. 40A-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation created including this appropriation to be created by this resolution is \$57,000 and three percent of the total operations in the budget for the year 2016 is \$382,578.90; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3%) percent of the total operating appropriations in the budget for 2016;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for Insurance-Group/Other in the amount of \$57,000.
2. That said emergency appropriation shall be provided in full in the 2017 budget.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of Local Government Services.

\*Resolution #99-16

A Resolution Requesting Permission for the Dedication By Rider For SHADE TREE COMMISSION Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of SHADE TREE COMMISSION by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from SHADE TREE COMMISSION are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Upper Saddle River, County of Bergen, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the SHADE TREE COMMISSION.
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

\*Resolution #100-16

A Resolution Requesting Permission for the Dedication By Rider For RENTAL DEPOSITS Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of RENTAL DEPOSITS by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from RENTAL DEPOSITS are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Upper Saddle River, County of Bergen, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the RENTAL DEPOSITS.
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

\*Resolution #101-16

A Resolution Requesting Permission for the Dedication By Rider For FILMING PERMITS Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of FILMING PERMITS by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from FILMING DEPOSITS are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Upper Saddle River, County of Bergen, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the FILMING DEPOSITS.
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

\*Resolution #102-16

A Resolution Requesting Permission for the Dedication By Rider For ENVIRONMENTAL CLEANUP Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues

received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of ENVIRONMENTAL CLEANUP by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from ENVIRONMENTAL CLEANUP DEPOSITS are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Upper Saddle River, County of Bergen, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the ENVIRONMENTAL CLEANUP.
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

\*Resolution #103-16

A Resolution Requesting Permission for the Dedication By Rider For TAX TITLE/SALE LIENS AND PREMIUMS Required by Upper Saddle River.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Upper Saddle River provides for receipt of TAX TITLE/SALE LIENS AND PREMIUMS by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from TAX TITLE/SALE LIENS AND PREMIUMS are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Upper Saddle River, County of Bergen, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director Of the Division of Local Government Services to pay expenditures of the TAX TITLE/SALE LIENS AND PREMIUMS.
2. The Clerk of the Borough of Upper Saddle River, County of Bergen is hereby directed to forward two certified copies of this

Resolution to the Director of the Division of Local Government Services.

\*Resolution #104-16

WHEREAS, an emergency has arisen with respect to Police-Salaries & Wages and no adequate provision was made in the 2016 budget for the aforesaid purpose and N.J.S.A. 40A-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation created including this appropriation to be created by this resolution is \$245,000 and three percent of the total operations in the budget for the year 2016 is \$382,578.90; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3%) percent of the total operating appropriations in the budget for 2016;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for Police-Salaries & Wages in the amount of \$245,000.

2. That said emergency appropriation shall be provided in full in the 2017 budget.

3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of Local Government Services.

\*Resolution #105-16

WHEREAS, the Planning Board of the Borough of Upper Saddle River granted major subdivision approval and ancillary relief to Apple Ridge USR, L.L.C. relating to 50.33 acres in the R-1 District known and designated as Block 401, Lots 2 and 4, which approval permits the development of the property with single-family homes; and

WHEREAS, the resolution of approval is conditioned upon the execution of a Developer's Agreement.

NOW THEREFORE BE IT RESOLVED that Mayor Joanne L. Minichetti, Borough Administrator Theodore Preusch and Borough Clerk Rose Vido be and are hereby authorized to execute the aforesaid Developer's Agreement.

In response to Mr. John Giudice, 22 Ripplewood Drive, Mr. Regan said the present owner of the Apple Ridge property is Ridgewood Corp. and that approval of the subdivision is subject to approval of the Developer's Agreement which protects the Borough. He pointed out the Planning Board resolution approving the subdivision runs with the land. Councilman DeBerardine said the time to make suggestions was when the application for the subdivision was before the Planning Board.

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

RULE 7. Public Comments:

Ms. Ellen Mortensen, 8 Iron Latch Court, thanked Administrator Preusch for his assistance in several matters of concern. She asked that an ordinance be established to prohibit huts and limit the number and length of Pods which are unsightly. Mr. Preusch said the Council will be considering a number of recommendations regarding dumpsters and pods submitted by the Construction and Zoning Officials.

Mr. D. Michalski, 67&71 Pleasant Avenue, wanted to meet with the Council to discuss the lawsuit filed against him for construction violations. Mr. Regan told Mr. Michalski a final judgment was issued by Superior Court Judge Meehan on October 27, 2016 assessing a \$20,000 penalty against him.

Mr. Marshall Grupp, 27 Hidden Glen Road, said he was disheartened by the comment made by the Mayor. Councilman Ditkoff responded that the Council admires the Mayor who has served the community for a number of years, but agreed that her words were unfortunate. Councilman DiMartino pointed out Mayor Minichetti's 25 years of service and said although the comment was upsetting, she is a wonderful person. Mr. Grupp felt the Mayor should apologize and resign.

Ms. Janine Yatko, 12 Robin Ridge Road, asked that an ordinance be established prohibiting discussion of Borough business on Facebook. Councilman Ditkoff said the issue had been discussed previously with differing opinions.

Mr. Erik Friis, 4 Sparrowbush Road asked each Council member if they condemned the Mayor's comments. In response, each member said they did not agree with her comments. Mr. Regan stated he disagreed with the comments but was not condemning the Mayor for whom he has the highest regards for and noted her charitable and good works and said she was one of the finest public officials he has ever worked with.

Councilman DeBerardine said the comments were inappropriate but that Mayor Minichetti has done more for this town in the past 20 years pointing out her support to education.

Councilman DiMartino said he also disagreed with the comments, but Mayor Minichetti is one of the best Mayors and has done a tremendous service to this town as a Mayor and mother and is a wonderful person.

Councilman Durante condemned the comments and felt the rhetoric had reached fever pitch.

Mr. Thomas Brophy, 8 Albert Drive was told since he filed a lawsuit against the Borough, Mayor, each Council member and himself, Mr. Regan said our Counsel advised us not to make any comments or answer any of his questions . Mr. Brophy mentioned a Garden City case in which he said the residents fought hard to object to high density housing and won.

Mr. John Giudice, 22 Ripplewood Drive, said the T formation outlined for the Apple Ridge subdivision was too narrow and not aesthetically pleasing due to the alignment of the road being odd and expressed concern over fencing along Carlough Road and the number of trees cut down. Councilman DeBerardine said as a member of the Planning Board, a number of multiple conditions were discussed and that any objections should have been made to the Planning Board during the public hearing process. In regard to the Scarce Resource designation, Mr. Regan explained that a developer could have come in with an application for townhouses but the likelihood of townhouses being developed on this property was avoided due to the fact that the Borough was able to show the affordable housing component could be accommodated elsewhere. Borough Engineer Kevin Boswell explained the geometry of the property and that the Borough's code is held to the highest zoning.

Mr. Larry Gorga, 50 Riverview Terrace, said from what he read, the townhouses proposed for the Mack Cali site seemed reasonable. He noted that other towns seem to have better recreational facilities than Upper Saddle River. Mr. Gorga said he felt the Mayor has good in her heart and has been a big influence on the Educational Foundation and genuinely wants to help the town but in light of her comment, she should resign. He wanted it noted that the most dangerous word today is the word "send".

Mr. Susan Gross, 63 Hidden Glen Road, said she is a friend of Joanne Minichetti and pointed to her commitment to the community all these years and the things that were said and written about her is disrespectful and disgusting.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman DiMartino was unanimously approved by all Council members present. (Meeting adjourned at 9:15 p.m.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk

