

Minutes of the Regular Meeting of the Mayor and Council held on Monday, March 7, 2016 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 read a resolution thanking Jordan Wright, Mark Petrone and Patrick Berardi of Quality Auto Mall for the donation of a new 2015 Ford F150 truck to be used for the DARE program.

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 by fax, mail on February 26, 2016 in which the time, place and purpose of the meeting was set forth.

Proclamation-Read Across America, Read Across America-NJ.

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	Absent
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Present

RULE 2. Minutes of Executive, Closed and Regular Meetings of February 4, and Special Meeting of February 24, 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 DiMartino, seconded by Councilman DeBerardine.

RULE 3. Borough Clerk's Report:

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

Copies	\$	1.95
Landscape Permit		<u>5.00</u>
Total	\$	6.95

The Borough Clerk's office issued 101 licenses for the month of February. \$142.20 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proofs of publication were received for the following:

- 1) Resolution #36-16-Professional Services, Assistant Prosecutor.
- 2) Introduction of Ord. #1-16-Redevelopment Plan.

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

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

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

Library: Report for the months of January and February were received and filed.

Planning Board: 2015 Year End Report was received and filed.

Youth Guidance Council: Minutes of February 5, 2016 was received and filed.

Borough Official's Report:

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

Other Boards & Commissions:

Municipal Court: Report for the months of January and February were received and filed.

RULE 4. Communications, Petitions & Bills:

NWBUCA Minutes of January 12 and February 16, 2016.

PSE&G public hearing notice re Freshwater Wetlands General Permit.

Public hearing notice on Saddle River Master Plan.

Resolutions from Oradell, Hasbrouck Heights, Hackensack, Rochelle Park, Fort Lee, Westwood, Tenafly, Montvale, Teterboro, Hillside, Ramsey, Bd. Of Chosen Freeholders.

Councilman DeBerardine presented bills in the amount of \$5,521,894.02:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$5,521,894.02 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, Florio, Hafner. Nays: None.

RULE 5. Unfinished Business:

Councilman DeBerardine read for the second time: (Ord. #1-16)

"AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7 RELATING TO PREMISES DESIGNATED AS BLOCK 1002, LOT 4.02".

Mayor Minichetti opened the public hearing; there being no comments, hearing was closed.

Resolution by Councilman DeBerardine, seconded by Councilwoman Florio:

"AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7 RELATING TO PREMISES DESIGNATED AS BLOCK 1002, LOT 4.02" was introduced at a Regular meeting of the Mayor and Council on February 4, 2016 and passed its first reading. After public hearing held on March 7, 2016 it passed its second and final reading and was duly adopted by the Council and

approved by the Mayor and shall take effect when published according to law.

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

*Resolution #48-16

WHEREAS, the Upper Saddle River Police Department is in possession of certain property, as indicated on the attached list, that needs to be destroyed because they are either damaged or inoperable; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Upper Saddle River, County of Bergen, that Police Chief Patrick Rotella be and is hereby authorized to dispose of such property in such manner and within such time period as may be appropriate and practical.

*Resolution #49-16

WHEREAS, the County of Bergen operates a Fire Academy through the County's Department of Public Safety; and

WHEREAS, the County of Bergen owns certain fire apparatus, including ladder vehicles and engines used for training firefighters; and

WHEREAS, the County established a program to make certain fire apparatus is available to municipalities within Bergen County on a temporary/emergency basis; and

WHEREAS, the Borough of Upper Saddle River wishes to enter into an Interlocal Services Agreement to participate in the Bergen County Fire Truck Loaner Program; and

WHEREAS, the Mayor and Council deem it to be in the best interest of the Borough of Upper Saddle River to enter into an Interlocal Agreement with the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Upper Saddle River hereby approves and authorizes the execution of an Interlocal Services Agreement with the County of Bergen for the year 2016.

*Resolution #50-16

WHEREAS, N.J.S.A.40A:5-29 permits a local unit to accept bequests and gifts made to it; and

WHEREAS, Jordan Wright, Mark Petrone and Patrick Berardi of Quality Auto Mall, Rutherford, New Jersey have offered to donate a new 2015 Ford F150 to the DARE program of the Borough in return for the Borough conveying title to an existing 2005 DARE truck (Ford F35);

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby accept the aforementioned gift and expresses its thanks to the donors; and

BE IT FURTHER RESOLVED, that the within resolution is conditioned upon the Borough being indemnified and held harmless by the donors in connection with the condition and any issues pertaining to the 2005 Ford F35.

*Resolution #51-16

Resolution of the Borough Council of the Borough of Upper Saddle River, in the County of Bergen, New Jersey, covenanting to comply with the provisions of the Internal Revenue Code of 1986, as amended, applicable to the exclusion from gross income for federal income tax purposes of interest on obligations issued by the Borough of Upper Saddle River, authorizing the Mayor, Borough Clerk, Chief Financial Officer and other Borough Officials to take such action as they may deem necessary or advisable to effect such compliance and designating a \$4,857,138 Bond Anticipation Note, dated February 19, 2016, and payable February 17, 2017, as a "Qualified Tax-Exempt Obligation" pursuant to Section 265 (b)(3) of the Internal Revenue Code of 1986, as amended.

WHEREAS, the Borough of Upper Saddle River, in the County of Bergen, New Jersey (the "Borough"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Borough, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$4,857,138 Bond Anticipation Note, dated February 19, 2016 and payable February 17, 2017 (the "Note"), and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b) (3) of the Code;

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

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265 (b) (3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Notes is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (Other than private activity bonds) during the calendar year 2016.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2016.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b) (3) of the Code; however, the Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2016 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

*Resolution #52-16

WHEREAS, N.J.S.A.40A:4-19 provides that, where any contract, commitments or payments are to be made prior to the final adoption of the 2016 budget,

temporary appropriations should be made for the purpose and the amounts required in the manner and time therein provided; and

WHEREAS, the total appropriation in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum of \$10,824,831.15; and

WHEREAS. One quarter of the appropriations in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum \$2,706,207.79.

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 following appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

TEMPORARY APPROPRIATIONS 2016

Inside Cap Appropriations

Department

A&E, S&W	7,000	Fire, OE	3,000
A&E, OE	1,000	Fire Prev.S&W	2,000
Finance, S&W	7,000	Prosecutor, S&W	2,000
Finance, OE	6,000	Shade Tree, OE	3,000
Tax Collector, OE	1,000	Roads, S&W	10,000
Assessor, S&W	2,000	Roads, OE	10,000
Legal, S&W	2,000	Build & Grnds	3,000
Legal, OE	10,000	Recreation, S&W	2,000
Engineering, OE	5,000	Library Maint.	230,000
Planning Bd., S&W	1,000	Utility Acct.	20,000
Other Ins.	80,000	Court, S&W	2,000
Police, S&W	250,000	Social Security	50,000
Police, OE	10,000	OSHA, OE	1,000
		Munic. Alliance	1,000

*Resolution #53-16

A Resolution to Affirm the Borough of Upper Saddle River's Civil Rights Policy with Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that come into contact with Municipal Employees, Officials and Volunteers.

WHEREAS, it is the policy of the Borough of Upper Saddle River to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Upper Saddle River has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council that:

Section 1: No official, employee, appointee or volunteer of the Borough of Upper Saddle River by whatever title known, or any entity that is in any way a part of the Borough of Upper Saddle River shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Upper Saddle River's business or using the facilities or property of the Borough of Upper Saddle River;

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Upper Saddle River to provide services that otherwise could be performed by the Borough of Upper Saddle River.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Mayor and Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Mayor and Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Upper Saddle River as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Mayor and Council shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Mayor and Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Upper Saddle River. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Upper Saddle River in order for the public to be made aware of this policy and the Borough of Upper Saddle River's commitment to the implementation and enforcement of this policy.

*Authorize Borough Clerk to seek bids for 2016 Road Improvement project.

A motion by Councilman DiMartino, seconded by Councilwoman Florio to approve the membership of Andrew Zayas and Eric Tarbutton to the Jr. Firefighter Program.

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

RULE 7. Public Comments. None.

RULE 8. Adjournment.

A motion to adjourn by Councilman DiMartino, seconded by Councilwoman Florio was unanimously approved by all Council members present. (Meeting adjourned at 8:17 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk

