

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, November 1, 2018 at 8:00 p.m. at the Upper Saddle River Borough Hall.

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

A video of Upper Saddle River showing the many attributes of Upper Saddle River was presented pointing out our outstanding schools, recreational facilities and programs and the beauty of the town. Mayor Minichetti thanked resident Anthony Azzarti for donating his time and talent and to Kristin Poullen and Bill Yeomans for contributing to the video.

Mayor Minichetti read a Proclamation for Fire Chief Larry Rauch and presented him with a gift thanking him for his 48 years of service to the community.

Mayor Minichetti noted Upper Saddle River received the Award of Excellence from AAA and thanked all involved for achieving this honor.

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, 2017 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 October 4, 2018 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 October, 2018 and deposited them with the Collector/Treasurer:

Landscape License	\$ 400.00
Copies	19.70
Peddler License	10.00
Garage Sales	16.00
Total	<u>\$ 445.70</u>

The Borough Clerk's office issued 2 licenses for the month of October. \$2.40 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of Publications were received for:

(1) Introduction of Ord. #12-18-FD emergency generators

Police: Report for the month 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.

Borough Official's Report:

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

Municipal Court: Report for the month of September was received and filed.

RULE 4. Communications, Petitions & Bills:

O&R notice re vegetation management program.

NWBCUA Minutes of September 12 and 2019 Preliminary Budget.

PSE&G public hearing notice re gas base rate adjustments.

Public hearing notice from BC Municipal Joint Ins. Fund re 2019 Budget.

Resolutions from Hackensack, Teaneck.

Councilman DeBerardine presented bills in the amount of \$5,322,266.70, noting 58% go to the schools and 32% goes to the County:

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of \$5,322,266.70 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.

RULE 5. Unfinished Business:

Councilman Durante read for the second time: (Ord. #12-18)

"CAPITAL ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION AND INSTALLATION OF AN EMERGENCY GENERATOR AT THE FIRE HOUSE IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$60,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE BOROUGH."

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

Resolution by Councilman Durante, seconded by Councilman DeBerardine:

"CAPITAL ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE ACQUISITION AND INSTALLATION OF AN

EMERGENCY GENERATOR AT THE FIRE HOUSE IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$60,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE BOROUGH" was introduced at a Regular meeting of the Mayor and Council on October 4, 2018 and passed its first reading. After public hearing held on November 1, 2018, 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, 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.

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

*Resolution #113-18

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey' and

WHEREAS, the Borough Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, Borough Council was applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Upper Saddle River, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Upper saddle River Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDF	\$9,876
Cash Match	2,469
In-Kind	7,407
Total Budget	\$19,752

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements and authorizes the execution of the Municipal Alliance Grant-Letter of Agreement for the period July 1, 2018-June 30, 2019.

*Resolution #114-18

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Eric B. and Suzanne M. Mindich v. Borough of Upper Saddle River", Docket No. 001848-2018, which matter involves appeal of the assessment on certain premises known as Block 1203, Lot 14.09 and being more commonly known as 15 Mettowee Farms Court, for the 2018 tax year; and

WHEREAS, the parcel is assessed for the 2018 tax year at \$1,238,100.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2018 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 2018 tax year on said parcel shall be established at \$1,112,700.00.

2. The parties agree that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year 2019, and therefore agree that the provisions of N.J.S.A. 54:51A-8, commonly known as the "Freeze Act", shall be applicable to and a final disposition of this case and the entire controversy and of any actions pending or hereafter instituted by the parties concerning the assessment on the property referred to herein for said Freeze Act year. No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent years.

3. 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 #115-18

WHEREAS, N.J.S.A.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 thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Borough of Upper Saddle River has received a County of Bergen, Municipal Alliance 3rd quarter reimbursement for \$1,596.00 and wishes to amend its 2018 budget to include this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Upper Saddle River hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$1,596.00 which is now available as:

Miscellaneous Revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director Of the Division of Local Government Services;

County of Bergen, Municipal Alliance 3rd quarter reimbursement

BE IT RESOLVED that the sum of \$1,596.00 is hereby appropriated under the caption of:

General Appropriations

Operations excluded from the CAP

County of Bergen, Municipal Alliance 3rd quarter reimbursement

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward one copy of this resolution to the Director of the Division of Local Government Services.

*Resolution #116-18

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER
FOR POLICE EQUIPMENT

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, the Upper Saddle River Police Department is an active member of the Law Enforcement Support Office Program (LESO); and

WHEREAS, this program allows for the transfer of excess Department of Defense property, that might otherwise be destroyed, to law enforcement agencies. Once transferred to the local agency if the equipment is not needed, it may be sold and the proceeds dedicated to that agency; and

WHEREAS, N.J.S.A.40A:5-29 provides for the acceptance of donations from various agencies for specific purposes; and

WHEREAS, the sale of this donated property will generate revenue to be used for the support of the Law Enforcement Support Office Program (LESO);

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 establish a reserve for police equipment pursuant to N.J.S.A.40A:5-29.
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 #117-18

WHEREAS, N.J.S.A.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 thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Borough of Upper Saddle River has received from the Bergen County Prosecutor's Office a 2018 Forfeited Funds Grant of \$4,972.00 and wishes to amend its 2018 budget to include this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Upper Saddle River hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$4,972.00 which is now available as:

Miscellaneous Revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director Of the Division of Local Government Services;

Bergen County Prosecutor's Office Forfeited Funds

BE IT RESOLVED that the sum of \$4,972.00 is hereby appropriated under the caption of:

General Appropriations

Operations excluded from the CAP

Bergen County Prosecutor's Office Forfeited Funds

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward one copy of this resolution to the Director of the Division of Local Government Services.

*Resolution #118-18

RESOLUTION FOR MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM AND
AUTHORIZING THE BOROUGH OF UPPER SADDLE RIVER TO ENTER INTO A COOPERATIVE
PRICING AGREEMENT

WHEREAS, N.J.S.A.40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Cranford Police Cooperative Pricing System (ID#47-CPCPS), hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on November 1, 2018 the Governing Body of the Borough of Upper Saddle River, County of Bergen, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE, BE IT RESOLVED as follows:

TITLE

This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Upper Saddle River, County of Bergen, State of New Jersey.

AUTHORITY

Pursuant to the provisions of N.J.S.A.40A:11-11(5), the Borough Administrator/Qualified Purchasing Agent is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A.40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This Resolution shall take effect immediately upon passage.

*Resolution #119-18

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Edward B. and Fernanda P. Hubbard v. Borough of Upper Saddle River", Docket No. 005301-2018, which matter involves an appeal of the assessment on certain premises known as Block 902, Lot 8 and being more commonly known as 70 Partridge Hill, for the 2018 tax year; and

WHEREAS, the parcel is assessed for the 2018 tax year at \$1,488,100.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2018 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 appeals based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the assessment for the 2018 tax year on said parcel shall be established at \$1,338,100.00.

2. The Stipulation of Settlement shall provide that the assessment for the 2019 tax year on said parcel shall be established at \$1,300,000.00.

3. 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 #120-18

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 2019 and 2020.

*Approve raffle application for Woman's Club of USR.

*Approve raffle application for Presentation Church.

RULE 7. Public Comments:

Ms. Sheryl Romano, 421 W. Saddle River Road, reiterated her objections to the fee charged by Orange & Rockland to opt-out of the Smart Meter program. She said after speaking to a representative of O&R, she sees no advantage to the Smart Meter program and questioned the difference in the lower opt-out fee for other areas. In response, Mr. Regan said he has not received a response to his letter to the Board of Public Utilities objecting to the opt-out fee.

Mr. Erik Friis, 4 Sparrowbush Road, questioned the results of the water testing at various locations and said a Mahwah resident took 3 samples of water, sent them to a Laboratory and found that the contamination level was over the accepted level and was tainted and unsafe. In response Borough Engineer Kevin Boswell rejected the results of the Mahwah resident's test since they were taken at 2 muddy basins and one 15' downstream at a muddy discharge pipe. He said the DEP agency evaluates all data and sets appropriate standards and reports their conclusion to Upper Saddle River. Acting Bureau Chief of Remediation and Permitting Lynn Mitchell and Mr. Schick, Bureau Chief of Environmental Evaluation and Risk Assessment are satisfied that all remediation has been concluded and with the results of over 1100 samples. Mr. Boswell stated that testing is done on a monthly basis and more often when necessary.

Mr. Friis said Ms. Mitchell had a cursory understanding of the situation and wanted an independent engineer to do testing as he felt Mr. Boswell had a vested interest in the results which he said were skewed. After an outburst in which Mr. Friis yelled at the Borough Clerk and a member of the audience and called Councilman DeBerardine an "incompetent old fool--step down", he was escorted from the meeting room by Police Chief Rotella and Lt. Lally. Mayor Minichetti apologized for the disruption and pointed out Councilman DeBerardine's impact and invaluable contributions on the Council, Planning Board and Shade Tree Commission.

Ms. Sharon Reissman, 79 Glenwood Road, thanked all the volunteers, emergency services, community organizations and all those who participated in ensuring the success of Oktoberfest this year. She said due to all of their efforts, USRCares was able to raise funds to help people in our community who need assistance. Mayor Minichetti thanked Ms. Reissman for her contribution to the Oktoberfest and for her help in establishing USRCares and said people now have a place to go in time of need.

Council acknowledged receiving the letter from Mr. Matt Leonard, 10 Grist Mill Lane, regarding information on Smart Meters. In response to Ms. Ohanian, 10 Grist Mill Lane, as to why eruvs were allowed to be installed in easements, Mr. Regan explained that all of the eruvs are located in the Borough right-of-way except for one located in an easement on private property on Winding Way with the owners' permission.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman Ditkoff was unanimously approved by all Council members present. (Meeting adjourned at 9:00 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk