

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
HELD DECEMBER 17, 2012**

PRESENT: Mayor Raia, Council President Walenczyk, Council Members: Boardman, Mastriano, Murray, Mutter, Toomey, Borough Clerk Macari, Administrator Cuccia, Attorney Russell Huntington

ABSENT:

PRESIDING: Mayor Raia called the meeting to order at 7:15 p.m.; Borough Clerk Macari read the following statement:

PUBLIC NOTICE: "Notice of this meeting in compliance with the Open Public Meetings Act Chapter 231 of the laws of 1975, has been given by posting a notice of the scheduled dates of all regular meetings of the Mayor and Council of the Borough of Saddle River on the bulletin board in the Municipal Building and in the office of the Borough Clerk and by emailing a notice thereof to the Ridgewood Newspapers and The Record on December 23, 2011, and also via E-Notify.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE

At this time a moment of silence was observed for the shooting victims in Newtown, CT.

Mayor Raia stated that he has met with Wandell School officials in order to insure that the school environment is kept safe at all times.

AWARDS AND CEREMONIES

WORK SESSION:

Mayor Raia stated that the Municipal Building presentation will be held at 8:30pm and encouraged those in attendance to take a tour of the building at this time.

MAYOR RAI A

Northwest Bergen Mayors Meeting: Mayor Raia stated that 13 Mayors in Northwest Bergen County meet monthly to address ways of saving municipalities money.

Approval of resolution by the New Jersey League of Municipalities Business Meeting Committee regarding a 2% cap on the Police/Fire Arbitration Contract: Mayor Raia stated that Governor Christie passed legislation in order to extend the 2% cap for an additional five years to extend through 2019 when Police and Fire contracts are negotiated.

ADMINISTRATOR CUCCIA:

Police/Employee Premium: Administrator Cuccia stated that JIF is offering an opportunity to reduce the medical deductible and Frank Covelli of PIA will present this at the January 2013 meeting of the Mayor and Council.

Tree Ordinance: Administrator Cuccia stated that this ordinance will be considered for adoption later in the meeting.

Fire Ordinance: Administrator Cuccia stated that this ordinance has been reviewed by the Fire Department and will be considered for adoption later in the meeting.

Engineering Update: Borough Engineer, Martin Spence gave an engineering update on the major projects currently underway in the Borough as follows:

- The Lower Cross Road Bridge repair should be completed by May 2013
- The Saddle River Channel Clearing Project should be completed by the end of this year
- The Saddle River Grand town home development will be ongoing into 2014; CO's have started to be issued
- The Saddle River Museum project will include an exterior renovation, with a pre-construction meeting to be scheduled shortly.

Transfer Resolution: Administrator Cuccia stated that this resolution will be part of the Consent Agenda.

COUNCIL REPORTS:

Council Member Toomey stated that Planning Board addressed the Tree Ordinance at their meeting on December 4, 2012.

Council Member Mastriano stated that the Tree Lighting was very successful. She further stated that the fields in Rindlaub Park were in very good shape all season and she commended the DPW. She stated that she met with the Wandell School Board regarding safety and security issues in the wake of the shootings in Newtown, CT. The President of the Board of Education, Keith Pennell, will be retiring at the end of the year and she commended him for his years of service.

Mayor Raia addressed the dead and hazardous tree project spear-headed by the Environmental Commission and he stressed the importance of continuing this charge in order to avoid power outages and injury in the future.

Council President Walenczyk stated the OEM trailer is full of emergency supplies and Saddle River has been appointed POD (point of distribution) by the County for neighboring municipalities. Borough residents will be given first access to necessary supplies in the event of disaster.

Council Member Murray stated that the financial report for the month of November is in good order.

MUNICIPAL CLERK: Municipal Clerk Macari stated that the Reorganization Meeting will be held on January 1, 2013 at 11:00am in the Borough Hall.

BOROUGH ATTORNEY:

ADOPTION OF ORDINANCE(S)

ORDINANCE NO. 12—873-C

AN ORDINANCE TO AMEND CHAPTER 202, TREE PRESERVATION, AS SET FORTH IN THE CODE OF THE BOROUGH OF SADDLE RIVER, NEW JERSEY

Resolution # 143-12 Offered by Council Member Toomey
Second by Council President Walenczyk

Motion to Open to the Public by Council Member Mastriano.
Second by Council Member Boardman

OPEN TO THE PUBLIC:

James Kerner, said that he is very familiar with this ordinance and has some serious concerns with it. He stated that many of the restrictions in this ordinance present an undue burden on Borough residents. He further stated that, having to obtain a permit for the removal of a dead tree is impractical. He also stated that the tree replacement plan adds an enormous cost and burden to the home owner.

Borough Planner, Richard Preiss stated that the integral purpose of the ordinance is to strike a balance to protect home owners as well as allow them to remove trees. The objective of the ordinance is not to regulate dead trees, but rather to allow residents to take trees down, once they have determined which ones are dead or diseased. The Borough Landscape Architect, Scott Levy, can assist in this process if need be. He further stated that it is important to keep track of all trees that are taken down in order to monitor the activity and see if the ordinance is over reaching or too liberal. This ordinance does not apply to homes that will be torn down.

Mayor Raia asked Mr. Preiss how the new tree ordinance compares to the existing ordinance and Mr. Preiss stated that he feels that it compensates for many loop holes, is much more concise and is generally more advantageous for the homeowner. Council Member Toomey reiterated that the objective was to strike a balance between giving the homeowner greater flexibility with their ability to landscape their property and giving the Borough control over the general tree population. The current ordinance totally negates the Borough's ability to know how many trees are being removed on private property.

Eric Jensen, 131 Mill Road stated that this ordinance over regulates the home owner.

Al Kurpis, 30 Werimus Brook Road stated that the purpose of this ordinance was to insure that the non-disturbance zone is very strong and stays preserved as privacy is paramount for most residents.

Mayor Raia reiterated that Borough Landscape Architect Scott Levy is extremely qualified in determining those trees that are dead, compromised, how their removal will affect both drainage and run-off, and the impact their removal will have on the environment.

Motion to Close to the Public by Council Member Toomey
Second by Council Member Mastriano

ROLL CALL VOTE TO ADOPT ORDINANCE # 12-873-C: AYES: Council President Walenczyk, Council Member Boardman, Mastriano, Mutter, Toomey **ABSTAIN:** Council Member Murray

ORDINANCE NO. 12-874-C

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 25, ENTITLED "FIRE DEPARTMENT", IN THE CODE OF THE BOROUGH OF SADDLE RIVER, NEW JERSEY.

Resolution # 144-12 Offered Council President Walenczyk
Seconded by Council Member Mutter

Administrator Cuccia explained this ordinance in detail at this time, emphasizing the duty night program, the fire house facility rules and regulations and how the department operates in relation to the Mayor and Council.

Motion to Open to the Public by Council Member Boardman.
Second by Council President Walenczyk

OPEN TO THE PUBLIC:

Motion to Close to the Public by Council Member Toomey
Second by Council Member Mastriano

ROLL CALL VOTE TO ADOPT ORDINANCE # 12-874-C: AYES, Unanimous

INTRODUCTION OF ORDINANCE(S): There were none.

APPROVAL OF BILLS

Resolution # 145-12 Offered Council Member Murray
Seconded by Council Member Mutter
Roll Call Vote: AYES, Unanimous

RESOLUTIONS

All matters listed hereunder are considered routine in nature and will be enacted in one motion. Any Council Member may request that an item be removed for separate consideration. Considering approval of minutes, a yes vote will indicate a vote in favor of approval of the minutes of each meeting at which the Council Member was present and abstention with respect to the minutes of meetings at which such Council Member was not present.

Resolution Offered by Council President Walenczyk
Second by Council Member Mastriano

Explanation of Consent Agenda Items

At this time, Administrator Cuccia briefly explained the resolutions on the Consent Agenda.

OPEN TO THE PUBLIC FOR CONSENT AGENDA ITEMS ONLY:

Roll Call Vote: AYES, Unanimous

A. **Approval of Minutes:** Regular Meeting of 11/12/12

B. **Resolutions:**

- R# 146-12 **Valley Hospital Contract for 1/1/13 – 12/31/13**
- R# 147-12 **Soil Movement for Vincent Harasymiak, 81 Fox Hedge Road**
- R# 148-12 **Transfer resolution**
- R# 149-12 **Approval of certain Bergen County Tax Board Judgements**
- R# 150-12 **Addition of Omitted taxes for Blk 1701 Lot 11**
- R# 151-12 **Overpayment refund of taxes for Blk 1403 Lot 8**
- R# 152-12 **Overpayment refund of tax to Wells Fargo Real Estate Tax**

COMMITTEE REPORTS

Finance Report: Council Member Murray gave the report for November 2012.

Fire Report: Council President Walencyk gave the report for August and Sept. 2012

Police Report: There was no report at this time.

Public Works: Council President Walencyk gave the report for November 2012..

Parks and Recreation: There was no report at this time.

Board of Health: Council Member Mutter gave the report for November 2012.

Const. & Zoning Enforcemnt. Council Member Boardman gave the report for November 2012.

Environmental Committee: There was no report at this time.

Zoning Board: There was no report at this time.

Landmarks Committee: There was no report at this time..

Planning Board: Council President Walencyk gave the report for December 2012.

PRESENTATIONS BY MUNICIPAL BUILDING COMMITTEE TO THE MAYOR AND COUNCIL

Mayor Raia explained the protocol for this portion of the meeting at this time.

Borough Planner Richard Preiss began the presentation, explaining the need for the expansion and the genesis of the current plan, stressing the need for more room in order to better serve the Borough's residents. The Saddle River Municipal Building is the anchor of the down town area and this renovation will enhance the desirability of the municipality and be integral in keeping property values high.

At this time, John Lignos of SNS Architects used a Power Point presentation to outline the specific details of the amended design of the Municipal Building. The project began approximately three years ago, with an occupancy report generated in order to determine all of the needs that must be met when undertaking this project. Robert Nocella, also from SNS Architects, illustrated the space as it currently exists in the Municipal Building, stressing that it is completely ADA non-compliant. He further stated that the court is currently non-complaint based on State requirements and all of the offices on the lower level are completely out of storage space and provide no privacy. Preserving the Georgian period design

in the front portion of the building was extremely important and is incorporated into the new building plan which has been reduced by approximately 5000 square feet to 14,350 square feet. This will also reduce construction costs respectively, which are currently very low.

He continued by explaining the new plan in detail, outlining each area of the building, reiterating that it would maximize functionality for many years to come.

Council Member Toomey asked how the current footprint compares to the proposed footprint from front to back and this was explained in detail at this time.

Council Member Boardman asked about the cost of this project and this was addressed at this time; Mr. Lignos stated that it is currently projected to be approximately \$3,500,000. Mayor Raia stated that the Borough historically has had great success in the bidding process for projects in the Borough.

Council Member Boardman also asked if the proposed plan was orchestrated with a vision of regionalization in the future and Mr. Lignos stated that the space was created in order to maximize efficiency with current employees as well insure both State and ADA compliancy.

Council Member Mutter asked about the possibility of moving some existing departments to other Borough buildings and Mr. Lignos explained why this was not practical as most departments work hand in hand.

Council President Walenczyk asked about potential ramifications that could arise due to the Municipal Building being non compliant and Borough Attorney Huntington explained this in detail, stating that the Borough would undoubtedly get sued and would lose the case. He further stated that the costs to, not only become compliant, but finance litigation could exceed the cost of the proposed renovation.

Mayor Raia stated that he would be very reluctant to modify the existing building as there are usually issues that arise, causing change orders which would significantly increase the price of the construction. He reiterated the three choices that currently exist as follows: leave the building in its current state, modify the existing building and leave the front portion and replace the remainder of the building with the proposed plan.

Committee Member Larry Raia stated that the committee is not in favor of modifying the existing structure due to the increased costs that almost always occur, as previously stated by Mayor Raia.

Attorney Huntington reiterated that leaving the building in its current state is really not an option due to the compliancy issues and he briefly explained the bidding process, stressing that the Borough is mandated to accept the lowest responsible bidder

At this time, Mayor Raia asked the public to keep their comments to a maximum of three minutes.

OPEN TO THE PUBLIC:

Dr. Ameri, 17 Twin Brooks Road began by stating that many trees fell on his street as a result of Hurricane Sandy and he did not feel this issue was dealt with in a timely fashion. He further stated that the presentation by SNS Architects was deceiving and there are other issues the town should be focusing on. He further stated that the Borough has operated with this building sufficiently and he feels that the property taxes will increase and the property values will decrease.

Paul Schulstad, 20 Eckert Farm Road stated that he is one of the six members of the Concerned Citizens for Saddle River and initiated the petition against this project which was signed by 180. He further

stated that he took a tour of the building and feels that it is in good condition and employees are working efficiently. He further stated that the town should first assess which functions should remain in this building. He encouraged the Mayor and Council and the Building Committee to consider moving the court to another municipality, as Woodcliff Lake has done with Montvale. He addressed the contents of the letter written by Concerned Citizens, stressing that it was crowd sourced, with the ideas of many people. Transparency was addressed as was the fact that SNS Architects have minimal experience designing Municipal Buildings; Mr. Schulstad suggested getting proposals and renderings from other architectural firms.

He also stated that the notion of tax neutrality as it relates to this project is completely inaccurate. He further stated that he feels that this issue should be voted on in a referendum and let the community decide.

Bob Williams, 18 Algonquin Trail stated that he feels there should be a special meeting to deal with this issue, he would like the tax impact resulting from this project to be reviewed more closely and he feels that this should be decided by the residents in a referendum.

Lou Perreta, Alford Drive asked how many full time employees work in the Municipal Building and he was advised that there are 11 employees. He further stated that he does not feel that 11 employees need such a large space.

Vince Blehl, East Allendale Road asked about operations costs of the existing building compared to the operation costs of the proposed building; Mayor Raia stated that he would provide that information. Mr. Blehl further stated that it is a travesty that Saddle River has not addressed the ADA non-compliant issues and he is surprised that the Borough has not been sued.

Roger Kowieski, 213 East Saddle River Road stated that he is an engineer, specializing in evaluating emergency operations. He encouraged the Building Committee and the Mayor and Council to insure that the Borough has ample space and ability to deal with emergency issues moving forward. He also asked if the Building Committee considered using solar power as a source of energy.

Irena Holiat, 85 East Saddle River Road stated that she has over 30 years of experience dealing with historic buildings in New York City. She further stated that she has taken a tour of the building and does agree there is a need for additional space and improvements but does not feel this large of an investment is necessary to accomplish these objectives. She felt that a significant amount of information was not made available to residents regarding this project including but not limited to what other architectural firms were solicited for possible sample renderings of the Municipal Building, if solar power was considered in the current design, specifications of the generator and a more detailed spread sheet of itemized costs and the related tax implications to residents. She stated that she would be willing to assist with any aspect of this project if need be.

Eric Jensen, 131 Mill Road congratulated the committee on scaling down the project by 20% but feels there is still room for reduction. He was in agreement that there is need for more space and improvements but questioned the proposed size and feels that the residents don't want it. He suggested adding space onto the rear of the building, making the building ADA compliant and eliminating the H-shaped structure.

Tom DiBiasi, 16 Cameron Road thanked the Mayor and Council for their hard work on this project. He further stated that Saddle River is a special community where residents strive personally and professionally for excellence and the current Municipal Building does not measure up. He believes that this project will be revenue neutral due to the Saddle River Grand project and hopes that the community can come together, with transparency and arrive at a plan that everyone can be happy with.

Ed Russo, 21 Colts Foot Glen stated that he believes something definitely needs to be done with the current Municipal Building and it is his hope that all can agree on a plan.

Ron Gray, 3 Country Squire Road stated that he does not feel that people are questioning the integrity of the Mayor and Council or the architectural firm but rather the confusion and misunderstandings circulating around this issue. The hosting of shared services is a hot button for many residents as well as property tax increases that could arise as a result of this project. He further stated that there are other projects in the Borough that cannot be ignored and will require funding. He feels that this project should go to a referendum.

Scott Abbey, Werimus Brook Road thanked the committee and the Mayor and Council for their hard work on this project. He is in agreement that some work needs to be done on the current Municipal Building but not to the scale proposed. He further stated that any money proposed to offset this project could be used to lower property taxes.

Edward Holiat, 85 East Saddle River Road stated that he is very fond of the existing Municipal Building and does not feel there is a need for any change.

Al Kurpis, 31 Werimus Brook Road stated that he feels that all of the elected officials in Saddle River are looking out for the greater good of the community. He further stated that, being non-compliant and having to finance potential litigation, will cost each resident more money then it will cost to move forward with this project.

Jeff Liva, 30 Bayberry Drive addressed productivity and stated that the current condition of the Municipal Building is not conducive to a high level of productivity.

Corrine Kerner, 229 West Saddle River Road asked where the employees will work during the construction of the Municipal Building. She further stated that the Borough debt could potentially be increased by 50% from issues currently in process. She asked that the Mayor and Council to be fiscally responsible moving forward.

Ron Grant, 208 East Saddle River Road thanked the committee for their hard work with this project. He addressed the needs at Wandell School and urged the Mayor and Council, despite the fact that the school and municipal budget operate independently, to proceed in the best interest of the entire community.

Paul Schulstad stated that, if the objective with the Municipal Building was to insure compliancy, it should not cost \$3,500,000.

Mayor Raia thanked everyone for coming and encouraged everyone to attend the next meeting, scheduled for January 21, 2013.

ADJOURNMENT: A motion was made and seconded to adjourn the regular meeting of the Mayor and Council.

Respectfully submitted,

Marie Elena Macari
Borough Clerk

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