

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
HELD November 18, 2013**

PRESENT: Council President Mastriano, Council Members: Boardman, DeCrosta, Kurpis, Toomey, Walenczyk, Borough Clerk Macari, Administrator Cuccia, Attorney Russell Huntington

ABSENT: Mayor Raia

PRESIDING: Council President Mastriano 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 20, 2012, the Borough website and also via E-Notify.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE

AWARDS AND CEREMONIES: Police Promotions – Jason Nunn and Brian Doyle to the rank of Sergeant.

Resolution #111-13 Offered by Council Member Walenczyk
Seconded by Council Member Boardman
Roll Call Vote: AYES, Unanimous

At this time, Sergeants Doyle and Nunn were administered The Oath of Office by Municipal Clerk Macari.

WORK SESSION:

Saddle River Community Garden – Joe Ingrassia

Borough resident Joe Ingrassia explained that he has returned to address this project. The proposed location of the garden will be on the Marker property, adjacent to the Municipal Building. He explained the plan in detail at this time, using the proposed parking lot plan on the property. The garden will be approximately 2000 square feet and all of the required setbacks will be met. Donations of fencing and stone are in place and Mr. Ingrassia stated that he is looking for a donation for fill. Committees are also going to be appointed in order to oversee every aspect of the project.

Council Member Kurpis asked about irrigation and Mr. Ingrassia stated that this would come from the existing property. Insurance will be provided by the Arch Diocese of Newark and all volunteers will be responsible for signing a waiver.

Council Member DeCrosta thanked Mr. Ingrassia for his effort with this project in order to assist with providing food to local food banks.

Mr. Ingrassia stated that the committee intends to launch a website as well as publicize this project in order to foster its success. It was decided that this project will continue to be reviewed and a resolution will be adopted at the regular meeting of the Mayor and Council on December 16, 2013.

ADMINISTRATOR CUCCIA:

Public Safety Update: Police Chief McWilliams stated that he would like residents to stay vigilant with their own properties, insuring they take measures to keep lights on, remove newspapers from driveways, etc. in order to protect against break ins.

Title 39 Enforcement of Saddle River Grand: Administrator Cuccia stated that the Borough has received a request from the Saddle River Grand to utilize Title 39, which encompasses traffic and parking regulations. This must be done by ordinance in order to enforce these regulations on private property.

2013 County Open Space Grant Award: Administrator Cuccia stated that the Borough will receive \$29,000 in Open Space grant money this year.

Engineering Update: At this time Mr. Spence gave the engineering update as follows:

- The Saddle River Grand, a 68 town home development in the Borough, continues to be under construction with an estimated completion date of May 2014.
- The Hazardous Tree Project is continuing, with both County and Borough trees being removed as needed.
- The road re-surfacing program in 2014 will take place, with a list of roads in need of repair to be generated by the Borough
- Improvements currently underway on River Farm Lane is a private project, including an extension of a water main. This project will include road re-surfacing in the spring
- The Rindlaub Park Pavilion is currently in the design phase
- The Rindlaub Parking improvements were approved and a bid was awarded to Downes Tree Service.
- The DPW salt shed extension project is being evaluated at this time.
- The Streetscape plan for the downtown area is under review, with landscaping, lighting and the installation of sidewalks part of the final design. The project will go out to bid in 2014.

Transfer Resolution: Administrator Cuccia stated that this Transfer Resolution is part of the Consent Agenda and briefly explained the contents.

AT&T Relocation of Cell Site: Administrator Cuccia stated that the Planning Board heard the cell tower review and it will now be reviewed by the original Cell Tower Committee.

Council Member Borough Email Site: Administrator Cuccia stated that he has had several requests for this and all were in agreement to pursue this.

COUNCIL REPORTS:

Council Member Toomey stated that Ordinance 13-881-C will be amended prior to adoption. An amendment to the Tree Ordinance will also be presented, re-noticed and will be considered for final adoption at the regular meeting in December 16, 2013.

Council President Mastriano stated that the Holiday Tree Lighting will be held on December 6, 2013 and arrangements are underway for the celebration.

Council Member Boardman gave an update on the Parks and Recreation Commission including issues with grass cutting, parking lot lights that were not working properly and issues with the kitchen. The Commission also reviewed the proposed Rindlaub Parking lot plan and were in favor of this plan.

Council Member Kurpis stated the Environmental Commission reviewed the Tree Ordinance amendments and addressed issues with the dumping of landscape debris into the Saddle River. Mr. Spence explained that the Bergen County Mosquito Commission has been helpful in removing larger trees that threaten to block the flow of the river. Council Member Kurpis stated that the Environmental Commission wanted to explore the possibility of restricting tree removal to Monday through Friday so that, in the event of an issue, the Borough can be contacted.

Council Member Walenczyk addressed fire department apparatus, stating that one of the tankers is in need of significant maintenance or replacement and suggested a plan be developed in order to finance these purchases.

BOROUGH ATTORNEY:

MUNICIPAL CLERK:

INTRODUCTION OF ORDINANCE(S) There were none.

ADOPTION OF ORDINANCE(S):

ORDINANCE NO. 13-881-C

**AN ORDINANCE TO AMEND CERTAIN PORTIONS OF CHAPTER 210
THE ZONING CODE OF THE BOROUGH OF SADDLE RIVER**

Council Member Toomey made a motion to amend the Ordinance and correct the reference of Section 210-47.1 in Section 210-9B.

Seconded by Council President Mastriano

Motion to Open to the Public Offered by Council Member Toomey

Seconded by Council Member Kurpis

Voice Vote: All Ayes

Municipal Clerk Macari stated that the Mayor and Council are in receipt of the Planning Board recommendation regarding this ordinance.

OPEN TO THE PUBLIC:

Eric Jensen, 131 Mill Road outlined his objections to the amendment to the ordinance and asked if the Planning Board reviewed the ordinance after amended. Council Member Toomey stated that the review was done on the amended ordinance and it was found to be in compliance with the Master Plan. Mr. Jensen stated that he objects to this ordinance.

At this time, Council President Mastriano asked Borough Planner Richard Preiss to address this ordinance; he did so in detail and reiterated that the Planning Board found it to be consistent with the Master Plan. Additionally, he explained that there was a typographical error within the Section numbers and this has been corrected and will reference the appropriate Section within the Code.

Council Member Boardman suggested that Mr. Jensen have an opportunity to review this ordinance further and perhaps consider postponing the adoption.

Council President Mastriano suggested that this be carried so there was total clarification on everyone's part.

A motion to move the hearing on this Ordinance as amended to the regular meeting of the Mayor and Council on December 16, 2013 and publish the amended version was made and seconded. Roll Call Vote: AYES: Boardman, DeCrosta, Kurpis, Toomey, Walenczyk
NAYES: Mastriano

ORDINANCE NO. 13-882-M

BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF AN OPEN AIR PAVILION AT RINDLAUB PARK IN, BY AND FOR THE BOROUGH OF SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$150,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A COUNTY GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Resolution# 112-13 Introduced by Council Member Walenczyk
Seconded by Council Member Kurpis
Roll Call: AYES, Unanimous

Motion to Open to the Public Offered by Council President Mastriano
Seconded by Council Member DeCrosta
Voice Vote: All Ayes

OPEN TO THE PUBLIC:

Paul Schulstad, 20 Eckert Farm Road asked if the Council felt this was a worthy expenditure of tax payer money. Administrator Cuccia attempted to answer this question and Mr. Schultstad objected, stating he specifically requested that a member of the Council answer. Council Member Kurpis stated that it was a safety issue for the children in the Borough. Council President Mastriano reiterated that the snack facility in Rindlaub is in need of being upgraded to better serve the public and reinvest into the community.

Motion to Close to the Public Offered by Council Member Walenczyk
Seconded by Council Member Kurpis
Voice Vote: All Ayes

ORDINANCE NO. 13-883-C

AN ORDINANCE TO AMEND A PORTION OF CHAPTER 210 OF THE ZONING CODE OF THE BOROUGH OF SADDLE RIVER

Resolution# 113-13 Introduced by Council Member Toomey
Seconded by Council Member Boardman
Roll Call Vote: AYES, Unanimous

Motion to Open to the Public Offered by Council President Mastriano
Seconded by Council Member DeCrosta
Voice Vote: All Ayes

OPEN TO THE PUBLIC: No one wished to be heard.

Motion to Close to the Public Offered by Council Member Walenczyk
Seconded by Council Member Kurpis
Voice Vote: All Ayes

ORDINANCE NO. 13-884-C

AN ORDINANCE TO AMEND CERTAIN PORTIONS OF CHAPTER 202 TREES OF THE CODE OF THE BOROUGH OF SADDLE RIVER

Council Member Toomey made a motion to amend this Ordinance; he explained the amendments in detail at this time. He further stated that it will be noticed and be considered for further consideration at the December 16, 2013 meeting of the Mayor and Council. It will also be reviewed by the Planning Board in the interim.

Introduced by Council Member Toomey
Seconded by Council Member Boardman
Roll Call Vote: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 114-13 Offered Council Member Walenczyk
Seconded by Council Member Boardman
Roll Call Vote: AYES: Boardman, DeCrosta, Kurpis, Toomey, Walenczyk, Mastriano

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 Mastriano
Seconded by Council Member Toomey

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 October 21, 2013

B. Resolutions:

- R# 115-13 Transfers**
- R# 116-13 Redemption of Tax Certificate**
- R# 117-13 Credit for 4th qtr taxes to Blk 1807 Lot 16**
- R# 118-13 Refund of taxes to Blk 1805 Lot 11**
- R# 119-13 Refund of taxes to Blk 1702 Lot 26**
- R# 120-13 Authorizing Memorial Run Susan Zabransky Hughes**
- R# 121-13 No Reso**
- R# 122-13 Soil relocation for Blk 1502 Lot 55**
- R# 123-13 Soil relocation for Blk 1403 Lot 27**
- R# 124-13 Soil relocation for Blk 1902 Lot 40**

COMMITTEE REPORTS

Board of Health: There was no report at this time.

Const. & Zoning Enforcemt. Council Member Boardman gave the report for October 2013.

Environmental Committee: Council Member Kurpis gave the report for October 2013.

Fire Report: Council Member Walencyk gave the report for October 2013.

Police Report: Council Member Walencyk gave the report for October 2013.

Finance Report: Council Member Walencyk gave the report for October 2013.

Landmarks Committee: There was no report at this time.

Public Works: Council President Mastriano gave the report for October 2013.

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

Planning Board: Council Member Walencyk gave the report for November 2013.

Zoning Board: There was no report at this time.

OPEN TO THE PUBLIC:

Eric Jensen addressed the Tree Ordinance and stated that the public did not have the appropriate opportunity to voice their opinion. Council President Mastriano stated that, if anyone from the public wished to address the Mayor and Council on this subject, they could do so at this time.

Ron Gray, 3 Country Squire Road addressed the application process for a minor tree permit at this time, specifically being required to provide a property survey, which is costly for the home owner. Administrator Cuccia stated that an as-built survey would suffice, which residents obtain when they receive a CO. Mr. Gray further addressed the addition of trees and the concept of material impact. The suggestion was made to add this tree information on the website to provide further guidance to residents.

Patty Nazzaro, 3 Westwind Court, stated that the Municipal Alliance funding will be extended to encompass the school year and asked the Mayor and Council for their approval.

Corinne Kerner, 229 West Saddle River Road thanked Council Member Toomey for amending the fees in the Tree Ordinance. She asked what other issues in this ordinance still need further review. Council Member Toomey addressed this, specifically dealing with under sized lots and the non-disturb zone. Ms. Kerner stated that she is still opposed to having to go before the Planning Board for a major permit and asked the Mayor and Council to reconsider this.

At this time, Ms. Kerner read an email from Barbara Owen, 223 West Saddle River Road as she was unable to attend. Ms. Owen is not in favor of the existing fee schedule for a major tree permit and asked how this ordinance will be policed. Ms. Kerner concluded by asking the Mayor and Council to reconsider several aspects of the amended Tree Ordinance for further consideration.

Susan Gomez, 98 Chestnut Ridge Road stated that she is not in favor of the fee schedule in the amended Tree Ordinance. She further stated that she does not feel this ordinance is comprehensive enough and does not hold home owners accountable for removing many trees.

Paul Schulstadt stated that he is troubled by references to unscrupulous residents and the over use of the term "clear cutting". He further stated he takes issue with monitoring minor tree permits.

Mr. Schulstadt asked about the Marker property and asked if the proposed garden would qualify as a recreational use.

Mr. Jensen stated that he does not think that the controlled disturbance area has no justification but rather protecting the streetscape. He further stated that the proposed amended Tree Ordinance makes it difficult for those who abide by the laws.

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari
Borough Clerk