

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
HELD October 21, 2013**

PRESENT: Mayor Raia, Council President Mastriano, Council Members: Boardman, Kurpis, Toomey, Walenczyk, 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 20, 2012, the Borough website and also via E-Notify.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE

AWARDS AND CEREMONIES:

Commendation: At this time, Council Member Walenczyk read a letter of commendation for Police Officers Jason Nunn, Edward Riedel and Diana Golonek for saving a man's life after suffering a seizure at St. Gabriel's Church. Mayor Raia presented the three Police Officers with An Exceptional Service Award at this time.

Resignation: Mayor Raia stated that Council Member Michael Mutter has tendered his resignation and a resolution is needed to appoint his replacement to fill the unexpired term. Council President Mastriano referenced the Municipal Vacancy Law and explained the protocol.

A motion to appoint **Jerry DeCrosta** to fill the unexpired term of Michael Mutter was offered by Council President Mastriano. Seconded by Council Member Boardman. Roll Call Vote: AYES, Unanimous

At this time, Council Member DeCrosta was administered The Oath of Office by Mayor Raia.

WORK SESSION:

MAYOR RAI A

Northwest Bergen Mayor's Meeting: Mayor Raia stated that Saddle River hosted the September meeting and Senators Cardinale and Gordon and Assemblymen Russo were in attendance. Shared and consolidation of services as well as more efficient policing and fire programs and purchasing co-ops were all addressed in an effort to reduce the tax burden for residents.

Mayor Raia stated that he was selected to be on a delegation to the Republic of China. He further stated that he traveled to Taiwan to meet with high officials to discuss political issues affecting the world.

ADMINISTRATOR CUCCIA:

Filming: Administrator Cuccia stated that a request for filming has been submitted by residents wishing to film a commercial on breast cancer awareness within in the confines of their home. He further stated that the current ordinance states that all filming must be pre-approved by the Mayor and Council, they must present a certificate of insurance and often there are fees associated with filming. A permit must be obtained and is retained in the Municipal Building.

Parks & Recreation Committee: Administrator Cuccia stated that the Committee had some concerns with the lights, lawn cutting, new parking plan and the snack shack. A brief update on these items was given at this time.

Courtesy Security Awareness Program: Captain Jason Cosgriff explained this project at this time, stating that, as police officers drive through town, they are instructed to take notice of conditions that could make a home more vulnerable for a break in. The home owner will be given a card outlining those conditions in need of attention.

Patient Protection & Affordable Care Act: Administrator Cuccia stated that employees were notified about the new Health Insurance Marketplace Coverage Options which will take effect in 2014.

Award of Bids: Administrator Cuccia stated the bid for snow plowing services through 2015 will be awarded to Downes Tree Service who was the lowest and only bidder. This resolution is part of the Consent Agenda. Borough Engineer Martin Spence addressed the bid for the Rindlaub Park Parking Improvements – Phase One, stating that 10 bids were received for the bid opening on October 17, 2013 and Downes Tree Service was low bidder in the amount of \$107,545.50. This resolution is part of the Consent Agenda.

Trees: Administrator Cuccia asked Council Member Toomey to outline the modified tree ordinance and he did so in detail at this time. A public information session was held on October 4, 2013 outlining the revisions in the ordinance. He further stated that the Planning Board will be holding a public meeting on October 29, 2013 at 7:00pm in order to review this ordinance and they will submit their findings accordingly. The ordinance will then be presented for adoption at the November 18, 2013 meeting of the Mayor and Council.

Environmental Commission: Administrator Cuccia asked Council Member DeCrosta to address the Hazardous Tree program in the Borough. He further stated that the Mayor and Council are in receipt of a letter from the Commission asking about mechanisms in place to insure follow up with this program. Borough Engineer Spence stated that letters were sent out to residents with trees in need of removal and they had 45 days to respond. Borough and County trees that are hazardous are being removed. Mayor Raia suggested that this be an ongoing program as there are always going to be hazardous trees that present a public safety risk.

Cell Tower Meeting with AT&T: Administrator Cuccia stated that he met with AT&T on September 19, 2013 regarding moving the antenna from the post office cupola to the existing cell tower on the Police Department property. An additional meeting with the Board of Education will take place on October 29, 2013 regarding this transfer.

COUNCIL REPORTS:

Council President Mastriano stated that the holiday Tree Lighting will be held on December 6, 2013 at the Municipal Building. The Valley Club will be hosting its annual Open House on December 8, 2013.

Council Member Kurpis stated that the Landmarks Commission is seeking direction with the Saddle River Museum, now that the restoration project is complete. He further stated that the Landmarks Commission would like to now restore the interior so that the artifacts can be displayed for public viewing. Mayor Raia stated that he would like to see a proposal from the Commission outlining the proposed work and associated costs.

Council Member Walencyk stated that the Upper Saddle River Girl Scout leaders would like to use the Bishop House for meetings on a monthly basis through June 2014. Mayor Raia stated that he would want to insure that this facility was reserved for Saddle River residents, should they want to use it and any costs associated with this would be determined.

Mayor Raia stated that the Supreme Court ruled in favor of the Borough in the court case regarding the condemnation of 66 East Allendale Rd. (Exxon property) and there will now be a retrial.

BOROUGH ATTORNEY: Attorney Huntington addressed the court case between the Borough of Saddle River and 66 East Allendale Road. The land was priced at \$5,500,000 which was unrealistic and consequently ruled that the valuation was incorrect at the Supreme Court level. He further stated that this will be a landmark case in the State of New Jersey.

MUNICIPAL CLERK: Municipal Clerk Macari stated that a home at 4 High Meadow Road will be part of the 2013 Holiday House Tour and proceeds will go to Rebuilding Together Bergen County.

INTRODUCTION OF ORDINANCE(S) Clerk to read title(s) of:

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# 97-13 Introduced by Council Member Walencyk
Seconded by Council Member Boardman
Roll Call: AYES, Unanimous

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# 98-13 Introduced by Council Member Toomey
Seconded by Council Member Kurpis
Roll Call Vote: AYES: Boardman, Kurpis, Toomey, Walencyk, Mastriano

ABSTAIN: DeCrosta

ORDINANCE NO. 13-884-C

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

Resolution # 99-13 Introduced by Council Member Toomey
Seconded by Council Member Boardman
Roll Call Vote: AYES, Unanimous

ADOPTION OF ORDINANCE(S):

ORDINANCE NO. 13-880-M

CAPITAL ORDINANCE OF THE BOROUGH OF SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY, AUTHORIZING THE ACQUISITION OF VARIOUS FIRE DEPARTMENT EQUIPMENT IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$135,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE BOROUGH'S CAPITAL IMPROVEMENT FUND.

Resolution # 100-13 Offered by Council Member Walenczyk
Seconded by Council President Mastriano

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

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

Motion to Close to the Public Offered by Council Walenczyk
Seconded by Council President Mastriano
Voice Vote: All Ayes

ROLL CALL VOTE: AYES, Unanimous

ORDINANCE NO. 13-881-C

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

A motion was made by Council Member Toomey to amend the ordinance as written.
Seconded by Council Member Kurpis. Voice Vote: All Ayes

Attorney Huntington explained that, after this ordinance was introduced, there was an error in Section 210 9B in the code; it should have referenced Section 47.1. He further stated that it is permissible to amend the ordinance without further notice if the change is not substantial.

Motion to Open to the Public Offered by Council Member Toomey
Seconded by Council Member Boardman
Voice Vote: All Ayes

OPEN TO THE PUBLIC:

Paul Schulstad, 20 Eckert Farm Road stated that, as this involves schools and churches and is a sensitive issue, he wanted to understand why it was deemed a priority item. Council Member Toomey stated that in January 2012 the Ordinance Review Committee made this a priority in order to provide more protection to residents. It was introduced but subsequently tabled. This ordinance addresses several aspects of the zoning code but will not be addressing schools and churches at this time.

Eric Jensen, 131 Mill Road stated that he feels that this ordinance is flawed and it is his hope that the Mayor and Council will re-visit this. He does not feel that churches and schools should be treated the same and gave detailed testimony regarding this at this time and introduced Steven Lydon, PP.

Steven Lydon, PP, Burgis Associates, Inc. Westwood, NJ stated that he has reviewed this ordinance and asked if the Planning Board issued a consistency report for this ordinance. He was informed that they have not; he then requested that this be tabled until such time that the Planning Board has made their recommendations. He further stated that he feels that the appropriate course of action would be to deny the originally amended ordinance and voted on after Planning Board review. Attorney Huntington was in agreement.

A motion was made to table this ordinance by Council Member Toomey
Seconded by Council Member Kurpis
Roll Call Vote: AYES, Unanimous

Motion to Close to the Public Offered by Council Walenczyk
Seconded by Council President Mastriano
Voice Vote: All Ayes

APPROVAL OF BILLS

Resolution # 101-13 Offered Council Member Walenczyk
Seconded by Council President Mastriano
Roll Call Vote: AYES: Boardman, Kurpis, Toomey, Walenczyk, Mastriano
ABSTAIN: DeCrosta

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 Walenczyk

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 September 16, 2013

B. Resolutions:

R# 102-13 Approval for Soil relocation Blk 1105 Lot 50 Thomas Neumann

R# 103-13 Approval to submit grant application and execute a grant contract with the NJDOT for Phase 2 Streetscape Project

R# 104-13 Refund for Overpayment for water Blk 1701 Lot 29

R# 105-13 Refund due to Civil Action Judgment for Blk 1202 Lot 18

R# 106-13 Refund due to redemption of Tax Sale Certificate Blk 1803 Lot 1

R# 107-13 Refund due to overpayment of taxes Blk 1301 Lot 51

R# 108-13 Award of bid for snow plowing services

R# 109-13 Award of bid for Rindlaub Park Improvements Phase 1

COMMITTEE REPORTS

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

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

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

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

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

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

Landmarks Committee: Council Member Kurpis gave the report for September 2013.

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

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

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

Zoning Board: Council Member Toomey gave the report for September & October 2013.

OPEN TO THE PUBLIC:

Patty Nazzaro, 3 Westwind Court stated that she would like to see the Borough reach out to residents in order to obtain historical information for the Saddle River Museum to display.

Mayor Raia stated that there is now an opening on the Planning Board and encouraged recommendations to fill this position.

Corinne Kerner, 229 West Saddle River Road stated that she has reviewed the Tree Ordinance and asked for clarification on specific language, which she received. She further asked about fees for tree removal and Council Member Toomey addressed this in detail.

Ms. Kerner stated that she feels this ordinance should not only discourage residents from removing trees but also encourage the planting of new trees. She further stated that she did not feel it was necessary for residents to have to appear before the Planning Board for a major tree removal permit and encouraged the Mayor and Council to reconsider this.

Ms. Kerner stated that she is a Girl Scout leader and works closely with Upper Saddle River Girl Scout Unit. She further stated that she would like the Mayor and Council to reconsider allowing the Girl Scouts to utilize the Bishop House, at no cost.

Marilyn Goldfisher, 124 West Saddle River Road asked about the markings on trees designated for removal and Borough Engineer Spence stated that these were County markings

Paul Schulstad, 20 Eckert Farm Road asked about the tree ordinance, specifically a minor tree removal permit and requested that this should be changed to a notification in order to simplify the process.

Mr. Schulstad asked about former Council Member Mutter's residency outside of the Borough of Saddle River and stated that this was a violation of the New Jersey Municipal Vacancy Law. He asked for specific information about his qualifications during this time. Attorney Huntington stated that the Mayor and Council regarded this resignation, per the date it was delivered.

Mr. Schulstad asked once again about the priority that was placed on amending the Zoning Code as it relates to churches and states. Attorney Huntington explained this in detail at this time.

RESOLUTION FOR CLOSED SESSION

At this time, a resolution was read to go into Closed Session.

Resolution # 110-13 Offered by Council President Mastriano
Second by Council Member Walenczyk
Roll Call Vote: AYES: Unanimous

A motion to adjourn the Closed Session and return to the Regular meeting of the Mayor and Council was made and seconded.

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari
Borough Clerk