

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
HELD MAY 19, 2008**

PRESENT: Mayor Raia, Youth Mayor Michael Black, Council President Burke, Council Members FitzPatrick, Mastriano, Murray, Re, Borough Clerk Macari, Administrator Cuccia, & Attorney Russell Huntington

ABSENT:

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

"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 faxing notice thereof to the Ridgewood Newspapers and The Record on January 2, 2007.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE: Led by Youth Mayor Michael Black.

AWARDS AND CERMONIES: Mayor Raia presented Youth Mayor Black with a pin as well as a medallion representing Saddle River and read a proclamation proclaiming May 19, 2008 Michael Black Day in the Borough of Saddle River.

OPEN TO THE PUBLIC:

Christopher Salazer, 6 West Gate Road read a letter from his second grade class requesting the great need for recycling at the Wandell School.

Julia Mastriano, 79 Chestnut Ridge Road read a letter also stressing the need for recycling in Saddle River.

Mayor Raia thanked the students for their letters and stated that Council Members Murray and Mastriano would look into a recycling program at Wandell School. He thanked Michael Black once again for being the Youth Mayor on May 19, 2008.

Mayor Raia announced that Mr. Jon Kurpis would be the Saddle River Museum curator and John May will be the Borough Historian.

WORK SESSION

At this time, Mayor Raia introduced Mr. Jerry Collins from Above Net and Mr. William J. Beneduce, Esq. from Norris, McLaughlin & Marcus, PA who were representing T-Mobile. The presentation

included explaining the need for wireless communication coverage inside Saddle River. They are proposing to install a monopole or similar structure on a piece of property that had leasing potential and this was explained in detail.

Mayor Raia

Alterations to the Municipal Building: Mayor Raia stated that the Council were all in receipt of a copy of the proposed plan. Administrator Cuccia reviewed the plan with the Council and stated that the approximate cost is projected to be \$2,000,000. In addition to adding the necessary space, there would be extensive security measures implemented for the court. Vital records are required to be in a secure area, which will also be added, as well as additional space for the construction department.

Mayor Raia discussed the proposed facade, which would remain brick and also discussed the need for additional space. The structuring of the debt was discussed as well, and Mayor Raia stated that it would not exceed 10 years. All of the municipal building's needs are going to be addressed with this renovation and Mayor Raia reiterated that he felt it was going to be an asset when completed.

Appointing Penny Neill and Nina Bernhardt to new positions on Planning Board: Mayor Raia stated that Penny Neill was going to be appointed as a regular member of the Planning Board and Nina Bernhardt was going to be appointed Alternate #1. This resolution is part of the Consent Agenda.

Update on NWBM Meeting: Mayor Raia stated that the most recent meeting was very informative and the group discussed what could be done to combine services and monies to maximize efficiency. He further stated that being a part of this association is excellent training for a Mayor.

ADMINISTRATOR CUCCIA

Salary Ordinance: Administrator Cuccia stated that there is a resolution in the Consent Agenda reflecting the updated salaries per contractual obligations.

Draft-Soil Ordinance: Administrator Cuccia stated that the Mayor and Council were in receipt of a draft ordinance amending the soil ordinance and asked them to review it for introduction at the June 16, 2008 meeting. The ordinance restricts tree removal as it relates to soil removal.

BOROUGH CLERK:

Marie Elena Macari stated that June 3, 2008 is Primary Day from 7:00am to 8:00pm. She further stated that the Borough of Saddle River received a check in the amount of \$6038.82 from the State for our participation in the Solid Waste Clean Communities Program.

COUNCIL REPORTS:

Council Member FitzPatrick stated that plans were underway for the Memorial Day celebration on May 26, 2008.

Council Member Mastriano stated that plans for Saddle River Night, scheduled for June 7, 2008, are continuing and going very well. In addition, she stated that she presented the concept of the Band Shell to the Board of Education at Wandell School and the Home and School Association and both organizations were extremely positive about the concept. The cost of the Band Shell is approximately \$58,000 with a matching County grant included and she reiterated that it would be a great addition to Rindlaub Park.

Mayor Raia stated that if the Council wanted to discuss this topic further, it could be removed from the Consent Agenda and voted on separately so further discussion could take place.

Council Member Murray asked about the need to obtain an extension for this grant and Administrator Cuccia stated that the deadline is the end of the month.

Council Member Murray stated that the financial reports are in good order. In addition, he asked about the Insurance Service Organization (ISO) report and Fire Chief Yates stated that he would like to purchase a book that ISO publishes in order to better understand the guidelines for the report preparation.

Council Member Re stated that he would like to meet with the Fire Department and the Public Safety Committee and Mayor Raia suggested that they come up with a mutually convenient date.

INTRODUCTION OF ORDINANCES: There were none.

ADOPTION OF ORDINANCE(S): Clerk to read the title of:

ORDINANCE 08-815-M

BOND ORDINANCE TO AUTHORIZE THE UPGRADING OF THE POLICE COMMUNICATIONS DESK AND THE ACQUISITION OF VARIOUS EQUIPMENT AND MACHINERY FOR THE USE OF THE POLICE AND FIRE DEPARTMENTS AND THE OFFICE OF EMERGENCY MANAGEMENT IN, BY AND FOR THE BOROUGH OF SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$550,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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 #69-08 Offered by Council Member Burke
Seconded by Council Member Re
Roll Call Vote: AYES, Unanimous

OPEN TO THE PUBLIC: Joe Pera, 16 Old Farms Road stated that he feels that he would like to see these types of funds paid out of the current budget as opposed to financing them in these economic unstable times. Mayor Raia suggested that Administrator Cuccia further explain this and Mr. Pera stated that he already discussed this with him.

Roll Call Vote: AYES, Unanimous

ORDINANCE 08-816-C

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 113, ENTITLED "FIRE PREVENTION" IN THE CODE OF THE BOROUGH OF SADDLE RIVER NEW JERSEY

Resolution #70-08 Offered by Council Member Re
Seconded by Council Member Murray

OPEN TO THE PUBLIC: No one from the public wished to be heard

Roll Call Vote: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 71-08 Offered by Council President Murray
Seconded by Council Member Burke
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 by Council Member Burke
Seconded by Council Member Murray
Roll Call Vote: AYES, Unanimous

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

Explanation of Consent Agenda Items

A. Approval of Minutes: 4/21/08

B. Resolutions:

- R# 72-08 Borough Salaries**
- R# 73-08 Authorizing refunds for Overpayment of taxes**
- R# 74-08 Authorizing refunds re: taxes from NJ Tax Court**
- R# 75-08 Inclusion in the Bergen County Development Program
July 1, 2009 through June 30, 2012**
- R# 76-08 Appointment of Summer helper Shaun F. Hansen**
- R# 77-08 Appointment of Joy Convertini from 25 hours to 37 ½
hours**
- R# 78-08 Appointment of Stuart Hinchin to the Parks and
Recreation Commission**
- R# 79-08 Appointment of Penny Neill Class II Member Planning
Board and Planning Board Rep on the Environmental
Commission: Nina Bernhardt Alt.#1**
- R# 80-08 Authorization for Valley Hospital Contract**

Open to the Public for Consent Agenda Items Only:

Establishing a Green Team Committee

Resolution #81-08 Offered by Council Member Mastriano
Seconded by Council Member Murray

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

Roll Call Vote: AYES: Unanimous

Open Space Trust Fund Municipal Program – Rindlaub Park Band Shell Construction

Resolution #82-08 Offered by Council Member Mastriano
Seconded by Council Member Mutter

At this time, Council Member FitzPatrick stated that the Borough has currently incurred many other expenses that are very important and she respectfully requested that this expense be deferred to a later date.

Council Member Burke asked about the grant and Mayor Raia explained that the Borough must match the grant dollar for dollar for the cost of the band shell construction.

Council Member Mutter asked about Rindlaub Park and asked about its designation as a field as opposed to a park and Attorney Huntington explained the difference in the verbiage and how it pertains to usage. Mayor Raia reiterated that we are in control of any groups that utilize the park and we would be in control of the band shell as well. Council Member Mutter expressed some concern about patrolling this area, particularly at night and Administrator Cuccia stated that there is no vandalism to speak of and there is a surveillance system in place.

OPEN TO THE PUBLIC:

Henry Senger, 69 West Saddle River Road thanked Council Member Mastriano for all her work on this project and stated that he feels it would be a great asset to the Borough.

Mike Toomey, 52 Westerly Road stated that he was in full agreement with Mr. Senger's remarks.

Joe Pera, 16 Old Farms Road stated that he thinks that the band shell is a great idea.

Mayor Raia stated that he feels that the shell is in keeping with the general look of the town and, with the growing youth population in the Borough, it would be a terrific amenity.

Prior to the Roll Call Council Member Burke stated that he would have liked more time to review this issue and further discuss it. Council Member Murray stated that the grant is very beneficial for this construction and asked Borough Clerk Macari to read the letter from the County reiterating the imminent need to respond or jeopardize losing this grant. Council Member Re stated that he had concerns with public safety but was in favor of the band shell.

Roll Call Vote: AYES: Council Member Burke, Mastriano, Murray, Mutter, Re,
NAYES: Council Member FitzPatrick

COMMITTEE REPORTS

Finance Report: Council Member Murray gave the financial report for the month of April.

Fire Report: Council Member Re gave the report for April 2008 and stated that this report is on file with the Borough Clerk. He further stated that the fire at Council Member Murray's home was serious and it was handled very well by the fire department.

Police Report: Council President Burke stated that the report is on file with the Borough Clerk for April 2008.

Construction & Zoning Enforcement: Council President Burke gave the report for April 2008.

Public Works: Council Member Mutter gave the report for April 2008.

Board of Health: Council Member Mutter gave the report for April 2008. He further stated that the DEP would like to come to the June 4, 2008 meeting to discuss the perchlorate issue with the residents of Saddle River, Upper Saddle River and Woodcliff Lake and review the options that these home owners have.

Planning Board: Council President Burke gave the report for May 2008.

Zoning Board: Council Member FitzPatrick gave the report for April 2008.

Parks and Recreation: Council Member Mastriano stated that there was no meeting.

At this time, Council Member Murray publicly thanked the Police and Fire Departments for all their efforts during their house fire. He stated that, because both he and his wife love the Borough of Saddle River, they are going to re-build their home and thanked everyone for their concern and support.

OPEN TO THE PUBLIC:

Sharon McDonald Muscarelle, 42 Warewoods Road asked why there is not a time limit put on home owners when a building permit is issued. She stated that there are several homes on her street that have been under construction for a very long time and the properties are unsightly and in great disrepair. She asked why letters are not written to these home owners in order for them to comply with Borough Ordinances. She further asked why the ordinances cannot be amended to more strictly adhere to time tables when a permit is issued. Attorney Huntington explained that it is State law and it is very difficult to implement Borough rules. He further stated that the rules are probably far too liberal and Mrs. Muscarelle stated that letters and fines should be written to these people. Borough Engineer Spence suggested that Borough Inspector John Scialla go to the sites in question and review the issue. Mayor Raia stated that he would like Attorney Huntington and Mr. Spence to drive down this street and figure out what violations can be dealt with immediately.

Mrs. Muscarelle also asked about additional properties off of Fox Hedge Road that are also in disrepair as well as an abundance of cars parked in the roadway. Chief McWilliams said it is within their rights to park on the roadway but not on private property.

Alan Post, 15 Dogwood Drive stated that it is very difficult to hear the Mayor and Council in the back of the room and Mayor Raia stated that the current audio system is being evaluated and will be repaired if necessary.

In addition, he stated that the property behind him is going to be developed and he asked about the removal of trees. There are several trees that are very large and are hanging over his property and he expressed his concern about this.

He also addressed the issue of lost tax revenue when some of these homes remain under construction for an inordinate amount of time. Mayor Raia stated that the Borough does collect taxes prior to the issuance of a C.O.. Mr. Post reiterated Mrs. Muscarelle's concern about homes not being completed in a timely basis and asked Mayor Raia to discuss this with other Mayors.

In addition, Mr. Post inquired about the renovation to the Municipal Building, specifically about the outside of the building. He encouraged the Mayor and Council to make sure that the architect for this project is very thorough and the end result will not compromise the esthetic integrity of the building in any way.

Mr. Pera stated that he felt that the renovation of the municipal building should go before the public as a referendum, prior to beginning the project.

In addition, he recommended that the Planning Board have the final say on Soil Movement resolutions and eliminate the Mayor and Council having to vote on them as well. He feels that it is not fair to the applicant as it makes the process much longer.

UNFINISHED AND NEW BUSINESS:

At this time, Mayor Raia proclaimed June as National Scleroderma Awareness Month in the Borough of Saddle River. In addition, Mayor Raia proclaimed June Myasthenia Gravis Awareness Month in the Borough of Saddle River.

RESOLUTION FOR CLOSED SESSION

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

Resolution # 83-08 was offered by Council Member FitzPatrick

Seconded by Council Member Re

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.

Attorney Huntington stated a motion to approve the execution of the settlement agreement (66 East Allendale) as explained by the Council during the Closed Session on May 19, 2008 could be made.

Motion made by Council Member Murray.

Seconded by Council Member Re.

Roll Call Vote: AYES: Council President Burke, Council Members Mastriano, Murray, Mutter, Re
ABSTAIN: Council Member FitzPatrick

Attorney Huntington stated that an additional resolution must be done to include the fact that the aforementioned settlement shall become public information as soon as the terms and conditions of same are accepted by the Plaintiffs. He further stated that if they do not accept it, the settlement posture would not be publicized.

A motion to adopt the above-referenced resolution was offered by Council Member Murray

Seconded by Council Member Re.

Roll Call Vote: AYES: Council President Burke, Council Members Mastriano, Murray, Mutter, Re
ABSTAIN: Council Member FitzPatrick

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk

F/nwwp/MINMCmay