

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
HELD NOVEMBER 17, 2008**

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

ABSENT:

PRESIDING: Mayor Raia 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:

AWARDS AND CEREMONIES: Mayor Raia congratulated Christian Mautz for receiving his Eagle Scout Award and presented him with a medal. Christian is the son of Bruce Mautz, Director of Operations in the Borough of Saddle River.

WORK SESSION:

At this time, Frank Covelli, PIA Insurance Associates, Inc. explained the health benefit aspect of the plan in detail to the Mayor and Council.

MAYOR RAI A

Green Committee: Mayor Raia stated that the Green Committee has been established and he asked Council Member Mastriano to discuss it further. Council Member Mastriano stated that she is looking forward to working on this important project and is hoping that the town will benefit from this plan. She further stated that she plans to attend several seminars dealing with "going green" at the League of Municipalities Meeting in Atlantic City this week.

Tree Lighting – November 30, 2008: Mayor Raia stated that the program is being prepared and it should be very festive and all are encouraged to attend.

Northwest Bergen Mayor's Meeting: Mayor Raia stated that he attended a recent meeting and topics discussed included COAH and the shared services issue. He stated that he finds these meetings very informative.

Reorganization Meeting – January 2, 2009: Mayor Raia stated that the Reorganization meeting will take place at January 2, 2009 at 6:00pm.

ADMINISTRATOR CUCCIA

Burning Hollow Water Agreement: Administrator Cuccia stated that the Mayor and Council would be voting on a resolution authorizing the execution of an agreement between the State of New Jersey and the Borough of Saddle River regarding the water line contract No. OWR-YJ1-08 as part of the Consent Agenda. He explained this resolution to the Mayor and Council. He also explained the following resolution concerning accepting ownership and responsibility for the new water system between the Borough of Saddle River and the DEP. In addition, he explained the Introduction of Ordinance 08-823-C, which also deals with the Burning Hollow Water issue.

Mayor Raia asked how the criteria is established for wells to be used for irrigation and Administrator Cuccia explained this in detail including the contaminants that are of greatest concern.

After this resolution is passed, each resident will be contacted in order to determine what course of action they wish to take and then the DEP will be involved, based on their decision.

COUNCIL REPORTS:

Council Member Murray stated that the financial reports are in good order.

Council President Burke stated that the Planning Board will be addressing the Master Plan at their meeting on December 8, 2008.

Council Member Mastriano stated that the field house is winterized and the Parks and Recreation is trying to find a new time to meet as there is a conflict with their current time.

Council Member FitzPatrick gave an update on the Saddle River Crossing project, outlining the meeting which was held on September 23, 2008.

BOROUGH ATTORNEY

Attorney Huntington discussed the installation of a water line from Chestnut Ridge Road and down Eldon Drive, ending at Charldon Drive. Several residents on Charldon Dr. have requested that the water line be continued so that they can tie into this line. Residents are responsible for making these arrangements with the contractor.

BOROUGH CLERK

Borough Clerk Macari stated that the Mayor and Council have both the Holiday schedule as well as the meeting dates for 2009 for their approval.

ADOPTION OF ORDINANCES:

Ordinance No. 08-822-M

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR MUNICIPAL PURPOSES IN, BY AND FOR THE BOROUGH OF SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$650,000 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

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

Resolution # 136-08 Offered by Council Member Re
Seconded by Council Member FitzPatrick
Roll Call Vote: AYES, Unanimous

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

Ordinance No. 08-823-C

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 208, ENTITLED "WATER", IN THE CODE OF THE BOROUGH OF SADDLE RIVER, NEW JERSEY

Resolution # 137-08 Offered by Council Member Mastriano
Seconded by Council Member Re
Roll Call Vote: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 138-08 Offered by Council President Murray
Seconded by Council President 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 President Burke
Seconded by Council Member Murray
Roll Call Vote: AYES, Unanimous

Explanation of Consent Agenda Items

A. Approval of Minutes: 10/20/08

B. Resolution(s)

R# 139-08	Soil movement Blk 1201 Lot 23 Kevo
R# 140-08	Soil movement Blk 2003 Lot 47.04 Pogodin
R# 141-08	Award of bid for snow removal/auth. Mayor to sign contract
R# 142-08	Auth. Mayor to execute agreement with NJ for waterline contract # OWR YJ1-08
R# 143-08	Accepting ownership and responsibility for new water system between Borough and NJDEP

Open to the Public for Consent Agenda Items Only:

COMMITTEE REPORTS

Finance Report: Council Member Murray gave the financial report for the month of October 2008.

Fire Report: Council Member Re gave the report for October 2008 and stated that it was on file with the Borough Clerk. Chief Brian Yates discussed the status of ISO and the re-rate for the Borough.

Police Report: Council President Burke gave the report for October 2008 and stated that it was on file with the Borough Clerk.

Public Works: Council Member Mutter gave some highlights from the October 2008 report.

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

Board of Health: Council Member Mutter gave the report for October 2008.

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

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

Planning Board: Council President Burke gave the report for November 2008. He also reiterated that there is going to be a meeting on December 8, 2008 at 7:00pm to discuss the Master Plan.

OPEN TO THE PUBLIC:

Richard Perrin, 29 Cameron Road asked what the Mayor and Council voted on regarding the Burning Hollow water issue. Attorney Huntington explained that Ordinance 08-823-C was introduced and would be the subject of a public hearing at the meeting of December 15, 2008. Mr. Perrin stated that he is a plaintiff to the settlement agreement and objects to any discussion

regarding the water issue. He further stated that he would like to have the time to review the DEP letter and does not feel it is appropriate to deal with this issue in December as many residents will be out of town. Attorney Huntington stated that there are deadlines that must be adhered to. Mr. Perrin stated that the Mayor and Council has had the DEP letter since September and he feels that he would like the courtesy of having time to review it as well. Attorney Huntington stated that the ordinance must be voted on next month as you cannot introduce an ordinance without adopting it in the same calendar year. Mr. Perrin stated that he feels that the settlement agreement is being altered and wants Ordinance 08-823-C revoked and re-initiated in January 2009 and he urged Mayor Raia and Council President Burke to consider this.

Howard Dreznin, 47 Cameron Road stated that he was in agreement with Mr. Perrin and he asked how people who are not involved in the Burning Hollow water issue knew about this. He further stated that this situation is once again before the Mayor and Council and he would pursue this legally if need be.

Dan Schiavello, 22 Cameron Road stated that he feels that Saddle River is one of the greatest places in the country to live but he feels that the disagreements that are arising due to the water issue are very unnecessary and unfortunate. He feels that the residents are being manipulated and that this ordinance should be introduced in January and adopted in February of 2009 so that there is ample time to review it. He stated that the letter had factually incorrect information in it as well.

Mayor Raia did not agree with many of Mr. Schiavello's positions on this issue. Mayor Raia asked Attorney Huntington why this could not be dealt with in 2009 and he explained that the Borough might have a difficult time collecting the funds promised from the State for this project. Mayor Raia stated that the ordinance is being amended and he did not see a big difference between what the original settlement agreement stated and what the DEP is currently asking of the residents. Mr. Schiavello did not agree with this assessment and gave examples of this and stated that he would like to work with the DEP to insure that the parameters in the settlement are met.

Mayor Raia stated that he wants to make sure that residents are content with this process and does not want any confusion on this issue as it is of major importance. Mr. Schiavello stated that he feels that there is, in fact, confusion and again urged that this ordinance be introduced in January 2009.

Mayor Raia stated that he would like the opportunity to make sure that there is no risk in losing the funding but he also wanted to make sure that this was not a measure, in any way, meant to stall the process. Mayor Raia further stated that he is not forcing anyone to hook up to the water line now but does have concerns, as does the DEP, about the contamination. He reiterated that this involves 70 residents whose wells are contaminated.

Attorney Huntington stated that, in order to obtain a consensus, the Mayor and Council could introduce the ordinance now and hold the hearing at the December 15, 2008, get feedback from the residents and then make a determination or withdraw this ordinance but risk losing the funding. Mayor Raia stated that he would like to keep the process going and Mr. Schiavello stated that he would seek to get an injunction to stop the process.

Council Member Mastriano stated that she believes that communication is very important and she would like to see it continue.

Council Member Murray stated that he is in favor of keeping the process going and then decide at the next meeting. Mr. Schiavello reiterated that many of the residents would not be able to attend the December meeting and Mayor Raia reiterated his apprehension about losing the funding.

After consideration, Mayor Raia stated that he would postpone the introduction of Ordinance 08-823-C until January of 2009 but stated that a meeting with Attorney Huntington and the attorney for the Burning Hollow residents needs to take place so that the Mayor and Council can better understand the specifics that need to be addressed in this agreement.

Mr. Schiavello commended the Mayor and Council for rescinding the introduction of Ordinance 08-823-C. The ordinance will be introduced on January 19, 2009 and will be voted on at the February 9, 2009 meeting of the Mayor and Council.

At this time, a vote must be taken to withdraw Ordinance 08-823-C.

WITHDRAWL OF ORDINANCE: Clerk to read the title of

Ordinance No. 08-823-C

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 208, ENTITLED "WATER", IN THE CODE OF THE BOROUGH OF SADDLE RIVER, NEW JERSEY IS HEREBY RESCINDED.

Motion made by Council Member Mastriano
Seconded by Council Member Re
Roll Call Vote: AYES, Unanimous

UNFINISHED AND NEW BUSINESS:

Mayor Raia stated that the tree lighting will take place at November 30, 2008 and encouraged all to attend.

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk