

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
HELD SEPTEMBER 15, 2014**

PRESENT: Mayor Raia, Council President Toomey, Council Members: Gray, Kerner, Kurpis, Walenczyk, Acting Borough Administrator Shenkler, Borough Clerk Macari, Borough Attorney Huntington

ABSENT: Council Member DeCrosta

PRESIDING: Council President Toomey 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, 2013, the Borough website and also via E-Notify.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE:

AWARDS AND CEREMONIES: Police Chief Tim McWilliams presented Detective Don Tumillo his retirement badge after 25 years of service on the Saddle River Police Department. Mr. Tumillo's accomplishments were outlined and commended at this time.

WORK SESSION:

Frank Covelli, Risk Manager, Professional Insurance Associates stated that the Mayor and Council are in receipt of a resolution accepting the re-write of the medical plan documents for the Borough. He outlined the changes in these documents in detail at this time.

Jonathan Kurpis, Chairman of the Saddle River Landmarks Commission gave an update on the Saddle River Museum. An application has been submitted to the County in order to procure grant money for the renovation of the interior of the museum; he explained this in detail. He also explained that the Pink Dogwood tree, the official tree of both Saddle River and Upper Saddle River, was designated by the Saddle River Garden Club in 1939 to honor local residents who served our country during wartime. It has become an important symbol in our community and is currently one of the four scenes chosen to represent Saddle River on the official Borough seal.

MAYOR RAIA:

Northwest Bergen Mayors Meeting: Mayor Raia stated that he attended this meeting on September 13, 2014. Representatives from Orange and Rockland and PSE&G addressed dealing with power outages in the area during storms.

ACTING ADMINISTRATOR SHENKLER:

Hazard Mitigation Grant Program: Acting Administrator Shenkler stated that he is awaiting more information from the State on this program; this program provides grant monies which may be used toward the purchase of generators for the Safety Complex.

Conducting indoor air quality testing at Municipal Building: Acting Administrator Shenkler stated that there have been two significant floods in the CFO's office; employee complaints of headaches and eye issues were received due to the nature of the air quality in the Municipal Building. The Bergen County Department of Health has taken air samples and the results are pending. Structural issues with the building were discussed at this time.

BOROUGH CLERK MACARI

National Preparedness Month: Borough Clerk Macari stated that September is National Preparedness Month and provided a website outlining how to create an emergency kit. Chief McWilliams reiterated the importance of this and encouraged residents to sign up for Swift Reach to keep informed in the wake of an emergency.

Filmmaking Permit Application: Attorney Huntington explained the submitted application in detail at this time. A resident is planning to shoot a reality TV show from November 3, 2014 through February 20, 2015 at 10 Overlook Road in Saddle River.

COUNCIL REPORTS

Council President Toomey stated that the Mayor and Council must address and perhaps pass a resolution in order to deal with time management at public meetings. He further stated that Mayor and Council meetings should end at 10:00pm with an Executive Session, if necessary, completed by 10:30. He further stated that if there are issues that must be addressed and exceed the allotted time frame, a special meeting will be held.

Council President Toomey made a motion to enact a resolution to begin the regular meetings of the Mayor and Council at 7:00pm. The work session will be held from 7:00pm to 9:30pm. The "Open to the Public" portion of the meeting will be held from 9:30 to 10:00pm and the Executive Session will be held from 10:00pm to 10:30pm. Any business not completed will be addressed at a Special Meeting if need be.

Seconded by Council Member Kurpis.

Voice Vote: All in favor.

Council President Toomey encouraged Council Members to be more diligent in responding to the Borough Clerk's emails.

Council Member Gray stated that the Parks and Recreation Commission met and addressed installing signs prohibiting dogs in the play area of Rindlaub Park. Dog deposit containers were also discussed.

Council Member Kerner stated that the Mayor and Council are in receipt of a draft of the Ambulance Service Agreement from Valley Hospital and asked for any comments or recommendations at this time. Allendale Ambulance has been added to Saddle River's protocol for nights and weekends and they are now actively responding. A rapid response vehicle was donated to the Allendale Ambulance from Saddle River.

Council Member Kurpis stated that the Board of Health members are extremely concerned about the deer population in the Borough and encouraged the Mayor and Council to address this issue. Mayor Raia stated that he would like the Board of Health to meet with the Environmental Commission and make a recommendation on how to address this issue and then hold a public meeting to come up with a viable solution.

Council Member Kurpis addressed the Fire Department and stated that there have been eight new applicants, increased training hours and a general increase in moral since the restructuring of officers. Council Member Gray stated that he would like to see the Fire Department obtain more exposure on the Borough website.

BOROUGH ATTORNEY

Attorney Huntington explained the resolution currently before the Mayor and Council regarding the authorization to advertise for bids to permit co-location of cell antennas on the existing monopole. He further stated that this would be an improvement on the environmental impact and the Mayor and Council are in receipt of this documentation. Council Member Kerner asked how we insure that the antenna in the cupola were the only ones that are being installed on the tower and Attorney Huntington addressed this in detail.

BOROUGH ENGINEER

Borough Engineer Spence gave an update on the status of projects within the Borough as follows:

- The field house renovation in Rindlaub Park will be completed shortly
- The Streetscape Project Phase I was constructed during the summer with signs and light posts being installed in October in front of Wandell School
- Streetscape Phase II received a grant from NJDOT and a bond ordinance must be adopted to obtain the necessary funds to continue the project in front of the Safety Complex
- Streetscape Phase III is a grant opportunity with the NJDOT which the Borough has applied for
- The field house restroom project will go out to bid shortly and a funding source must be identified
- The Saddle River water utility project is ongoing and now concentrating on Charlden Drive and Twin Brooks Road to extend fire hydrants
- An Open Space Grant is available and may be used for improvements to the rear of the Saddle River Museum or improvements to the former Exxon property

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

ORDINANCE NO. 14-903-C

AN ORDINANCE TO AMEND CHAPTER 210, ZONING, SECTION 210-3 "WORD USAGE; DEFINITIONS" AND SECTION 210-50 "DESTRUCTION; RESTORATION" OF THE ZONING CODE OF THE BOROUGH OF SADDLE RIVER

At this time, Attorney Huntington explained that much of the contents of this ordinance was reflected in Ordinance No. 14-898-C. The ordinance was then amended and was given a new number and 14-898-C has been withdrawn.

Council President Toomey explained the amendments in detail at this time.

Resolution #128-14 Offered by Council President Toomey
Seconded by Council Member Kurpis
Roll Call Vote: AYES: Gray, Kurpis Toomey, Walenczyk,
NAYES: Kerner
ABSENT: DeCrosta

ADOPTION OF ORDINANCE(S):

ORDINANCE NO. 14-899-C

AN ORDINANCE TO AMEND CHAPTER 37, LAND USE PROCEDURES, OF THE CODE OF THE BOROUGH OF SADDLE RIVER

Resolution # 129-14 Offered by Council President Toomey
Seconded by Council Member Walenczyk

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

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

Motion to Close to the Public Offered by Council President Toomey
Seconded by Council Member Walenczyk
Voice Vote: ALL AYES

ROLL CALL VOTE: AYES, UNANIMOUS

CONTINUATION OF PUBLIC HEARING:

ORDINANCE NO. 14-902-C

AN ORDINANCE TO REPEAL CHAPTER 52 ENTITLED "POLICE DEPARTMENT" OF THE CODE OF THE BOROUGH OF SADDLE RIVER, AND ESTABLISH A NEW CODE SECTION

Resolution Offered by Council Member Walenczyk
Seconded by Council Member Kurpis

Motion to Open to the Public Offered by Council President Toomey
Seconded by Council Member Walenczyk
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 President Toomey
Voice Vote: All AYES

Council Member Kerner addressed the appropriate authority to whom the Police Department would be reporting, and stated that she would like to see conformity with the Fire Department who reports to the Public Safety Committee. The current ordinance states that the Police Department will report to the Borough Administrator and Attorney Huntington explained this in detail at this time. Council Member Gray stated that he is agreement that the Police Department should report to the Public Safety Committee. Chief McWilliams stated that, historically, the department has reported to the Administrator and feels this maximizes efficiency. Council Member Walenczyk, the Police Commissioner, stated that his preference would be for the Police Department to report directly to the Administrator as it would keep politics out of the decision making process.

Mayor Raia stated that the he would like Council Member Walenczyk and Chief McWilliams to meet with the Public Safety Committee in order to arrive at a resolution to this issue. He further stated that he is in agreement that politics should be kept out of the Police Department.

A motion to continue the Public Hearing on Ordinance 14-902-C to the October 20, 2014 meeting of the Mayor and council was offered by Council Member Kurpis. Seconded by Council Member Gray.

Roll Call Vote: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 130-14 Offered by Council Member Walenczyk
Seconded by Council Member Kurpis
Roll Call Vote: AYES: Unanimous

Council Member Kerner asked that four bills be removed from the list at this time for further consideration. All were in agreement.

RESOLUTION TO APPROVE FILMING APPLICATION AT 10 OVERLOOK DRIVE, SADDLE RIVER, NJ

Resolution #131-14 Offered by Council President Toomey
Seconded by Council Member Gray

At this time, Mitchell Pascual, Esq., attorney for the applicant and Mr. Temple Williams, Chief Operating Officer, 51 Minds Production Company were present to address this matter. Attorney Pascual outlined the application process, stating that all requirements have been met. The filming will be done only on the subject property and will commence on November 2, 2014, with a projected completion date of February 20, 2015. The hours of filming may vary daily.

At this time, Temple Williams, Chief Operating Officer, 51 Minds, was sworn in and testified that Mr. Pascual's information regarding this application as presented, was accurate. He reiterated that there will be no traffic issues associated with this project and it will only be filmed at the subject address.

At this time Council Member Kurpis recused himself from this application as the applicant is a patient in his dental practice.

OPEN TO THE PUBLIC:

Sharon Marigliani, 46 Chestnut Ridge Road stated that she has concerns regarding parking, traffic, lighting and noise. Mr. Pascual addressed these concerns in detail at this time.

Roll Call Vote: AYES: Gray, Kerner, Toomey, Walenczyk
ABSTAIN: Kurpis
ABSENT: 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 Toomey
Seconded by Council Member Walenczyk

Explanation of Consent Agenda Items

At this time, Acting Borough Administrator Shenkler briefly explained the resolutions on the Consent Agenda.

Attorney Huntington stated that, as he does legal work for the BMED; in the event that a dispute arose, he would have to recuse himself from both sides of the transaction.

OPEN TO THE PUBLIC FOR CONSENT AGENDA ITEMS ONLY:

Marilyn Goldfisher, 124 West Saddle River Road asked for clarification regarding the resolution loosening restrictions on stream cleaning. Borough Engineer Spence explained this in detail at this time.

Roll Call Vote: AYES, Unanimous

A. Approval of Minutes: Regular Meeting: 7/21/14; Special Meetings: 8/5/14 & 9/4/14

B. Resolutions:

- R# 132-14** Authorization to sign Memorandum of Agreement and execute the Contract between the Mayor and Council and the PBA
- R# 133-14** Approval to submit grant application and execute a grant contract with NJDOT for E Allendale Road Phase 3
- R# 134-14** Loosening Restrictions on Stream Cleaning
- R# 135-14** Refund Blk 1303 Lot 51 due to lowered assessed value
- R# 136-14** Refund Blk 1901 Lot 53 due to lowered assessed value
- R# 137-14** Annual Report of Audit for the Year 2013
- R# 138-14** Renewing Bergen Municipal Employee Benefits Fund and execute the Indemnity and Trust Agreement
- R# 139-14** Commemorating the 350th Anniversary of the State of NJ in Bergen County
- R# 140-14** Accepting the re-write of the Plan Documents for the Employee Health

- R# 141-14** Benefits Program administered by the BMED
- R# 142-14** Appointment of Jonathan Kurpis, Borough Historian
- R# 143-14** Authorization to enter into contract with NW Bergen Regional for Health Officer Services
- R# 144-14** Authorization of Raffle – Hackensack University Medical Center
- Appointment of Susan Hodgins – Assistant to the CFO

Resolution to Authorize the Advertising for Bids to Permit Co-location of Cell Antennas on the Existing Monopole at Police Department

Resolution # 145-14 offered by Council President Toomey
 Seconded by Council Member Walencyk

Council Member Kerner stated that she is not comfortable with the bid documents and stated that she would like to continue to review them. Attorney Huntington suggested that the resolution be amended to reflect that the bid documents will only be effective if all members of the governing body sign off on all changes and are affirmatively satisfied with the content prior to its release.

OPEN TO THE PUBLIC:

John LaSalandra, 10 Cameron Rd. stated that, by moving the AT&T antenna to the monopole adjacent to the Wandell School property, there will be a slight increase to the exposure to students and staff. He further stated that he wants to insure that no other equipment will be installed at the cupola.

Roll Call Vote: AYES, Unanimous

COMMITTEE REPORTS

Board of Health: Council Member Kurpis gave the report for September 2014.

Const. & Zoning Enforcemt. Council President Toomey gave the report for July & August 2014.

Environmental Committee: No report at this time.

Fire Report: Council Member Kurpis gave the report for July & August 2014.

Police Report: Council Member Walencyk gave the report for July & August 2014.

EMS Report: Council Member Kerner gave the report for July & August 2014.

Finance Report: No report at this time.

Landmarks Committee: No report at this time.

Public Works: No report at this time.

Parks and Recreation: Council Member Gray gave the report for July & August 2014.

Planning Board: Council Member Kerner gave the report for September 2014.

Zoning Board: There was no report at this time.

OPEN TO THE PUBLIC:

Marilyn Goldfisher, 124 West Saddle River Road stated that the "No Littering" signs throughout the Borough are not effective and feels they should be replaced. She commended Council Member Kurpis, Gray and Kerner for assisting in the re-structuring of the Fire Department. She further stated that the deer population in the Borough needs to be addressed. Ms. Goldfisher addressed the installation of the boom in the Saddle River and stated that it is not efficient as currently installed. Additionally, she addressed fishing in the pond adjacent to Waterford Gardens.

Patty Nazzaro, 3 Westwind Court stated that she is not in favor of culling the deer herd. She also stated that the Saddle River Police Department will be doing a prescription take back program on September 27, 2014 between 10:00pm and 2:00pm. Ms. Nazzaro also gave an overview of the programs sponsored by the Municipal Alliance. She also stated that St. Gabriel's Church and the Zion Lutheran Church are collecting black shoes for the children in Haiti; they are not permitted to attend school without shoes.

Edward Holiat, 85 East Saddle River Road asked about the budget and real estate tax bills. Council Member Walenczyk explained this in detail. Additionally, he inquired about the easement on North Church Rd. and Council Member Kerner explained this in detail. Mr. Holiat asked about the fire siren in the Borough and Mayor Raia stated that he would have the Public Safety Committee look into this.

Paul Schulstadt, 20 Eckert Farm Road stated that he is in favor of actively dealing with the deer issue in the Borough. He further stated that he supports the initiative to control the length of regular meetings of the Mayor and Council.

Marilyn Goldfisher asked about the soil movement project on East Saddle River Road.

UNFINISHED BUSINESS:

NEW BUSINESS:

Council Member Kurpis stated that he would like the Construction Ordinance amended to prohibit any construction on legal holidays.

RESOLUTION FOR CLOSED SESSION

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

Resolution # 146-14 Offered by Council President Toomey
Second by Council Member Walenczyk
Roll Call Vote: AYES: Unanimous

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari
Borough Clerk