

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
HELD JULY 21, 2014**

PRESENT: Mayor Raia, Council President Toomey, Council Members: DeCrosta, Gray, Kerner, Kurpis, Walenczyk, Acting Borough Administrator Shenkler, Borough Clerk Macari, Borough Attorney 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 23, 2013, the Borough website and also via E-Notify.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE:

AWARDS AND CEREMONIES:

WORK SESSION:

MAYOR RAIA: Reported on the NWBM meeting.
After a brief discussion the Regular Meeting of the Mayor and Council of August 18th will be cancelled.

ENGINEERING UPDATE: Borough Engineer Spence reviewed major engineering projects including Rindlaub Field Park pavilion and especially the street scape which he was very hopeful of having this completed before school begins.

BOROUGH CLERK: The Susan Zabransky Run will be held on April 25, 2015.

COUNCIL REPORTS: Council Member Kerner discussed and explained at length the need for another ambulance service in Saddle River. After comments and discussion the Council may add to the agenda a resolution for authorization to sign a Memorandum of Understanding between the Borough of Saddle River and Allendale Volunteer Ambulance Corps.

Council Member Gray he is working on signs, i.e. "no fishing" and are being reviewed by the Parks and Recreation Department.

Council Member Toomey said there are two ordinances on the agenda being introduced by title only.

Council Member Kurpis reported the Landmark Commission met on July 9th they had one application from 73 E Allendale Road, to elevate the building 41/2 feet and install a new foundation. The application was approved.

At this time Council Member Kurpis introduced Jonathan Kurpis, Chairman of the Landmarks Commission who discussed the importance of upgrading the interior of the museum. Saddle River is the 4th historic town in the State of New Jersey. He discussed procuring grant money and possible funding from the Mayor and Council.

Council Member Kurpis reported the Fire Department ordinance will be amended in the future but at this time a resolution temporarily amending Chapter 25 entitled "Fire Department" will be added to the consent agenda. He talked about the fire department budget and equipment purchasing, appointing a ISO Committee, changing protocol and review of hydrant areas.

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

ORDINANCE NO. 898-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

Resolution #102-14 Offered by Council President Toomey
Seconded by Council Member Walenczyk
Roll Call Vote: AYES: DeCrosta, Walenczyk, Toomey, Mayor Raia
NAYES: Gray, Kerner, Kurpis

ORDINANCE NO. 14-899-C

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

Resolution # 103-14 Offered by Council President Toomey
Seconded by Council Member Walenczyk
Roll Call Vote: AYES: Unanimous

ADOPTION OF ORDINANCE(S):

ORDINANCE 14-895-C- VACATION OF LANDS

Resolution #104-14 Offered by Council Member Gray
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:

Eric Jensen, 131 Mill Road stated that the subject piece of property has some value and to give it away is not a good use of town resources.

Marilyn Goldfisher, 124 West Saddle River Road was in agreement with Mr. Jensen and feels that this land, valued at \$64,000, should be sold and monies used for municipal purposes.

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

Attorney Huntington explained that the Borough is vacating this small piece of land on North Church Road as a public right of way on a street; the adjacent property owner did not wish to purchase this piece of land.

Borough Engineer Martin Spence stated that this piece of land is approximately 3000 square feet and the Borough has no need to own this property.

Council Members Kurpis and Kerner stated that they feel the land does have value and, even though the current owner of the adjacent property does not want to own this piece of property, perhaps a subsequent owner may wish to purchase it.

Roll Call Vote: AYES: DeCrosta, Gray, Kurpis, Toomey, Walenczyk
NAYES: Kerner

ORDINANCE NO. 14-900-C

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

Resolution # 105-14 Offered by Council President Toomey
Seconded by Council Member Walenczyk

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

OPEN TO THE PUBLIC:

Eric Jensen, 131 Mill Road stated that there have been several versions of this ordinance and the current version slated for adoption has been amended after introduction. He further stated that he feels that the amendments to this ordinance are significant enough for it to be re-introduced.

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

Council Member Kurpis asked that the prohibiting of electronic sounds from places of worship be added to this ordinance. Council Member Toomey explained the objective of this ordinance, stating that this mainly pertains to the downtown area and does not include churches and schools.

Council Member Kerner stated that this ordinance was introduced with a typographical error, specifically referencing the incorrect chapter number. She further stated that it should be re-introduced with the correct information present.

A motion to amend the ordinance to correct the typographical error in Section 210.47.1B. (5) of the Ordinance No. 14-900-C, refers to Chapter 15 as the Sign Ordinance, should read Chapter 175 was offered by Council President Toomey. Seconded by Council Member Kurpis

Roll Call Vote: AYES, Unanimous

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

OPEN TO THE PUBLIC:

Eric Jensen stated that he feels that this change is not de minimis and reiterated that this ordinance should be re-introduced.

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

Council Member Kerner stated that she feels that there is no urgency to this ordinance and it must be executed accurately, with another introduction.

Roll Call Vote: AYES: DeCrosta, Gray, Kurpis, Toomey, Walenczyk
NAYES: Kerner

ORDINANCE NO. 886-C

AN ORDINANCE TO AMEND CERTAIN PORTIONS OF CHAPTER 175 SIGNS OF THE CODE OF THE BOROUGH OF SADDLE RIVER

Resolution #106-14 Offered by Council President Toomey
Seconded by Council Member Gray
Roll Call Vote: AYES, Unanimous

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

OPEN TO THE PUBLIC: No wished to be heard

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

Council President Toomey explained the amendments to this ordinance at this time.

Roll Call Vote: AYES, Unanimous

ORDINANCE NO. 14-901-C

AN ORDINANCE TO AMEND CHAPTER 29 BOARD OF HEALTH, OF THE CODE OF THE BOROUGH OF SADDLE RIVER, BERGEN COUNTY, NEW JERSEY ESTABLISHING THAT TATTOOING IS PROHIBITED IN THE BOROUGH OF SADDLE RIVER

Resolution #107-14 Offered by Council Member Kurpis
Seconded by Council Member Walenczyk
Roll Call Vote: AYES Unanimous

Motion to Open to the Public Offered by Council Member Kurpis
Seconded by Council Member Gray
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

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 Member Kurpis
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 Member Kurpis
Voice Vote: All AYES

Council Member Gray asked for clarification regarding the Police Department reporting to the Public Safety Committee as opposed to the Borough Administrator. Chief McWilliams stated that the Police Department has always reported to the Borough Administrator. Council Member Kerner stated that there are several changes in the existing ordinances that require clarification. Chief McWilliams outlined these changes in detail at this time, specifically the selection process. Council Member Walenczyk stated that the changes to the ordinance were necessary for compliance with the State statute for accreditation purposes. Council Member Kerner stated that the ordinance that was introduced is not the same as the one before the Council for adoption and this was discussed in detail. Dr. Kurpis suggested that the Council consider whether the Police Department should report to an elected public official or a political or administrative appointee. Council President Toomey stated that he feels it is important for the Police Department to fall under the auspices of the Borough Administrator and not a public official as

there could be political consequences moving forward.

Council Member Kerner stated that, as there is still a need for clarification on this ordinance, she would prefer to carry this to the next regular meeting of the Mayor and Council.

A motion to continue the Public Hearing on Ordinance 14-902-C to the September 15, 2014 meeting of the Mayor and council was offered by Council Member Walenczyk. Seconded by Council Member Kurpis.
Roll Call Vote: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 108-14 Offered by Council Member Walenczyk
Seconded by Council Member Kurpis
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 Offered by Council President Toomey
Seconded by Council Member Kurpis

Explanation of Consent Agenda Items

At this time, Acting Borough Administrator Shenkler 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: 6/16/14

B. Resolutions:

- R# 109-14 Award of Bid for collection of Trash & Recycling for 3 Years**
- R# 110-14 Compensation**
- R# 111-14 Approval of Soil relocation Blk 1201 Lot 30**
- R# 112-14 Approval of Soil relocation Blk 1611 Lot 4.05**
- R# 113-14 Endorsing Acquisition of Development Rights Demarest Farms**
- R# 114-14 2013 Bergen County Open Space Trust Fund Grant Award
Rindlaub Park Entry & Parking Improvements**
- R# 115-14 Appointment of Jill M. DePeri, Clerical Assistant in the Construction
Department**
- R# 116-14 Amended Approval of Professionals for the BCMJIF etc.**

- R# 117-14 Authorizing Susan Zabransky Hughes Run**
R# 118-14 Permanent Appointment of Police Officer Diana Golonek
R# 119-14 Memorandum of Understanding with Allendale Volunteer Ambulance Corps

Resolution Authorizing Charitable Donation of 2007 Ford Escape to Allendale Ambulance Corps

Resolution # 120-14, pending the execution of the Memorandum of Agreement was offered by Council Member Kerner. Seconded by Council Member Gray.
Roll Call Vote: AYES, Unanimous

COMMITTEE REPORTS

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

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

Environmental Committee: Council Member DeCrosta gave the report for June 2014.

Fire Report: Council Member Kurpis gave the report for June 2014.

Police Report: Council Member Walencyk gave the report for June 2014.

EMS Report: Council Member Kerner gave the report for June 2014.

Finance Report: Council Member Walencyk gave the report for June 2014.

Landmarks Committee: Council Member Kurpis gave the report for June 2014.

Public Works: Council Member DeCrosta gave the report for June 2014.

Parks and Recreation: No report at this time.

Planning Board: There was no report at this time.

Zoning Board: Council Member Toomey gave the report for June & July 2014.

OPEN TO THE PUBLIC:

Marilyn Goldfisher, 124 West Saddle River Road commended Council Member Kerner, Gray and Kurpis for their diligent work on the re-structuring of the Fire Department. She further stated that she is very concerned about the deer population and encouraged the Mayor and Council to consider instituting a program to cull the herd. She addressed the boom in the Saddle River, stating that it is not adequate and in the wrong location and will still not prevent flooding.

Paul Schulstadt, 20 Eckert Farm Road stated that ordinances on the Mayor and Council agenda should be posted on the Borough website in advance of a meeting for resident's review. He further addressed the current litigation involving the Police Department and encouraged the Mayor and Council to arrive at a resolution.

Patty Nazzaro, 3 Westwind Court stated that it would be helpful for the Borough to provide a list of certified interior residential sprinkler installers. She further stated that the deer issue is complicated and

encouraged the Mayor and Council to consider all available options before making a decision. She commended the Mayor and Council for their charitable donation of the 2007 Ford Escape to the Allendale Ambulance Corps.

Dr. Leonidas Samouilidis, 4 Lookout Drive stated that he has lived in Saddle River for 30 years and it has been a pleasure to live here. He further stated that over the last year, there have been several disturbances in the Borough and encouraged the Mayor and Council to address these issues.

Tom Fox, 16 Woodfield Lane commended Lt. Gaffney for his years of service and further stated that he feels he is a victim of a grave injustice within the Police Department and anyone involved in this issue should resign.

Alexandra Samouilidis, 4 Lookout Drive stated that she is aware of issues currently affecting the Borough and she would like to see these issues addressed. She further stated that has heard rumors about sub-divisions and the installations of sewers.

Attorney Huntington encouraged the Mayor and Council not to address the matter concerning the Police Department, as it is currently in litigation.

Mayor Raia stated that there is one sub-division on River Farm Lane that is a 19 acre piece of property which will be divided into three building lots; the installation of sewers is not being considered as it would be cost prohibitive. He further stated that the preservation of the existing character of Saddle River is the priority among the Mayor and Council.

UNFINISHED BUSINESS:

Council Member Gray stated that there are several individuals interested in joining the Saddle River Fire Department. The current code requires applicants to successfully complete both a physical and psychological evaluation as part of the application process. He further stated that he would like to eliminate these tests only for applicants that are currently members of other Fire Departments.

A motion to waive the physical and psychological testing for applicants to the Saddle River Fire Department that are currently active members in good standing of another Fire Department in the State of New Jersey was offered by Council Member Gray. Seconded by Council Member Kurpis
Roll Call Vote: AYES: Unanimous

RESOLUTION FOR CLOSED SESSION

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

Resolution # 121-14 Offered by Council President Toomey
Second by Council Member Kurpis
Roll Call Vote: AYES: Unanimous

A motion to return to the Regular Meeting of the Mayor and Council of the Borough of Saddle River was offered by Council Member Gray. Seconded by Council Member Kurpis
Voice Vote: ALL Ayes.

Resolution Temporarily Amending Chapter 25 Entitled "Fire Department"

Resolution # 122-14 Offered by Council Member Gray.
Seconded by Council Member Kurpis
Roll Call Vote: AYES, Unanimous

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari
Borough Clerk

F/Nwwwp/min/M&C07-2014