

**MINUTES OF THE REGULAR MEETING  
OF THE MAYOR AND COUNCIL OF THE  
HELD OCTOBER 20, 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:**

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**PRESIDING:** Mayor Raia called the meeting to order at 7:00 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 RAI:**

**Northwest Bergen Mayors Meeting:** Mayor Raia stated that he attended this meeting October and the deer issue was addressed. A referendum on this issue was suggested.

Mayor Raia reminded the Council that the meeting was to conclude by 10:30pm.

**ACTING ADMINISTRATOR SHENKLER:**

**Amendment to Deferred Compensation Plan:** Acting Administrator Shenkler stated that the Roth IRA will now be available to Borough Employees.

**BOROUGH CLERK MACARI**

**Best Practices:** Borough Clerk Macari stated that the Best Practice program, required by the Division of Local Government Services, insures that municipalities are compliant in all aspects of operations. Saddle River received a score of 94%, which enables the Borough to maintain its State Aid levels.

## **ENGINEERING UPDATE:**

At this time Borough Engineer Martin Spence gave the following update:

- The Rindlaub Field House Pavilion construction is complete. Bids for restroom renovations were received, with the low bidder priced at \$53,700 from Practical Construction. Grant monies will be applied for.
- The Streetscape Project Phase I is nearing completion, with the street light installation scheduled shortly.
- The Streetscape Project Phase II is in the design phase and the solicitation of bids will go out shortly. Grant monies have been received for this project.
- The Streetscape Project Phase III will continue north on East Saddle River Road to the Bishop House and provide lighting, curbing and sidewalks. Grant monies will be applied for as well as using any leftover funds from the prior phase.
- An Open Space Grant is being completed for the Saddle River Museum project.
- The hazardous tree removal program will be ongoing.
- The baseball field mound installation was addressed; installation is scheduled for next week.
- The water line installation program is ongoing, with lines being installed on Charlden Drive and extending onto Twin Brooks Road.

Council Member Gray addressed the hydrant issue on Twin Brooks Road and stated that the installation of the water lines could help bide time with the current tanker truck, as it will need to be replaced at some point.

Borough Clerk Macari stated that the League of Municipalities Convention will take place in Atlantic City from November 18-21, 2014.

## **COUNCIL REPORTS**

Council President Toomey stated that the revised tree ordinance, 14-904-C, will be introduced; the objective is to simplify the regulations for the home owner and to remain compliant with the Master Plan.

He further stated that zoning ordinance 14-903-C, specifically addressing the destruction of existing dwellings, will also be discussed but the public hearing will be at the November 17, 2014 meeting. It was decided that this discussion would continue at the public hearing.

Council President Toomey stated that the Tree Lighting and the Valley Club Open House will take place on December 5, 2014.

Council Member Gray stated that the additional parking in Rindlaub Park has been a great asset. The Parks and Recreation Commission met on October 8, 2014 at Dater Pond, behind Waterford Gardens, in order to access the property and the pond. The Commission was in agreement that the "No Fishing" sign be moved. Access to this area was also addressed and the suggestion of adding a bridge over the river was made.

Council Member Kerner addressed the status of the EMS contract with Valley Hospital and stated that some extraneous language will be removed for unnecessary services. Allendale Ambulance thanked the Borough of Saddle River for welcoming their services back to the Borough.

She further stated that the Planning Board met on October 7, 2014 and there are two soil movement resolutions on the Consent Agenda for approval. A letter was sent in from a resident regarding the

installation of residential sprinklers and this was addressed at this time. Mayor Raia suggested that this resident work with Fire Marshall, Rich Silvia on this issue.

Council Member DeCrosta stated that the Environmental Commission plans to work diligently on coming to some resolution regarding the deer issue in the Borough. He further stated that the hazardous tree removal project has been very successful to date and it will be continued.

The air quality issue in the Municipal Hall was addressed and Council Member Kerner asked about the expansion of the DPW barn and the salt shed renovation. Martin Spence addressed this in detail, stating that this project is still in the design phase, which will take place this winter.

The generator and security cameras at Wandell School were discussed and Mayor Raia stated that grant monies may be available. Council Member Kerner asked about alternative methods of clearing snow from hydrants throughout town as the current method may not be the most cost effective. Council Member DeCrosta stated that when the new snow removal contract is negotiated, this issue will be addressed.

Council Member Kurpis addressed the deer issue and suggested that members of the Board of Health and the Environmental Commission meet in order to collaborate on this matter. He further stated that it is a public health matter as well as an environmental matter and residents should be surveyed in order to get a consensus on a plan of action. Sterilization, trapping, bow hunting and sharp shooting are all alternatives to this problem. The Division of Fish and Wildlife issues permits for culling the herd and Council Kurpis reiterated that this must addressed.

Council Member Kurpis stated that the Landmarks Commission met on September 24, 2014 and outlined the issues the Commission is addressing. Borough Historian Jon Kurpis is working on the designing the interior of the Saddle River Museum as well as upgrading the History of Saddle River on the Borough website. Additionally, the landscaping has been installed in front of the Saddle River Museum and the students at Wandell School attended a presentation outlining the historical features of the town.

The Marker property and the Bishop House were discussed and Mayor Raia stated that the barn on the Marker property will be used for storage for Parks and Recreation.

## **BOROUGH ATTORNEY**

Attorney Huntington stated that the cell phone bid package is ready for circulation pending review by the Mayor and Council. He encouraged anyone with feedback or questions to address these with him as there is a deadline on this issue.

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

### **ORDINANCE NO. 14-904-C**

### **ORDINANCE NO. 14-904-C AN ORDINANCE TO AMEND CHAPTER 202 ENTITLED "TREES" AND CHAPTER 210 ENTITLED "ZONING" IN THE BOROUGH OF SADDLE RIVER**

**Resolution #147-14** Offered by Council President Toomey  
Seconded by Council Member Kerner  
Roll Call Vote: AYES: Unanimous

**ADOPTION OF ORDINANCE(S):**

**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**

Council Member Walencyk stated that the Mayor and Council are in receipt of a red-lined version of this ordinance; in the interim it was determined that a conforming change must be made to the ordinance as well as fixing a typographical error. Seeing as Attorney Huntington had not yet reviewed the conforming change, it was suggested that this ordinance be republished and Public Hearing be continued at the meeting scheduled for November 17, 2014. The conforming changes were outlined in detail at this time.

Attorney Huntington stated this ordinance should be voted on as amended and continue the Public Hearing in November so there is ample time to review the final draft.

Council Member Kerner asked which version of this ordinance was published as they were various versions; she wanted to insure that the entire ordinance was re-published.

A motion to amend, re-publish the ordinance in its entirety and continue the Public Hearing were offered by Council Member Kurpis. Seconded Gray. Roll Call Vote: AYES, Unanimous

**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**

Council President Toomey stated that he is not in favor of voting on this ordinance tonight but would rather both this ordinance as well as the tree ordinance reviewed by the Planning Board for their recommendations and to insure consistency with the Master Plan.

He further stated that this ordinance should be open to the public now and again at the November 17, 2014 meeting, where it will be finally adopted.

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 one 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 stated that he would like the Mayor and Council to address this ordinance at this time.

Council Member Kerner stated that this ordinance reflects consequences to the home owner which are too great, specifically, property rights, property value and esthetics. She further stated Saddle River is unique due to the diversity and the character of the town and this ordinance would jeopardize property values moving forward. Council Member Kurpis stated that properties adjacent to waterways have specific considerations that should be included in this ordinance.

Council Member DeCrosta asked how the ordinance will protect homes that are historical in nature or non-conforming homes in the Borough.

Mayor Raia stated that further concerns and suggestions should be relayed to Council President Toomey as well as the Zoning Committee for their review.

### **APPROVAL OF BILLS**

Council Member Walencyk requested that a bill be removed from the Bill List at this time; it is a service contract for the telephone system in Borough buildings.

**Resolution # 148-14** Offered by Council Member Walencyk  
Seconded by Council Member Kerner  
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 Walencyk

Council Member Kerner asked that the Valley Hospital Ambulance Resolution be removed from the Consent Agenda.

### **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: 9/15/14
- B. Resolutions:**

**R# 149-14 Authorization for Soil movement application Blk 1611 Lot 7**

**R# 150-14 Authorization for Soil movement application Blk 1607 Lots 21.01, 21.02, 22.01**

**R# 151-14 Appointment of Qualified Purchasing Agent**

**R# 152-14 Adopting revisions to Borough of S R's Policies and Procedure Manual**

- R# 153-14 Refund for reduced assessment to Blk 1609 Lot 24**
- R# 154-14 Refund for reduced assessment to Blk 1103 Lot 14**
- R# 155-14 Refund for reduced assessment to Blk 1303 Lot 54**
- R# 156-14 Revised (per the County) Authorization to execute an agreement with County of Bergen to Supersede the Cooperative Agreement Dated 7/1/2000 and amendments etc.**

**COMMITTEE REPORTS**

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

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

**Environmental Committee:** Council Member DeCrosta stated that the Commission will hold a joint meeting with the Board of Health to address the deer management issue in Saddle River.

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

**Police Report:** Council Member Walencyk gave the report for September 2014. Chief McWilliams reminded residents to not leave cars open with keys inside.

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

**Finance Report:** No report at this time.

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

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

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

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

**Zoning Board:** Council President gave the report for October 2014.

**OPEN TO THE PUBLIC:**

Marilyn Goldfisher 124 West Saddle River thanked Council Member Gray for being instrumental in having the signs moved in Dator Pond. She addressed the walking path and also is in favor of building a bridge over the Saddle River so the public can access this area.

Additionally, she addressed the deer management issue and stated that she has contacted neighboring towns in order to gather information on how they are proceeding with this issue.

She addressed false alarms that the Fire Department are experiencing and she stated that the Borough should consider fining residents for false alarms. Additionally, she spoke about the issue with crushed stone parking lots adjacent to the Saddle River, stating that in heavy rains, the stone is washing into the river. She also spoke about the boom in the Saddle River, stating that it is not currently set to manufacturer's specifications.

Alexandra Samouilidis, 4 Lookout Drive stated that all new construction seems to have one driveway entrance rather than a circular driveway and she asked if this was a new zoning regulation.

Council President Toomey stated that, as long as there is ample room and does not encroach into the non-disturbance zone, a circular driveway is permitted. Mayor Raia added that, as homes increase in size, it is more efficient to cut down on impervious coverage by reducing the size of a driveway.

Bob LaViano, 59 Woodcliff Lake Road (Chairman of the Environmental Commission in Saddle River) addressed the deer management issue that exists in Saddle River. He stated that Carol Stanko, New Jersey Division of Fish and Wildlife, should be in attendance when the Board of Health and Environmental Commission collaborate on this matter on October 27, 2014. He further stated that culling the herd seems to be the only viable solution. Mayor Raia agreed that this is a serious problem that must be addressed and asked that Police Chief Tim McWilliams be advised if any bow hunting will be implemented.

Additionally, Mr. LaViano addressed road side appearance throughout town and stated that residents should continue to be encouraged to keep their property free from debris and hazardous trees.

Mr. LaViano asked about sinking culverts in Saddle River as they are dangerous and can cause serious auto accidents. He further stated that these should be evaluated throughout town and repaired as needed.

Patty Nazzaro, 3 Westwind Court addressed the deer and coyote issue within Saddle River and stated that coyotes are afraid of loud noises; when walking in wooded areas carrying a whistle would be prudent as the population appears to be growing.

She further stated that she is in favor of interior sprinklers. She also suggested that residents be proactive in keeping fire hydrants in front of their homes clear.

Ms. Nazzaro stated that residents should be made aware that the Saddle River Museum is looking for artifacts from Saddle River's past.

Additionally, she addressed false fire alarms that are on the rise within the Borough and suggested that a phone number be provided so that residents could alert the Fire Department in the event of a false alarm.

Paul Schulstad, 20 Eckert Farm Road stated that he did not feel it was appropriate to mandate interior sprinklers. He asked about the litigation within the Police Department and who would be responsible to pay any damages that are awarded. Attorney Huntington stated that the Borough, a member of the Joint Insurance Fund, is covered for any awarded monetary damages.

Additionally, Mr. Schulstad addressed the deer issue and stated that this issue should be put to a referendum so the public could voice their opinion on the culling the herd.

### **UNFINISHED BUSINESS:**

A motion was made to move the "No Fishing" sign on Dator Pond forward 60 feet by Council Member Gray. Seconded by Council Member Kurpis.

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

**NEW BUSINESS:**

Council Member Kerner stated that she would like more information on the No Discharge of Firearms law.

She further stated that she would like to review the Purchase Order process as she feels it is currently not efficient.

Council Member Kurpis stated that he asked Attorney Huntington to add language to the amended zoning ordinance to prohibit construction on public holidays.

**RESOLUTION FOR CLOSED SESSION**

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

**Resolution # 157-14** Offered by Council President Toomey  
Second by Council Member Kurpis  
Roll Call Vote: AYES: Unanimous

A motion to close the Closed Session and not return to Open Session was made and seconded.

**ADJOURNMENT:** A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari  
Borough Clerk

