

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
HELD JANUARY 19, 2015**

**Revised 2/9/15
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PRESENT: Mayor Raia, Council President Kurpis, Council Members: Gray, Jensen, Kerner, Schulstad, Walenczyk, Borough CFO Mariniello, Borough Clerk Macari, Borough Attorney Huntington

ABSENT:

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 Herald News and The Record on December 31, 2014, the Borough website and also via E-Notify.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE: Council Member Jensen led the Pledge of Allegiance

AWARDS AND CEREMONIES:

WORK SESSION:

MAYOR RAI:

Northwest Bergen Mayor's Meeting: Mayor Raia stated that the Northwest Bergen Mayor's met and new mayors from several municipalities were introduced. Shared services continue to be addressed. He further stated that he has been appointed to the New Jersey League of Municipalities Legislative Committee for another term.

ENGINEERING UPDATE: Borough Engineer Martin Spence addressed the following engineering issues:

Streetscape Phase II: Two bids were received and the low bidder appears to be Covino & Sons at \$112,589. Upon approval, the contractors' qualifications will be reviewed and a bond ordinance will be introduced at the February 9, 2015 meeting.

Water Main Extension Project: This will continue with proposals being prepared for February 2015. The work will include Fox Hedge Road and the continuation of Charlden Drive.

Re-Paving Project: The project will commence in April 2015 with a comprehensive list being compiled on an ongoing basis.

Rindlaub Park Restrooms: This project went out to bid in September and a low bidder was recognized; a grant has been applied for and funds are pending.

BOROUGH CLERK MACARI

Borough Clerk Macari stated that there are two ordinances for introduction:

15-905-C – “Historic Preservation” and 15-906-C – “Prohibiting Noise”; The amendments to each ordinance were discussed at this time.

Council President Kurpis stated that he would like to see all outdoor/construction work prohibited on legal holidays.

COUNCIL REPORTS

Council President Kurpis stated that the Public Safety Committee will be evaluating what has been accomplished in the past year and how they would like to proceed moving forward. Special attention must be paid to the OEM (Office of Emergency Management) in order to reorganize and provide more efficiency within the Borough.

He further stated that he took a tour of the Police Department facility and discussed issues that need attention, including a water leak, a faulty lock in one of the cells, wall cracks, and a general updating. The Police Department is also in need of a back-up system for all of their files as well as a thermal imaging camera. Council President Kurpis stated he would like to consider bringing back a canine unit as they are a big asset to a Police Department.

Council President Kurpis stated that the floors are being sanded at the Saddle River Museum.

He further stated that the Board of Health held their Reorganization Meeting on January 7, 2015 and Dr. Carpenter was appointed as the Chairman. He further stated that the Board of Health would like to see the Marker property utilized in some fashion, perhaps as a Senior Center.

Council Member Gray stated that the Parks and Recreation Commission will meet on February 11, 2015 and March 11, 2015 and urged the public to attend. The Commission is currently considering installing outdoor fitness equipment at Rindlaub Park.

The Saddle River Fire Department, through their restructuring effort, has made many positive changes, including the greatest number of Saddle River residents (14) participating in recent history. He further stated that moral is very high at the Fire Department and the installation dinner, held on January 17, 2015 was indicative of this.

Council Member Gray stated that there is going to be a need for a new fire truck and constructing the financing was discussed with CFO Mariniello. He further stated that the old DPW truck would be an asset to the Fire Department; CFO Mariniello stated that the truck may sell at auction for \$9000 but, if it needs \$8000 in repairs, perhaps a new truck should be considered.

Council Member Kerner stated that EMS is in good shape and will continue to be monitored. She further stated that she would like to institute a voluntary emergency registry to be used for EMS workers to obtain vital information on a patient in the event of an emergency.

***She further stated that the Mayor did not appoint a Chairperson to the Finance Committee; the Committee met and she was unanimously appointed as Chairperson.* The budget preparation will begin shortly and she stated that vendors will be evaluated in order to try and optimize; she encouraged the Council to stay in touch with CFO Mariniello on all budget related items.

(Revised)**

CFO Mariniello discussed the 2015 budget process at this time. Mayor Raia stated that both the Finance Committee and the Administrator should work together with the CFO to insure that the budget process is efficient.

Council Member Jensen stated that the Planning Board did not meet in January. He further stated that he met with John Scialla, as he is the liaison to the Construction Department. He discussed the current status of COAH, stating that he obtained valuable information from the New Jersey Planner Magazine.

Mayor Raia stated that he would like to continue discussions about COAH obligations with the Borough Planner to insure that the Borough is in compliance.

Council Member Schulstad stated that he met with Bruce Mautz, Director of Operations and Administrator Shenkler to address DPW issues. He briefly reviewed the monthly DPW report for December 2014 at this time.

He further stated that he attended the recent Board of Education meeting at Wandell School. The Wandell School HVAC project is going to a referendum on January 27, 2015 and there will be two public forums held on January 22 & 26 to further educate residents on this issue.

Attorney Huntington stated that, based on a 1958 ruling, it is imperative that the Governing Body remain neutral on any Board of Education matters.

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

ORDINANCE NO. 15-905-C

AN ORDINANCE TO AMEND CHAPTER 125, "HISTORIC PRESERVATION"

Resolution #29-15 Offered by Council President Kurpis
Seconded by Council Member Kerner
Roll Call Vote: AYES, Unanimous

ORDINANCE NO. 15-906-C

**AN ORDINANCE TO AMEND CHAPTER 146-2 PROHBITED NOISES
OF THE BOROUGH OF SADDLE RIVER**

A motion to withdraw this ordinance pending further research was offered by Council President Kurpis.
Seconded by Council Member Gray.
Roll Call Vote: AYES, Unanimous

ADOPTION OF ORDINANCE(S): There were none.

APPROVAL OF BILLS

Council Member Schulstad asked that the bill list be approved pending his approval of several bills.

Resolution # 30-15 Offered by Council Member Walenczyk
Seconded by Council Member Jensen
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 Kurpis
Seconded by Council Member Kerner

CFO Mariniello explained the Consent Agenda items at this time

Explanation of Consent Agenda Items

OPEN TO THE PUBLIC FOR CONSENT AGENDA ITEMS ONLY: No one wished to be heard

Roll Call Vote: AYES – Gray, Jensen, Kerner, Kurpis, Walenczyk
NAY - Schulstad

A. Approval of Minutes: Regular Meeting: 12/15/14 & 1/1/15

B. Resolutions:

- R# 31-15** Authorization to execute an Employee Assistance Program Contract and 2015 Student Assistance Program Contract with West Bergen Mental Healthcare
- R# 32-15** Authorization to execute contract with Rogut McCarthy, Bond Counsel
- R# 33-15** Amending Appointment of Planning Board Alternate Member to 2 years
- R# 34-15** Transfer Resolution
- R# 35-15** Certifying Officer and Certifying Supervisor

COMMITTEE REPORTS

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

Const. & Zoning Enforcemt. Council Member Jensen gave the report for December 2014.

COAH: No report at this time.

Environmental Committee: There was no report at this time.

Fire Report: Council Member Gray gave the report for December 2014.

Police Report: Council President Kurpis gave the report for December 2014.

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

Finance Report: Report given earlier.

Landmarks Committee: No report at this time.

Public Works: Report given earlier.

Parks and Recreation: Report given earlier.

Planning Board: No report at this time

Wildlife Management: As this is a new committee, Council Member Schulstad stated that there was no report at this time but he is looking forward to addressing the deer management problem in the Borough.

Zoning Board: No report at this time.

OPEN TO THE PUBLIC:

Marilyn Goldfisher, 124 West Saddle River Road stated that coyote population should be a focus of the Wildlife Management Committee. She further stated that the "No Littering" signs need to be replaced throughout the Borough. She addressed the boom in the Saddle River, stating that the current installation is incorrect and needs to be modified in order to prevent the impeding of water flow.

Patty Nazzaro, 3 Westwind Court congratulated both the Fire Department and Police Department on their continued diligence and hard work. She further stated that the rear parking lot of the municipal building needs better lighting. Ms. Nazzaro stated that she is in favor of both a canine unit as well as the emergency registry previously mentioned. She further stated that the history of Saddle River is important and she would like to encourage new residents who plan to demolish an older home to take photographs prior to the demolition and perhaps donate these photos to the Saddle River Museum. Additionally, she outlined the programs that are the focus of the Municipal Alliance.

Michelle Goldberg, 111 East Allendale River Road, President of the Wandell Home and School Organization discussed the pending HVAC project, currently up for referendum on January 27, 2015.

Constantine Rossakis, 162 Chestnut Ridge Road stated that he feels that the HVAC project at the Wandell School is very important; children are currently complaining daily that they are cold. He feels that the Mayor and Council should be aligned with the Board of Education on this issue, despite the aforementioned ruling.

Attorney Huntington reiterated that there are very strict laws in placing prohibiting the Governing Body from involvement in school affairs. Individual members are free to express their opinions, but it must be clear that their private opinions must not be intertwined with Governing Body. Members of the Council were informed that they could feel free to step down from the dais, recuse themselves and speak as a resident and private citizen of Saddle River, should they chose.

Lee Personeni, 202 Chestnut Ridge Road asked about the HVAC referendum and, should it be defeated, what was the back-up plan.

Marilyn Goldfisher asked about the HVAC funding and asked about utilizing the additional revenue from the Saddle River Grand.

Michelle Goldberg asked who would be responsible for making the necessary repairs to the HVAC system should this referendum be defeated; Attorney Huntington reiterated that the Mayor and Council are not permitted in getting involved in matters of the Board of Education.

Irene Feldsott, 74 Stoney Ridge Road and Henry Senger 69 West Saddle River Road, both Board of Education members requested clarification regarding the firewall between the Governing Body and the

Board of Education. Attorney Huntington reiterated that a Governing Body of a municipality may not interfere or intrude upon Board of Education decision and functions. This rule is based upon a case heard by the Supreme Court in 1958 and has been the law since that time. Private points of view are acceptable but may not be confused with public action.

Mr. Senger asked if any Council Members had any questions or would like to recuse themselves and speak as residents.

Council President Kurpis recused himself, left the dais and asked Mr. Senger about the cost of the project, the details of the referendum and the bid process that took place in order to arrive at a contractor. These details were discussed at this time.

Doug Holden, 48 West Wildwood Road stated that he had questions about the cost of the Wandell School HVAC program and he obtained the accurate information and encouraged the public to do the same.

Ron Gray, 3 Country Squire Road encouraged everyone to vote on the referendum on January 27, 2015. He further stated the system is failing, the children are cold in class and this is not acceptable. He further stated that he has reviewed the prices and he better understands them; Wandell School has tremendous value in the Borough of Saddle River and this problem must be rectified.

Paul Schulstad, 20 Eckert Farm Road stated that he is voting "yes" on the referendum and reviewed the costs of education at the Wandell School per student at this time. He thanked both Irene Feldsott and Henry Senger for their work on the Wandell School Board of Education, stressing that they don't have children in the school system at this time.

Corinne Kerner, 229 West Saddle River stated that she has written a letter as a private citizen in the Town Journal this week regarding the HVAC project. She further stated that the timing is optimum for this project as the grant is available now. She stated that she obtained clarification on the costs and calculations at a forum she attended and she encouraged residents to attend the two additional forums next week. She further stated that she feels this project is the best option for the Wandell School.

Patty Nazzaro stated that she feels that many residents that do not have children in the Wandell School are unaware of this issue and referendum and need to be informed.

Edward Holiat, 85 East Saddle River Road asked about animal control and if there is a record of deer complaints and he was informed that there was not. He further stated that he feels that, for the heating system in Wandell School to have to be completely replaced, perhaps the maintenance in the past was not adequate.

Emily Kaufman, 7 Beechwood Drive stated that she is a member of the Environmental Commission and it will be the Wildlife Committee's charge to focus on both the deer and coyote population in Saddle River. She further stated that she regularly attends Board of Education meetings and addressed the funding for the HVAC project. She stated that maintenance was done on a regular basis, the school carries no debt and now they need support and she urged everyone to attend the forums to get better educated on this project.

Lisa Kijek, 2 Hawthorne Terrace stated that she feels that Wandell School is an asset to the Borough of Saddle River and the children that attend have the right to be comfortable while in class.

Robert Feldsott, 74 Stony Ridge Road stated that the Wandell School is very important to, not only our children, but the residential values within Saddle River.

Ms. Goldberg invited Mayor Raia to attend the forum on January 22, 2015.

UNFINISHED BUSINESS:

Council Member Schulstad clarified his "no" vote on the Consent Agenda and stated that, as he needs more clarification on R# 32-15: Authorization to execute contract with Rogut McCarthy, Bond Counsel, his vote only reflect this resolution

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RESOLUTION FOR CLOSED SESSION

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

Resolution # 36-15 Offered by Council President Kurpis
Second by Council Member Gray
Roll Call Vote: AYES: Unanimous

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

NEW BUSINESS:

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari
Borough Clerk