

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
HELD FEBRUARY 9, 2015**

PRESENT: Mayor Raia, Council Members: Jensen, Kerner, Schulstad,
Walenczyk, Borough Administrator Shenkler, Borough CFO Mariniello,
Borough Clerk Macari, Borough Attorney Huntington

ABSENT: Council President Kurpis, Council Member Gray

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 Walenczyk led the Pledge of Allegiance

AWARDS AND CEREMONIES:

WORK SESSION:

MAYOR RAI:

Northwest Bergen Mayor's Meeting: Mayor Raia stated that he will be attending the Northwest
Bergen Mayor's meeting will be held in Hackensack on February 10, 2015.

ADMINISTRATOR SHENKLER:

Saddle River Museum: Administrator Shenkler stated that the floors in the Museum have been
completed.

Salt: Administrator Shenkler stated that the Borough typically stores 300 tons of salt; with recent
extreme weather conditions the supply has decreased but a shipment is scheduled shortly.

Boroline Road: Administrator Shenkler stated this project is awaiting a grant from the DOT; he will be
contacting them regarding the current status of this grant.

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

- **DPW Salt Shed/Generator Design:** A vendor is currently working on design and
documentation to upgrade the existing generator for the Safety Complex. Additionally, the
existing generator to be moved to the Wandell School is being evaluated for efficiency.

- **Dredging of the Saddle River:** The Bergen County Mosquito Commission has been contacted to continue tree removal and additional dredging of the Saddle River.
- **Rindlaub Park Restrooms:** This project went out to bid in September and a low bidder was recognized; the bid has not yet been awarded as a grant has been applied for and funds are pending.
- **Streetscape Phase II:** Two bids were received and the low bidder appears to be Covino & Sons at \$112,589. The Borough has received a NJDOT non-matching grant and a bond ordinance must be adopted for this project.
- **Water Main Extension Project:** The proposal is currently being worked on and a planning meeting will be set up with emergency services to plan long term funding and planning.
- **Re-Paving Project:** The project will commence in April 2015 with a comprehensive list being compiled on an ongoing basis. Bruce Mautz, Director of Operations will be involved in this project as well.

BUDGET PRESENTATION:

CFO Michael Mariniello stated that the binders would be delivered to all Council Members on February 12, 2015.

CFO Mariniello discussed the 2015 Municipal Budget in general terms at this time.

The budget for 2014 was \$14,548,000 with \$14,187,000 spent to date making the anticipated side of the 2015 budget less than the budget in 2014.

The surplus is holding over \$5,000,000, which will enable the tax rate to stay constant.

He further stated there are currently funds in the capitol budget for both the security system at Wandell School as well as the Rindlaub Park restroom improvement project. The restroom improvement will be a line item in the amount of \$65,000 in the current budget.

He reviewed a tax comparison sheet at this time, stating that the rate in 2010 was 94 cents and in 2014 increased to 98 cents. He addressed the valuation in Saddle River as well as comparing tax rates throughout the County with Saddle River having the third lowest in the county.

The tax rate in Saddle River in comparison to surrounding towns was addressed. Mayor Raia suggested that the municipal rate from the surrounding towns be compared.

Council Member Schulstad stated that Saddle River's in-cap expenditures is higher in absolute dollars than our surrounding towns. He further stated that he was not in agreement with comparisons presented. Mayor Raia stated that when drawing comparisons to neighboring towns, all factors must be considered so the results are accurate.

CFO Mariniello stated that in 2012, approximately \$99,000 in tax dollars was collected from the properties at the Saddle River Grand. In 2014 and 2015 approximately \$779,000 was or will be collected from the same town home development.

He further stated that the Mayor and Council are in receipt of the budget packet and any comments or recommendations should be presented by February 28, 2015 so that the 2015 Budget can be introduced at the March 16, 2015 meeting of the Mayor and Council.

The fund balance was addressed and CFO Mariniello stated that he would present the figures for the prior five years so surplus comparisons could be made.

Council Member Schulstad stated that the line items for both Group Health and Pensions indicate that the amount budgeted in 2014 was quite a bit higher than what was spent. CFO Mariniello explained this in detail at this time, outlining the Governor's 2% cap and employee contributions for health benefits. The pension was also addressed and CFO Mariniello stated the figures received from the state were significantly lower than anticipated after the 2014 budget had been adopted.

BOROUGH CLERK MACARI Borough Clerk Macari reminded everyone that the Special Election will take place at Wandell School on February 10, 2015 from 2:00pm – 9:00pm.

COUNCIL REPORTS

Council Member Walencyk stated that members of the council and administration are in receipt of several emails regarding the revision of the minutes from the January 19, 2015 Mayor and Council Meeting. He further stated that he is concerned that actions such as this are in violation of Open Public Meetings statutes. He asked Attorney Huntington to elaborate; he stated that there are no statutes governing this but there is case law regarding this and caution should be taken in this area.

Mayor Raia asked Attorney Huntington to reiterate the importance of Council members not getting involved in matters regarding the Board of Education or Wandell School. He did so at this time.

Council Member Schulstad stated that the Special School Election to approve the installation of a new HVAC system at Wandell School is February 10, 2015.

He further stated that Mr. Glen Stokes has been appointed as Assistant Principal at Wandell School.

The Wandell School security camera installation project has commenced, with the RFQ currently in attorney review. He further stated that, as this was a 2014 initiative, he would like to see this project move forward expediently. Council Member Schulstad commended Director of Operations, Bruce Mautz on ordering this year's salt supply pre-emptively, insuring that the Borough continues to have an ample amount of salt after several storms this winter. He further stated that he is focusing his work on how the Council can help the DPW moving forward. He addressed the bid evaluation process and stated that more information may be necessary moving forward. Council Member Schulstad stated that he has some concerns with the company that currently provides uniform and uniform cleaning services to the Borough. The contract was never approved by the Council and has a five year automatic renewal policy, which is not consistent with New Jersey State law. Mayor Raia suggested that he take this matter up with CFO Mariniello.

Council Member Kerner gave Council Member Kurpis's report regarding the Police Department accreditation program. The on-site assessment took place, with the department passing with flying colors and being recommended for accreditation; only 20% of New Jersey Police Departments qualify for this and Council Member Kerner commended the Police Department.

Council Member Kerner gave the report for the Board of Health that met on February 4, 2015.

She further stated that the Landmarks Commission did not meet to date in 2015 but the floors in the Museum have been re-sanded and are completed. She further stated that the Commission is going to focus on finding efficient ways to utilize both the Bishop House and the Marker House.

Council Member Kerner gave the report for the Fire Department at this time, highlighting the fact that there were two standby shifts in January in preparation for two impending winter storms. Both Active 911 and the Emergency Reporting System are the current initiatives of the Fire Department and will

greatly enhance the communication system currently in place.

Council Member Kerner gave the report for the Parks and Recreation Commission, stressing that the commission's main focus is to have the restroom renovation project in Rindlaub Park field house completed before the summer. She further stated that she would like to see the necessary funds included in the 2015 budget.

Council Member Kerner reported on the EMS, discussing the emergency registry and its importance. She further stated that she wants to increase tracking response times of the Allendale Ambulance Corps.

Council Member Kerner reported on the Finance Committee, stating that the auditor has filed the Annual Financial Statement and the Annual Debt Statement. The Finance Committee will meet on Fridays at 9:30 in order to address 2015 budget issues. Mayor Raia stated that he would like the Finance Committee to meet on a regular basis after the adoption of the 2015 Budget in order to insure that the finances are reviewed and are in good order.

She further stated that several members of the Council will be doing a walk-thru of all municipal buildings on Friday, February 13, 2015 in order to assess any work that needs to be done.

Administrator Shenkler stated that the Fire Department, Police Department and Borough Hall are in need of increased cleaning services and he will be putting figures together.

Council Member Kerner inquired about budgeting funds for the maintenance of water lines and Borough Engineer Spence stated that the Borough has a contract with United Water for this service.

Borough Engineer Spence addressed the generator issue at the school and this was discussed in detail at this time.

Council Member Kerner addressed keeping the fire hydrants clear in the winter and stated that using a private contractor is a very expensive option and other options should be explored. Mayor Raia stated that the DPW has requested the purchase of a CAT-907 Midsized Loader which would be capable of keeping the hydrants clear of snow in the winter. She further stated that if a private contractor will be used in the interim, perhaps a fire hydrant maintenance contract should be considered, which would provide for considerably less expensive rates.

Council Member Kerner explained the Transfer Resolution at this time. She further stated that the Finance Committee has not appointed a Chairman. It was decided that a resolution to appoint the Chairman to the Finance Committee will be added to the Consent Agenda.

Council Member Jensen stated that the Planning Board has not met in 2015. He further stated that, due to the fact that they are no new COAH regulations at this time, it is difficult for Saddle River to implement a plan. Mayor Raia stated that he wants to insure that the Round III COAH regulations are met and this was addressed at this time. Attorney Huntington stated that the Round III parameters were inaccurate, making it difficult to institute planning.

Mayor Raia stated that several residents are interested in evaluating the deer management issue and the Wildlife Management Committee should reach out to those interested parties to obtain their input.

INTRODUCTION OF ORDINANCE(S) Clerk to read title(s) of: There were none.

ADOPTION OF ORDINANCE(S):

ORDINANCE NO. 15-905-C

AN ORDINANCE TO AMEND CHAPTER 125, "HISTORIC PRESERVATION"

Resolution #37-15 Offered by Council Member Kerner
Seconded by Council Member Jensen

Motion to Open to the Public Offered by Council Member Kerner
Seconded by Council Jensen
Voice Vote: All AYES

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

Motion to Close to the Public Offered by Council Member Kerner
Seconded by Council Member Jensen
Voice Vote: All AYES

Roll Call Vote: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 38-15 Offered by Council Member Walenczyk
Seconded by Council Member Schulstad

Council Member Schulstad asked CFO Mariniello about the fourth quarter bill for the Bergen Municipal JIF which was revised and he asked for clarification. Mr. Mariniello explained this in detail at this time. Mayor Raia asked the Finance Committee for their verbal approval, which was granted.

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 Member Walenczyk
Seconded by Council Member Kerner

Council Member Schulstad asked that the minutes be removed from the Consent Agenda for separate consideration. All were in agreement.

Council Member Kerner 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, Unanimous

A. Resolutions:

R# 39-15 Transfer Resolution

R# 40-15 Municipal Alliance

R# 41-15 Authorization to enter into contract with Professional Security Consultants to replace existing access system and update controller and add readers for fire department and municipal building

R# 42-15 Refund due to Tax Court Judgment Blk 1402 Lot 9

R# 43-15 Refund due to Tax Court Judgment Blk 1610 Lot 2

R# 44-15 Appointment of Council Member Kerner as Chairman to the Finance Committee

Approval of Minutes – Regular Meeting of the Mayor and Council January 19, 2015

A motion to approve the minutes as written was offered by Council Member Walenczyk
Seconded by Council Member Jensen

Council Member Schulstad stated that he is opposed to the minutes as written as he does not feel that it accurately conveys what was stated at the meeting, both by Council members as well as the public.

Mayor Raia asked Attorney Huntington to address this issue at this time. He outlined the six items that must be included in minutes, per the statute. In Saddle River, that has expanded over the years, both through custom and usage where they would list people who spoke during the public session. He further stated that the minutes should resemble what is currently being written but remove any adjectives or adverbs when trying to qualitatively interpret what was said as it is a slippery slope that puts the Clerk in the impossible position of trying to characterize everyone’s statements correctly. He further stated that, if the Council wishes to proceed in the customary manner that you have, care should be taken in how particular the minutes need to be in order to get the sense of what someone said and also make it clear to the public that they are able to get a recording of the meeting by filing an OPRA request.

Mayor Raia reiterated that moving forward he would like to see errors corrected in the minutes and discretion used when conveying public comments.

Roll Call Vote:

AYES: Jensen, Walenczyk, Mayor Raia

NAYS: Kerner, Schulstad

COMMITTEE REPORTS

Board of Health: Report given earlier.

Const. & Zoning Enforcemt. Council Member Jensen gave the report for January 2015.

COAH: No report at this time.

Environmental Committee/Wildlife Mgmt.: There was no meeting but Council Member Schulstad addressed the deer management issue and ordinances that could effect this. Mayor Raia stated that he would like this committee to investigate all aspects of this issue in order to arrive at a solution and/or methods that would be acceptable. Attorney Huntington will assist the committee with this issue; Council Member Schulstad asked about the protocol when utilizing Attorney Huntington's services and this was briefly discussed.

Fire Report: Council Member Kerner gave the report for January 2015.

Police Report: There was no report at this time.

EMS Report: Council Member Kerner gave the report for January 2015.

Finance Report: Report given earlier, nothing further.

Landmarks Committee: No report at this time as the meeting was cancelled.

Public Works: Report given earlier.

Parks and Recreation: Report given earlier.

Planning Board: No report at this time as the meeting was cancelled.

Zoning Board: Council Member Kerner gave the report for January 2015.

OPEN TO THE PUBLIC:

Marilyn Goldfisher, 124 West Saddle River Road stated that she feels there is a better alternative to clearing both storm drains and fire hydrants. She also discussed the emergency registry and stated that she could obtain more information, if necessary, on how other municipalities handle this service.

She inquired about a telephone pole that is located through a storm line on East Allendale Road and Borough Engineer Spence addressed this issue, stating that he is aware of where the line is and the Borough will work with the County in order to rectify this problem.

She addressed the boom in the Saddle River, providing pictures to the Mayor and Council of a properly installed boom and encouraged the Mayor and Council to have the boom in the Saddle River properly installed to avoid a back-up of debris.

Robert Feldsott, 74 Stoney Ridge Road stated that he is an expert in firearms and weapons and does not feel that it would be appropriate to permit the discharge of firearms to deal with the deer management issue.

Fred Moss, 37 Chestnut Ridge Road welcomed the new members of the Council. He further stated that there were two hydrants adjacent to his property that were completely covered with snow and he finds this unacceptable.

Mayor Raia stated that the DPW is aware of this issue and it will be rectified.

NEW BUSINESS:

At this time, Council Member Jensen, who attended a training session for new Council Members, outlined some areas of interest from this course. He specifically addressed contracts, noting that the governing body is responsible for the approval of all contracts, contracts are typically for a two year duration and they are not permitted to automatically renew. He asked CFO Mariniello if any of the contracts currently don't adhere to these guidelines and he explained this in detail. CFO Mariniello stated that all contracts have been approved by the Mayor and Council in the past at the CFO must certify that funds are available.

Council Member Kerner stated that she would like the Ordinance Review Committee to review the sign ordinance, specifically political signage.

Council Member Schulstad concurred with Council Member Kerner regarding the signage. He further addressed the above-mentioned training session that he attended as well, specifically the area of contracts and felt that the class was very informative.

UNFINISHED BUSINESS:

RESOLUTION FOR CLOSED SESSION

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

Resolution # 45-15 Offered by Council Member Kerner
Second by Council Member Jensen
Roll Call Vote: AYES: Unanimous

A motion to close the Closed Session and 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