

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
HELD APRIL 20, 2015**

PRESENT: Mayor Raia, Council President Kurpis, Council Members: Gray, Jensen, Kerner, Schulstad, Walenczyk, Borough Administrator Shenkler, Borough CFO Mariniello, Deputy Municipal Clerk Convertini, Borough Attorney Huntington

ABSENT: Municipal Clerk Macari

PRESIDING: Mayor Raia called the meeting to order at 7:00 p.m.; Deputy Municipal Clerk Convertini 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:

RESOLUTION FOR CLOSED SESSION

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

Resolution # 61-15 Offered by Council Member Jensen
Second by Council President Kurpis
Roll Call Vote: AYES: Unanimous

A motion to close the Closed Session and return to Open Session was made and seconded.

AWARDS AND CEREMONIES: Recognition of Police Accreditation

Mr. Harry DelGado, Accreditation Manager, New Jersey State of Association of Chiefs of Police commended the Saddle River Police Department on their accreditation. He further stated that out of 480 agencies eligible for this prestigious recognition, only 130 are accredited. The process is extremely rigorous and only the finest agencies, meeting these high standards are recognized. He further stated that accredited agencies typically have decreased rates of liability claims, workers compensation claims and auto liability claims. Additionally, accredited agencies are better able to defend against litigation and are overall, more effective in general. The Saddle River Police have exhibited professionalism in every aspect of their duties, showing their commitment to community policing. Mr. DelGado presented Chief McWilliams and Lt. Gaffney with a plaque and the Certification of Accreditation at this time.

Chief McWilliams thanked Mr. DelGado for this award and also recognized Lt. Gaffney for all his diligent work as the Accreditation Manager.

Mayor Raia and Council President Kurpis, presented a plaque to Chief McWilliams and Lt. Gaffney from the Mayor and Council honoring the Saddle River Police Department for their Accreditation.

WORK SESSION:

MAYOR RAI:

Legislative Committee Meeting: Mayor Raia stated that he attend this meeting in Princeton and worked with the League of Municipalities Legislative Committee to review all bills being proposed by the Assembly and Senate.

Streetscape Project Phase III Grant: Mayor Raia stated that the Borough has received a NJDOT grant in the amount of \$149,000 to continue the Streetscape Project (Phase III) on East Allendale Road. Mayor Raia further stated that a total of \$450,000 has been received for this project.

New Jersey Conference of Mayors: Mayor Raia stated that he will be attending this conference in Atlantic City, April 22 to April 24, 2015.

Northwest Bergen Mayor's Meeting: As Mayor Raia was away, Council President Kurpis attended two meetings, April 11 & April 14, 2015. COAH obligations and the budget process were addressed in detail at this time. Mayor Raia stated that he finds these meetings very informative.

Stigma Free Campaign: Patty Nazzaro, Chairman of the Municipal Alliance explained this resolution in detail, stressing the need to designate Saddle River a "Stigma Free Zone" in order to encourage residents to be mindful of their mental health, seek help if required and foster mental illness awareness.

ADMINISTRATOR SHENKLER:

Report on On-Line Auction commenced on 3/28/15 ended 4/2/15: Administrator Shenkler stated that this auction was very successful, raising over \$20,000 on used Borough vehicles.

Resolution for DPW Summer Help: Administrator Shenkler stated that there is a resolution in the Consent Agenda appointing Ryan Holdsworth as a seasonal DPW worker at the rate of \$16.00 per hour.

Discussion of footbridge at 26 Werimus Brook Road: Administrator Shenkler stated that this easement resolution is part of the Consent Agenda and will be discussed in further detail later in the meeting.

Shredding Day Saturday June 13th Administrator Shenkler stated that this event will take place in the Municipal Building parking lot from 9:00am to 1:00pm. Shredding will take place on the premises in a safe and secure fashion. The Green Team will obtain points for this event.

Memorial Day Ceremony Monday May 25th at 11:00 am Administrator Shenkler stated that plans are underway for this celebration.

PEG Bandwidth: Administrator Shenkler stated that he is still reviewing the agreement, which involves the running of fiber optic cable through Saddle River.

Pet Licensing: Administrator Shenkler stated that, since the rabid coyote attack, there has been an increase in pet licensing in Saddle River.

Security Cameras: The cameras at Wandell School are installed and the next phase of this program will continue in various locations within the Borough.

Cooperative Paving Program: Administrator Shenkler stated that we will be working with several neighboring municipalities, with Ramsey being the lead agency for paving. The subsidiary contract through Northwest Bergen Cooperative is part of the Consent Agenda.

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

- **Rindlaub Park Restrooms:** This project has started and should be completed within six to eight weeks. Port-a-Johns have been placed in Rindlaub Park temporarily.
- **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 will be adopted later in the meeting for this project.
- **Generator Project:** Specifications were drafted for this project. The existing gas line for this project is not adequate and alternatives are being evaluated.
- **Road Re-Surfacing Project:** Borough Engineer Spence stated that some of the roads scheduled to be re-surfaced include South Pond Road, Burning Hollow Road, Winding Way; this project will commence after school is out.

At this time, the generator was addressed; utilizing one unit for both the safety complex and the school as well as diesel alternatives were discussed.

COUNCIL REPORTS:

Council Member Gray stated that the Fire Department continues to make great strides with their reorganization efforts. A comprehensive reporting program has been put into place tracking personnel activity, an incident report and total hours spent training. Additionally, the department responded to 18 fire calls and conducted three drills in the month of March.

There has been a request from the Ramsey High School Jazz Band to perform at the band shell in May and this must be further discussed.

Council Member Jensen stated that there has not been much activity on the COAH committee. He further stated that it is important to utilize counsel that is familiar with COAH matters.

Council Member Jensen stated that the Construction Department permitting activity is significantly less than last year's. He further stated that he spoke with Building Official John Scialla about the department hours which are 8:30am – 2:00pm. He would like to encourage residents to make an appointment if they need to meet with Mr. Scialla.

Council Member Kerner thanked the Finance Committee for their diligent work on the budget process. She addressed the budget and stated that she feels it is a fiscally responsible budget and explained this in detail. She further stated that, should the introduced budget not be adopted, an amended budget would be presented for a public hearing on April 27, 2015.

Council Member Kerner inquired about the United Water contract, which is currently being reviewed as the usage numbers are no longer accurate and need to be increased. Revised numbers are being finalized and Borough Engineer Spence stated that this should be resolved within the next month. Mayor Raia stated that he will also be having a discussion with United Water regarding this issue.

Council Member Kerner stated that the Susan Zabransky Hughes Run will take place on Saturday and all of the emergency services are in place for the race.

She further stated that the OEM Manual is in the process of being updated. John Bishop is currently the OEM Coordinator and she would like to appoint Patty Nazzaro Deputy OEM Coordinator. This resolution will be part of the consent agenda.

Council President Kurpis stated that the Board of Health met on April 1, 2015. Board members received a flyer regarding National Public Health Week and were hoping to get Wandell students involved. The Board also continued to discuss the deer management issue.

He further stated that the Landmarks Commission met on March 25, 2015 and discussed the Saddle River Museum, which will be holding a Historical Day with Wandell students on June 15, 2015. The Museum will be open to the public on or around May 30, 2015. The Bishop House was also discussed and the Commission determined that repairs are needed and perhaps Borough Engineer Spence could access these necessary repairs. Additionally the Commission would like to coordinate events to be held at the Bishop House, once it is ready, in order to preserve this Borough landmark.

Council Member Schulstad stated that the Board of Education at Wandell School is in receipt of the bid spec for the HVAC replacement project. He further stated that the School Board and the Borough will probably want to come to some agreement regarding the proposed generator. The Borough uniform contract with US Overall was discussed and the Mayor and Council were in receipt of a letter from this contractor regarding this matter. The Borough would like to begin using an alternative vendor, in order to save a significant amount of money.

AGENDA

INTRODUCTION OF ORDINANCE(S):

ORDINANCE NO. 15-906-M

CAPITAL ORDINANCE OF THE BOROUGH OF SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE UNDERTAKING OF STREETScape IMPROVEMENTS ALONG THE EAST ALLENDALE ROAD CORRIDOR (PHASE II) IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$175,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT AND FROM THE BOROUGH'S CAPITAL IMPROVEMENT FUND

Resolution# 62-15 Introduced by Council Member Kerner
Seconded by Council President Kurpis
Roll Call Vote: AYES, Unanimous

ORDINANCE NO. 15-907-C

AN ORDINANCE TO AMEND CHAPTER 91, "FIREARMS" OF THE SADDLE RIVER CODE

Resolution Introduced by Council Member Schulstad
Seconded by Council Member Jensen

Council Member Schulstad stated that, in light of the recent coyote attacks in the area, several Council Members are concerned that decisions regarding the deer management issue are still pending. The Board of Health and the Environmental Commission made a unanimous recommendation to the Mayor and Council in November of 2014 that measures to reduce the deer population must be taken, starting with the amendment of this ordinance to permit bow hunting. The specific changes in the ordinance were addressed at this time; the no hunting ordinance is to be repealed and the regulation of the discharge of weapons be stated in another part of the ordinance. The intention was to discuss this with the Council and then seek legal counsel in an effort to administer a politically sustainable ordinance.

Council President Kurpis stated that he has concerns about opening this ordinance up to the utilization of other weapons, with cross bows travelling a long distance. He further stated that proper age, training and permitting is paramount for the safety of the residents.

Council Member Gray stated that he is an advocate of firearm safety and has concerns about the practical implications of protecting the public safety of residents. He further stated that many of these weapons travel great distances, putting residents on their own property in danger.

Mayor Raia stated that while he recognizes there is a deer and coyote problem, he would like the Environmental Commission, the Board of Health and the Wildlife Committee to come up with a plan before making ordinance changes. Once a plan is in place, the ordinance can be amended to accommodate this plan if necessary.

Council Schulstad stated that he feels that this is ultimately the Council's responsibility, the Mayor did not agree.

Council Member Jensen stated that it will be important to obtain a consensus on this issue as it is potentially controversial. A wildlife management program is necessary and he suggested adding the cross bow into the language of this ordinance, which is limited in what it attempts to change from the existing ordinance. He suggested that this ordinance be amended to add cross bows.

Council Member Kurpis stated he would like this ordinance withdrawn at this time so that more information can be obtained to insure public safety. Council Member Schulstad was in agreement and asked for permission to work with the Borough Attorney Huntington to fine tune this ordinance.

Attorney Huntington stated that a memo, dated April 9, 2015, was distributed to the Mayor and Council on this issue. He further stated that this is an extremely emotional and technical issue, which may be beyond his skill set. The Borough may want to bring in a consultant in order to carefully evaluate this matter.

Council Member Gray stated that a specialist in this area would be an invaluable asset in arriving at a solution as it is very important to proceed in the appropriate fashion.

Mayor Raia would like to reach out to other municipalities with this issue and gain ideas and solutions so we may better know how to proceed in Saddle River.

Council Member Schulstad requested that this ordinance be **withdrawn** at this time.

ORDINANCE NO. 15-908-C Fire Department

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 25, FIRE DEPARTMENT, THE CODE OF THE BOROUGH OF SADDLE RIVER

Resolution# 63-15 Introduced by Council Member Gray
Seconded by Council Member Jensen
Roll Call Vote: AYES, Unanimous

Council Member Gray stated that this ordinance has been restructured and clarified. Specific language that has been amended was discussed at this time.

ADOPTION OF ORDINANCES

PUBLIC HEARING ON THE 2015 MUNICIPAL BUDGET

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

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

The Council discussed amending the Capital Budget after the municipal budget is adopted. CFO Mariniello explained this process in detail.

The water installation line in conjunction with the paving project and the monies allocated in the Capital Budget were addressed. Borough Engineer Spence outlined the timeline and permitting process of this project in detail.

Council Member Walenczyk stated that the Finance Committee had reviewed this and the budget amendment would allow for the surplus to be reduced by \$500,000, it would reduce the debt by \$500,000 and by adding the \$500,000 to the Capital Budget, all of the Fox Hedge Road project could be implemented. It further allows the public to look at the capital spending plan over the next few years and see where monies are allocated. The public will have another opportunity to comment on the amended budget.

Council Member Kerner stated that the public would have been able to comment tonight, as there is a three year Capital Budget on the table.

Mayor Raia summarized this by stating that by voting for the 2015 Budget as presented, there is not money in the Capital budget at this time to continue the water line project on Fox Hedge Road in 2015.

Council Member Schulstad stated that the Capital Budget can be amended and asked why this project was not initiated sooner, as money was allocated.

Council Member Kerner stated that the budget presented for adoption tonight is to the benefit of the Borough and explained as follows: The in cap spending has decreased significantly with no loss of services. The EMS, Police and Fire Departments have all increased services with no increased spending.

The cap ex spending is approximately \$1,600,000 and will be spent predominantly on the Fire Department and for public safety items.

There is some uncertainty in several areas of Borough business and Council Member Kerner stated that, in this situation, the prudent thing to do is to hold your position until you are better informed so that the correct choices can be made financially. Additionally, she stated that long term projections are being made so the impact down the road will be available.

She further stated that she has concerns about the uncertainty of the water utility and wants to insure before any additional funds are allocated, that the facts are understood.

Council Member Gray reiterated that the water line project is important for the home owner, both for public safety and ISO ratings.

Mayor Raia stated that he does not think it is fair for the remaining 25% of the residents to continue to wait for the water installation project, as they have been paying into this project through their tax dollars. There is \$5,200,000 of surplus and Mayor Raia stated that it is time to get this project completed.

Council Jensen stated that the Borough's surpluses have been on the rise for several years and does not feel it is prudent to borrow money through bonding to be added to surplus. He further stated that the capital spending projection is very high but this should not hold up the approval of the operating budget.

Council President Kurpis stated that the Borough borrowed \$4,000,000 and only \$2,300,000 was spent and he feels that the balance should be allocated to the water line project. He further stated that drawing down the \$500,000 from surplus would not have a negative impact on the Borough and would enhance public safety.

Council Member Jensen stated that this water line project, since inception, has changed in scope and residents were not promised access to hydrants near their property. He further stated that the discount on home owner insurance has become inflated.

Council Member Gray stated that he feels it is important for local government to express different views; he thinks it is very important to provide the residents with water lines for their protection.

ADOPTION OF 2015 MUNICIPAL BUDGET

Resolution # 64-15 Offered by Council Member Kerner
Seconded by Council Member Schulstad

Roll Call Vote: AYES: Jensen, Kerner, Schulstad
NAYES: Gray, Kurpis, Walenczyk, Mayor Raia

Motion Denied

RESOLUTION TO AMEND INTRODUCED BUDGET

Resolution #65-15 Offered by Council Member Kerner
Seconded by Council President Kurpis

Council Member Schulstad asked to make a motion to amend the budget to restrict the municipality from paying down the extra \$500,000 in debt unless and until they spend the extra \$500,000 on a water line project.

Attorney Huntington stated that this motion is not able to be adopted but Council Member Schulstad is well within his rights to convey his opinion.

Council Member Kerner reiterated the numbers in the amended budget at this time.

Roll Call Vote: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 66-15 Offered by Council Member Kerner
Seconded by Council President 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 Kurpis
Seconded by Council Member Walencyk

Explanation of Consent Agenda Items

Administrator Shenkler explained the Consent Agenda items at this time.

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

Roll Call Vote: AYES, Unanimous

A. Approval of Minutes: Regular Meeting: 3/16/15, Special Meeting 3/16/15
Emergency Meeting (s) 4/3/15

B. Resolutions:

- R# 67-15** Award of Bid for Streetscape Phase II
- R# 68-15** Approving subsidiary contract through Northwest Bergen Cooperative
- R# 69-15** Refund due to Tax Court Judgement Blk 1303 Lot 15
- R# 70-15** Authorization to enter into amended contract with Professional Security Consultants due to extending the scope of work
- R# 71-15** Appointing Mary Cremer, Clerical Assistant Construction Dept.
- R# 72-15** Appointing Ryan Holdsworth Seasonal Helper
- R# 73-15** Authorization for Easement Agreement Blk 1901 Lot 40
- R# 74-15** Soil Movement approval Blk 1402 Lot 46.01 & 46.02
- R# 75-15** Appointment of Patricia Nazzaro as Deputy OEM Coordinator

Resolution for Approval of Raffle Application 147 for Knights of Columbus

Resolution # 76-15 Offered by Council Member Jensen
Seconded by Council President Kurpis
Roll Call Vote: AYES: Kurpis, Gray, Jensen, Kerner, Schulstad
ABSTAIN: Walencyk

COMMITTEE REPORTS

Board of Health: Report given earlier.

Const. & Zoning Enforcement: Report given earlier.

COAH: Report given earlier.

Environmental Committee/Wildlife Mgmt.: There was no report at this time.

Fire Report: Council Member Gray gave the report for March 2015.

Police Report: Council Member Kurpis gave the report for March 2015.

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

Finance Report: Report given earlier.

Landmarks Committee: Report given earlier.

Public Works: Report given earlier.

Parks and Recreation: Report given earlier.

Planning Board: Council Member Jensen gave the report for April 2015.

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

OPEN TO THE PUBLIC:

Ron Yates, 6 Tanbark Trail stated that clarification is in order regarding the Saddle River Valley Rescue. Their services were discontinued by the Borough several years ago.

Patty Nazzaro, 3 Westwind Court stated that she appreciates her appointment as Deputy OEM Coordinator. She further stated that the Municipal Alliance will be holding their Dare Graduation at both the Saddle River Day School and Wandell on May 22, 2015 and June 12, 2015 respectively. She further stated that April is Alcohol Awareness Month. Additionally, she stated that there is grant money for municipalities to conduct their own river cleaning project.

Ms. Nazzaro stated that, while she realizes there is a deer issue in Saddle River, she is not in favor of organized bow hunting in Saddle River and asked that this sensitive subject be discussed in greater detail.

Bob LaViano, 59 Woodcliff Lake Road thanked Council Members Schulstad and Jensen for their efforts in

getting a deer management program adopted. He further stated that the deer problem has now caused a serious coyote problem in Saddle River. He further stated that the Environmental Commission will meet on May 4, 4015 and Carol Tyler from Tyco Animal Control will be in attendance to address this issue. He encouraged the Mayor and Council to consider bow hunting in Saddle River in an organized fashion.

Marilyn Goldfisher, 124 West Saddle River Road stated that the coyote problem is increasing in Saddle River and encouraged the Mayor and Council to address this issue.

PROCLAMATION: Municipal Clerk's Week May 3 – 9th 2015

At this time, Deputy Municipal Clerk Joy Convertini read this proclamation.

UNFINISHED BUSINESS:

NEW BUSINESS:

Council President Kurpis distributed a photo of the flag outside the Bishop House, which is tattered and asked that he get permission to replace it. The Council was in agreement.

RESOLUTION FOR CLOSED SESSION

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

Resolution # 77-15 Offered by Council Member Jensen
Second by Council Member Kerner
Roll Call Vote: AYES: Unanimous

NEW BUSINESS:

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Joy C. Convertini
Deputy Municipal Clerk

F/Nwwp/min/M&C04-2015