

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

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

ABSENT:

PRESIDING: Mayor Raia called the meeting to order at 7:15 p.m.; Municipal 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:

AWARDS AND CEREMONIES:

Resolution #111-15 Council President Kurpis read a resolution for the Permanent Appointment of Police Officer Michael Cooper.
Seconded by Council Member Walenczyk
Roll Call Vote: AYES, Unanimous

WORK SESSION:

MAYOR RAI:

Northwest Bergen Mayor's Meeting: Mayor Raia stated that he was unable to attend this meeting.

Wildlife Management Committee Letter: Mayor Raia stated that he was hoping that Mayors from the neighboring towns would address the deer management issue but that did not happen.

August Mayor and Council Meeting: Mayor Raia stated that historically, the Mayor and Council do not meet in August and it was decided that a decision would be made at the end of this meeting.

Presentation by Steve Rogut, Esq., Rogut McCarthy, LLC – Bond Counsel

Steve Rogut stated that there will be Bond Anticipation Notes (BANS) coming due and he addressed this in detail at this time. Notes in the amount of \$5,363,500 will be due on July 30, 2015 and the Borough has budgeted to pay down existing notes, leaving a balance of \$4,246,500 to be renewed. He further stated that, due to recent litigation, the Borough will be also be responsible to pay \$2,300,000 and the Mayor and Council must decide if these funds should be added to the aforementioned existing balance, or do a subsequent note to cover the cost of the litigation.

CFO Mike Mariniello stated that he would prefer to include this amount in the note that will be due on July 30, 2015. Should this litigation get appealed, that portion of the note would not be re-issued.

Mayor Raia asked about the disadvantage of doing a separate bond issue and Steve Rogut stated that there would be an additional transaction cost of approximately \$1000.

A poll was taken and the Mayor and Council were in agreement that the notes would be combined for a total of \$7,746,500, which will be due in March of 2016.

Steve Rogut discussed the pros and cons of bond issuance, stating that the Borough will have approximately \$12,000,000 of short term debt. He addressed short vs. long term rates in detail at this time, stating that the Borough has benefitted from short term rates. He further stated that the Mayor and Council would have to decide if they wish to address new debt by paying it off in notes or staying in the notes and paying them down.

A poll was taken approving the expiration of the existing BANS in March of 2016. Mayor Raia, Council Members Gray, Kerner, Walenczyk and Council President Kurpis were in agreement. Council Members Jensen and Schulstad were not in agreement.

ADMINISTRATOR SHENKLER:

Road Repaving: Administrator Shenkler stated that road re-paving project, which was a cooperative project with the 13 West Bergen municipalities, has been completed.

Snow Removal Contract: Administrator Shenkler stated that bid specs are currently being work on for the snow removal contract that expired in March of 2015. The new contract will begin in November of 2015 and will be a 24 month contract.

IT Maintenance: Administrator Shenkiler stated that the Borough is currently interviewing IT Maintenance contractors.

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

- **Road Re-Surfacing Project:** Martin Spence stated that this project was completed in June at a cost of approximately \$160,000, with \$175,000 budgeted for this project.
- **Rindlaub Park Restrooms:** This project is almost complete with final inspections pending. The bathrooms should be open by July 24, 2015.
- **Streetscape Phase II:** This project is currently under construction with the majority of the paver sidewalks completed. The light poles will be installed shortly and the project should be completed in approximately three weeks.
- **Fox Hedge Water Main Project:** Eleven bids were received on July 16, 2015, with the low bidder being Matina & Sons; bids came in higher than the budgeted amount which was \$1,000,000 for this project. The project cost will be approximately \$1,175,000 and the expenses were briefly outlined at this time. He further stated that it may be beneficial to see what residents in this area wish to connect to municipal water during this construction.

Mayor Raia asked Martin Spence to draft a letter to the applicable residents regarding this matter. Council Member Kerner asked CFO Mariniello to address how the additional \$175,000 would be funded and he explained this in detail at this time, stating that there were unused funds from the Ackerman Road project that can be used.

- **Open Space Grant – Rindlaub Park:** There is an Open Space matching grant available and Martin Spence asked for direction from the Mayor and Council on how to proceed. Mayor Raia stated that the property at 66 East Allendale Road should be considered for these funds.
- **Streetscape Project Phase III:** This project will be funded by a non-matching grant in the amount of \$149,000.

BOROUGH ATTORNEY:

Attorney Huntington stated that the cell tower bids will be received on July 29, 2015. He further stated that he has reviewed the United Water contract and it is acceptable. Martin Spence addressed the DEP's involvement in this matter at this time. Mayor Raia stated that he would like the Council to review the agreement and if there are no objections, move ahead accordingly. Council Member Kerner stated that she will need time to review this agreement prior to execution. The Council all received a copy of this agreement and were asked to direct any comments or questions to Martin Spence.

BOROUGH CLERK:

Municipal Clerk Macari stated that the Group Affidavit Form is being circulated for Council signatures.

COUNCIL REPORTS:

Council Member Walencyk stated that the Personnel Committee met on July 16, 2015 in order to approve the 2015 payroll increases, which was unanimously approved. The non-union employees were asked to provide job descriptions which will be reviewed in August. A program is being put into place to identify goals and salary increases will be based on performances. Evaluations will take place in June and September in order to determine pay increases for the upcoming year.

Council Member Schulstad asked if the Personnel Committee took into account how the future raises would impact the Borough's pension obligation and Council Member Walencyk stated that they did. CFO Mariniello stated that there is a formula based on the type of pension.

Council Member Schulstad stated that if an employee is nearing retirement age, they should be given a modest or no salary increase in order to lessen the impact on the pension obligation. Council Member Gray cautioned that this can be discriminatory. Council Member Schulstad stated that New Jersey is in a pension crisis and the residents of Saddle River are going to be funding this financial burden moving forward; to that end, employees should embrace the concept of shared sacrifice.

Council Member Kerner stated that she is in favor of merit based pay increases moving forward.

Council Member Schulstad stated that the Environmental Commission and Wildlife Management held a joint meeting on June 22, 2015 to address the deer management issue and draft a letter of recommendation to the Mayor and Council. The letter addressed the scope of the problem and favored a public forum for Borough residents so they can better understand the magnitude of this problem. The current Fire Arms ordinance must be amended in order to allow for regulated bow hunting. An ordinance will be introduced later in this meeting.

Council Member Schulstad stated that the Board of Education has met to outline how the Borough can assist with school board members. An additional ordinance also being introduced will increase penalties for any individuals enrolling students in Wandell School without proper residency credentials.

Mayor Raia stated that these two ordinances for introduction should have been discussed prior to this meeting.

Council President Kurpis stated that the Board of Health met on June 3, 2015 and gave a brief report at this time. The statistics of Lyme disease in the Borough were discussed in detail at this time. He further stated that the Landmarks Commission met on June 24, 2015 and gave a brief report at this time, highlighting the utilization of both the Saddle River Museum and the Bishop House.

Council Member Kerner stated that the OEM Manual update has been completed, and is awaiting County approval. She further addressed a resolution on the Consent Agenda to Adopt the Bergen County Multi-Jurisdictional Hazard Mitigation Plan and explained it in detail.

Council President Kurpis stated that there is a Community Development grant opportunity available with the deadline for filing on October 9, 2015. If Wandell School is designated as the town-wide emergency shelter, the Borough may be able to fund the purchase of a second generator with this grant.

Council Member Kerner stated that there is a space issue in the Fire House for both firefighters and EMS workers. She further stated that she would like to evaluate three options including a fire house expansion, the addition of an out building adjacent to the DPW barn for the EMS workers or the re-purposing of the Bishop House as an EMS center with the addition of a garage.

Council Member Jensen stated that he is in favor of utilizing the Bishop House for this purpose. Council Member Gray stated that he would like to obtain public input about using a historic home for this purpose.

Council Member Kerner stated that 2014 Audit needs to be reviewed as there are some disclosures that have not been included. She further stated that she is working with the auditor in order to revise this. She addressed how the Borough can work with the Wandell School in order to reduce overall costs for tax payers. She further stated that, after the Mayor and Council as well as the Board of Education determine what services can be shared jointly, a shared services agreement should be executed in order to insure longevity.

Mayor Raia stated that currently the Borough is paying Wandell School's utility bills and he would like to investigate this further. He further stated that the Borough supports the school in many areas in order for the school to insure that there is ample funding available for educational purposes.

Council Member Gray addressed utilizing Wandell School as an emergency shelter and this was discussed in detail at this time.

Council Member Kerner stated that, when the next Borough newsletter is mailed, the school would like to include their information as well.

Council Member Jensen stated that he spoke with John Scialla, Borough Building Inspector, regarding the Wandell School renovation and he will assist in any way necessary.

He further stated that a meeting is scheduled for July 21, 2015 with the planner and the COAH attorney to address this issue.

Council Member Gray stated that the Rindlaub Park restroom renovation is almost complete and the result is a significant improvement. There are some small punch list items left to complete, which will be taken care of shortly. He further stated that complaints have been received from residents about the lack of summer concerts in the Rindlaub Park band shell. The Parks and Recreation Commission would like to host an event in the fall in order to celebrate the completion of the new field house.

AGENDA

Mayor Raia stated that, in the future, he would like to insure that the proper protocol is followed with agenda items, particularly ordinances.

INTRODUCTION OF ORDINANCE(S):

ORD. NO. 15-911-C

AN ORDINANCE TO PREVENT THE UNLAWFUL ENROLLMENT OF SCHOOL CHILDREN IN THE SADDLE RIVER SCHOOL SYSTEM AND TO PROVIDE PENALTIES THEREFORE

Council Member Schulstad stated that he would like to know if an August meeting will take place in order for this ordinance to be finally adopted at that time. Attorney Huntington explained the legal process with the public hearing for an introduced ordinance. Council Member Kerner stated that both ordinances being introduced are time sensitive and should be adopted in August. It was decided that the August 17, 2015 meeting will take place.

Resolution# 112-15 Introduced by Council Member Schulstad
Seconded by Council Member Jensen

Mayor Raia asked Attorney Huntington to render his legal opinion on this ordinance, which he did in detail at this time. He reiterated that there is a distinct line of demarcation between Borough business and school business.

The Wandell School Board attorney and Attorney Huntington both agree it would be beneficial for the Board of Education process to deal with this issue.

Roll Call Vote: AYES: Council President Kurpis, Council Members Gray, Jensen, Kerner, Schulstad
NAY: Council Member Walencyk

Mayor Raia reiterated that the Ordinance Review Committee as well as Police Chief McWilliams and Police Captain Cosgriff should meet to review this ordinance. Council Member Schulstad asked about the protocol for the ordinance process and Council Member Gray addressed this in detail at this time.

ORD. NO. 15-912-C

AN ORDINANCE TO AMEND CHAPTER 109, FIREARMS OF THE CODE OF THE BOROUGH OF SADDLE RIVER

Mayor Raia asked Attorney Huntington to render his legal opinion on this ordinance, which he did in detail at this time. He stated that this is an amendment to an existing ordinance prohibiting hunting in the Borough of Saddle River. There is no question with its legality however it casts a burden on the Police Department regarding enforcement.

Captain Cosgriff addressed this in detail at this time, stating that language regarding the euthanasia of animals, the elimination of vermin, a restriction on calibers, etc. were all of concern. Attorney Huntington stated that these issues are already in the existing ordinance.

Mayor Raia suggested that this ordinance be withdrawn in order to obtain input from the Police Department and the Ordinance Review Committee, as they could provide valuable input.

Council Member Kerner stated that she would like to see this ordinance introduced as it has already been withdrawn once and the Borough is waiting so a deer management program can be introduced.

Council President Kurpis was in agreement that this ordinance must be reviewed carefully and further stated that he recognizes that there is a need for this ordinance. Council Member Jensen stated that the ordinance should be introduced at this time and amended if necessary as it is time sensitive.

Resolution# 113-15 Introduced by Council Member Schulstad
Seconded by Council Member Kerner
Roll Call Vote: AYES: Council Members Jensen, Kerner, Schulstad
NAY: Council President Kurpis, Council Members Gray, Walenczyk, Mayor Raia

Motion Denied

ADOPTION OF ORDINANCES There were none

APPROVAL OF BILLS

Resolution # 114-15 Offered by Council Member Kerner
Seconded by Council Member Jensen

Council Member Kerner stated that she would like to remove two bills for Lynco Alarms. CFO Mariniello also inquired about bills for uniforms and this was discussed at this time. These two bills were also removed at this time.

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

Council Member Schulstad asked that the Compensation resolution be removed from the Consent Agenda for separate consideration.

Explanation of Consent Agenda Items

Administrator Shenkler explained the Consent Agenda items at this time.

OPEN TO THE PUBLIC FOR CONSENT AGENDA ITEMS ONLY:

Marilyn Goldfisher, 124 West Saddle River Road stated that she feels that Downes Tree Service has done a very good job with the Borough snow plowing and she would like to see them continue.

Roll Call Vote: AYES, Unanimous

A. Approval of Minutes: Regular Meeting: 6/15/15

B. Resolutions:

R# 115-15 Annual Report of Audit and Affidavit

R# 116-15 Changing August Tax Billing grace period from 8/10 to 9/10

R# 117-15 Award of Bid for Fox Hedge Water Main Extension

R# 118-15 Approval for Soil Movement for Blk 1302/1.04

R# 119-15 Authorizing refund to Blk 2003/10 due to Judgement Lowered Assessed Value

R# 120-15 Authorizing refund to Blk 1807/19 due to Judgement Lowered Assessed Value

R# 121-15 Adopting Bergen County Multi-Jurisdictional Hazard Mitigation Plan

R# 122-15 Authorization to advertise to accept bids for snow removal services

Resolution for Compensation - Non Bargaining Personnel

R# 123-15 Resolution Offered by Council Member Kerner
Seconded by Council Member Walencyk

Roll Call Vote: AYES: Council President Kurpis, Council Members Gray, Jensen, Kerner,
Walencyk NAYS: Council Member Schulstad

COMMITTEE REPORTS

Board of Health: Report given earlier.

Const. & Zoning Enforcement: There was no report at this time.

COAH: Report given earlier.

Environmental Committee/Wildlife Mgmt.: Council Member Schulstad addressed Ord. #15-912-C.

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

Police Report: Council President Kurpis gave the report for June 2015.

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

Finance Report: Council Member Kerner gave the report for June 2015.

Landmarks Committee: Report given earlier.

Public Works: Council Member Schulstad gave the report for June 2015.

Parks and Recreation: Report given earlier.

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

Wildlife Management: Council Member Schulstad stated the letter to residents regarding a deer management plan will be reviewed and sent out after the Ordinance Review Committee reviews the ordinance.

Zoning Board: Council Member Kerner gave the report for June and July 2015.

Council Member Gray stated that it is not the responsibility of the Ordinance Review Committee to generate ordinances. Details on the issue, the scope of the issue and an assessment of solutions available and input from the public must all be completed and documented prior to meeting with the Ordinance Review Committee. He further stated that these items are to be presented to the committee prior to an ordinance introduction so a proper evaluation can take place.

OPEN TO THE PUBLIC:

Patty Nazzaro, 3 Westwind Court addressed the newsletter and the inclusion of the Board of Education information, which she feels would be important. She further stated that she feels that the Borough could benefit from a water craft in the event of a town wide emergency. She also addressed the need for an enlarged salt shed and reviewed specific language in the amended fire arms ordinance.

Bob LaViano, 59 Woodcliff Lake Road stated that he wants to insure that Ord. No. 15-912-C to amend Ch. 109 Firearms, is carefully reviewed and that the language is correct to insure that all requirements are met to move forward with a deer management program. He reiterated the importance of this ordinance and highlighted the public danger being caused by the increasing deer population.

Edward Holiat 85 East Saddle River Road stated that he feels that if the Borough is going to sanction a cull, it should be put to a referendum to see how many residents are in favor of this.

Marilyn Goldfisher, 124 West Saddle River Road thanked Council Member Schulstad for all his work on the amendment to the fire arms ordinance. She also addressed the signs adjacent to the Community Garden as they have not been removed.

Bruce Rohsler, 17 Cameron Road stated that his wife has been treated for Lyme disease twice and he reiterated the importance of a deer management program in Saddle River.

UNFINISHED BUSINESS:

Administrator Shenkler stated that several months ago, Peg Bandwidth had requested access to run fiber optic cable through Saddle River; they have agreed to put a drop line in for the Police Department and

they have agreed to put their wire underground between the Borough Hall and the Police Department. He further stated that he will send the Mayor and Council the agreement for their review.

Administrator Shenkler stated that Borough is in receipt of a piece of steel from 911 and a decision must be made as to how to best display it. He further stated that he will present several options for the Council to review.

Council Member Kerner stated that she would like to have the Ordinance Review Committee review the current sign ordinance as there are currently some discrepancies.

NEW BUSINESS:

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari
Municipal Clerk