

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
HELD AUGUST 17, 2015**

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

ABSENT: Mayor Raia

PRESIDING: Council President Kurpis called the meeting to order at 7:00p.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:

WORK SESSION:

MAYOR RAI:

ADMINISTRATOR SHENKLER:

Snow Plow Bid: Administrator Shenkler stated that the bid will be advertised on August 19, 2015 and the bid opening will be September 15, 2015 at 10:00am

Open Space Grant: Administrator Shenkler stated that the application is due on September 3, 2015 and must be approved. The expanded parking lot in Rindlaub is being considered and would cost approximately \$120,000, with the grant funding 50% of this amount.

Memorandum of Understanding – Addendum of the OEM Manual: Administrator Shenkler stated that the revised OEM Manual has been completed and the Mayor and Council are in receipt of a MOU (Memorandum of Understanding) from the Red Cross to be included in the manual. Council Member Kerner stated that she would like this to be reviewed further before making any decisions.

Paving Boroline Road: This project is a joint venture with the Borough of Allendale and will begin in late September. This project will be a two to three day project.

Discussion of Reorganization Meeting Date: Administrator Shenkler stated that this meeting must take place within the first seven days of January. It was decided that the Reorganization Meeting will take place on January 4, 2016. This resolution will be part of the Consent Agenda.

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

- **Road Re-Surfacing Project:** Martin Spence stated that this project was completed.
- **Rindlaub Park Restrooms:** This project is complete and open for use. There are some additional invoices still outstanding, due to a change in materials. Council President Kurpis stated that soft costs should be added into projects moving forward in order to avoid going over budget, all were in agreement.
- **Streetscape Phase II:** This project is currently under construction with the majority of the paver sidewalks completed. The light poles have been installed and a retaining wall will be constructed shortly as well as the installation of sign poles.
- **Generator Project:** This project is currently out to bid with the opening on September 10, 2015. The proposed generator will have a larger capacity with an increased gas supply added. This will be funded by a FEMA Grant for \$75,000 and a \$125,000 Bond Ordinance.
- **United Water Contract – Fourth Rider:** The contract has been sent to United Water for signature.
- **Fox Hedge Water Main Project:** A letter is going to be sent to all Fox Hedge Road residents in order to determine who wishes to hook up to municipal water. This letter will be going out within the next two weeks. Council Member Schulstad asked about the timing of this project and Mr. Spence stated that this is an approximately 45 day project and all of the necessary contracts should be in place to proceed timely.
- **Streetscape Project Phase III:** This project will be funded by a non-matching grant in the amount of \$149,000 and has been approved by the DOT. A bond ordinance will be adopted and the design phase will begin shortly.

COUNCIL REPORTS:

Council Member Schulstad stated that the Board of Education met on July 28, 2015 and August 12, 2015. The HVAC project is almost 50% completed and teachers will be able to gain access to their classrooms shortly. Work will continue after the beginning of the school year but it will not impact the students. The fiscal position of the Board of Education was addressed as well as a policy to change the relationship between the Board of Education and the Wandell School Foundation, which was not met with favorable response. Council Member Schulstad outlined this policy in detail at this time.

The Wildlife Management Committee and the Environmental Committee have not met since June, however there is a letter prepared to circulate to residents. Council President Kurpis, Police Chief McWilliams, Council Members Schulstad and Jensen and Environmental Chairman Bob LaViano attended a meeting on August 11, 2015 with NJ Division of Fish and Wildlife in order to address the deer management issue in Saddle River. He outlined topics addressed at this meeting and stated the Division of Fish and Wildlife makes a very compelling case that non-lethal methods for controlling deer do not work and are cost prohibitive.

The Borough will hold a public meeting on August 19, 2015 at 7:00pm in order to address this issue and keep residents informed on the current status of this issue. The existing ordinance will be reviewed and any address any relevant changes in language that may be necessary.

Council Member Gray stated that he feels that the Ordinance Committee should also be reviewing this ordinance in order to insure that all pertinent information is included.

Council Member Schulstad further stated that he would like the NJ Fish and Wildlife Commission to return to the Borough to give their presentation to the public; this information can be included in the Fall 2015 Newsletter.

Environmental Chairman LaViano explained the proper criteria for a potential bow hunting event and further stated that he did not feel that using the word "cull" would be favorable to residents and suggested referring to this as hunting.

Council Member Gray stated that over the last two years there has been much discussion about the absence of summer concerts in Rindlaub Park. Construction prevented these activities from taking place and now that all renovations are complete, the Borough would like to have a town-wide celebration in the fall in Rindlaub Park. Several bands have been considered and the Cameos are available and have performed in Saddle River before. Other local bands were considered and a classic rock band, Friends of Friends will also be performing. The concert is slated for September 27, 2015 and a flyer has been created.

Council Member Kerner stated that there are budgetary considerations that must be addressed and Council Member Gray stated that there have not been concerts in two years; the event will cost approximately \$6000. Budgetary considerations for Memorial Day and the Tree Lighting were also discussed and CFO Mariniello stated that there are funds available for all three of these events.

It was decided that a resolution must be drafted authorizing the Mayor and Administrator to execute a contract retaining the entertainment for the Rindlaub Park Celebration on September 27, 2015.

Council Member Kerner stated that a total of three additional resolutions will needed to be added to the agenda. Council President Kurpis stated that moving forward, any expenditure in excess of \$2500 should be forwarded to the Chairman of the Finance Committee.

BOROUGH ATTORNEY: Borough Attorney Huntington stated that the Mayor and Council are in receipt of a letter from Verizon regarding the renewal of an ordinance for the continued use of the streets and public ways in the Borough of Saddle River by Verizon for telecommunications facilities.

Council Member Kerner stated that she would like more time to review this ordinance and asked if it could be addressed at the October 19, 2015 meeting of the Mayor and Council. Attorney Huntington stated that this would be fine.

The PEG Bandwidth resolution was reviewed and Administrator Shenkler addressed this in detail. A representative from PEG Bandwidth also addressed specific questions regarding performance bonding, permitting and construction locations. Borough Engineer Spence stated that plans must be submitted for the Borough to review regarding construction locations. Council Member Kerner stated that she would like to insure that the performance bond was adequate; Borough Engineer Spence stated \$25,000 is ample and the contract was amended to increase the performance bond from \$5000 to \$25,000.

COUNCIL REPORTS (continued)

Council Member Kerner addressed the need for additional space in the Fire Department for the Valley Hospital EMS workers. A proposal to create a temporary EMS Center at the Bishop House was reviewed in detail at this time. Council Member Kerner stated that the Bishop House is currently underutilized and this location could work well for the EMS team. A minimal amount of work would be necessary to utilize

this home. The use of a temporary trailer was also discussed for the EMS team as well as using the shed on the DPW property as a permanent site, once necessary renovations were made.

Council Member Kerner stated that she is looking to implement an immediate solution and she continued her presentation. An access driveway from the Bishop House to the DPW garages will have to be built prior to the winter months.

Council Member Gray asked Borough Engineer Spence how a project of this nature is typically dealt with. Mr. Spence stated feasibility studies would be conducted and alternatives would be reviewed and estimates would be obtained. Council Member Kerner reiterated that, in an effort to arrive at a temporary solution quickly, the plan presented was for the approval of the Mayor and Council. A longer term solution will be carefully orchestrated once a short term solution is in place.

The necessary driveway was discussed and Council Member Jensen stated that the DPW lot and the Bishop House lot were not the same lot and should be shielded. Additionally, if the EMS rigs were going to exit onto East Saddle River Road, the roadway would have to be painted with yellow yield lines as well. A berm would have to be removed in order to accommodate the proposed driveway.

Council Member Gray stated that he would like to determine what would be involved in converting the existing DPW shed into a permanent facility for the EMS. This would require heat, insulation, restrooms and the enclosure of the bays. Council Member Kerner stated that a project of this magnitude would require going out to bid, which would be time consuming and not a more immediate solution to the current problem.

The Bishop House is historic and Council Member Gray stated that, if the trust is re-constituted as a 501 C-3, Federal Grants may be available for the work necessary. Council Member Kerner stated that she did not think this was an option as it is not considered restoration of an historic home but making the necessary repairs for the temporary housing of the EMS. She reiterated that, once a short term solution is determined, a well thought out long term solution can be evaluated. She further stated that residents living adjacent to the DPW and the Bishop House property must be made aware of this potential plan; the Landmarks Commission must also address this issue.

Council Member Schulstad stated that it may be prudent to spend time evaluating the short term solution and, by utilizing the Bishop House in the short term, it can be determined if this could potentially be adequate for the long term as well.

Council Member Jensen stated that, as this is an immediate problem, utilizing the Bishop House is a valid solution on an experimental basis.

Council Member Gray stated that a trailer on a temporary basis may be a better option but all the cost factors are not determined. Ingress and egress details for EMS vehicles were discussed in detail at this time.

Council Member Kerner stated that she would like a voice vote on the following regarding utilizing the Bishop House:

- Authorize the Administrator to draft a letter informing the necessary residents about this plan
- Authorize the Administrator to get estimates on what the necessary driveway would cost
- Present this proposal to the Landmarks Commission and the Bishop House Foundation.

Council Member Gray stated that he would like a voice vote on the installation of a temporary trailer as well. The driveway would still have to be installed in order to provide ingress and egress to EMS vehicles.

Council Member Walencyk stated that he did not think there was enough financial information available to make a decision. Council Member Jensen stated that the objective was to have the Administrator obtain the necessary figures.

Council Member Gray stated that if a trailer was installed, it could be done almost immediately. There are ordinances in the Borough Code that prohibit such trailers but Attorney Huntington stated that it may not be an issue if done on a temporary basis.

Council Member Kerner stated that she feels that the Bishop House would be better option and she would like to continue to explore this and have a resolution prepared for the September 21, 2015 meeting.

Council President Kurpis asked for a voice vote on Council Member Kerner's recommendation to act on the items previously mentioned above. All were in agreement.

Council Member Jensen stated that the Planning Board did not meet in August. He further stated that COAH Committee has met and a declaratory judgement has been filed by the Borough. This will be discussed further later in the meeting.

Administrator Shenkler stated that there is a test well on the Exxon property and he asked Borough Engineer Spence to address this in detail at this time. This well is going to be monitored and a performance bond will be necessary as well as granting permission to the property.

AGENDA

BOROUGH CLERK:

Borough Clerk Macari stated that there will be a Special Work Session Meeting on September 8, 2015 at 7:00pm of the Planning Board to discuss the proposed 2015 Housing Plan Element & Fair Share Plan. The Mayor and Council will also be in attendance.

There is a bid opening for the Public Safety Complex generator replacement on September 10, 2015.

INTRODUCTION OF ORDINANCE(S): There were none.

ADOPTION OF ORDINANCES

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

Resolution# 125-15 Introduced by Council Member Schulstad
Seconded by Council Member Kerner

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

OPEN TO THE PUBLIC:

Thomas Weng, 69 Fox Hedge Road stated that he is a member of the Wandell Board of Education but is not speaking tonight on their behalf. He thanked the Council for considering this ordinance as the most important resource in Saddle River is our children.

CFO Mike Mariniello asked what statutes will be utilized when issuing any penalties that may arise and where the court will be getting their direction on where to attach such penalties.

Council Member Schulstad stated that the municipal court will be dealing with any cases that arise and may not exceed a penalty amount of \$2000 per event; this will be converted to a property lien if unpaid.

Council Member Walenczyk asked about any liability a home owner could face if a tenant violates this law. Attorney Huntington explained this in detail, stressing that the tenant/offender would be liable for any penalties.

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

Roll Call Vote: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 126-15 Offered by Council Member Kerner
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 Member Walencyk
Seconded by Council Member Kerner

Council Member Schulstad requested that the minutes from 7/27/15 be removed for separate consideration, the resolution endorsing the Open Space Trust Fund Application be removed and the following three resolutions be added to the Consent Agenda:

- **Authorize Raffle for HUMC**
- **Approve Reorganization Meeting date for 2016**
- **Authorize the Mayor and Administrator to execute a contract to retain entertainment for the Rindlaub Park Celebration – 9/27/15.**

Explanation of Consent Agenda Items

OPEN TO THE PUBLIC FOR CONSENT AGENDA ITEMS ONLY:

Tom Weng, 69 Fox Hedge Road asked about R# 127-15 and if any radiation could be harmful to the Wandell students. The antenna is currently on the cupola on the Post Office and will be moved higher in order to minimize radiation.

Roll Call Vote: AYES, Unanimous

- A. Approval of Minutes:** Regular Meeting: 7/20/15
- B. Resolutions:**

R# 127-15 Awarding bid for Ground Lease and Co-Located Antenna at existing cell tower

R# 128-15 Agreement to Renew Membership in the BCMJIF

R# 129-15 Authorizing the Execution of a Rights of Way Use Agreement between the Borough of Saddle River and PEG Bandwidth NJ, LLC

R# 130-15 Authorizing to execute the Fifth Addendum Access Agreement on behalf of Exxon/Mobil between the Borough of Saddle River and the Exxon Mobil Corporation

R# 131-15 Authorization to join Master Intergovernmental Cooperative Purchasing Agreement

R# 132-15 Authorize Raffle – Hackensack University Medical Center - November 1, 2015

R# 133-15 Approve 2016 Reorganization Meeting Date – January 4, 2016 – 7:00pm

R# 134-15 Authorize the Mayor & Administrator to execute a contract to retain entertainment For the Rindlaub Park Celebration, 9/27/15

Approval of Amended Meeting Minutes from Special Meeting – July 27, 2015

Resolution # 135-15 was offered by Council Member Schulstad

Seconded by Council Member Jensen

Roll Call Vote: AYES: Council President Kurpis, Council Members Gray, Jensen, Schulstad

ABSTAIN: Council Members Kerner & Walenczyk

It was decided that the resolution to Endorse the Open Space Trust Fund Application would not be acted upon as it is a matching grant and a purpose has not been determined and/or agreed upon at this time.

COMMITTEE REPORTS

Board of Health: There was no report at this time.

Const. & Zoning Enforcement: Council Member Jensen gave the report for July 2015.

COAH: Report given earlier.

Environmental Committee/Wildlife Mgmt.: Report given earlier.

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

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

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

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

Landmarks Committee: There was no report at this time.

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

Parks and Recreation: There was no meeting in August.

Planning Board: There was no meeting in August

Zoning Board: There was no meeting in August.

OPEN TO THE PUBLIC:

Marilyn Goldfisher 124 West Saddle River Road stated that she is disappointed that the renovation of the restrooms in Rindlaub Park went over budget. She further stated that the Borough is in need of more fiscal responsibility; her latest tax bill reflects a 4% increase. Additionally, she stated that she is not in favor of leasing a trailer for the EMS and would rather see them utilize the Bishop House. She also stated that she is concerned that there will not be enough money to fund both the Rindlaub Park Celebration and the Tree Lighting Ceremony.

Patty Nazzaro, 3 Westwind Court stated that the proposed GPS systems in the snow plow trucks are not necessary as they are cost prohibitive. She further stated that the DPW uniforms do not have the Saddle River logo and this is a potential safety concern.

Bob LaViano, 59 Woodcliff Lake Road stated that the number one priority for re-housing the EMS, should be a permanent solution. He further stated that the Bishop House property is in need of tree work as it is presently a hazardous condition.

UNFINISHED BUSINESS:

NEW BUSINESS: Council Member Jensen stated that he feels that the Mayor and Council should consider holding the Work Session portion of their meetings on a separate night, as there is much to accomplish and often act upon. He further stated that he would like this considered.

Council Member Kerner stated that she would like to consider the options for the piece of steel the Borough obtained from 911. She distributed photos of the Memorial Park and areas in Rindlaub where this piece of steel could be displayed.

Council Member Schulstad stated that he is in agreement that this steel should be placed in an existing park area in order to provide greater visibility to residents as well as remain cost efficient. He also addressed Mr. LaViano's comment about the hazardous tree issue on the Bishop House property and stated that it should be addressed immediately.

Patty Nazzaro stated that she does not feel that it is appropriate to place this piece of steel from 911 in Memorial Park and she would like to see a significant display at the Safety Complex. She is not in favor of putting this piece of steel in either existing park.

RESOLUTION FOR CLOSED SESSION

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

Resolution # 136-15 Offered by Council Member Jensen
Second by Council Member Kerner
Roll Call Vote: AYES: Unanimous

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari
Municipal Clerk