

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
HELD SEPTEMBER 21, 2015**

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

ABSENT: Borough Attorney Huntington

PRESIDING: Mayor Raia 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:

RESOLUTION FOR CLOSED SESSION

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

Resolution # 137-15 Offered by Council Member Gray
Second by Council Member Jensen
Roll Call Vote: AYES: Unanimous

AWARDS AND CEREMONIES:

EMS PRESENTATION:

At this time Council Member Gray gave a Power Point presentation regarding the options for relocating the EMS personnel in Saddle River. Utilizing the two-bay DPW Barn, utilizing the Bishop House and obtaining a modular unit on the DPW property are the three options being considered. Objectives were identified including insuring a safe work environment, creating a safe, practical and functional work environment for the Fire Department and EMS personnel, and arriving at a reasonable, cost effective and timely solution. Whether permanent or temporary, the EMS need a weather-proof solution.

Council Member Gray stated that his focus is primarily on the use of the DPW Barn. He further stated that Council Member Kerner has given several presentations on utilizing the Bishop House to house the EMS and she will discuss this further.

Council Member Gray stated that EMS personnel are currently housed in the Fire Department, which is already very tight on space, causing privacy and safety issues. The fire house is also in need of two additional garage bays and storage space; it must be determined if the EMS will return to this location on a permanent basis, once a decision is made.

He further stated that the Fire Department should be the sole beneficiary of any building modifications; financial considerations were addressed in detail at this time. The completion of the water line project, a new fire truck, an addition of a light rescue truck and a replacement of a fire truck engine are all expenses that are being considered, totaling approximately \$8,000,000. The Borough must prioritize their spending in order to avoid a tax increase.

Council Member Gray stated that the re-purposing the DPW Barn can accommodate both EMS rigs and be a very practical, cost effective short or long term solution. If the EMS are housed in the Bishop House, the rigs would be kept outside in good weather and would be housed in the DPW barn in inclement weather, approximately 275 feet from the Bishop House.

Should the DPW Barn be the option chosen, costs are projected to come in at under \$40,000, eliminating the need to go to bid as it is under the threshold.

A temporary modular unit was also discussed with two sizes being evaluated; a 10' x 28' unit would cost approximately \$12,000 for two years and a 12' x 50' would cost approximately \$15,000.

Safety concerns were addressed, specifically the use of the Fire Department lot by Wandell parents at afternoon pick-up. Council Member Gray stated that Tuxedo Park School also uses this parking lot, which has not be authorized to his knowledge. It is also a high traffic area with the DPW personnel and garbage trucks utilizing this ingress and egress.

Council Member Gray stated that EMS should be provided with a viable permanent solution and utilizing the DPW barn is the most financially responsible option, in his opinion.

Council Member Schulstad asked if any of the proposals being considered will negatively impact neighboring properties, specifically Alford Drive. Council Member Gray stated that the DPW yard pre-existed Alford Drive and he has spoken with the neighbor that abuts the DPW barn and they have no issue with this plan, as long as more evergreen screening is installed.

Council Member Kerner stated that the property that Council Member Gray is referring to is her employer. She further stated that the Mayor instructed the Borough Attorney to determine whether or not a member of a governing body may vote on a matter which is or may be of interest to the Council Member's employer. She further stated that, her employer, Frank Ahearn resides on Alford Drive, 50 feet from the DPW Barn. Her proposal would put the same EMS activity in the DPW lot as Council Member Gray's proposal.

She prepared a 27 page Power Point which she presented at this time. She reiterated that there is a space problem and explained the spatial issues in detail at this time. The Fire Department has grown significantly and is faced with a shortage of space in the fire house. However, the re-structured and increased Fire Department is thriving, eliminating the need to go to a paid force, which would be cost prohibitive. The EMS personnel often feel uncomfortable as there are many activities in the Fire House and often they have to re-locate temporarily. They have minimal space needs, which include a comfortable place to sit, a restroom, a place to eat and an internet connection. The Bishop House would need a minor electrical upgrade in order for the rigs to remain plugged in for the refrigeration of medication. She further stated that this would cost approximately \$1600; other minor repairs are necessary to the Bishop House which should be done for general preservation.

The cost of using the Bishop House on an immediate basis would be approximately \$2000 as the Borough already pays for all other expenses related to the house. She further stated that it was her objective to try to utilize a Borough owned property as it is the most cost effective.

The driveway and the removal of an existing berm was discussed. The proposed driveway would go from the Bishop House to the DPW Barn, where the rigs would be kept in inclement weather. The Fire Department has offered to take the rigs back inside in inclement weather, should the idea of removing the berm and creating this driveway be objectionable to the public.

She reiterated that this is a temporary solution which should be put in place while careful evaluation of the most effective permanent solution is determined.

Response times are critical when determining both a permanent and a temporary solution. She would like to get estimates on the construction of the driveway; utilizing the roadway between the salt shed and the DPW offices will not be the optimum egress for an EMS vehicle on call due to traffic and size restrictions. The driveway can be eliminated if the community feels comfortable with the alternative and there are no increases in response times. A temporary solution will need to be in place for approximately 12 months, depending on which permanent solution is chosen. She further stated that the benefits of utilizing the Bishop House are that it preserves our options, it is low cost and high return and any money spent is going back into a Borough owned property. If this option is not favorable after trying it for a period of time, the option exists for the EMS personnel to return to the Fire Department.

The contract with the Valley Hospital is in place, however, both Allendale Ambulance and Valley Hospital EMS can terminate the relationship in 90 days if necessary; it is important that they have an adequate and comfortable space to utilize to insure that they continue to service the Borough of Saddle River.

Council Member Kerner reiterated the benefits of utilizing the Bishop House; any money that the Borough spends is invested in their property, a historic home gets utilized, which is important for the integrity of the structure, the EMS have offered to pay a nominal rent which could be given back to the Bishop House Foundation or the Landmarks Commission and they will provide a cleaning service on a regular basis.

She reiterated that the current objective is to get a short term solution in place and she encouraged everyone in the public to share their comments on this matter.

Council Member Gray gave a brief synopsis of his professional career as an attorney. He further stated that there was a lot of discussion regarding two principles of ethics; business ethics/employee ethics when there is a conflict of interest and the appearance of impropriety. He further stated that there has been an opinion rendered by the Borough Attorney, who was not present, regarding a conflict of interest in this matter, as Council Member Kerner's employer who resides on Alford Drive will be adjacent to the EMS activity. Council Member Gray explained the premise of a conflict of interest as it relates to this matter, stressing that it is a business ethic issue that should not be taken lightly.

Council Member Schulstad asked Council Member Gray if any of the three proposals for relocating the EMS personnel would impact home values on Alford Drive, which is directly behind the DPW and Bishop House property. Council Member Gray responded that it would not and Council Member Schulstad stated that he did not see any impact on Frank Ahearn's property, nor did he deem this a conflict of interest. Council Member Schulstad outlined the opinion rendered by the Borough Attorney regarding this conflict of interest, specifically referencing the Griggs v. Princeton case that addressed a similar matter. He further stated that he wanted to adopt a resolution to determine if Council Member Kerner must recuse herself from voting on this matter; Mayor Raia stated that Council Member Schulstad was out of order. Mayor Raia further stated that Borough Attorney Huntington has a medical issue and none of his associates were able to attend this meeting. At this time, Mayor Raia read the letter from Borough Attorney Huntington dated September 21, 2015 regarding an opinion on a conflict of interest in this matter.

Council President Kurpis stated that he feels that the matter of relocating the EMS personnel should be the focus at this time. He further stated that he understands that there is a space issue at the Fire House, however, the Bishop House is attempting to have a resurgence of activity, which could also present a space issue at that location. He further stated that he is in favor of re-purposing Borough owned buildings and he commended Council Member Kerner for her thorough presentation.

He further stated that he is not in favor of removing the berm and constructing a driveway. He is concerned about response time in inclement weather if the Bishop House is used as the EMS personnel would have to make their way to the Fire House where the rigs will be housed, which will effect response time. He further stated that utilizing the DPW Barn would be a permanent solution, which will also reduce costs for any fire house expansion in the future.

Council Member Jensen stated that the first priority must be making sure the fire house works effectively for the Fire Department and then improving the working conditions for EMS personnel. He further stated all of these proposals involve either re-purposing or borrowing a DPW facility; Director of Operations, Bruce Mautz has been very generous with these ideas throughout the discussions. The DPW has always worked very effectively and now he is being asked to either lose the DPW barn and/ or two garage bays. Council Member Jensen was in agreement that the Bishop House is the best and quickest option as a temporary solution while other options went out to bid. He further stated that some of these proposals must be further studied; a temporary solution should be the focus tonight.

Council President Kurpis stated that there are several empty barns that are Borough-owned that could be utilized by the DPW, should the plan be to use the DPW barn for the EMS. He further stated that the garage doors at the DPW barn are over-sized and would be efficient for the EMS rigs.

Council Member Schulstad stated he has spent time on the DPW property and stated that the DPW barn is full of equipment that should be accessible to the DPW personnel. He further stated that he feels that the ultimate cost of this long term solution is greatly understated as the Borough will have to replace the DPW barn with another structure. He feels that the berm will have to be removed for safety purposes.

Council Member Schulstad stated that there has been very little discussion to date about a long term solution being an immediate option. He further stated that he does not feel that the DPW barn will provide enough space for the EMS personnel and he reiterated that it is important for them to be comfortable as they are here to save lives.

Resolution Authorizing Permanent Use of an Existing DPW Two Bay Structure by Valley Hospital EMS

Resolution # 138-15 Offered by Council Member Gray
Seconded by Council Member Walenczyk

OPEN TO THE PUBLIC:

Council Member Jensen stated that the resolution should be authorizing the Administrator to solicit for bids. Mayor Raia stated that, as long as the bids remain under the \$40,000 threshold, the Qualifying Purchasing Agent can award the bid. Council Member Jensen stated that he would like to see the Valley Hospital Ambulance Services Agreement prior to voting on this resolution.

Council Member Schulstad stated that he is not in favor of voting on this contract or approve a proposal from a bidder he is not familiar with; he stated that it was akin to a blank check.

Patty Nazzaro 3 Westwind Court stated that she is not in favor of the Wandell students or their parents utilizing the Safety Complex for drop-offs and pick-ups. She further stated that she is in favor of the DPW Barn for the EMS personnel and is also in favor of increasing the size of the existing fire house.

Lawrence Raia, 19 Denison Drive stated that Council Member Gray made a very concise presentation. Keeping the EMS personnel comfortable should be our priority and they should not have to be relocated when there is a threat of inclement weather. A permanent solution is more beneficial for all involved.

Lisa Scafuro, 241 East Saddle River Road stated that the most logical approach would be to hire an architect in order to determine the best option for this issue.

Marilyn Goldfisher, 124 West Saddle River Road stated that there currently is a significant amount of equipment in the DPW barn and encouraged the Mayor and Council to insure that this project does not go over budget.

Jeff Liva, 40 Bayberry Drive stated that the most important issue should be response times, not the equipment in the DPW barn. He further stated that you can't put a cost on resident's lives.

John Bishop, 110 West Saddle River Road stated that he is a former driver for the Allendale Ambulance Corp and their goal is to exit their facility eight minutes after the call is received and by the time they get to Saddle River, too much time has elapsed. This is why it is very important to keep the Valley Hospital EMS personnel comfortable and with a viable space they can occupy. He further stated navigating through a busy parking is not a problem for a trained ambulance driver, although it is not the best option. He further stated that he is not in favor of a temporary solution.

Barbara Owen 223, West Saddle River Road stated that she has been a long time member of the Landmarks Commission as well as the Bishop House Foundation. She further stated that the current members of the Bishop House Foundation embrace the idea of the EMS personnel occupying this space temporarily. She addressed the modifications that would be needed and stated that it would be a good solution that the Bishop House would benefit from. She further stated that any rental income received from EMS should be given back to the Bishop House to fund further repairs.

Ferne Lambert, 119 West Saddle River stated that she did not feel that Barbara Owen's statements were accurate; she does not know of anyone involved with the Bishop House that is happy with the idea of using it for the EMS personnel. She further stated that she has been working with the Bishop House for a long time and members of the Foundation are currently trying to revive the home for use by various groups. She feels that a temporary solution is not the most financially feasible.

Jim Rogers, 12 Twin Brooks Road stated that he agrees with Ferne Lambert and he thanked the Council for all their hard work crafting the options presented. He is in favor of a permanent solution.

Cynthia Sarokadun stated that perhaps the EMS should be able to give their input as to what their preference is regarding housing.

Leonidas Samouilidis, 4 Lookout Drive stated that he also feels that he would like to hear what the DPW, Fire Department and the EMS want.

Ron Yates, 6 Tanbark Trail stated that he gets the feeling that this should not be rushed into and more discussion must take place.

Alexandra Samouilidis, 4 Lookout Drive stated she also is not in favor of rushing this decision. She further stated that both the Fire Department and EMS are of critical importance to residents and there must be a better plan and further discussion to arrive at the best solution.

Mayor Raia asked Borough Engineer Spence to elaborate on the space options. He further stated that both Council Members Gray and Kerner have spent a tremendous amount of time devising proposals for re-locating the EMS and the current situation, with the Fire Department members and the EMS in the same building is not working.

Martin Spence, Borough Engineer stated that he has provided estimates for all options discussed and a third party vendor was brought in to access the work necessary to retrofit the DPW barn accordingly. Plans and specs for this option are not currently available. A contractor visited the space and was given a sketch indicating that the lounge area would be 11' x 18' and the restroom would be 7' x 8' and was asked to provide a cost estimate.

Debbi Hardesty, 15 East Saddle River Road stated that she is present at this meeting, like many others, to address the deer management issue and people are starting to leave as it is getting late. She encouraged the Mayor and Council to begin that discussion now.

Roll Call Vote: AYES: Council President Kurpis, Gray, Walenczyk
NAYES: Jensen, Schulstad
ABSTAIN (under protest): Kerner

DEER MANAGEMENT PRESENTATION:

At this time, Council Member Schulstad gave a presentation regarding the Wildlife Management issue in Saddle River. He further stated that on August 17, 2015, a draft ordinance regarding fire arms was distributed to the Mayor and Council for their comments but he has not received a response. He further stated that he reached out to the Ordinance Review Committee as well as the Environmental Commission and the Wildlife Management Committee and a common agreement on language in this ordinance has been developed for public review. He further stated that the Mayor and Council are all in agreement that public comment on this issue is of paramount importance. A letter was sent out by the Mayor regarding this issue; the Mayor stated that he did not send out any such letter.

Chapter 109 of the Borough Code currently bans hunting; the Borough Attorney's opinion is that this is not enforceable. Council Member Schulstad stated that he drafted this ordinance to permit and regulate the discharge of weapons in Saddle River. He further stated that this draft ordinance would permit the hunting of deer under very limited conditions, with a bow only. This could only be done by a group or individual with a deer hunting license issued by the State of New Jersey. The Borough will not issue permits. A letter demonstrating prior written permission by a land owner to hunt on their property will also be mandatory. Discharge of a bow will be prohibited at all times, except for the purposes of deer hunting, and in a safe manner.

Council Member Schulstad read the general provisions, the safeguards, and the violations and penalties as outlined in this draft ordinance at this time.

Council Member Schulstad asked Council Member Gray about the Ordinance Review Committee and why this was road blocked; Council Member Gray stated that he previously gave input on this and has no further comment at this time.

Council Member Kerner asked if the Ordinance Review Committee had completed their review of this ordinance and Council Member Gray stated that it had completed such review.

OPEN TO THE PUBLIC:

Patty Nazzaro, 3 Westwind Court stated that she attended the Ordinance Review Committee meeting but has not seen the updated ordinance. She inquired about the language regarding guns and stated that it is too vague. She further stated she is not in favor of shooting guns in Saddle River.

Police Chief Tim McWilliams stated that he is not in favor of the discharge of a firearm. There have been several incidents in Saddle River already and he does not feel it is safe or appropriate.

Jerry DeCrosta, former Council Member, stated that this issue has been worked on for over a year. The Board of Health and the Environmental Commission made a presentation to the Mayor and Council in order to educate them on the significant over-population of deer in Saddle River, highlighting all of the detriments to residents. A Wildlife Committee was formed and the initial recommendation to the Mayor and Council was that a cull was necessary but should be done by a professional bow hunting organization on large parcels of land.

Bob LaViano, Chairman of the Environmental Commission stated that three years ago the problem became severe and it is important to preserve the quality of life in Saddle River. He attended a seminar in southern New Jersey and stated that the deer over population is responsible for not only destroying our environment, but they are also a public health risk. He further stated that there is a coyote problem due to the deer population and bow hunting has been very effective in managing this issue all across the state.

Dr. Duncan Carpenter, Chairman of the Board of Health, stated that our current deer population has increased to the point that it is now almost impossible to keep cases of Lyme disease at normal levels.

Samantha Scarlett, 241 East Saddle River Road stated that bow hunting is not accurate or safe. She further stated that she does not feel that using a cross bow to kill deer is humane.

An unidentified resident stated that she does not dispute that there is a deer problem in Saddle River. She further stated that she has suffered from Lyme disease and deer are not the only carriers of this disease. She has a signed petition from residents who oppose bow hunting; she feels it is not effective or humane.

Patty Nazzaro stated that she is in agreement with an organized cull as it is very inhumane for deer to die slowly from being hit or diseased. She further stated that she would like to have strict limitations on any cull, bow hunting only from tree stands, for a definitive amount of time.

An unidentified resident recommended using a Taser gun and then having the deer re-located. He further stated that, even if a cull is done, the deer will return.

Lisa Scafuro stated that she is in agreement with using a Taser gun and feels that bow hunting is not appropriate.

Doris Lin, League of Humane Voters, NJ, stated that she is available to give a 30 minute presentation on deer management in New Jersey. She further stated that hunting deer to control the population is a failed experiment. She stated that people don't care about how many deer there are, they care about their landscaping being eaten and deer being injured by auto accidents. She further stated deer ticks are primarily carried by mice and can be kept at bay with insect repellent.

Rockwell Schwartz, Ridgewood, NJ stated that she attended the Ordinance Review meeting on August 17, 2015. She further stated that she is concerned that a cull would set a bad precedent for all of Bergen County. She stated that her college conducted three culls and she has studied this extensively. She further stated that there is no correlation between Lyme disease and deer, making the health issue a moot point. Bow hunting also possesses a high error rate, increasing the possibility of deer being injured rather than killed quickly. She addressed alternative methods of managing the deer population.

Cynthia Seroka Dunn, Haworth, NJ stated that she has witnessed innocent people getting injured by hunters and other alternatives must be considered. The deer have no place to go, which is why they live among us today throughout Bergen County.

Angie Mettler, Executive Director of the Animal Protection League of New Jersey stated that she was invited to attend this meeting by a resident and deer culling is not effective, it is temporary. Controlling animal fertility through vaccines is far more productive and she explained this in detail at this time.

A Mahwah resident stated that bow hunting is permitted in this community and it has not been effective. He encouraged the Mayor and Council to be open-minded about this issue, as it is extremely important.

A Saddle River resident stated that each resident should be able to protect their own property with a fence as high as necessary.

Bob LaViano stated that many productive comments were made; he disagreed that bow hunting presented a safety issue when using a professional outfit. He further stated that he feels that Saddle River can either do nothing at all or arrange for a cull. He does not feel that sterilization is practical as it is cost prohibitive.

Council Member Kerner asked if the current Borough ordinance, which prohibits hunting is legal. The Borough Attorney will have to be consulted.

Council Member Schulstad stated that this debate is very important and he hopes that it continues. The ordinance does not anticipate the spending of any money. He further stated that the Borough controls what goes on, on municipal land and the bow hunters will be carefully supervised.

The Environmental Commission will be meeting on September 28, 2015 at 6:30pm in the Municipal Building and he encouraged the public to attend to continue this discussion. He further stated that the NJ Division of Fish and Wildlife will be giving a presentation on October 1, 2015 at the Wildlife Management Committee meeting at the Municipal Building at 7:00pm.

It was decided that an email blast would be done, it would be posted on the Borough website and on the Borough traffic trailer. Mayor Raia thanked Council Member Schulstad for all of the work he has done on this very sensitive and complicated issue. He further stated that this could be a referendum item in November.

WORK SESSION:

ADMINISTRATOR SHENKLER:

Rindlaub Park Celebration: Administrator Shenkler stated that the Rindlaub Park Celebration will take place on Sunday, September 27, 2015 at 6:00pm. The Cameos and Friends of Friends will be performing.

Generator Bids: Administrator Shenkler stated that bids were received on September 17, 2015 and Borough Engineer Spence will address this matter.

Mayor Raia stated that a Pep Rally was conducted on Friday, September 18, 2015 at Rindlaub Park; it was extremely well attended and all of the parking facilities were utilized.

COUNCIL REPORTS:

Council Member Schulstad stated that only one snow plow bid was received from Downes Tree Service; he will be voting no on this resolution as he has not seen the contract. The Wandell Board of Education has not met; the HVAC project at the school is 85% complete.

There will only be minor changes to the snow plow contract to include an option of GPS units in trucks, at the Borough's expense.

Council President Kurpis stated that the Board of Health met on September 2, 2015; there were no significant statistics. The flu clinic will be held on October 21, 2015. He further stated that the Police Department is running smoothly and he gave the report at this time. Chief McWilliams stated that a father and son burglary team that was caught have pled guilty and are awaiting sentencing.

Council Member Kerner stated that she is concerned about the EMS response times this month and she will report at on this later in the evening. She further stated that Ordinance 15-913-M is to be introduced; it is re-purposing two outstanding bonds and she explained this in detail at this time. The OEM Manual has been updated and the County has sent their list of additional requirements to be satisfied.

Council Member Jensen stated that the COAH hearing took place and the Borough was successful with the declaratory judgement application and received immunity from builder remedies law suits that last until December 22, 2015. A COAH expert was hired but needed to be replaced due to health matters. The Planning Board will need to address this issue as decisions have to be made; there is very little inventory of appropriate property for COAH in Saddle River.

Mayor Raia stated that the Borough needs to look at existing Borough owned property and he further stated that he will be meeting with Pastor Smith at the Zion Lutheran Church to explore the possibility of constructing special needs housing. The septic requirements were also addressed and Borough Engineer Spence stated that it is based on the number of bathrooms.

Council Member Schulstad stated that he feels uncomfortable that a process is not in place to more formally address this matter. He further stated that a committee should be formed for this purpose.

Council Member Kerner stated that there is a deadline and it is important for these meetings to take place as soon as possible by appointed committee members.

Council Member Gray gave the fire report at this time. The Parks and Recreation Commission met in September and Council Member Gray gave the report at this time.

BOROUGH CLERK:

Municipal Clerk Macari stated that the last day to register to vote is October 13, 2015, for the election being held on November 3, 2015.

She further stated that September is National Preparedness Month.

AGENDA

INTRODUCTION OF ORDINANCE(S):

ORDINANCE 15-913-M

BOND ORDINANCE TO AMEND THE FOLLOWING BOND ORDINANCES PREVIOUSLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY: (1) BOND ORDINANCE NO. 09-825-M ADOPTED ON APRIL 20, 2009; AND (2) BOND ORDINANCE NO. 13-877-M ADOPTED ON APRIL 15, 2013.

Resolution# 139-15 Introduced by Council Member Kerner
Seconded by Council Member Gray
Roll Call Vote: AYES, Unanimous

ADOPTION OF ORDINANCES: There were none.

APPROVAL OF BILLS

Resolution # 140-15 Offered by Council Member Kerner
Seconded by Council President Kurpis

Mayor Raia asked about a lighting package on one of the Borough vehicles, vehicle maintenance expenses and Fire Department uniform charges. This was discussed in detail.

Council Member Schulstad addressed the ongoing issue with US Overall and the cancellation of their contract, which is an illegal document. Mayor Raia stated that the Borough Attorney is currently reviewing this document and the demand by the previous vendor for \$25,000 as a result of the cancellation of the contract. Council Member Schulstad suggested that this matter go to the prosecutor's office. Mayor Raia stated that Council Member Schulstad has suggested on three occasions that the prosecutor should be involved in certain Borough matters. He further stated that these matters were reviewed by the auditor and there were no findings out of the ordinary course of business.

Roll Call Vote: AYES, Unanimous

Council Member Kerner asked about voting on the resolutions authorizing temporary use of a modular structure as well as authorizing the short term use of the Bishop House for EMS personnel. She further stated that utilizing the DPW barn will take time, perhaps 60 to 90 to 120 days to renovate when a short term solution was the goal.

Council Member Gray asked Council Member Kerner where she got this time estimate and she stated that architect specs, estimates, bids and contracts have not been obtained to date.

RESOLUTION AUTHORIZING TEMPORARY USE OF A MODULAR STRUCTURE TO BE LOCATED WITHIN THE DPW AREA FOR EMS

Withdrawn

RESOLUTION AUTHORIZING SHORT TERM USE OF THE BISHOP HOUSE

Resolution #141-15 Offered by Council Member Kerner
Seconded by Council Member Schulstad

Council Member Schulstad stated that he had no idea how long it would take to have the long term solution for the EMS in place and, if the cost exceeds \$40,000 bids will have to be solicited. He further stated that there is an acute need for a temporary solution and this is purely a question of whether or not the Bishop House should be utilized for this purpose.

Council Member Jensen stated that the long term solution may take longer than planned and this short term solution seems to be very practical.

Council President Kurpis stated that he has concerns that the permanent solution can be completed in 60 days as promised.

Mayor Raia stated that the Landmarks Commission would have to approve the solution utilizing the Bishop House and making the necessary repairs, including making the building ADA compliant, would need to be addressed. He further stated that the Bishop House Foundation is trying to get groups and activities organized and much work has been done to get it up and running again. He further stated that there a group of very dedicated residents that want to make this historical treasure a place where many groups can come and hold meetings, lectures, teas, etc.

Council Member Gray stated that the Bishop House Foundation is going to be getting their 501-C3 status renewed and then they will be able to get funding for further repairs and improvements. It will be difficult to make these repairs and improvements if people are housed there.

Council Member Schulstad stated that he sent an OPRA request to the Municipal Clerk regarding any plans to renovate or improve the Bishop House and none exist. He further stated that this is a temporary solution and he did not feel that the Bishop House people would be permanently injured if they experience a two month delay, while public safety is trying to be upheld.

Mayor Raia asked Council Member Schulstad if he had visited the Bishop House in the last two weeks to review the improvements to the interior and exterior. Council Member Schulstad stated that he had not.

Council Member Kerner stated that Mayor Raia has been the Mayor for eight years and no money has been put into the Bishop House. She further stated that it is offensive that now there is an outpouring of support for the Bishop House. She further stated that it should be ADA compliant regardless of who uses it. She further stated that 30-60 days will not hold up any progress with the Bishop House, should the Bishop House be utilized temporarily.

Mayor Raia stated that, when a building is repurposed, it must comply with current ADA requirements.

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

Council Member Schulstad and Council Member Kerner requested that the several resolutions be removed from the Consent Agenda and it was decided that all resolutions, listed on the Consent Agenda will be voted on separately.

RESOLUTION AWARDING BID FOR PUBLIC SAFETY COMPLEX GENERATOR REPLACEMENT

At this time, Borough Engineer Spence reviewed the awarding of the bid for the Public Safety Complex Generator. He further stated that this matter will be reviewed and recommendations will be made at the October 19, 2015 meeting. He explained the project and the funding in detail at this time, stating that the Borough Attorney will review this information prior to the next meeting.

RESOLUTION AWARDING BID FOR SNOW REMOVAL SERVICES

Resolution 142-15 Offered by Council Member Gray
Seconded by Council President Kurpis

OPEN TO THE PUBLIC: No one wished to be heard

Council Member Schulstad stated that the Council Members have not seen the contract that they are being asked to vote on. He further stated that he would like to review this contract as well as set a precedent that the Council plays a role in reviewing all contracts moving forward.

Council Member Kerner stated that the Council is responsible to insure that all contracts are compliant with the law and she is not prepared to vote on any contract she has not reviewed. She further stated that the resolution language needs to be amended to include that the Mayor and Council will review and approve all contracts prior to their execution.

Borough Administrator Shenkler explained the process, stating that after bids are received, the low bidder is awarded a contract, which is prepared by the Borough Attorney.

Council Member Gray stated that Mayor and Council should provide direction and policy but not necessarily review every contract. Mayor Raia stated that, after the contract is drawn up by the Borough Attorney, it is reviewed by both the Borough Administrator and the CFO to insure that it is in compliance with the bid requirements.

Council Member Kerner was not in agreement. Council Member Jensen stated that it is public purchasing procedure that the Council review all contracts.

Mayor Raia suggested approving this contract conditional on the Borough Attorney, CFO, the Borough Administrator and Council Member Schulstad signing off on this contract. He further stated that he would like to get this approved as, historically, there have been snow storms in October and the Borough must be prepared.

Council Member Kerner stated that the award of the bid can be approved but she feels strongly that the Mayor and Council review the contract before it is approved as it is a significant amount of money.

It was agreed upon that the resolution would be adopted, with the language amended to indicate that the approval of the contract will be contingent upon the review and approval by the Mayor and Council in the month of October.

Patty Nazzaro, 3 Westwind Court stated that she feels that the GPS being installed in the snow plow trucks is a waste of money.

Roll Call Vote: AYES, Unanimous

RESOLUTION TO APPROVE THE SUBMISSION OF A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NJ DOT FOR E. ALLENDALE ROAD PHASE IV

Resolution 143-15 Offered by Council President Kurpis
Seconded by Council Member Walenczyk

Council Member Kerner stated that this presents the same situation as the prior resolution; there has been no contract to review made available to the Mayor and Council.

Borough Engineer Spence explained the parameters of the NJ DOT grant application process in detail at this time. An endorsing resolution must accompany the application. The Streetscape Phase IV project will continue north on West Saddle River to the Bishop House from East Allendale Road. It is currently in the conceptual phase and a sketch will be provided to the NJ DOT. This is the same procedure used for the three previous phases of the Streetscape projects.

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

APPROVAL OF SOIL MOVEMENT 190 CHESTNUT RIDGE ROAD BLK. 1202 LOT 34.01

Resolution 144-15 Offered by Council President Kurpis
Seconded by Council Member Walenczyk

Council Member Schulstad stated that he wished to amend the language in the resolution regarding the installation of a fire suppression system. He further stated that this language was not consistent with other soil movement application on the agenda.

Council Member Kerner stated that she is in favor of standardizing the language regarding fire suppression systems in all soil movement resolutions moving forward.

Council Member Schulstad stated that he spoke with a real estate agent and Saddle River has a bad reputation with home buyers. He further stated that the fire suppression system is one area of concern.

Mayor Raia stated that, if the resolution before the Mayor and Council is not acceptable, it must go back to the Planning Board for any revisions; the Mayor and Council cannot make any amendments.

Council Member Jensen stated that the Mayor and Council can make recommendations to the Planning Board to modify the language. He further stated that the property owner for this application is probably anxious to get started with construction and if he feels it is prudent to install a fire suppression system in his home, it is his choice. Mayor Raia reiterated that he feels that the Planning Board must facilitate any resolution amendments.

Council Member Schulstad stated that he, per Robert's Rules, can make a motion to amend this resolution. Mayor Raia cleared up proper Robert's Rules procedures for Council Member Schulstad.

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

APPROVAL OF SOIL MOVEMENT 30 OLD WOODS ROAD BLK. 2003 LOTS 7 & 8

Resolution 145-15 Offered by Council President Kurpis

Seconded by Council Member Walenczyk

Roll Call Vote: AYES: Council President Kurpis, Council Members: Gray, Jensen, Schulstad, Walenczyk
NAYES: Council Member Kerner

RESOLUTION APPOINTING MUNICIPAL HOUSING LIAISON

Resolution 146-15 Offered by Council President Kurpis

Seconded by Council Member Walenczyk

Roll Call Vote: AYES: Unanimous

RESOLUTION APPOINTING PUBLIC AGENCY COMPLIANCE OFFICER (PACO)

Resolution 147-15 Offered by Council President Kurpis

Seconded by Council Member Gray

Council Member Kerner stated that she would like to consider having Susan Hodgins, Assistant CFO, be appointed to this position as Administrator Les Shenkler is negotiating many of the contracts for the Borough. Administrator Shenkler stated that this is not a conflict as there is no negotiations with contracts under \$40,000. Mayor Raia stated that this appointment typically is awarded to a higher level position.

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

NAYES: Council Members Kerner, Schulstad

RESOLUTION AUTHORIZING INFORMATION SERVICES CONTRACT WITH GTBM

Resolution 148-15 Offered by Council Member Jensen

Seconded by Council Member Walenczyk

Council Member Schulstad stated that he has not seen the contract. Council Member Kerner suggested changing the language in the resolution to indicate that GTBM will be awarded the business, pending the approval of the contract. Council Member Gray disagreed, stating that he does not feel it is necessary to review all contracts. Mayor Raia was in agreement, stating that it is not necessary to micro-manage these issues as the Administrator, the Borough Attorney and then he ultimately reviews each contract.

Council Member Jensen made a motion to change the existing language in the resolution to reflect that the proposal will be accepted and instruct the Administrator to prepare an agreement. Motion seconded by Council Member Kerner.

Mayor Raia stated that a "yes" vote will reflect the above referenced revision to the resolution.

Roll Call Vote: AYES: Council Members Jensen, Kerner, Schulstad, Walenczyk

NAYES: Council President Kurpis, Gray

RESOLUTION AUTHORIZING PITNEY BOWES CONTRACT – POSTAGE MACHINE

Council Member Schulstad stated that he spoke to Administrator Shenkler about this contract and asked if it existed. He further stated that he did ask to see this contract prior to this meeting. The prior contract will expire at the end of the month.

The motion will be to accept the proposal, pending the review of the contract, to be prepared by the Administrator.

The above motion was subsequently removed from the floor. The motion returns to the authorization of the contract.

Resolution 149-15 Offered by Council President Kurpis

Seconded by Council Member Gray

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

RESOLUTION AUTHORIZING THE CANCELLATION OF ORDINANCE NO. 11-854-M PURCHASE OF A FIRE TANKER ENGINE

Resolution 150-15 Offered by Council Member Jensen

Seconded by Council Member Gray

Roll Call Vote: AYES: Unanimous

RESOLUTION SELECTING AN ARCHITECT FOR STUDY OF POSSIBLE FIRE DEPARTMENT EXPANSION

Resolution 151-15 Offered by Council President Kurpis

Seconded by Council Member Schulstad

Mayor Raia stated that he would like the language in this resolution changed to indicate "expansion or reconfiguration" of the Fire Department. Proposals were submitted and Administrator Shenkler stated that the Montoro Group was chosen in the amount of \$7750.00.

Mayor Raia stated that he would like to first start with reconfiguration ideas and reduce the amount of the proposal. Council Member Kerner stated that the Fire Department should be able to give their input and outline their needs.

Council Member Gray stated that, now that the EMS will not be occupying Fire Department space, an expansion may not be necessary.

Council Member Kerner stated that she would like the criteria reviewed with an architect as it is important.

Mayor Raia stated that he would like this motion removed at this time as it is premature. Council Member Schulstad disagreed, stating that the Fire Chief and his assistant are not happy in this space and further stated that there is currently a public safety problem due to the actions of Council Member Gray.

Kerner made a motion to change the title of this resolution to read..."Expansion and/or Reconfiguration" and in paragraph four it shall read " anticipated expansion and/or reconfiguration".

Mayor Raia reiterated that this is a premature motion and would like the fire department members to make recommendations. He further stated that, now that the EMS will be removed from this facility, the fire house can be returned to its original state, which was sufficient for the fire department members.

Council Member Kerner disagreed with this premise. Council Member Gray stated that he would like to revisit a discussion with fire department members about the space, now that the EMS personnel will be moving out.

Council President Kurpis stated that he would like to consult an architect to study the space requirements needed by the Fire Department, with the input from the Public Safety Committee and then the Mayor and Council.

Council Member Kerner accepted the modification of the motion to "Approve the retention of an architect to study the space requirements needed by the Fire Department". Additional language changes were made in the resolution at this time, to include reducing the amount, not to exceed \$5000.00.

Seconded by Jensen

Roll Call Vote: AYES, Unanimous

COMMITTEE REPORTS

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

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

COAH:

RESOLUTION TO AMEND THE SHARED SERVICES DEFENSE AGREEMENT

Resolution 152-15 Offered by Council Member Jensen

Seconded by Council Member Kerner

Roll Call Vote: AYES, Unanimous

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

Fire Report: Report given earlier.

Police Report: Report given earlier

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

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

Landmarks Committee: There was no report at this time.

Public Works: Report given earlier.

Parks and Recreation: Report given earlier.

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

Zoning Board: Council Member Jensen gave the report for September 2015.

OPEN TO THE PUBLIC:

Marilyn Goldfisher, 124 West Saddle River Road thanked Council Member Kerner for her efforts in trying to utilize Borough buildings for the EMS personnel relocation project. She also thanked Council Member Jensen for his work on COAH.

Patty Nazzaro, 3 Westwind Court stated that she appreciates all the work the Mayor and Council are doing regarding the Fire Department. She further stated that the outdoor lighting in the parking lot is very helpful, especially at night.

UNFINISHED BUSINESS:

NEW BUSINESS:

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari
Municipal Clerk

F/Nwwp/min/M&C09-2015