

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
HELD OCTOBER 19, 2015**

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

ABSENT:

PRESIDING: Youth Mayor Straus Daniel 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: Youth Mayor Straus Daniel led the Pledge of Allegiance.

AWARDS AND CEREMONIES:

Mayor Raia read a Proclamation for Youth Mayor Straus V. Daniel and declared October 19, 2015 Straus V. Daniel Day in the Borough of Saddle River; he wished him a Happy Birthday as well.

WORK SESSION:

MAYOR RAI:

Bergen County Mayor's Meeting: Mayor Raia stated that he attended this meeting held on October 13, 2015 and an inventory of heavy equipment was addressed in order for municipalities to foster shared services. He further stated that many volunteer fire departments are having difficulty manning their forces. The Shared Services Coordinator for Bergen County spoke about assisting municipalities in this area and perhaps considering the sharing of fire trucks as well.

ADMINISTRATOR SHENKLER:

GTBM Contract and Proposal: Administrator Shenkler stated that this contract as well as the snow removal contract and related documents were distributed to the Mayor and Council.

DPW Barn Re-purposing for EMS Personnel: Administrator Shenkler stated that the framing has begun and should be completed shortly.

Council Member Schulstad asked if Borough Attorney Huntington reviewed the resolution authorizing the contract for this project. Borough Attorney Huntington stated that he reviewed this some time ago. He was asked by Council Member Kerner to review the protocol for the review of contracts and proposals prior to their approval and he did so at this time, stating that the Mayor and Council is entitled to this information in advance but it will take additional time to prepare the contracts.

Council Member Gray asked Borough Attorney Huntington to explain the premise of contracts falling under the bid threshold of \$40,000 and the role of Qualified Purchasing Agent (QPA) with these contracts.

Borough Attorney Huntington stated that contracts over \$40,000 must be put out for competitive bid and then awarded by a formal resolution. Contracts under that amount can be executed by CFO Michael Mariniello, QPA for the Borough of Saddle River.

Council Member Jensen stated that the execution of all contracts, regardless of the amount, should be reviewed by the Mayor and Council.

Borough Attorney Huntington stated that contracts that Council Member Jensen is referring to were reviewed and initialed by the Administrator and CFO and it was his understanding that they were approved at the September 21, 2015 meeting of the Mayor and Council.

The contract for the DPW Barn Repurposing was addressed and Administrator Shenkler stated that Top of the Line Contracting from Saddle River quoted a price of \$32,800.00 and will be doing the work. Mayor Raia stated that the Council is in receipt of this contract, the work must start immediately and should be completed timely.

Council Member Schulstad made a motion to approve this contract; Mayor Raia stated that this resolution will be added to the Consent Agenda.

Council Member Kerner asked if the Fire Prevention Officer did anything at the Wandell School for Fire Prevention Week, which was October 4-10, 2015. Administrator Shenkler will follow up with Rich Silvia.

COUNCIL REPORTS:

Council Member Schulstad stated that he wished to address conflicts of interest at this time. He further stated that he is the Board of Education Council Liaison and he has a friendship with a neighbor of Wandell School and he wanted to make it known at this time. Council Member Schulstad's potential conflict with the neighbor of Wandell School was discussed in relation to the potential impact of the Wandell School generator project on this neighbor. Attorney Huntington stated that the impact of a generator on the neighbor was negligible and thus, he believed there was no conflict for Council Member Schulstad.

He addressed a draft of a shared services agreement with the Board of Education. He specifically discussed a proposed generator placement as it could impact a friend on Alford Drive and he does not want this to appear as a conflict of interest when addressing this matter and wanted a conflict analysis. Mayor Raia and Attorney Huntington did not feel that this was the appropriate forum to address this matter.

Attorney Huntington further stated that he would want to ascertain the nature of friendship with this individual as if they are akin to family members, impartiality may be compromised. In this case, a conflict may occur. Council Member Schulstad stated that this is a very close friend who ran on his election ticket in 2014. Attorney Huntington reiterated that any action taken must not give the public any indication of decision making with any divided loyalties. Council Member Schulstad stated that he did not have a conflict.

Council Member Kerner stated that there was an issue brought before the Mayor and Council last month that the owner of 2 Alford Drive, which abuts the DPW property is her employer. She was asked to recuse herself from any discussions regarding this property. She further stated that distance from a subject property line does not determine a conflict of interest.

Council Member Schulstad stated that Council Member Kerner has drafted an Interlocal Agreement with the Borough of Saddle River and the Wandell School and he asked to address this at this time. Mayor Raia stated that he did not feel that the Council had an opportunity to review this and would like to address it at the November 16, 2015 meeting. Council Member Schulstad stated that he felt that this was a fair request. He further stated that there has been some discussion going back to the 2014 Council that the Borough would support the Wandell School generator project.

Council Member Schulstad stated that he attend a Board of Education meeting where an internal policy was addressed and will be discussed at another time.

Council Member Schulstad addressed the deer management issue and he has been working with the Environmental and Wildlife Management Commissions in order to arrive at a plan which will be acceptable to the public. An ordinance has been drafted in order to amend Chapter 109 "Firearms"; it has been amended several times in order to arrive at the best possible alternative regarding this matter. The NJ Division of Fish and Wildlife gave a public presentation in Saddle River and it was extremely informative. He further stated he has worked on this extensively with Council Member Kerner and it was decided that the ordinance would be bifurcated from a resolution, which would contain the specific conditions that have been approved.

He addressed having a referendum on this matter and felt that it is important to get residents feedback on this public health crisis. He further stated that a referendum proposal would have two questions on the ballot in the November 2016 election. The first question asks residents if they are in favor of the Borough of Saddle River's decision to authorize the use of regulated bow hunting as part of the Borough's plan to reduce the deer population. The second question would ask residents if they agree with a decision by the Borough of Saddle River to authorize the use of fire arms to reduce the deer population, if, in the interest of public safety, the deer cull was limited to the property owned by Saddle River. He further stated that he would not be comfortable permitting the use of fire arms unless the voters were in full support. He asked the Mayor and Council for their feedback on this issue and stated that he was hopeful that the amended ordinance could be introduced as written tonight.

Mayor Raia asked how the introduction of this ordinance would coincide with getting the public's opinion in 2016. Council Member Schulstad stated that he must pay close attention to public opinion and that if a referendum is required for action on this matter, the Council would have to address this prior to the referendum deadline.

Council Member Kerner asked if this referendum would serve as a way to give this concept a trial period and Council Member Schulstad stated that it is very difficult for residents to know the effect of a policy until it has been executed; it may be more fruitful to canvas people's opinion after the policy has been implemented. He further stated that this is a balance of risks; to do nothing is risky as well.

Council Member Gray gave the Fire Department report at this time. The Parks and Recreation Commission met on October 14, 2015 and discussed the success of the Rindlaub Park Celebration held on September 27, 2015. He further addressed the policing of the park and stated that it is very difficult. Mayor Raia stated that the concert was well received by all.

Council President Kurpis asked about the installation of low voltage lighting from the band shell area in Rindlaub Park to the parking lot. Council Member Gray stated that the Parks and Recreation does not have a budget but the Borough should consider this project. The topic of reinstating the concert series was addressed and Council Member Gray stated that this was funded by the Borough and that the Parks and Recreation Commission will be recommending this for 2016.

Council Member Kerner stated that the Personnel Committee met and addressed the employee job descriptions and the evaluation process which will be implemented in 2016. She further stated that there is a resolution for an employee salary adjustment in the Consent Agenda. Council Member Kerner asked Administrator Shenkler if he had started negotiating the contract with the Valley Hospital and he stated he had not. She further stated that the deadline for this is rapidly approaching and changes should be addressed; if none are made it will auto-renew.

Budget requests will be due for submission by the end of October so the process may begin earlier this year. A new contract initiative will be put into place in order to track contracts and get any necessary estimates in order to insure all contracts are cost effective. The telecom bills will be evaluated and a central inventory has been compiled in order to reduce costs in this area as well. She further stated that the assistant to the CFO, Susan Hodgins, has audited many of these bills and been an asset in this area.

Council Member Jensen stated that the Construction Department is running well and he gave the report at this time. The Planning Board met on October 6, 2015 and he gave this report as well. He further stated that the COAH project is ongoing.

BOROUGH CLERK:

Municipal Clerk Macari stated that the Best Practices Worksheet has been completed and received by the Mayor and Council.

Council Member Schulstad stated that he had submitted an OPRA request that is still outstanding and asked for the status of it at this time. Mayor Raia stated that this be dealt with at another time.

RESOLUTION FOR CLOSED SESSION

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

Resolution # 153-15 Offered by Council President Kurpis
Second by Council Member Kerner
Roll Call Vote: AYES: Unanimous

At this time, the Mayor and Council returned to the Agenda portion of the meeting in the auditorium.

Upon returning to the public session of the meeting, Mayor Raia stated that, as most of you that were here last month, we had some truly reprehensible behavior, very unusual, reprehensible behavior, punctuated with vulgarities, etc. He further stated that this is not the way that we, in Saddle River will conduct meetings. Meetings shall be conducted with respect for each other and civility.

Council Member Schulstad stated that the September meeting of the Mayor and Council was very difficult; the Council is divided, three and three and sometimes it is difficult to get passed it. He further stated that he is not happy with the September meeting and encouraged the public to read a transcript he has created, once it is complete. He further stated that this transcript does not portray him at his finest.

He further stated that he is embarrassed by his behavior and he wished to publicly apologize to the Mayor and Council. He further stated that some people do not take well to taunting and he hopes to be a better person in the future.

Council President Kurpis made a motion to remove the resolution regarding Paul Schulstad. Mayor Raia stated that he needs to be completely sure that this type of behavior is never going to happen again. Council Member Schulstad stated that it would not happen again if he is not taunted.

Council President Kurpis further stated that the Mayor and Council will be working with Attorney Huntington on a resolution regarding conduct and civility among the Mayor and Council Members moving forward; there will be a zero tolerance policy. Mayor Raia stated that copies of the CD from the September meeting will be available to the public in the Municipal Building.

INTRODUCTION OF ORDINANCE(S):

ORDINANCE 15-914-C

AN ORDINANCE AMENDING CHAPTER 109: FIREARMS

Resolution# 154-15 Introduced by Council Member Schulstad
Seconded by Council President Kurpis

Council Member Schulstad stated that, while it is every citizen's right to legally own a fire arm, he is not in favor of permitting the discharge of a fire arm and the ordinance has been amended to remove even the shooting of vermin.

Council Member Gray stated that he is pleased to see that this has been removed from the ordinance, as it was extremely open ended and he appreciated Council Member Schulstad's work on this amendment.

Roll Call Vote: AYES, Unanimous

ADOPTION OF ORDINANCES:

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# 155-15 Introduced by Council Member Kerner
Seconded by Council President Kurpis

Mayor Raia asked CFO Mariniello to explain this ordinance; he did so in detail at this time.

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

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

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

Roll Call Vote: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 156-15 Offered by Council Member Kerner
Seconded by Council Member Jensen
Roll Call Vote: AYES, Unanimous

DRAFT RESOLUTION ESTABLISHING A WILDLIFE PLAN WITHIN THE BOROUGH OF SADDLE RIVER

Council Member Schulstad stated that he asked for this resolution to be on the agenda in order to foster discussion and solicit public comment. He also stated he would like this draft posted on the website.

Resolution 157-15 Offered by Council Member Schulstad
Seconded by Council Member Kerner

Mayor Raia stated that this will be posted on the website and copies will be available at the Municipal Building.

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 Schulstad

Council Member Kerner requested that the minutes from the September 21, 2015 meeting be removed for separate consideration.

Explanation of Consent Agenda Items

Administrator Shenkler explained the Consent Agenda items at this time. CFO Mariniello addressed the Personnel Committee Recommendation, stating that Susan Hodgins has been doing an outstanding job.

Roll Call Vote: AYES, Unanimous

OPEN TO THE PUBLIC:

Fred Moss, Chestnut Ridge Road requested that the snow removal contractor be instructed not to push snow in front of fire hydrants.

Council Member Gray asked that the Bid Award for the Public Safety Complex Generator Replacement be removed from the Consent Agenda for separate consideration.

Approval of Minutes: Regular Meeting: 8/17/15 & 9/21/15

A. Resolutions:

R# 158-15 Refund for Overpayment of Taxes to Blk. 1607 Lot 1

R# 159-15 Blood Borne Pathogens Agreement Compliance Program 2016-17

R# 160-15 Authorization to Enter into a Contract for Snow Removal Services

R# 161-15 Personnel Committee Recommendation

R# 162-15 Approval of DPW Barn Conversion for EMS by Top of the Line Construction

RESOLUTION AWARDING BID FOR PUBLIC SAFETY COMPLEX GENERATOR

Resolution #163-15 Offered by Council President Kurpis

Seconded by Council Member Gray

Council Member Gray stated that there some key elements needed in this contract and he addressed these in detail at this time.

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

NAY: Council Member Schulstad

RESOLUTION AUTHORIZING INFORMATION SERVICES CONTRACT WITH GTBM

Administrator Shenkler explained this in detail at this time. It was on the agenda last month; the language was changed to reflect the awarding of the contract pending the review of the contract by the Mayor and Council.

Resolution #164-15 Offered by Council Member Jensen

Seconded by Council President Kurpis

Council Schulstad asked for clarification on the cost savings that would be provided by GTBM; Administrator Shenkler reviewed this at this time, stating that GTBM was the lowest bidder at \$14,995.00.

Roll Call Vote: AYES: Unanimous

APPROVAL OF THE MINUTES FROM THE MAYOR AND COUNCIL MEETING OF SEPTEMBER 21, 2015

Resolution Offered by Council Member Gray

Seconded by Council Walenczyk

Council Member Kerner stated that this meeting was extremely long and she has listened to the majority of the CD and feels that there are very sensitive points in the minutes. She further proposed that these minutes be tabled in order to arrive at an agreement with some of the language and suggested that part of the minutes be professionally transcribed.

Mayor Raia stated that the Council has had time to review these minutes and, for the purpose of transparency, the public deserves to see them.

Council Member Kerner stated that she has done an informal transcription and asked if the Mayor would attach her transcription to the minutes. She further stated that she feels that the Mayor and Council should work together, perhaps at a Special Meeting to arrive at a set of minutes that are satisfactory to all.

Council Member Schulstad stated that the minutes continue quoting him, after the meeting was adjourned and the machine was shut off. He further stated that he felt taunted and harassed and none of that was reflected in the minutes.

Borough Attorney Huntington stated that, anytime you characterize events, you run the risk of having them not be able to be agreed upon. He further stated that governing bodies often wrestle with having either too little or too much in minutes; there is no good or bad precedent to be set. You can either amend the minutes and/or adopt the minutes by a majority vote or have a transcript written. Mayor Raia reiterated that members of the public are waiting for these minutes and he would like to make any corrections and move forward.

Council Member Kerner reiterated that none of the verbiage on Page 17 after the adjournment is audible on the CD.

Council Member Jensen suggested that the minutes be revised with a verbatim transcript or generalize and tone down those parts that are confrontational.

Council Member Schulstad asked that the seating on the dais be changed.

OPEN TO THE PUBLIC:

John Schwartz, Ridgewood, NJ stated that he has attended several meetings regarding the deer management issue; he recognizes there is a problem and suggested that perhaps the County should be in charge of this issue. He further stated that he would like alternative methods to be considered.

Angie Meddler, League of Human Voters stated that hunting is a failed experiment in the controlling of deer; non-lethal methods should be considered. Surgical sterilization would cost approximately \$122 per household for five years. She stated that the New Jersey Division of Fish and Wildlife employees have a conflict of interest when addressing deer management as their salaries are paid with revenue generated by hunting, hunting permits, etc.

Council Member Schulstad stated that he has spoken extensively with Carol Stanko from the NJ Division of Fish and Wildlife and he is not in agreement that there is a conflict of interest; as they are paid by the State and the revenue is co-mingled. They are generally concerned about the welfare of Bergen County residents.

Patty Nazzaro, 3 Westwind Court stated that a sterilization program would be beneficial but does not have the immediacy that is necessary to deal with this problem. She further stated that she is not in favor of fire arms being used. She stated that Upper Saddle River generated a survey to residents regarding this issue and she suggested that Saddle River explore this option.

Mayor Raia stated that he has spoken with the Mayor of Upper Saddle River and the response rate for the above-mentioned survey is only about 10% to date.

Alexandra Samouilidis, 4 Lookout Drive stated that she has attended Mayor and Council Meetings for some time. She addressed the election controversy regarding Council Member Jensen, the perceived conflict of interest matter with Council Member Kerner regarding the DPW Barn and the accusations against Council Member Schulstad and stated that she felt that the Council is currently divided. She encouraged them to attempt to resolve their differences and work together for the good of the Borough.

Kimberly Nagelhought, Park Ridge stated that she is against deer hunting and hopes the Mayor and Council will support non-lethal methods for deer management.

Doreen Regan, League of Humane Voters, Saddle Brook, NJ stated that their group was out campaigning and went door to door canvassing residents about their opinion regarding bow hunting. She further stated that all of the people they spoke to were not in favor of bow hunting; she further requested that non-lethal methods be posted on the Borough website in order for residents to be educated on all of the viable options pertaining to the deer management issue.

Angie Meddler stated that she spoke with Council Member Schulstad on the street and he informed her that it was his God given right to kill. Council Member Schulstad stated that he did not ever say that.

John Lasalandra, Wandell School Board of Education, stated that the Wandell Home and School Association is holding a fund raiser at the Ramsey Country Club on November 13, 2015 and asked the Mayor and Council to attend.

COMMITTEE REPORTS

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

Const. & Zoning Enforcement: Report given earlier.

COAH: Report given earlier.

Environmental Committee/Wildlife Mgmt.: Council Member Schulstad gave the report for September 2015.

Fire Report: Report given earlier.

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

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

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

Landmarks Committee: There was no report at this time.

Public Works: Report given earlier.

Parks and Recreation: Report given earlier.

Planning Board: Report given earlier.

Zoning Board: No report at this time.

UNFINISHED BUSINESS:

NEW BUSINESS:

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari
Municipal Clerk