

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
HELD NOVEMBER 16, 2015**

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

ABSENT: Council Member Walencyk

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:

AWARDS AND CEREMONIES:

Mayor Raia commended the Saddle River Police Department for recognition of the Triple AAA North Jersey Community Traffic Safety Award.

WORK SESSION:

MAYOR RAI:

League of Municipalities Conference: Mayor Raia stated that this conference is held in Atlantic City and provides important seminars and lectures for public officials. He further stated that he, along with several Council and Board members will be attending on November 17-20, 2015.

ADMINISTRATOR SHENKLER:

Tree Lighting:

Administrator Shenkler stated that the annual Tree Lighting will be held on December 4, 2015 at 6:00 pm. All are encouraged to attend and residents will be receiving a post card with all of the information. There is a Toys for Tots drop off box in the Borough Hall vestibule and all were encouraged to donate.

Shredding Day: The Borough will host another shredding day in 2016 with the date to be determined.

The Story of Christmas and the Story Chanukah: These two presentations will take place on Sunday, December 6, 2015 at 2:00 pm at the Bishop House.

COUNCIL REPORTS:

Council Member Gray gave the fire report and discussed specific fire training drills that the fire fighters have been executing. He further stated that moral has been high, however many fighters feel strongly that the fire department does not become politicized. He met the fire fighters for breakfast and discussed issues relevant to the department and expressed his support and commitment to the them.

Council Member Schulstad discussed the Wandell School Board of Education; the proposed shared services agreement will be addressed, the generator project has not advanced since the October meeting of the Mayor and Council and Council Member Schulstad would like the Borough to continue to subsidize the school with their utility bills through 2016. The issue of ineligible students was discussed and the next Board of Education meeting will be November 24, 2015.

Council Member Jensen gave the construction report at this time. The Planning Board and COAH matters will be addressed later in the meeting.

Council Member Gray stated that the Fire Department members met to address the purchase of fire apparatus, the Quint, which is a hybrid of a ladder and a pump. Earlier in the year, funds were budgeted for this purpose but additional monies will be needed in order to outfit this apparatus properly. There is an additional cost of \$60,000 and Council Member Gray encouraged the Mayor and Council to approve this expenditure. Council Member Kerner stated that the funds are in place but requires Mayor and Council approval.

RESOLUTION APPROVING ADDITIONAL FUNDS FOR THE PURCHASE OF A QUINT FIRE APPARTUS

Resolution # 164A Offered by Council Member Gray
Seconded by Council President Kurpis
Roll Call Vote: AYES, Unanimous

Council Member Kerner stated that the FEMA grant cycle will begin shortly and it is important to insure that all pertinent information is in place in order to apply. An additional OEM grant was applied for and the results are pending. The 2016 budget preparation is underway with meetings beginning in December, Council Kerner asked that CFO Mariniello receive feedback on the budget request forms.

Council Member Kerner stated that she has been working on the shared services agreement with the Wandell School, particularly the emergency shelter aspect of this agreement, which is currently in draft form. Council Member Kerner asked Administrator Shenkler to give an update on the new EMS barn conversion and he did so in detail at this time. Mayor Raia stated that it will be completed shortly and EMS personnel are very happy to have their own space with an indoor area for their equipment.

Council President Kurpis stated that the Board of Health met on November 4, 2015 and unanimously approved the 2016 budget. He further stated that our Health Officer, Darlene Mandeville, will be working full time with the Northwest Bergen Regional Health Commission and will still service Saddle River through this commission. He gave the Board of Health report at this time.

Additionally, Council President Kurpis gave both the Landmarks Commission and Police Department reports at this time.

Mayor Raia stated that there is one vacancy each on both the Planning Board and the Zoning Board of Adjustment. There are two resolutions on the Consent Agenda making these appointments, however Council President Kurpis requested they be removed for separate consideration.

Municipal Clerk Macari stated that she feels it is important that any potential candidates for these positions are made aware that they will be required to complete a Financial Disclosure Statement yearly.

Council Member Gray asked about the process for residents to be considered for a Board or Commission and Mayor Raia stated that any interested parties should write to the Mayor and include their resume.

BOROUGH CLERK:

Municipal Clerk Macari confirmed the election results; Council President Kurpis is Mayor Elect and Ben Acaster and Liz Salazer are Council Members Elect.

She further confirmed that the Reorganization Meeting will be held on January 4, 2016 at 7:00 pm

INTRODUCTION OF ORDINANCE(S):

ORDINANCE 15-916-M

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

Resolution# 165-15 Introduced by Council Member Schulstad
Seconded by Council Member Jensen
Roll Call Vote: AYES, Unanimous

ADOPTION OF ORDINANCES:

ORDINANCE 15-914-C

AN ORDINANCE AMENDING CHAPTER 109: FIREARMS

Resolution# 166-15 Offered by Council Member Schulstad
Seconded by Council Member Kerner

Council Member Schulstad read the ordinance in its entirety and explained it in detail at this time. He stressed that this ordinance is an enabling document for the Wildlife Management Committee to continue to work on a deer management plan moving forward. The restriction to prohibit hunting has been removed but other aspects of the ordinance have made the discharge of weapons more restrictive.

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

OPEN TO THE PUBLIC:

Attorney Albert Ferro, Ridgewood NJ stated that he is representing residents Andreas Ohl and Laurie O'Byrne, and read a statement from each of these residents regarding the amendment of this ordinance. In summation, both are very committed to exploring non-lethal methods of deer management in the Borough of Saddle River. They are opposed to bow hunting within the Borough as it is would pose a quality-of-life issue and offered to make a substantial contribution to a sterilization program. Both were opposed to the adoption of this ordinance.

Alexandra Samouilidis, 4 Lookout Drive stated that she has been a resident for over 30 years. She has watched the deer population explode over the years and she feels that more emphasis is being put on animal life than human life. She further stated that there are many dead deer on the side of the roadways and this is very inhumane.

Patty Nazzaro, 3 Westwind Court stated that there are approximately 250-300 deer in Saddle River and this number is too high. She further stated that she has deer on her property but she is not in favor of having to fund a sterilization program.

Gail Shamas, 249 East Saddle River Road stated that she has concerns about bow hunting, particularly when a deer is not instantly killed. She further stated that the removal of the deer after they are killed must be carefully considered.

Debra Hardesty, 15 East Saddle River asked what parcels of land are being considered for a potential bow hunt. Council Member Schulstad stated that there are no plans at this time. She further stated that she has Lyme disease and reiterated that rodents carry the ticks. She recognizes that there is a deer problem but feels that the Borough needs to do far more research in non-lethal alternatives.

Dr. Dean Cerf, DVM, Lookout Drive stated that he is in agreement that this problem must be addressed but understands there is a conflict. He further stated that the population cannot continue to increase and is in favor of a neutering program; he discussed this program in detail.

Angie Metler, League of Humane Voters thanked the Borough for hosting a presentation on non-lethal alternatives for deer management. She further stated that over 300 signatures have been collected in opposition to conducting a cull in Saddle River. She stated that hunting does not work.

Michael Toomey, 52 Westerly Road stated that most of the prior comments are premature. He further stated that the Mayor and Council should consider if this is an appropriate time to adopt this ordinance.

Doris Lynn, League of Humane Voters, urged the Mayor and Council to delay or reconsider the adoption of this ordinance.

Bob LaViano, Woodcliff Lake Road stated that this ordinance is actually correcting a problem for those not in favor of hunting. As the ordinance is currently written, a resident can discharge a weapon to kill vermin.

Chief Tim McWilliams was in agreement with Mr. LaViano.

Amy Atkinson asked how many Council Members were present at both of the Wildlife Management Meetings. She further asked how the Mayor and Council can vote on this ordinance if they were not present at this meeting. Mayor Raia stated that this is not relevant.

Council Member Gray stated that there was an Ordinance Review Committee meeting in September where this issue was addressed in detail. He further stated that community input is very important and he would like this to continue.

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

Council President Kurpis stated that he feels that the Mayor and Council were well informed about this issue.

Council Member Kerner thanked those who have worked diligently on this ordinance. She further stated that she supports this ordinance as it is tightening a loophole which allows residents to currently hunt vermin on their property. She further stated that this ordinance must be changed for the benefit of deer management.

Council Member Schulstad stated that the Wildlife Management Commission and the Environmental Commission have done much due diligence researching this issue. He further stated that there is a fair amount of misinformation regarding this matter and non-lethal alternatives, may not practical. He further stated that the residents will have a say as this matter will go to a referendum.

Council Member Gray stated that he feels that, as long as the non-lethal program will be fully funded by those in favor of this method, he would like to experiment with this prior to a referendum.

Mayor Raia stated that the opinion of the residents is of paramount importance in this issue.

Roll Call Vote: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 167-15 Offered by Council Member Kerner
Seconded by Council Member Schulstad

Roll Call Vote: AYES, Unanimous

RESOLUTION ACCEPTING MINUTES OF 9/21/15 AS TRANSCRIBED

Resolution # 168-15 Offered by Council Member Gray
Seconded by Council Member Jensen

Council President Kurpis stated that he would like all comments after the adjournment removed from the record. Council Member Gray was in agreement.

A motion was made to approve the minutes **through line 12 on page 308 only** by Mayor Raia
Seconded by Council President Kurpis

Council Member Schulstad stated that he was not in favor of approving this transcription. He further stated that the original minutes that were presented, with some language removed, should be voted on.

Council Member Jensen stated that this matter has taken more time than necessary and he is in agreement with voting on the original minutes as written, with the aforementioned language removed.

Council Member Kerner stated this transcription was not approved; a transcription of two pages were agreed upon and she does not support this.

Mayor Raia stated that this document is now public information and the Council can decide how they wish to proceed.

Council Member Schulstad stated he would like to make a motion to vote on the original minutes written as opposed to the transcribed version.

Attorney Bill Bailey stated that the Mayor and Council would have to vote the original motion down and then present a new motion. Mayor Raia stated that he did not think that everyone would be clear on what they were voting on and this should be addressed at the December meeting.

Council Member Schulstad asked if Mayor Raia is permitted to offer the resolution as he did not think it was permissible. Council Member Gray was asked to offer the resolution.

Roll Call Vote: NAYS, Unanimous

RESOLUTION TO APPROVE THE AMENDED MINUTES OF THE SEPTEMBER 21, 2015 MEETING AS ORIGINALLY WRITTEN

Resolution # 169-15 Offered by Council Member Jensen
Seconded by Council Member Kerner
Roll Call Vote: AYES, Unanimous

APPROVAL OF MINUTES OF THE OCTOBER 19, 2015 MEETING OF THE MAYOR AND COUNCIL

Council Member Schulstad stated that he wants the minutes to reflect a conversation he had at this meeting with Attorney Huntington. He further stated that he would like the amended minutes to read as follows: (Page 2 Paragraph 8)

"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 further stated that this is the essence of what was conveyed.

Mayor Raia stated that it is not permissible to amend the minutes without the Municipal Clerk reviewing the CD and making that determination; Council Member Schulstad stated that it is the Council's prerogative to amend minutes.

Council President Kurpis made a motion to table the minutes of October 19, 2015, pending further review of the recording. Seconded by Council Member Kerner

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

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 Schulstad requested that the following resolutions be removed for separate consideration:

- Approving Soil Movement Blk. 1803 Lot 3 – 11 Spruce Road
- Civility

Additionally, two resolutions reflecting appointments to the Planning Board and the Zoning Board of Adjustment were removed for further consideration.

Explanation of Consent Agenda Items

Administrator Shenkler explained the Consent Agenda items at this time.

Roll Call Vote: AYES, Unanimous

OPEN TO THE PUBLIC:

Approval of Minutes:

Resolutions:

R# 170-15 Approving 4th Qtr. tax credit for Blk 1801 Lot 14; amount \$987.00

R# 171-15 Donation of Framed Historical Documents for the S.R. Museum

R# 172-15 Approval of Raffle for Children’s Aid and Family Services Inc.

R# 173-15 Authorizing First Amendment to the Agreement between Saddle River and the Valley Hospital

R# 174-15 Transfer Resolution

AMENDED RESOLUTION APPROVING SOIL MOVEMENT BLK. 1803 LOT 3 – 11 SPRUCE ROAD

Resolution #175-15 Offered by Council Member Schulstad
Seconded by Council Member Kerner

Council Member Schulstad requested to add the language in the Planning Board resolution regarding the applicant’s voluntary installation of a fire suppression system (Page 4 Paragraph 8) to read as follows:

"In no event, shall this resolution be interpreted to require the applicant to install a fire suppression system.

Mayor Raia stated that he feels very strongly that suppression systems are very important, particularly in larger homes. He further stated that this is not relevant from the soil movement aspect.

Council President Kurpis asked Council Member Jensen, the liaison to the Planning Board, to address this in detail. Council Member Jensen stated that he is not in agreement that language regarding the requirement of a fire suppression system be included in a soil movement approval. Council Member Kerner was in agreement and stated that, once this is placed on a site plan, it is no longer voluntary for the applicant.

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

RESOLUTION APPROVING SOIL MOVEMENT BLK. 1803 LOT 3 – 11 SPRUCE ROAD

Resolution #176-15 Offered by Council President Kurpis
Seconded by Council Member Gray

Roll Call Vote: AYES, Unanimous

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SADDLE RIVER
EMPHASIZING THEIR COMMITMENT TO MAINTAIN CIVILITY IN THE CONDUCT OF THE
PUBLIC'S BUSINESS**

Offered by Council Member Gray
Seconded by Council President Kurpis

Council Member Gray stated that reasonable minds will differ but negative intent should not be assumed. He further stated that it is time to focus on solutions and not blame. He stressed the importance of team building and stated that this is the opportunity to hit the reset button.

Council Member Kerner commended Council Member Gray for his comments on this issue. She further stated that she would like to have further input on this resolution. She prepared a document which includes principles she feels should be included into the proposed resolution. She asked that this be tabled to the December 21, 2015 meeting.

Council Member Schulstad stated that he would like to table this until the Reorganization Meeting on January 4, 2016.

All were in agreement that this resolution will be tabled until the January 4, 2016 Reorganization Meeting.

COMMITTEE REPORTS

Board of Health: Report given earlier.

Const. & Zoning Enforcement: Report given earlier.

COAH: Council Member Jensen gave the report for October 2015.

Environmental Committee: Council Member Schulstad gave the report for October 2015.

Wildlife Mgmt.: Council Member Schulstad stated that he would like to make a motion to extend an invitation to the Humane Society to do an assessment on the deer management issue in Saddle River by January 11, 2016. All were in agreement

He further stated that an aerial survey, which would provide thermal imaging on the location and number of deer in Saddle River, should be considered and he made a motion to authorize Administrator Shenkler to solicit quotes for this service. Council Member Jensen stated that he did not feel that an aerial survey is not helpful. Council President Kurpis stated that he feels that the more data that is available on this contentious issue will lead to an effective solution. All were in agreement.

Environmental Chairman Bob LaViano stated that he did not think this would be effective.

Council Member Schulstad stated that the Deer Management Resolution has been posted on the Borough website.

Fire Report: Report given earlier.

Police Report: Report given earlier.

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

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

Landmarks Committee: There was no report at this time.

Public Works: Council Member Schulstad gave the report for October 2015. The expansion of the salt shed was discussed in detail.

Parks and Recreation: No report at this time.

Planning Board: Council Member Jensen gave the report for November 2015

Zoning Board: No report at this time.

OPEN TO THE PUBLIC:

Patty Nazzaro, 3 Westwind Court stated that the City of Hackensack is trying an alternative to salt. Mayor Raia stated that it does not work in this area as the elevation is higher.

UNFINISHED BUSINESS:

Council Member Jensen made a motion to remove language regarding fire suppression systems in Planning Board soil movement resolutions moving forward. Seconded by Council Member Kerner.

Council Member Jensen stated that it will be necessary for the Planning Board chairman and attorney to review this. Attorney Bill Bailey stated that it is the responsibility of the Mayor and Council to act on the scope of the soil movement ordinance.

Mayor Raia suggested that the Planning Board attorney determine the best course of action regarding this matter. Council President Kurpis stated that he would like more information before acting on this motion. The motion was withdrawn.

Council Member Kerner stated that the agreement with Northwest Bergen will be coming up for renewal at the end of the year and this must be included for action in the December 21, 2015 meeting.

Council Member Schulstad stated that, as the December meeting will be Mayor Raia's last meeting as Mayor, and he would like to recognize this milestone.

NEW BUSINESS:

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari
Municipal Clerk

F/Nwwp/min/M&C11-2015