

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
HELD MARCH 21, 2016**

DRAFT

PRESENT: Mayor Kurpis, Council Members: Acaster, Gray, Jensen, Kerner, Salazer, Schulstad, Borough Administrator Shenkler, Borough Clerk Macari, Borough Attorney Huntington

ABSENT:

PRESIDING: Mayor Kurpis called the meeting to order at 7:00 p.m.; Borough 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 notice thereof to the Herald News and The Record on December 16, 2015." Also on the official Borough website and E-notify.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE:

AWARDS AND CEREMONIES:

RESOLUTION FOR CLOSED SESSION

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

Resolution # 61-16 Offered by Council President Jensen
Second by Council Member Acaster
Roll Call Vote: AYES: Unanimous

At this time, the Regular Session of the meeting resumed.

OPEN TO THE PUBLIC:

Jim DelBalzo, One Westwind Court stated that the bow hunting plan in Saddle River is ill-conceived and he is hoping that a more rational, well thought out solution will be considered.

Samantha Scarlett, East Saddle River Road stated that the Mayor and Council should consider the liability issue regarding the use of bow hunting in Saddle River.

Patty Nazzaro, 3 Westwind Court stated that the Saddle River Municipal Alliance is sponsoring Mental Health Training classes, March 29, 2016 and March 31, 2016 from 6:00 – 10:00pm at Northern Highlands High School in Allendale.

Lisa Scufuro, Saddle River resident stated that she is concerned about the safety of Borough residents and property values should bow hunting be permitted in Saddle River.

Laurie O'Byrne, 185 West Saddle River Road asked about the status of the deer count and emphasized that this must be done now prior to the trees blooming. Administrator Shenkler stated that he is currently looking into finding companies specializing in aerial studies. Ms. O'Byrne further stated that the Wildlife Committee should be more balanced, with some of the members having a different viewpoint on the solution to the current deer problem in Saddle River.

Debbie Hardesty, 15 East Saddle River Road stated she does not feel that the community understands the deer management issue. She further stated that the residents should be part of making a decision and this should not be a financial decision.

Patty Nazzaro stated that she is on the Wildlife Committee and it was her understanding that the Humane Society was willing to evaluate the deer management issue in Saddle River at no cost. She further stated that Carol Tyler, Animal Control Officer for Saddle River should provide input on this.

Laurie O'Byrne stated that the Humane Society was to provide only a feasibility study, not a deer count study.

Mayor Kurpis suggested that an aerial study be co-funded by the Borough and the Humane Society and he reiterated that time is of the essence, prior to the spring bloom.

Cathy McCartney, Vernon, NJ stated that she is a licensed bow hunter and she shared bow hunting facts and the killing of a deer in detail.

Andreas Ohl, 185 West Saddle River Road stated that he is very concerned about his property value decreasing as one of the proposed locations to bow hunt is adjacent to his property.

Amy Atkins, Westerly Road stated that she is vehemently opposed to bow hunting as it is inhumane, a great liability and will reduce property values in Saddle River.

Carol Tyler, Tyco Animal Control, Animal Control Officer, Saddle River stated that the deer population and problem is increasing. She further stated that residents are feeding the deer which is exacerbating this problem as well as the increasing coyote population.

George Tashji, Stonewall Road stated this deer management issue must be rectified as it is causing many issues within the Borough.

Joan May, West Saddle River Road stated that he is opposed to bow hunting in Saddle River.

Mark Nagelhout, Park Ridge thanked the Borough for dealing with this issue and also thanked the residents for supporting this issue. He is in favor of utilizing non-lethal methods.

RESOLUTION TO APPOINT MUNICIPAL CLERK - JOY CONVERTINI

Offered by Council President Jensen
Second by Council Member Gray
Roll Call Vote: AYES: Unanimous

MAYOR KURPIS:

Northwest Bergen Mayor's Meeting/League of Municipalities Meeting: Mayor Kurpis stated that he attended both of these meetings; the Bergen County Prosecutor spoke at both. The heroin epidemic in Bergen County is a very serious issue and is getting worse. He further stated that this must be addressed on a national level.

Discussion of Deer Management: Mayor Kurpis stated that this issue has been in the works for quite some time and he would like to address the status of this matter. Council Member Schulstad stated that a site visit with the Humane Society has been completed and a preliminary report has been submitted. He addressed the enforceability of several of the options that have been addressed.

Options include the adoption of the resolution drafted by the Wildlife Committee with revisions, conducting a referendum using this resolution in order to obtain a consensus on this matter, conducting a referendum prior to the adoption of the resolution, tabling the resolution and continue working with the Humane Society or take no action. A hybrid solution could include approve bow hunting in conjunction with the implementation of a sterilization program.

Council Member Schulstad stated that he does not believe that bow hunting can be forced upon the residents of Saddle River, however this is a real public safety issue that must be addressed. He further stated that a referendum is very important so the voters could opine, particularly in a Presidential election year. He would also vote on a resolution if that was the favored option.

Council Member Salazer stated that she has spoken with many residents that are opposed to bow hunting in Saddle River and she feels that a referendum is the best solution.

Council Member Gray stated that he has been following this process for over a year, when it began with the proposed ordinance and the use of firearms. He further stated that he was very concerned about this; bow hunting is now being considered for residents only, which will not be effective. Non-lethal methods should be further considered as well as a referendum, however the residents must be educated so that they make an informed decision.

Council President Jensen stated that this issue has been discussed for years and that something must be done. He further stated that bow hunting will not be effective and property owners should be able to manage their own property.

Council Member Kerner stated that she believes that both lethal and non-lethal methods of deer control could co-exist. She further stated that she is in favor of regulating property maintenance and the feeding of wildlife as well as lowering speed limits on county roadways. She stated that she is concerned with the pace that the Humane Society is moving, as this very important matter must be dealt with on an immediate basis. Council Member Kerner stated that the ordinance must be more limited in scope if a bow hunt would be conducted. The number of deer harvested should be included in order to rebalance the number of deer in Saddle River. A referendum or an online survey are also good alternatives in order to understand how all residents feel.

Council Member Acaster stated he is not opposed to hunting but he does not feel that it belongs in Saddle River. He further stated that he feels sterilization would be a good place to start.

Mayor Kurpis thanked the Council for their opinions. He further stated that it is time to take action with the deer management issue and his recommendation would be to conduct a non-binding referendum so the residents of Saddle River can chose their destiny on this matter.

Attorney Huntington stated that the question for a non-binding referendum must be established.

Council Member Jensen stated that waiting until November for the referendum is waiting too long to take action.

Council Member Gray reiterated that there are two residents that are willing to fund either a sterilization or a contraception program. He further stated that he would like to pursue this option and he read a motion to authorize this option.

Council President Jensen was not in favor of this resolution. Council Member Kerner proposed to make a motion to explore a referendum on bow hunting for the November election and in the interim, develop a non-lethal plan. She reiterated that some action and decision must be made.

Council Member Schulstad stated that it is premature to vote on anything at this point. The results of the Humane Society report are pending and should be evaluated prior to making any decisions.

Council Member Gray stated that any Council decisions will be made based upon the recommendations of the Wildlife Management Committee; he further stated that he would like to explore non-lethal methods.

Council Member Acaster stated that he would like to move forward with Council Member Gray's motion.

Council Member Kerner stated that the Wildlife Management Committee has made a recommendation to change the current ordinance to permit bow hunting.

Mayor Kurpis referred to Dr. Duncan Carpenter, 41 Fox Hedge Road, President of the Board of Health, who stated that the State will not allow a municipality to proceed with non-lethal methods, if hunting is an option. He further stated he would like to see both options work together as this issue has been discussed for quite some time.

Council Member Gray stated that a non-binding referendum would be costly as the public would need to be further educated on this issue prior to the election.

At this time, Council Member Gray made a motion as follows: The Wildlife Management Committee would explore non-lethal methods of deer management as a pilot project with the Humane Society between now and the anticipated referendum to be held on the General Election in November.

Council Member Schulstad stated that the Wildlife Management Committee made this recommendation at the February 19, 2016 meeting of the Committee and read this recommendation at this time. He reiterated the importance of obtaining the complete report from the Humane Society prior to speaking with residents who have expressed interest in funding a non-lethal approach.

Bob LaViano, 59 Woodcliff Lake Road, Chairman, Environmental Commission and member of the Wildlife Management Committee stated that hunting with a firearm has never been considered in any deer management discussion. He further stated that the deer are a public health risk and something must be done to solve this problem.

Motion Seconded by Council Member Acaster

Roll Call Vote: AYES: Acaster, Gray, Kerner, Salazer, Schulstad
NAYES: Jensen

Council Member Kerner made a motion to explore a referendum question in the November Election to the residents to determine if they are in favor of a cull through bow hunting.
Seconded by Council Member Schulstad.

Council Member Kerner stated that a timetable for this matter must be developed in order to determine the best way to proceed. She further stated that she will do the research necessary for the referendum as well as establish a timeline.

Roll Call Vote: AYES: Acaster, Gray, Kerner, Salazer, Schulstad
NAYES: Jensen

Proposal for Litigation Committee: Mayor Kurpis stated that, if the Council wants to appoint a Litigation Committee, he would like the committee to be comprised of attorneys. He further stated that these attorneys should be hired on an as needed basis and not be a standing committee.

Council Member Jensen stated that he feels that this committee would act as an information conduit so that pertinent information is distributed on a timely and relevant basis.

Council Member Gray stated that he feels that outside counsel would be beneficial but feels that the Council and the Borough Attorney should work together to accomplish this goal and keep costs down.

Council Member Kerner is in favor of a Litigation Committee and feels it should not be limited to attorneys. The Borough Attorney should work together with Council members on this committee to insure that Borough operations run smoothly and future litigation can be avoided.

Council Member Salazer is not in favor of this committee as the Borough employs several attorneys for various Boards. She further stated that this is a policy issue and she would like to insure that all Borough professionals meet the Council's expectations.

Council Member Acaster is not in favor of this committee; he wants to insure that all attorneys are keeping the Mayor and Council apprised of any litigation in the Borough.

Mayor Kurpis reiterated that communication and policy issues should be dealt directly with the specific attorney directly rather than adding another layer of government; Council Member Kerner was not in agreement.

Borough Attorney Huntington stated that he would be in favor of a process that would facilitate early or favorable resolution to litigation, but could not address whether a Litigation Committee would be a viable option in Saddle River until more information about the make-up of this committee was available.

Council Member Schulstad stated that there is a fundamental communication problem within the Borough and the Council which this committee would help rectify. He further stated that outside attorneys that work for the Borough are not communicating with the Council effectively and this committee could help foster communication.

BOROUGH ADMINISTRATOR

Request of public bid for lease of ground space for wireless telecom facility:

Administrator Shenkler stated that the Borough has been approached by Verizon in order to construct a building adjacent to the monopole. Verizon will attend the April 18, 2016 meeting to present this in detail.

Council Member Kerner stated that residents may not be in favor of additional cells within the Borough, with serious consideration given to Wandell School.

Fox Hedge Water Main Project: Administrator Shenkler stated that this project is currently 50% complete.

Retirement of Borough Clerk Marie Elena Macari: Administrator Shenkler stated that Marie will be retiring on March 31, 2016. He commended Marie on her diligent years of public service.

ENGINEERING REPORT:

- **Fox Hedge Water Main Project:** Borough Engineer Martin Spence stated that the Fox Hedge Water main installation is 50% done and should be completed in four to six weeks, weather dependent.
- **Salt Shed Bid:** This bid has been advertised for the relocation of the existing salt shed and bids will be received on April 14, 2016.
- **Road Resurfacing Project:** The Borough of Saddle River joins Ramsey in a cooperative agreement for road resurfacing and this will take place in June. Roads to be resurfaced will be determined.
- **Open projects with Bergen County:** Borough Engineer Spence met with the County to address open issues to include a drainage issue on East Allendale Road, and culvert replacement on West Saddle River Road.
- **Boroline Road Project:** This project is a joint project with the Borough of Allendale and should commence in April.
- **Sediment Removal Permits:** Borough Engineer Spence was seeking to extend the existing sediment removal permits for the Saddle River with the DEP, which expire on June 30, 2016. Extensions are not permitted.

The Saddle River Boom: A new boom will be purchased and there is money in the capital budget for this project. Borough Engineer Spence stated that the property owner has been cooperative in allowing the installation of any necessary footings for the boom as well as perhaps partial funding this project.

Speed Limits: Borough Engineer Spence stated that a letter has been sent to the County to request that the speed limit be reduced by 5mph on all County roads in Saddle River. To date, a response is pending.

Mayor Kurpis addressed purchasing land from the DOT on property abutting Route 17 as a possible location for the Affordable Housing obligation. Borough Engineer Spence stated that a letter has been sent to the DOT suggesting the construction of a new clover leaf adjacent to Route 17, so that land could become available for this purpose.

Borough Engineer Spence and Police Chief McWilliams congratulated Marie Elena Macari on her a retirement at this time.

COUNCIL REPORTS

Council Member Schulstad stated that a Borough Newsletter is currently being drafted and should be mailed in early April. The Wandell School Board of Education met on March 15, 2016; all Board members were forwarded a copy of the Affordable Housing Plan. The budget was introduced and the recruitment of a new Superintendent is ongoing.

The Parks and Recreation Committee met on March 9, 2016 and a brief report was given at this time.

Mayor Kurpis read a Proclamation declaring March 31, 2016 **Marie Elena Macari Day** in the Borough of Saddle River.

Council Member Salazer stated that the Board of Health met on March 2, 2016; a brief report was given. She further stated that she attended a Northwest Regional Bergen Health Seminar for the Mayor's Wellness Campaign. She also stated that she would like to have Saddle River re-certified as a Sustainable Community and will work on this objective.

Council Member Gray stated that the Zoning Board of Adjustment met on March 16, 2016 and gave a report at this time. The Public Safety Committee met, with OEM Coordinator John Bishop participating in a shelter seminar. The Police Department report was given at this time.

Council President Jensen stated that the Affordable Housing discussions are ongoing.

Council Member Kerner stated that the sale of Bond Anticipation Notes, which are due on March 24, 2016 is underway with another one year BAN being secured in the amount of \$9,846,500. TD Bank was the successful bidder for the second consecutive year, with a rate of 0.84%. The interest payments will be \$82,710.60. The 2016 Municipal Budget will be introduced and the Mayor and Council are in receipt of a two page summary; there is no tax increase in this budget. The Capital Budget and surplus were addressed in detail at this time, stressing that the Finance Committee worked diligently on the 2016 Budget, along with CFO Mariniello.

Council Member Kerner stated that there is a resolution in the Consent Agenda regarding the enhancement of fire fighter insurance. She further stated that current rosters must be maintained for CERT, OEM and fire fighters in case an injury occurs. Work is continuing with LAN Associates regarding the Wandell School generator project. The preliminary costs were prohibitive so the existing generator will be moved and utilized in a shelter situation. Council Member Kerner stated that Borough Administrator will follow-up with the Superintendent of Wandell School.

Council Member Acaster gave the DPW, Construction and Fire Department reports in detail at this time.

BOROUGH ATTORNEY: Borough Attorney Huntington thanked Borough Clerk Macari for all her hard work and wished her the best of luck upon her retirement.

BOROUGH CLERK: Borough Clerk Macari thanked the Mayor and Council for the opportunity to serve as the Borough Clerk in this beautiful community for the last 27 years. She also stated that the Borough has won a gold certificate for their role with the Safety Committee. A check for \$2000 has been given to the Borough.

INTRODUCTION OF 2016 MUNICIPAL BUDGET

Mayor Kurpis stated that the Finance Committee worked very hard and it was a collective effort with agreement across the Council.

Resolution # 62-16 was offered by Council Member Kerner
Seconded by Council Member Gray
Roll Call Vote: AYES, Unanimous

INTRODUCTION OF ORDINANCE(S) Clerk to read the title of:

ORDINANCE NO. 16-918-M

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14) OF THE CODE OF THE BOROUGH OF SADDLE RIVER

Resolution # 63-16 was offered by Council Member Kerner
Seconded by Council President Jensen
Roll Call Vote: AYES, Unanimous

ORDINANCE NO. 16-917-C

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 99 ENTITLED "DEVELOPMENT FEES", IN THE CODE OF THE BOROUGH OF SADDLE RIVER, NEW JERSEY

Resolution # 64-16 was offered by Council President Jensen
Seconded by Council Member Kerner
Roll Call Vote: AYES, Unanimous

ADOPTION OF ORDINANCE(S): There were none.

APPROVAL OF BILLS

Resolution # 65-16 Offered by Council Member Kerner
Seconded by Council President Jensen

Council Member Kerner addressed a bill in the amount of \$7000 for the Rindlaub Restroom project, related to change orders. Administrator Shenkler addressed this matter, stating that the color of the floor was changed. It was determined that this bill would be paid but Council Member Kerner discouraged this practice moving forward.

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 an abstention with respect to the minutes of meetings at which such Council Member was not present.

Resolution Offered by Council President Jensen
Seconded by Council Member Acaster

Explanation of Consent Agenda Items

OPEN TO THE PUBLIC FOR CONSENT AGENDA ITEMS ONLY: No one wished to be heard

Roll Call Vote: AYES – Unanimous

A. Approval of Minutes: Regular Meeting: 1/4/16 & 2/22/16

**Closed Session Minutes: 1/19/15, 2/9/15,
4/3/15, 4/20/15, 6/15/15, 8/17/15, 9/21/15, 10/19/15**

Resolutions:

- R# 66-16 Appointment of Joy C. Convertini – Municipal Clerk**
- R# 67-16 Authorizing Northwest Bergen Regional Health Commission to provide services for Registrar, Deputy Registrar of Vital Statistics**
- R# 68-16 Refund due to tax overpayment for Block 1607 Lot 23**
- R# 69-16 Permission for Retired Det. Sgt. Donald Tummillo to take ownership of his service weapon**
- R# 70-16 Adopt coverage enhancements to the accident and sickness policy for the Borough of Saddle River Volunteer Firefighters and OEM Personnel through VFIS, Inc.**

Resolution Authorizing the Creation of a Litigation Committee

Resolution # 71-16 Offered by Council President Jensen
Seconded by Council Member Kerner

Council President Jensen stated that this resolution was designed to enhance the interface with Borough counsel on legal matters pertaining to Saddle River. Mayor Kurpis reiterated that adding another level of bureaucracy will compromise communication amongst the Council. Council Member Kerner stated that she is in favor of this and if communication is modified and improved moving forward, this committee can be eliminated.

Council Member Schulstad stated that the important factor to consider here is navigating through future litigation and it is not efficient to have all Council Members involved in this process.

Roll Call Vote: AYES: Jensen, Kerner, Schulstad
NAYES: Acaster, Gray, Salazer, Mayor Kurpis

Approval of the By-Laws of 2016

Resolution # 72-16 Offered by Council President Jensen
Seconded by Council Member Kerner

There was some discussion about the final version to be voted on; one paragraph was removed from the By-Laws.

Roll Call Vote: AYES, Unanimous

COMMITTEE REPORTS

Board of Health: Report given earlier.

COAH: Report given earlier.

Const. & Zoning Enforcement: Report given earlier.

Environmental Committee: There was no report at this time.

Board of Education: Report given earlier.

Wildlife Management: No report at this time.

Fire Report: Report given earlier.

Police Report: Report given earlier.

EMS Report: Council Member Kerner gave the report for February 2016.

Finance Report: Report given earlier.

Landmarks Committee: No report at this time.

Public Works: Report given earlier.

Parks and Recreation: Report given earlier.

Planning Board: No report at this time.

Zoning Board: No report at this time.

OPEN TO THE PUBLIC:

Patty Nazzaro, 3 Westwind Court stated that her AT&T wireless service is very spotty within Saddle River and she wanted to make the Borough aware of this. She also addressed the change order for the Rindlaub restroom floor. She is in favor of bringing the deer management issue to a non-binding referendum. She thanked Marie Elena Macari for all her hard work as the Borough Clerk over the last 27 years.

Marilyn Goldfisher, 124 West Saddle River asked which culvert was in need of repair on West Saddle River Road. Additionally, she would like the pond behind Waterford Gardens dedicated to William Tricker, who owned that land for many years. Ms. Goldfisher also addressed the current problem with contamination in this pond.

UNFINISHED BUSINESS:

Council President Jensen discussed the Planning Board Special Meeting that was held prior to this meeting where a new Affordable Housing Element and Fair Share Plan was approved.

Resolution Endorsing the Affordable Housing Element and Fair Share Plan Adopted by the Planning Board of the Borough of Saddle River

Resolution # 73-16 Offered by Council President Jensen
Seconded by Council Member Acaster
Roll Call Vote: AYES, Unanimous

NEW BUSINESS: Mayor Kurpis stated that there is a vacancy on the Parks and Recreation Committee and he recommended new resident, Greg Boyajian; all were in agreement. The Council discussed the need for diversity on Boards and Committees.

Mayor Kurpis wished Georgia Silverman, Secretary to the Planning Board, all the best in her retirement after 32 years.

RESOLUTION FOR CLOSED SESSION

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

Resolution # 74-16 Offered by Council President Jensen
Second by Council Member Acaster
Roll Call Vote: AYES: Unanimous

At this time, the Regular Session of the meeting resumed.

Approve Closed Session Minutes from 2/22/16

Resolution # 75-16 Offered by Council President Jensen
Seconded by Council Member Schulstad

Roll Call Vote: AYES: Acaster, Jensen, Salazer, Schulstad
ABSTAIN: Gray, Kerner

Approve Closed Session Minutes from 3/16/15

Resolution # 76-16 Offered by Council President Jensen
Seconded by Council Member Schulstad
Roll Call Vote: AYES, Unanimous

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Joy C. Convertini
Municipal Clerk