

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
June 20, 2016**

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

ABSENT:

PRESIDING: Mayor Kurpis called the meeting to order at 7:00 p.m.; Borough Clerk
Convertini 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 January 4, 2016." Also on the official Borough website and E-notify.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE:

PRESENTATION:

Proposed Verizon Wireless Bid at Police Station Tower

Frank Ferraro, Esq. and Chad Schwartz, Engineer, both representing Verizon Wireless, gave a detailed
presentation and request to issue a public bid to lease ground space at the Police Department in order to
co-locate on the existing tower and add an addition to the building. He explained that AT&T put an
addition on to the Police Station in order to house the equipment necessary for their antennas and
Verizon would like to expand this space in order to house the equipment to co-locate on the existing
tower. Additionally, the Police would gain storage area in this proposed addition. They will be the third
carrier on the monopole; Verizon cell service in certain areas of the Borough is spotty and this will
provide more efficient service.

AWARDS AND CEREMONIES:

Police Officer Jeffrey Wells Appointment to the Bergen County Regional SWAT Team

Mayor Kurpis commended Police Officer Wells on his appointment to the Bergen County Regional SWAT
Team and stated that a comprehensive selection process was conducted. The application process was
extremely competitive, with 30 candidates being evaluated. Police Officer Wells' professionalism and
commitment to service are admirable and greatly appreciated.

Apprehension of Car Thieves:

Police Officer Michael Cooper was commended for his effort in apprehending two very dangerous
criminals that are responsible for stolen vehicles in Saddle River. Chief McWilliams reminded residents to
be vigilant, keep cars locked and do not leave keys, handbags or wallets in parked cars.

OPEN TO THE PUBLIC:

Joanne Ireland, President of the Wandell Home and School Association (HSA) stated that the school will be celebrating their 100th Centennial Anniversary. She asked the Mayor and Council if they would consider donating a cupola with a clock within to be placed over the main entrance of the school. The approximate cost of this project would be \$20,000.

Debbie Hardesty, 15 East Saddle River Road addressed the flow of information regarding the deer management issue. She also asked about residents being part of the Wildlife Management Committee meetings. She is in favor of offering a referendum on this matter to residents.

Amy Atkins, 19 Westerly Road stated that the Council has a closed door Wildlife Management Committee. She addressed the letter regarding deer management currently on the Borough website in detail at this time. She asked about the drone company that conducted the deer count.

Andres Ohl, West Saddle River Road stated that there needs to be more transparency with the Wildlife Management Committee and suggested that minutes be taken. He addressed some basic non-lethal methods for deer management.

Alexandra Samouilidis, 4 Lookout Drive stated that there are two sides to the deer management issue and both sides should be considered. She is in favor of a referendum in order to get the opinions of all residents. She further stated that the Verizon antenna and equipment should be very carefully considered, particularly from a public health perspective.

Patty Nazzaro, 3 Westwind Court asked about the cost of a referendum regarding the deer management issue. Borough Attorney Huntington stated that he did not think it would be exorbitant as it would be part of the General Election in November.

Rockwell Schwartz, Ridgewood, NJ stated that she is in favor of non-lethal and humane solutions for the deer management issue.

Jerry DeCrosta, 78 Stony Ridge Road, Chairman, Wildlife Management Committee stated that this committee is a citizens advisory committee, not a standing committee in Saddle River. The State of New Jersey does not allow any deer management program that does not include hunting. He further stated that the Wildlife Management Committee has recommended both a lethal and non-lethal approach. There is no deer census to date. A drone was recently brought to Saddle River by the Office of Emergency Management in order to obtain an approximate deer count in three separate locations within the Borough.

Amy Atkins stated she would like the letter to be removed from the website as it is inaccurate. She was informed that this is not her decision.

Bob LaViano, 59 Woodcliff Lake Road, member of the Wildlife Management Committee thanked Patty Nazzaro for setting up the drone test. He further stated that this is an extremely effective method for surveying the amount of deer in Saddle River. He further stated that the number of deer will not remain constant as it changes throughout the year. He stated that the deer problem in Saddle River is now causing a significant increase in the coyote population, emphasizing that he has seen a marked decrease in the number of fawns this year. He addressed the cell tower issue and stated that certain areas of town have significant dead zones.

Marilyn Goldfischer, 124 West Saddle River Road asked about the Wildlife Management Committee and the letter on the website. She was informed that it was written by the Committee and not Council Member Schulstad.

Robert Feldscott, 74 Stony Ridge Road stated that only licensed professionals should be permitted to do any kind of hunting, should the Mayor and Council chose to permit a lethal solution to the current deer problem.

Kimberly Nagelhout, Park Ridge, NJ read a letter opposing any hunting of deer in Saddle River.

Irena Holiat, 85 East Saddle River Road confirmed that she has not seen many fawns this season and stated that the coyotes are probably responsible for this.

Angie Mettler, League of Humane Voters stated that deer are held in trust for all citizens and she is in favor of a referendum in Saddle River.

Leo Samouilidis, 4 Lookout Drive stated that this issue has been discussed repeatedly and a referendum should be done in November.

Dean Cerf, DVM, Saddle River resident, Wildlife Management Committee stated that there is a significant deer problem in Saddle River. He addressed Lyme Disease as well as a non-lethal method that could be very effective. He has procured funds toward a non-lethal means of controlling the deer population and he explained this in detail. He stated that he would donate his professional services in performing vasectomies. The buck gets darted, ear tagged and vaccinated, which is effective for two years.

Dr. Cerf addressed the proposed referendum and does not feel that any public question should require only a "yes" or "no" answer but rather to offer the public a choice. He further stated that a referendum should be postponed until a deer census has been completed.

WORK SESSION:

MAYOR KURPIS:

Northwest Bergen Mayor's Meeting: Mayor Kurpis stated that he attended this meeting and a key topic covered was the ever-increasing heroin problem. There are no halfway houses for males in the County and this must be addressed. There have been 59 deaths to date due to heroin overdoses in Bergen County.

Ordinance Review Committee: Council President Jensen gave the report, stating that the Committee met on June 10, 2016 and addressed property maintenance, particularly properties in foreclosure. The Borough Attorney will be given direction to review the current ordinances in order to deal with this issue. The next Meeting is July 8, 2016 at 8:00 am. Mechanical lifts in garages were also addressed and it was agreed that this restriction will be removed from the current code.

SeamlessDocs: Mayor Kurpis stated that all department heads in the Borough have attended a webinar and there is a contract to retain SeamlessDocs on the Consent Agenda. SeamlessDocs digitizes and streamlines the entire form process from form creation to storage and management.

Appoint Public Relations Committee: Mayor Kurpis stated that he would like to form this committee with members that have experience in Public Relations and Marketing in order to improve upon Saddle River's image and insure that real estate values stay strong. He further stated that he will be meeting

with realtors in Saddle River in order to better understand what a home buyer that may be considering when purchasing a home in this area.

BOROUGH ADMINISTRATOR

SeamlessDocs: Administrator Shenkler stated that, once the contract is executed it will take some time to get the all of the forms digitized but it will be a very valuable tool for both staff and the public.

Website Re-Design/Contract: Administrator stated that the Borough has chosen GovOffice to re-design the Borough website; the contract to retain GovOffice is part of the Consent Agenda.

ENGINEERING REPORT: Borough Engineer Martin Spence reported on the following:

- **Boroline Road:** This project, which was a joint project with the Borough of Allendale and funded by a DOT grant is now complete.
- **Fox Hedge Water Main Project:** Borough Engineer Martin Spence stated that the Fox Hedge Water main installation is complete and paving will take place in August 2016.
- **The Public Safety Generator Installation:** This project is complete with the exception of several punch list items.
- **Road Re-Surfacing Project:** This annual budget item will be competed in July.
- **Streetscape Phase III:** The bid will be awarded in the Consent Agenda.
- **Salt Shed Project:** The contract will be executed and a pre-construction meeting was held, with the contractor in the process of obtaining building permits.
- **County Mosquito Commission:** The Commission has returned in order to perform some maintenance in the Saddle River, particularly the removal of sand bars.
- **PSE&G Roadwork:** PSE&G will be working on East Saddle River Road replacing lines, which may effect traffic.

BOROUGH ATTORNEY

MUNICIPAL CLERK

INTRODUCTION OF ORDINANCES:

Ord. 16-920-C

An Ordinance to Amend Chapter 29, Board of Health in the Borough of Saddle River Entitled Board of Health Fees

Resolution #113-16 was offered by Council Member Salazer
Seconded by Council Member Gray
Roll Call Vote: AYES, Unanimous

Ord. 16-921-C

An Ordinance to Amend Section 210-10, Accessory Uses, of the Borough of Saddle River Pertaining to Garages

Resolution #114-16 was offered by Council President Jensen
Seconded by Council Member Kerner
Roll Call Vote: AYES, Unanimous

ADOPTION OF ORDINANCE(S) There are none.

APPROVAL OF BILLS

Resolution #115-16 Offered by Council Member Kerner

Seconded by Council President Jensen

Roll Call Vote: AYES, Unanimous

RESOLUTION REGARDING WANDELL ELEMENTARY SCHOOL CENTENNIAL APPRECIATION GIFT

Mayor Kurpis stated that, in order to vote on this resolution it will be necessary to approve a waiver as it was submitted after the 48 hour rule for submissions of agenda items.

He further stated that he has spoken with the entire Wandell School Board of Education, members of the Centennial Planning Committee as well as the Superintendent regarding this gift of a clock and a cupola over the main entrance of Wandell School and all members were in support of this project. He further stated that he originally planned to address this resolution for discussion purposes only but there is an urgency to this matter as any construction on the front of the school would have to take place in the summer when the students are not present, for safety reasons.

Mayor Kurpis read the resolution in full at this time.

A motion was made to waive the 48 hour agenda item submission rule by Council Member Gray.

Seconded by Council Member Acaster. Roll Call Vote: AYES, Unanimous

Council Member Gray stated that he feels that this is an important date to commemorate and he is in full agreement that the addition of a cupola with a clock within is a wonderful addition to the Wandell School. Council President Jensen asked if formal action was taken by either the Home and School Association or the Board of Education regarding this addition.

John Lasalandra, speaking as a resident, not the President of the HAS, stated that a straw poll was taken by both organizations and all were in favor of this concept. He further stated that the Superintendent has cleared the acceptance of this gift. Mr. Lasalandra stated that this concept, purposed to be donated by the Borough, would free up monies that could be used for educational purposes.

Council Member Kerner asked if the Board of Education would purchase the purposed clock and cupola if it were not funded by the Borough and Mr. Lasalandra stated that they would not. Council Member Kerner then questioned how this could free up funds for educational purposes. She further stated that a vote has not been taken by the HSA and she would feel more comfortable if the parents were on board with this concept. She also asked if the roof, which is in need of being replaced, was considered when planning this project. Mr. Lasalandra stated that when a donation is given to the school, a vote is not necessary.

Council President Jensen stated that the resolution does not clearly state if the Borough is donating the construction of the clock and cupola or making a donation in the amount of \$20,000 to be used for same. He further stated that the resolution needs to be amended to accurately reflect what action will be taken. Mayor Kurpis stated that the money will be given to the HSA for the construction. He further stated that the intent of the resolution is clear and the Council can vote as they wish.

Council Member Kerner stated that she feels this donation should be furthered considered and perhaps a donation that could benefit education may be more efficient.

OPEN TO THE PUBLIC:

Lynn DeGravina, 122 Van Cortland Drive, Saddle River stated that she feels that this gift is a wonderful gesture however, if the Council does not want to make this donation, perhaps residents would be willing to fund this project.

Mayor Kurpis reiterated that the intent of this gift to the Wandell School is obvious and asked Attorney Huntington to comment on this. Attorney Huntington stated that the procedure for this must be determined prior to giving this gift and reflected in the resolution. He read a revised resolution at this time.

Council Member Schulstad arrived at 9:43pm. Upon his arrival he asked about the genesis of this resolution and Mayor Kurpis reiterated the history of how this idea was developed.

Council Member Schulstad stated that there are enrollment concerns at Wandell School as well as the political support for the school. He further stated that, when leaders of multiple bodies of the town desire to waste money on things like this, it undermines political support for the school. He further asked why, as the Board of Education liaison, he was unaware of this matter. He asked about members of the HSA as well as the Board of Education that were canvassed on this donation and this was discussed in detail at this time.

Irene Feldsott, 74 Stony Ridge Road stated that she is a member of the Board of Education at Wandell School. She further stated that that she is disappointed with the behavior of the Mayor and Council. She stated that the recommendation of a clock and cupola came from the Superintendent, who then reached out to the HSA and made a presentation to the Mayor. She further stated that the Board of Education was polled to determine if all were in agreement to accept a gift from the Borough of the clock and cupola; it was not a request from the Board of Education or the HSA.

Alexandra Samouilidis, 4 Lookout Drive stated that if residents are willing to donate money for this gift, this solution should be considered.

Mayor Kurpis stated that the intent was to show appreciation to the Wandell School as part of the Centennial Celebration.

Council President Jensen stated that perhaps Wandell School would like an unrestricted gift; Mayor Kurpis reiterated that the Council may vote as they wish.

Irene Feldsott asked about the political reference being made around this issue and Council President Jensen stated that he feels that this is an attempt to take \$20,000 of Borough money in order to curry favor, through a generated project.

Resolution #116-16 Offered by Council Member Gray. Seconded by Council Member Salazer
Roll Call Vote: AYES: Council Members Acaster, Gray, Salazer, Mayor Kurpis
NAYES: Council Members Kerner, Jensen, Schulstad

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SADDLE RIVER
EMPHASIZING THEIR COMMITMENT TO MAINTAIN CIVILITY IN THE CONDUCT OF
MUNICIPAL ELECTIONS**

Resolution Offered by Council Member Kerner
Seconded by Council Member Schulstad

TABLED

Council President Jensen asked for clarification on this resolution and Council Member Kerner addressed this in detail at this time. She stated that this resolution would authorize the voluntary use of a statement of intent to be signed by individuals running for municipal office in Saddle River. She further stated that the objective is to have future campaigns run with more civility.

Council Member Gray stated that he is in favor of civility in all aspects of government but this statement would require review by counsel familiar with New Jersey Election Law. Free speech implications and enforceability must be taken into consideration in order for the Borough to avoid litigation. He requested that this resolution be tabled for further consideration.

Council Member Schulstad stated that the last election in Saddle River was conducted in such an egregious fashion that the Council should be doing whatever possible to foster civility with this voluntarily statement. Parliamentary procedure was addressed at this time regarding the tabling and/or withdrawing of resolutions.

Council Member Kerner reiterated that this statement is voluntary so there is no enforcement mechanism. She asked Borough Attorney Huntington to opine and he stated that, as it is voluntary, it is not enforceable, with no potential legal implications to the Borough.

Mayor Kurpis stated that a motion to table this resolution will take precedence at this time. Council Member Schulstad was not in agreement with tabling this resolution and stressed that using Parliamentary tricks is a serious matter and this is not the way to approach the relationship with the Council.

Mayor Kurpis was not in agreement with this. He further stated that he spoke with several attorneys about this resolution and statement; he is in agreement with the intent but revisions are necessary before it can be adopted.

Council Member Kerner stated that many of the issues on the dais at this time, are from campaign matters, which this resolution will help to resolve moving forward.

Council Member Gray reiterated that an attorney with constitutional and election law should review this document in order to insure that no laws are violated the Borough is protected from any liability.

Borough Attorney Huntington reiterated that he did not feel that this resolution should be of concern or would not require further review.

A motion to **table** this resolution was offered by Council Member Gray
Seconded by Council Member Salazer
Roll Call Vote: AYES: Acaster, Gray, Salazer, Mayor Kurpis
NAYES: Kerner, Jensen, Schulstad

RESOLUTION REGARDING THE PRESERVATION OF THE BISHOP HOUSE

Resolution # 117-16 Offered by Council Member Kerner
Seconded by Council Member Gray

Council Member Kerner stated that the Landmarks Commission was going to provide the necessary information regarding the repairs that were needed.

Council Member Gray addressed the 501C-3 status, which has lapsed with the Bishop House and he suggested that a new 501C-3 status should be sought in order to get favorable funding.

Council Member Kerner stated that the necessary scope of work must be determined in order to plan for funding both through the budget and grants.

Council Member Gray stated that there are several Bishop House Committee members that are familiar with the structure and can assist in determining the work necessary.

Council Member Salazer suggested that Borough Engineer Spence could assess the state of the Bishop House; Council Member Kerner reiterated that a qualified professional should be hired to do this work.

Council Member Kerner stated that the Borough has a moral obligation to insure that this property does not fall into greater disrepair. She further stated that the Committee does not have the ability to address the structural integrity of this structure.

Council Member Schulstad stated that the Bishop House Committee should be polled to see if they would prefer to have professionals make the assessments on the necessary repairs at the Bishop House or utilize several Borough employees to do this.

Lynn DeGravina, 122 Van Cortland Drive, stated that the Borough Engineer is capable to make this assessment. She further stated that if he determines that a structural engineer is required, this professional can be retained at that time.

Council Member Gray reiterated that the Borough staff, including Borough Engineer Spence and Building Official John Scialla are capable of making a preliminary assessment.

Irena Holiat, 85 East Saddle River stated that this assessment process can easily be orchestrated by both Borough Engineer Spence and John Scialla as well as resident Mr. DiBella, who has worked on this house extensively over the years.

Ferne Lambert, 119 West Saddle River stated that the Bishop House Foundation has begun the process. Only a portion of the roof needs to be replaced, outdoor lighting and a new patio are some of the items that need to be addressed. She further stated that it is not necessary to hire professionals for the Bishop House assessment.

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

RESOLUTION AUTHORIZING NON-REIMBURSABLE EXPENSES

Resolution Offered by Council Member Gray
Seconded by Council Member Salazer

WITHDRAWN

RESOLUTION TO AUTHORIZE THE SEAMLESS DOCS AGREEMENT

Resolution Offered by Council President Jensen
Seconded by Council Member Acaster

CARRIED

Council Member Kerner stated that she is in full agreement with the concept, however the contract is not adequate. She outlined some changes that must be made as well as additional information that was not included in the documentation. It was determined that Council Member Kerner would view the webinar and make revisions to the existing contract. A Special Meeting will be scheduled to adopt this resolution.

RESOLUTION TO AUTHORIZE THE GOV OFFICE AGREEMENT

Resolution Offered by Council President Jensen
Seconded by Council Member Salazer

CARRIED

Council Member Kerner stated that this contract, specifically the Terms and Conditions, are not acceptable. She addressed this in detail. It was determined that Borough Attorney Huntington would review this again, make any additional changes and it would be adopted at the Special Meeting with a date to be determined.

Council Member Schulstad stated that there has been an issue with contracts for some time and asked Mayor Kurpis, as he feels it is his responsibility, why this is the case.

Attorney Huntington recommended that this resolution will be carried in order to further review the contract.

RESOLUTION FOR TRANSPARENCY IN THE BOROUGH OF SADDLE RIVER MAYOR AND COUNCIL MEETING AGENDAS

Mayor Kurpis stated that there was one minor revision with this resolution; all were in agreement.

Resolution #123A-16 Offered by Council President Jensen
Seconded by Council Member Schulstad
Roll Call Vote: AYES, Unanimous

OPEN TO THE PUBLIC FOR CONSENT AGENDA ITEMS ONLY:

Patty Nazzaro, 3 Westwind Court asked about the storage of historical documents and Mayor Kurpis stated that this will be taken into careful consideration when working with Seamless Docs. She further stated that she would like to retain all of her existing home plans, surveys or documentations.

Amy Atkins, 19 Westerly Road inquired about specific language in Resolution #123A-6; Attorney Huntington addressed this.

COMMITTEE REPORTS

Board of Health: Council Member Salazer gave the report for May 2016. The water in Rindlaub Park will be retested as it was shown to be high in lead and arsenic

Landmarks Committee: There was no report at this time.

COAH: Council President Jensen gave the report for May 2016.

Planning Board: There was no report as the meeting was cancelled.

Const. & Zoning Enforcement: Council Member Acaster gave the report for May 2016.

Public Works: Council Member Acaster gave the report for May 2016.

Environmental Committee: Council Member Gray gave the report for May 2016.

Zoning Board: Council Member Gray gave the report for June 2016.

Board of Education: Council Member Schulstad gave the report for May 2016.

Parks and Recreation: No report at this time.

Ordinance Review Committee: Report given earlier.

Wildlife Management: Council Member Schulstad addressed the proposed referendum, which may include residents making a choice between lethal and non-lethal deer management solutions. He further stated that the governing body must determine if the residents will give them a social license to use lethal methods for deer management. He further stated that the question would read "Are you in favor of allowing limited and regulated bow hunting in Saddle River for the sole purpose of helping the municipality enhance public safety and welfare by reducing the population of white tail deer in Saddle River." He further stated that now the governing body must decide which direction to take this important matter.

Mayor Kurpis stated that, after hearing testimony from Dr. Dean Cerf, he could be in favor of sterilization of the bucks. He further stated that alternative non-lethal methods may not be an option given State law.

Council Member Gray reiterated that Dr. Cerf's plan should be considered as this non-lethal method, which he has offered to fund, could potentially address 80% of the current deer population. He further stated that he is in agreement that bow hunting is not as effective.

Council Member Kerner stated that she is in favor of this referendum in November as record voters will turn out for this Presidential election. She further stated that she feels that this referendum should be two questions; "in favor of lethal methods" or "not in favor of lethal methods". Council Member Gray would like to see more detailed referendum questions in order to obtain more information.

Council Member Schulstad stated that the deer population needs to be reduced on a timely basis and does not necessarily think sterilization is the most viable method.

Council President Jensen stated that Borough Attorney Huntington was in favor of reducing the verbiage in the referendum and this was discussed in detail. He further stated that he is not in favor of bow hunting for deer management.

Mayor Kurpis stated that bow hunting is not humane and if hunting were to be implemented, a 12 gauge shot gun with a deer slug is the most effective solution, recognizing that most residents would not be in favor of the use of fire arms.

Council Member Schulstad asked Mayor Kurpis for direction on this matter. Mayor Kurpis stated that he could support setting up bait stations on large parcels of land and utilizing sharp shooters. He further stated that a limited cull could be implemented and then non-lethal methods could be introduced moving forward.

Council Member Kerner stated that Council Member Schulstad needs additional direction and asked that all Council Members send a draft of the referendum questions to him for further discussion at the July 18, 2016.

Department of Public Safety:

Police Report: Council Member Gray gave the report for May 2016.

Fire Report: Council Member Acaster gave the report for May 2016.

EMS Report: No report given at this time.

Finance Report: Council Member Kerner gave the report for May 2016.

OPEN TO THE PUBLIC:

Patty Nazzaro, 3 Westwind Court stated that the deer management discussion was extremely productive and she would like to see only professionals dealing with this matter.

Amy Atkins stated addressed the deer management issue, suggesting that Council Member Schulstad listen to Dr. Cerf's previous testimony.

UNFINISHED BUSINESS:

NEW BUSINESS:

RESOLUTION FOR CLOSED SESSION

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

Resolution # 124-16 Offered by Council President Jensen

Second by Council Member Schulstad

Roll Call Vote: AYES: Unanimous

At this time, a motion was made and seconded to return to the Regular Session of the meeting.

RESOLUTION AUTHORIZING THE APPOINTMENT OF TAX ASSESSOR – MARIE MEROLLA

Resolution # 125-16 Offered by Council Member Gray

Seconded by Council Member Salazer

Roll Call Vote: AYES, Unanimous

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Joy C. Convertini
Municipal Clerk