

**MINUTES OF THE REGULAR MEETING  
OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF SADDLE RIVER  
July 18, 2016**

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

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**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**

Council Member Gray asked for a moment of silence in memory of all those killed and their families in the recent shootings in Baton Rouge, LA.

**AWARDS AND CEREMONIES:**

**Bergen Leads 50<sup>th</sup> Anniversary Celebration:** At this time, Mayor Kurpis read a proclamation honoring the Volunteer Center of Bergen Center on their 50<sup>th</sup> Anniversary. Lynne Algrant, CEO of the Volunteer Center of Bergen County accepted this award.

**OPEN TO THE PUBLIC:**

Judy Kurpis, 30 Werimus Brook Road stated that she wanted to clarify apparent discrepancies regarding the Wandell School Centennial Anniversary and was speaking on behalf of her son, Jonathan Kurpis, who is the Borough Historian. She clarified that this is the Centennial school year, as Wandell School was established in 1917. Mrs. Kurpis read a story entitled Knowledge is Power, which is the historical story of Wandell School. This was discussed in detail. She further stated that the misrepresentation of this matter should not have been the focus of social media in town. This was a gift of appreciation and the intent should be taken into consideration.

Mayor Kurpis stated that educational recognition, when addressing an important anniversary of that institution, is not necessarily when the first classes began, but often when the idea was developed.

Jean Holden, 48 West Wildwood Road stated that she appreciated Mrs. Kurpis' comments regarding the Centennial Celebration for Wandell School. She further stated that the gift of a clock and a cupola were a surprise to many of the parents. She further stated that the school is in distress, with classes being condensed and the number of teachers decreasing. The timing of this gift was inappropriate and she asked about the genesis of this gift.

Mayor Kurpis stated that the President of Home and School Association (HSA) sent a letter to the Borough asking for a contribution for a Centennial gift and suggested that this gift be a lasting, architectural gift. He further stated that he is troubled that the school is in distress. Borough Attorney Huntington reminded the Mayor and Council that matters of the Board of Education and the school should remain separate and apart from the governing body.

Marilyn Goldfischer, 124 West Saddle River Road stated that she has concerns about the clock and cupola as the roof needs to be replaced. Council Member Gray stated that the roof is not leaking; there is a state mandated law that monies for the roof be available, if need be.

Duncan Carpenter, 41 Fox Hedge Road stated that the clock and cupola would be a nice addition to the school in order to improve the overall appearance. He also encouraged the Mayor and Council to take action on the deer management issue as there is a significant increase in the coyote population in the area.

Patty Nazzaro, 3 Westwind Court stated that the rendering of the clock and cupola is very pretty; she is not in favor of a block grant.

Irena Holiat, 85 East Saddle River Road referenced an article in the Town Journal regarding the discrepancies over the clock and cupola donation. She further stated that the thinking is the school is an afterthought and it is negatively affecting real estate values. She further stated that this clock and cupola could be funded by a fund raiser and pledged to donate \$7000 for the betterment of the school.

Thomas Weng, 69 Fox Hedge Road stated that he is a member of the Board of Education but is speaking as a resident. He clarified that the school is not asking for this gift. He further stated that the resolution should be amended to mention the children of the school. He stated that people have the right to express their opinion, however the clock and the cupola have become extremely controversial and the public is losing sight of the children.

Paul Marcus, 6 Bayberry Drive stated that the deer continue to be a problem and permitting deer fencing could be a good alternative. He further stated a tax credit for such a fence would be a viable alternative.

Patty Nazzaro stated that the proposed referendum does not state a time frame for the proposed deer management program.

Carroll Dowden, 13 Cameron Road stated that things in life fall into two categories; "must have" and "nice to have". He further stated that the clock and cupola gift is very fitting and would be nice to have. It could be used for educational purposes for the students and it is a modest proposal.

Council President Jensen stated that he agrees that it is a modest proposal but there are many demands on the municipal budget. He further stated that procedurally, it is not in the 2016 municipal budget and perhaps it could be considered in 2017 and budgeted accordingly. He further stated that the idea for a giving opportunity for the residents is a good way to fund this idea. 2017 is the correct date and funds should be able to be procured for a Centennial gift.

Council Member Gray stated that this clock and cupola were already voted on and seeking to reverse a Council vote could have serious implications and legal risks. He further stated that it raises concerns about effective governance.

Council Member Kerner stated that the roof on the Wandell School will be replaced in the near future and it is being budgeted for. She further stated that the resolution passed in June was an emergency resolution and reflected the support for this gift, not taking back the clock and cupola.

Mayor Kurpis stated that this gift can be given in 2017 and additionally have a fund raiser in order to address this matter. He further stated he would like this to not cause any further division within the Borough and the governing body and would like to arrive at a common solution.

Laurie O'Byrne, 185 West Saddle River addressed the proposed referendum on the deer management issue and stated that there is bias in the sequencing of the questions. She asked that the least violent option be the first question. She also asked that all questions on the referendum be worded similarly.

Jennifer Rossakis, 162 Chestnut Ridge Road stated that she is a prior HSA President and stated that the clock and cupola proposal came from the HSA, not the Borough. She encouraged the public to attend the Board of Education meeting on July 19, 2016 in order to better understand this matter.

Paul Marcus asked about the dredging project and this was addressed in detail at this time.

Ferne Lambert, 119 West Saddle River Road addressed the real estate values in Saddle River and stated that the press is partly to blame for the bad press in Saddle River. She further stated that the school is very important to prospective buyers and the clock and the cupola would greatly enhance the look of the school.

Amy Atkins, 19 Westerly Road addressed the Wildlife Management Committee and stated that it has a lack of accountability with Chairman DeCrosta seldom available. She further stated that the referendum questions are inconsistent.

Patty Nazzaro stated that Jerry DeCrosta, Wildlife Management Committee Chairman has stated several times that the Committee's work has been completed and he has been available at all meetings.

Sharyl Hertz, 3 Beechwood Drive stated that the rendering for the clock and the cupola is very attractive and this would be a wonderful addition to Wandell School.

Constantine Rossakis, 162 Chestnut Ridge Road commended the Mayor and Council for their public service. He further stated that the clock and the cupola, as a one-time cost, is a wonderful idea. He also stated that he is a member of the Saddle River Board of Health and addressed the deer management issue from a health prospective.

#### **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 epidemic.

**NJLOM Feedback on Campaign Civility Pledge:** Mayor Kurpis stated that he contacted the legal department at the NJLOM in order to obtain feedback regarding the proposed Campaign Civility Pledge. He further stated that he spoke with several attorneys on this matter who feel that this should be carefully examined in order to prevent any violation of First Amendment rights. Mayor Kurpis stated that he would like this reviewed by a Constitutional attorney.

**Formation of Saddle River Image PR Committee:** Mayor Kurpis stated that he is going to be forming a committee of residents with expertise in marketing, public relations and real estate in order to insure that the image of Saddle River entices new home buyers as older residents move out.

**Bishop House Update:** The members of the Bishop House Foundation are in the process of assessing the repairs and improvements that are necessary. The Foundation will be reporting their findings at the next Mayor and Council meeting.

**New Jersey Keep it Green Initiative:** Mayor Kurpis stated that this organization insures that there is ample funding for the Green Acres Farmland and NJ Historic Preservation; the organization is asking municipalities to show their support by sending a letter to the State.

**Aviation Noise Abatement Committee:** Mayor Kurpis stated that he is going to form a committee that will attend monthly meetings at Teterboro Airport to address flight patterns in order to keep aviation noise at a minimum.

## **BOROUGH ADMINISTRATOR**

**Bergen County Open Space Trust Fund:** Administrator Shenkler stated that grants are awarded to municipalities and irrigation in Rindlaub Park and the replacement of the fence at the Ice Pond are two possible projects that could be partially funded.

**Saddle River Boom:** Administrator Shenkler stated that a new boom has been ordered and will be installed sometime in August.

**Lead Contamination** – Rindlaub Park: Administrator Shenkler stated that the water was retested and the lead is no longer an issue, however, the arsenic levels are still high. A filtration system will be considered and residents are asked not to drink the water in Rindlaub Park.

**ENGINEERING REPORT:** Administrator Shenkler gave the Engineering Report as Borough Engineer Martin Spence was not in attendance:

- **Road Re-surfacing:** This project was completed with streets to include West Church, Esler, Stonewall and Cedarwood Roads.
- **DPW Salt Shed:** This project will begin within seven to ten days and the contractor has submitted plans to the Building Department for review and permit issuance.
- **Streetscape III:** The project will start the last week of July/first week of August and should take three to four weeks.
- **Barnstable Boom:** A new "Worthington Tuff-Boom" has been ordered and will be installed in August.
- **Streetscape IV:** Received grant contract from DOT, work to take place in the winter of 2016/2017
- **Fox Hedge Water Main Installation:** This project is almost complete with the road resurfacing scheduled for late July early August.

Council Member Schulstad asked Administrator Shenkler about the \$3000 allocation to Wandell School for plantings. Administrator Shenkler stated that the school wanted to have a Board of Education member work together with the Borough on this project.

Council Member Schulstad asked Administrator Shenkler about funding the filtration system for Rindlaub Park and he stated that this money would come from the DPW budget.

Council Member Schulstad asked about the funding for the clock and the cupola and Administrator Shenkler explained this in detail, stating that this should be budgeted and considered in 2017.

Council Member Kerner asked Administrator Shenkler about the necessary nature walk repair and he stated that he would get a price for the repairs.

**BOROUGH ATTORNEY**

**MUNICIPAL CLERK:** Municipal Clerk Convertini stated that the next Borough newsletter will be going out in September, after the new school year begins.

**INTRODUCTION OF ORDINANCES:**

**Ordinance No. 16-922-C**

**An Ordinance to Supplement Chapter 166, Property Maintenance, of the Borough Code Regulating the Care, Maintenance, Security and Upkeep of Vacant and Abandoned Residential Properties in Foreclosure**

**Resolution #126-16** was offered by Council Member Schulstad

Seconded by Council President Jensen

**Roll Call Vote: AYES, Unanimous**

**ADOPTION OF ORDINANCE(S)**

**Ordinance No. 16-920-C**

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

**Resolution #127-16** was offered by Council Member Gray

Seconded by Council Member Kerner

Roll Call Vote: AYES, Unanimous

Motion to Open to the Public by Council Member Kerner

Seconded by Council President Jensen

Voice Vote: All AYES

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

Motion to Close the Hearing to the Public by Council President Jensen

Seconded by Council Member Gray

Voice Vote: All AYES

**Roll Call Vote: AYES, Unanimous**

**Ordinance No. 16-921-C**

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

**Resolution #128-16** was offered by Council Member Schulstad  
Seconded by Council President Jensen

Motion to Open to the Public by Council President Jensen  
Seconded by Council Member Schulstad  
Voice Vote: All AYES

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

Motion to Close the Hearing to the Public by Council President Jensen  
Seconded by Council Member Schulstad  
Voice Vote: All AYES

**Roll Call Vote: AYES, Unanimous**

**RESOLUTION TO AUTHORIZE THE GOV OFFICE AGREEMENT**

**Resolution #129-16** Offered by Council President Jensen  
Seconded by Council Member Gray

Council Member Schulstad asked for clarification about hosting fees and Council President Jensen addressed this matter. He also asked if the language was revised to reflect changes the Council previously addressed. Council Member Kerner addressed one additional change which was necessary.

**Roll Call Vote: AYES, Unanimous**

**RESOLUTION TO AUTHORIZE SEAMLESS DOCS AGREEMENT**

Administrator Shenkler stated that he was not comfortable with this agreement as written and requested that this resolution be withdrawn for further consideration at a subsequent meeting.

**RESOLUTION TO APPROVE DEER MANAGEMENT REFERENDUM QUESTION**

Offered by Council Member Schulstad  
Seconded by Council Member Kerner

Council Member Acaster asked about the sequential order of questions to insure the referendum is free from any bias. Council Member Schulstad stated that the order of the questions can be changed and he does not feel it is biased as written.

Mayor Kurpis asked if enough input was provided by the Council; Council Member Schulstad stated that question three ("Shall the Saddle River Mayor and Council adopt a deer management policy that uses both lethal and non-lethal methods of reducing the population of white tailed deer in Saddle River?") could be deleted as it is redundant. He asked for feedback from the Council on this deletion; Council Member Kerner was in agreement and addressed having only two questions on the referendum. Mayor Kurpis stated that the most important questions should be using lethal or non-lethal methods of deer management.

Council Member Gray suggested that the first questions, per a resident's request, asked about a deer management plan that uses non-lethal methods. Council Member Schulstad was in agreement.

This resolution was tabled until later in the meeting in order to re-draft the referendum.

**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 # 131-16** Offered by Council Member Kerner  
Seconded by Council Member Schulstad

Council Member Schulstad stated that he does not feel it's necessary to spend municipal funds in order to have an attorney review this; he further stated that he does not feel it is a violation of First Amendment Rights.

Council Member Gray asked Borough Attorney Huntington to offer his opinion on this pledge and he stated that he has some misgivings about involving the Municipal Clerk in this process.

Council Member Gray was in agreement that the Municipal Clerk should not be involved and is concerned that if this process was generated through the Borough Hall, there could be liability involved.

Attorney Huntington stated that he would prefer that this process be executed as a declaration but could not find any statute that prohibits conduct or any case law to reference.

Mayor Kurpis stated that he wanted to strike Paragraph Five, which reads as follows:

*"I Shall Immediately and Publicly Repudiate support deriving from any individual or group which resorts, on my behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any individual or group who violates any provision of this code or the laws governing elections on my behalf."*

Council Member Kerner was in agreement that paragraph number five could be removed from the document. Additionally, a minor language addition was added into the resolution.

**Roll Call Vote:** AYES: Unanimous

**APPROVAL OF BILLS**

**Resolution #132-16** Offered by Council Member Kerner  
Seconded by Council President Jensen

**Roll Call Vote: AYES, Unanimous**



**Resolution to Authorize Saddle River/HHK Football & Cheer to apply for a Social Affair Permit with the State in order to serve beer at the 50<sup>th</sup> Anniversary Celebration in Rindlaub Park, September 24, 2016**

Mayor Kurpis stated that he wanted to insure that all of the proper insurance documentation will be executed prior to this event. The Hold Harmless Form which also indemnifies the Borough, will be executed. The language was modified in the resolution to reflect the applicant's signing of the Facility Use Form.

**Resolution #144-16** Offered by Council President Jensen  
Seconded by Council Member Kerner  
Roll Call Vote: AYES, Unanimous

**Salary Resolution**

Council Member Kerner stated that she was under the impression that salary adjustments were going to be based on performance evaluations, using 2% as a pool. Council President Jensen stated that the Personnel Committee has not made these proposed recommendations and the resolution should be withdrawn at this time.

**AMENDMENT OF RESOLUTION TO APPROVE DEER MANAGEMENT REFERENDUM QUESTION**

Council Member Schulstad continued the discussion about this resolution, reading the two proposed referendum questions as follows:

- **Shall the Borough of Saddle River adopt a deer management policy determined by the Mayor and Council that is limited to the use of non-lethal methods only?**
- **Shall the Borough of Saddle River adopt a deer management policy determined by the Mayor and Council that includes the use of lethal methods?**

At this time a motion was offered by Council Member Schulstad to eliminate the four referendum questions originally presented and amend the resolution to include the two questions above. Additionally, the Explanatory Statement will reflect this change. Seconded by Council Member Gray.

Council President Jensen stated that the Wildlife Management Committee was not in favor of a referendum; they would have preferred a Wildlife Management Plan. He further stated that both parties, both in favor and not in favor of a Wildlife Management Plan, are also not in favor of a referendum. He further stated that he is not in favor of a referendum.

Roll Call Vote: AYES, Unanimous

**RESOLUTION TO APPROVE AMENDED DEER MANAGEMENT REFERENDUM QUESTION**

**Resolution #130-16** Offered by Council Member Schulstad  
Seconded by Council Member Kerner

**Roll Call Vote: AYES: Acaster, Kerner, Schulstad**  
**NAYS: Jensen, Gray**  
**ABSENT: Salazer**

**OPEN TO THE PUBLIC FOR CONSENT AGENDA ITEMS ONLY:**

## **COMMITTEE REPORTS**

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

**Landmarks Committee:** There was no report at this time.

**COAH:** Council President Jensen gave the report for June 2016.

**Planning Board:** Council President Jensen gave the report for July 2016.

**Const. & Zoning Enforcement:** Council Member Acaster gave the report for June 2016. The discussion of replacing the Construction Official's car was addressed; the Borough is in receipt of four quotes for this vehicle. The current vehicle has 168,000 miles and is in need of repair. This matter will be voted on at the August 15, 2016 meeting of the Mayor and Council.

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

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

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

**Board of Education:** Council Member Schulstad gave the report for June 2016. Mayor Kurpis asked Council Member Schulstad about the issues and concerns at Wandell School. Council Member Jensen stated that some parents have concerns about the decreasing number of teachers in the school. The Pre-K program is also not as well attended and teachers have been eliminated here as well.

**Parks and Recreation:** No report at this time.

**Ordinance Review Committee:** No report at this time.

**Wildlife Management:** Report given earlier.

### **Department of Public Safety:**

**Police Report:** Council Member Gray gave the report for June 2016. He read a letter of appreciation from a resident to the Police Department.

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

**EMS Report:** Council Member Kerner gave the report for May and June 2016.

**Finance Report:** Council Member Kerner gave the report for June 2016. The 2015 Audit and bond rating were also discussed.

### **OPEN TO THE PUBLIC:**

Marilyn Goldfischer 124 West Saddle River Road asked about the price of the boom and the installation of this boom and Administrator Shenkler addressed this matter in detail. She asked about the new vehicle for the Building Official and stated that she does not feel that he should be getting a new car, but rather a stipend for mileage.

Michael Nagelhout, Park Ridge, NJ addressed the referendum and the Wildlife Committee, which he feels should be open to the public.

Angie Mettler, Animal Protection League of New Jersey addressed the referendum questions and stated that there is currently not an official deer count. She further stated that she is opposed to killing of any kind.

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**ADJOURNMENT:** A motion to adjourn was made and seconded.

Respectfully submitted,

Joy C. Convertini  
Municipal Clerk