

**Mayor & Council Minutes**  
**MINUTES OF THE REGULAR MEETING**  
**OF THE MAYOR AND COUNCIL OF THE**  
**BOROUGH OF SADDLE RIVER**  
**HELD JULY 18, 2011**

**PRESENT:** Mayor Raia, Council President Mutter, Council Members, Boardman, Mastriano, Murray, Toomey, Walenczyk, Borough Clerk Macari, Administrator Cuccia, & Borough Attorney Huntington

**ABSENT:**

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**PRESIDING:** Mayor Raia called the meeting to order at 7:15 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 a notice thereof to the Ridgewood Newspapers and The Record on December 27, 2010.

**NOTIFICATION OF FIRE EXITS**

**PLEDGE OF ALLEGIANCE**

**AWARDS AND CEREMONIES**

**WORK SESSION:**

**MAYOR RAIA**

**Appointment of Museum Advisory Committee:** Mayor Raia stated that Maurice Burke has submitted names for this committee who will be responsible for making recommendations to the Mayor and Council regarding any work to be done at the Museum. He further stated that both the Museum and the Bishop House should fall under the auspices of the Landmarks Commission moving forward.

**Signing of the Pension and Benefit Reform:** Mayor Raia stated that he attended the signing of the Pension and Benefit Reform Bill by Governor Christie.

**ADMINISTRATOR CUCCIA**

**Audit:** Administrator Cuccia stated that the Mayor and Council are in receipt of the audit and asked Council Member Murray to discuss the audit at this time and the accounting system used for the Borough's audit was explained. Mayor Raia stated that the audit appears to be in good order and he was pleased that there were no recommendations.

**Zion Lutheran Church:** Administrator Cuccia stated that the Mayor and Council are in receipt of a rendering for a banner they would like to install for their 190<sup>th</sup> Anniversary. Mayor Raia stated that they have been very good neighbors and had no problem with the banner.

A motion to approve the banner was made by Council Member Murray. Seconded by Council Member Mastriano. Roll Call Vote: AYES, Unanimous

**St. Gabriel's Church/Installation of Air Conditioning Units:** Administrator Cuccia stated that St. Gabriel's Church would like to replace two air conditioning units, which will have no impact on the property as the entire property is non-conforming. The units will not be visible from East Saddle River Road; Attorney Huntington stated that he would review the zoning ordinance to determine if the zoning fees could be waived.

### **COUNCIL REPORTS:**

Council Member Toomey stated that the zoning ordinances for adoption were reviewed by the Planning and Zoning Boards and both were in agreement that these ordinances should be recommended.

Council Member Mastriano stated that the Summer Concert Series has been very successful thus far, with one more concert on July 28, 2011.

She further stated that there is a \$30,000 matching grant to be used to update the snack shack, which will be reviewed by the Parks and Recreation Commission. She further stated that the teams using Field C have requested that the pitcher's mound be moved back, as it is too close for the level of play and could be potentially unsafe. The bases will be set at the edge of the grass so the field will be acceptable for football this fall and next spring the bases will be reset for alignment to the pitcher's mound.

A motion was made by Council Member Mastriano to move the pitcher's mound back on Field C. Seconded by Council Member Toomey. Roll Call Vote: AYES, Unanimous

Council Member Mastriano stated that the dugouts puddle after a heavy rain and installing the outdoor flooring material was suggested.

At this time, Mayor Raia asked that only Council Members participate in the Work Session.

Council Member Walencyk reported on the status of the Bishop House lease, reiterating that their tax exempt status has been revoked by the IRS for failure to comply. The Foundation members are currently working to rectify the situation and have retained an accountant. He further stated that he is going to meet with a member of the Bergen County Historical Society in order to obtain information on how to structure a historical society on the municipal level. An ordinance to reflect this will then be drafted.

Council President Mutter gave a report on the Cell Tower Task Force Committee and their work to date. He explained that each sub-committee completed their reports and the entire Task Force have completed the editing process and posted these reports on the website. The communication plan was discussed, explaining that there are FAQ's, report results and summaries all posted on the website, which will culminate into a final report. A Town Hall Meeting will be scheduled for mid August and done in a panel format, with an open forum for the public to address their questions or concerns. Residents, who may be out of town, could attend this meeting via teleconference. An additional meeting will be scheduled prior to the beginning of the school year. All of the communication will be mailed to each resident and

Mayor Raia stated that the parents of Wandell students should all be emailed as well.

Mayor Raia commended the Task Force for their diligent work and Council President Mutter stated that each member brought their area of expertise to the table and worked together in order to obtain invaluable information on the cell tower issue.

Council President Mutter stated that grants will be available through FEMA and the Borough is currently in receipt of a letter of engagement which must be submitted with an application fee of \$20,000; this grant would be for an item within the public safety department. Obtaining a grant for the Saddle River dredging project was discussed as well as the integrity of the river in towns north of Saddle River.

Mayor Raia stated that he feels it is important to identify the need prior to applying for the grant and would like the Public Safety Committee to meet to address the current needs of the Borough. He further stated that he would like a member of the Council to join this committee and Council Member Mastriano volunteered.

Council Member Murray stated that the financial report is in good order.

Council President Mutter asked about the FEMA grant, and if the Mayor and Council would authorize the \$20,000 fee for the application submission.

At this time, Council Member Mastriano made a motion to authorize the expenditure of \$20,000 to apply for the grant, contingent on identifying the need to purchase new or additional equipment. Attorney Huntington stated that this should be further discussed in Executive Session.

### **MUNICIPAL CLERK**

Municipal Clerk Macari stated that she is in receipt of a letter from the Department of Agriculture regarding defoliation in the Borough due to gypsy moths. Aerial treatment is recommended and a survey must be done in order to determine locations for treatment. Mayor Raia stated that he would like the Board of Health to review this issue and make a recommendation to the Mayor and Council.

**ADOPTION OF ORDINANCE(S):**

**ORD. NO. 11-851-C**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 210, ENTITLED " ZONING", IN THE CODE OF THE BOROUGH OF SADDLE RIVER, NEW JERSEY**

**Resolution# 83-11** Offered by Council Member Toomey  
Seconded by Council Member Walenczyk

**OPEN TO THE PUBLIC:** Bruce Meisel, 20 Powder Hill, Chairman of the Planning Board in the Borough of Saddle River stated that this ordinance is one of three zoning ordinances and he explained the extensive process in generating them from inception to adoption. He further stated that the committee appointed for this purpose will continue to work on additional ordinances to include but not limited to amending the tree ordinance, cupolas and exterior lighting.

**CLOSED TO THE PUBLIC**

**Roll Call Vote:** AYES, Unanimous

**ORD. NO. 11-852-C**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 179, ENTITLED " SITE PLAN REVIEW", IN THE CODE OF THE BOROUGH OF SADDLE RIVER, NEW JERSEY**

**Resolution# 84-11** Offered by Council Member Toomey  
Seconded by Council Member Walenczyk

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

**CLOSED TO THE PUBLIC**

**Roll Call Vote:** AYES, Unanimous

**ORD. NO. 11-853-C**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 105, ENTITLED 'FENCES' IN THE CODE OF THE BOROUGH OF SADDLE RIVER, NEW JERSEY**

**Resolution # 85-11** Offered by Council Member Toomey  
Seconded by Council Member Walenczyk

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

**CLOSED TO THE PUBLIC**

**Roll Call Vote:** AYES, Unanimous

At this time, Attorney Huntington stated that the above Ordinances: **11-851-C, 11-852-C** and **11-853-C** were discussed at a public meeting of the Planning Board of the Borough of Saddle River on July 5, 2011 and were approved.

## **APPROVAL OF BILLS**

**Resolution # 86-11** Offered by Council Member Murray  
Seconded by Council President Mutter  
Roll Call Vote: AYES, Unanimous

## **RESOLUTIONS**

All matters listed hereunder are considered routine in nature and will be enacted in one motion. Any Council Member may request that an item be removed for separate consideration. Considering approval of minutes, a yes vote will indicate a vote in favor of approval of the minutes of each meeting at which the Council Member was present and abstention with respect to the minutes of meetings at which such Council Member was not present.

Resolution by Council President Mutter  
Seconded by Council Member Mastriano  
Roll Call Vote: AYES, Unanimous

## **Explanation of Consent Agenda Items**

At this time, Administrator Cuccia briefly explained the resolutions on the Consent Agenda.

**A. Approval of Minutes:** Regular Meeting of 6/20/11.

**B. Resolution(s)**

- R# 87-11 Annual Audit for the Year 2010**
- R# 88-11 Award of Bid – Twin Brooks Road Reconstruction**
- R# 89-11 Community Development Agreement – (three years)**

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

### **COMMITTEE REPORTS**

**Finance Report:** Council Member Murray gave the report for June 2011.

**Fire Report:** Council Member Walenczyk gave the report for May 2011.

**Police Report:** Council President Mutter gave the report for June 2011.

**Planning Board:** Council Member Walenczyk gave the report for July 2011. He further stated that the Planning Board met on July 5, 2011 and unanimously approved the recommended amendments to the zoning ordinances. Mayor Raia added that the Perrillo-Zazzali families are interested in giving the historic school house, currently on their property to the Borough.

**Public Works:** Council Member Walenczyk gave the report for June 2011.

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

**Const. & Zoning Enforcemnt.** Council Member Boardman gave the report for June 2011.

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

**Zoning Board:** There was no report at this time.

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

**Parks and Recreation:** Council Member Mastriano gave the report for June 2011.

**OPEN TO THE PUBLIC:**

Tom Locisero, owner of All Points Towing, Paramus NJ stated that he is representing all of the towing companies that are contracted to provide towing services in the Borough of Saddle River.

He further stated that he is requesting that the towing ordinance be amended to provide a more specific cost breakdown required by all insurance companies. He discussed in detail an ordinance used by neighboring municipalities.

Mayor Raia stated that he would have Administrator Cuccia review the proposed ordinance.

David Meeks, 74 East Allendale Road, Saddle River, owner of Waterford Gardens thanked the Mayor and Council for their support in light of the recent damage on his property caused by flooding. He further stated that he is in receipt of a letter from Marilyn Goldfisher, owner of a neighboring property, who has an issue with the clean-up effort being put forth since the storm of June 23, 2011. He further stated he has worked every day since this storm and his priority is trying to salvage his business while putting forth a clean-up effort but does not appreciate being harassed. He discussed boards that were installed on the south side of the pond which raised the height of the pond, further stating that he feels that Marilyn Goldfisher put these boards in the pond illegally, as it is prohibited to impede the flow of the river. When the water level is raised, the embankment is compromised and Mr. Meeks stated that he has brought this to the attention of Borough officials, to no avail.

Borough Engineer Spence addressed the issues brought forth by Mr. Meeks at this time. He stated that the Borough was granted permission to access the pond area, owned by the Meeks family in order to clean up the area including overgrown vegetation and cut and stacked tree material. In addition, Downes Tree Service did some select pruning, under the direction of Director of Operations Bruce Mautz and Mr. Spence, which was not an issue. Mr. Spence stated that additional trees were cut down and he believes Marilyn Goldfisher was responsible for this. Mayor Raia asked if the property lines were clearly marked in this area and Mr. Spence stated that monuments were installed and the lines of demarcation are very clear.

Mr. Spence discussed the weir, which is town property and regulates the height of the pond. He reiterated that no one is permitted to touch the weir with the exception of the Borough employees.

Marilyn Goldfisher, 124 West Saddle River Road stated that she has email records dating back five years to Mr. Spence regarding the disrepair of the weir. She further stated that the weir was raised temporarily in order to aid a sick swan in the pond which was abandoned by Mr. Meeks; the weir was returned to its original height after the swan died. She stated that the parking lot debris from Waterford Gardens has filled every channel which was once wetlands. She reiterated that the debris from the Meeks' property has been a serious problem for over five years; it was cleaned up by various groups several times and continues to return to its original state. She stated that plastic pots and piping get washed down the river and end up on her property and she has spent countless hours cleaning it up on many occasions. She would like to take core soil samples on the Waterford Garden property in order to prove her claims.

John Meeks, 74 East Allendale Road stated that he met with the former Borough Engineer, Charles Wilde years ago regarding the weir and he was told not to raise the water level. In addition, he questions who is responsible for removing trees from his property and also feels that it is inappropriate for Ms. Goldfisher to take core soil samples on his property.

David Meeks stated that the ponds in the rear of his property are all man-made; none of them are wetlands. He also stated that not all of the plastic pots belong to him and he is trying to recover the material as quickly as possible.

Marilyn Goldfisher further stated that the staging area on the Waterford Gardens property has been moved closer to the river which will pose additional problems in the event of a storm.

Mayor Raia asked Mr. Meeks to continue his clean-up effort and asked Mr. Spence to monitor this effort. He reiterated that only Borough employees are permitted to do any work on municipal property. He stressed the importance of trying to live as neighbors and work together to bring the river back to its bucolic state.

Marilyn Goldfisher stated that Mark Jacobsen, business owner adjacent to the river on the opposite side of the street, has offered to spear head a clean-up effort as well. She further stated that a large recycling dumpster washed down the river during the storm and Mr. Meeks acknowledged this and stated that he is planning to remove it shortly.

Mayor Raia asked Mr. Spence about the dredging project and he discussed this in detail. The permits have all been obtained and the funding is in the process of being procured. The cost will be approximately \$400,000.

Patty Nazzaro, 2 Westwind Court passed out flyers regarding underage drinking. She further stated that she would like to post a banner, which is provided from the County free of charge, making parents aware that they are responsible for underage drinkers on their property. Mayor Raia suggested that she speak with Administrator Cuccia about this and felt that it was a very good idea. He thanked Ms. Nazzaro for all her work on the Municipal Alliance.

Mayor Raia discussed cancelling the August meeting, pending the review of agenda items.

**RESOLUTION FOR CLOSED SESSION**

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

**Resolution # 90-11** Offered by Council Member Mastriano  
Seconded by Council President Mutter  
Roll Call Vote: AYES: Unanimous

A motion to adjourn the Closed Session and return to the Regular meeting of the Mayor and Council was made and seconded.

**COAH Development Fees Resolution** Offered by Council President Mutter  
Seconded by Council Member Toomey  
Roll Call Vote: AYES: Council President Mutter, Council Members Boardman & Toomey  
ABSTAIN: Council Members Mastriano, Murray, & Walenczyk

**ADJOURNMENT:** A motion was made and seconded to adjourn the regular meeting of the Mayor and Council.

Respectfully submitted,

Marie Elena Macari  
Borough Clerk