

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
HELD NOVEMBER 14, 2011**

PRESENT: Council President Mutter, Council Members: Boardman, Murray, Toomey, Walenczyk, Borough Clerk Macari, Administrator Cuccia, & Attorney Bill Bailey

ABSENT: Mayor Raia, Council Member Mastriano, Attorney Russell Huntington

PRESIDING: Council President Mutter 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:

ADMINISTRATOR CUCCIA

Report on the pre-Halloween Storm Emergency: Administrator Cuccia stated that the storm of 10/29/11 was more severe than predicted and many residents were without power for an extended period of time. Orange and Rockland and PSE&G were not as responsive to this emergency as the Borough would have hoped and Administrator Cuccia stated that he plans to have discussions with representatives from both utilities at the League of Municipalities Conference this week.

Emergency Resolution: Administrator Cuccia stated that the Governor declared a state of emergency during the storm on 10/29/11 and consequently, an emergency resolution in the amount of \$85,000 is part of the Consent Agenda for authorization by the Mayor and Council.

9-1-1- PSAP Service: Administrator Cuccia stated that the Borough will authorize the signing of an agreement with the Borough of Paramus for 9-1-1- PSAP Services which will begin on January 1, 2012. This resolution is part of the Consent Agenda.

Zoning Ordinance Amendments: Administrator Cuccia asked Council Member Toomey to give an overview of these amendments at this time. The five ordinances will be introduced later in the meeting with some changes in language in 11-856-C, per Mayor Raia, regarding the location of gates on a property; Borough Engineer Spence addressed this issue. Council Member Toomey also discussed the limiting of lighting and suggested that this aspect of the ordinance be tabled. Fencing was discussed and the exclusion of chain link fencing in the front yard was addressed, as well as gate and pier height. It was decided that this ordinance will be amended after its introduction.

The advisory committees for both the Saddle River Museum and the Bishop House were discussed at this time and it was decided that each committee would consist of seven members and this would be added to the ordinance as well.

The tree ordinance amendments continue to be worked on and will be reviewed in January of 2012.

COAH Refunds: Administrator Cuccia stated that this resolution is part of the Consent Agenda.

Engineering Update – Paving and Resurfacing of Adams Rd: Administrator Cuccia asked Borough Engineer Martin Spence to give the Mayor and Council an update on this project and he did so at this time. He also gave an overview of Twin Brooks Road construction project, The Ridge project, the Bayberry Dr. culvert repairs, the Saddle River Bank project and the Saddle River dredging project.

Mr. Spence stated that one of the issues with the dredging project is remediating the material that is removed from the Saddle River and to date, there has been little need for it. He further stated that perhaps this should go out to bid to contractors who may need this material or know of a location where it could be used.

Mr. Spence stated that there are also date limitations when the dredging can be done due to the spawning of fish which must be worked around; all involved parties must be notified accordingly. Administrator Cuccia stated that the specifications and funding will be determined and presented to the Mayor and Council in January of 2012.

Sign in Rindlaub Park: Administrator Cuccia stated that the sign has been moved 30 feet to the west, per a resident's request, and is still visible to the public.

Resolution – Change in title or text: Administrator Cuccia stated that the Mayor and Council is in receipt of this resolution and it is part of the Consent Agenda.

Transfer Resolution: Administrator Cuccia stated that he has spoken with Council Member Murray regarding this resolution and it is part of the Consent Agenda.

CERT Drill – 11/5/11: Administrator Cuccia asked Council Member Walencyk to give an overview of this drill, which he did at this time. The task was to find a missing child in Rindlaub Park, which was successful and very informative.

Council Member Walenczyk asked about Downes Tree Service clearing trees during the storm of October 29, 2011 and Administrator Cuccia explained that they were responsible for clearing trees in the right-of-way.

COUNCIL REPORTS:

Council Member Boardman stated that the Environmental Commission met on November 24, 2011 and discussed septic education and awareness in the Borough as well as the tree ordinance. He further stated that the Commission has been working for several years in order to obtain the Tree City designation in Saddle River and has asked Commission member Ron Yates to discuss this with the Mayor and Council.

Mr. Yates explained that Tree City encompasses all trees in a municipality, not just those on private property. He explained the parameters for the Tree City designation and stated that it is promoted to educate the public on the importance of trees.

MUNICIPAL CLERK: Municipal Clerk Macari stated that the Mayor and Council are in receipt of the 2012 Holiday Schedule for Borough Employees for their review. Additionally, the Reorganization Meeting will be held on January 1, 2012 at 11:00am.

ADOPTION OF ORDINANCE(S): There were none.

INTRODUCTION OF ORDINANCE(S):

ORD. 11-856-C

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

Resolution #116-11 Offered by Council Member Toomey
Seconded by Council Member Walenczyk
Roll Call Vote: AYES: Unanimous

ORD. 11-857-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 # 117-11 Offered by Council Member Toomey
Seconded by Council Member Walenczyk
Roll Call Vote: AYES: Unanimous

ORD. 11-858-C

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

Resolution # 118-11 Offered by Council Member Toomey
Seconded by Council Member Walenczyk
Roll Call Vote: AYES: Unanimous

ORDINANCE NO. 11-859-C

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 125,
ENTITLED "HISTORIC PRESERVATION", IN THE CODE OF THE
BOROUGH OF SADDLE RIVER, NEW JERSEY**

Resolution # 119-11 Offered by Council Member Toomey
Seconded by Council Member Walenczyk
Roll Call Vote: AYES: Unanimous

ORDINANCE NO. 11-860-C

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

Resolution# 120-11 Offered by Council Member Toomey
Seconded by Council Member Walenczyk
Roll Call Vote: AYES: Unanimous

APPROVAL OF BILLS

Resolution # 121-11 Offered by Council Member Murray
Seconded by Council member Boardman
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 Offered by Council President Mutter
Seconded by Council Member Boardman
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 10/17/11.

B. Resolution(s)

- R# 122-11** **COAH Refunds**
- R# 123-11** **Refund for overpayment of taxes on Blk 1401 Lot 11 due to reduced assessment**
- R# 124-11** **Refund from Tax Court Judgment Blk 1608 Lot 9**
- R# 125-11** **Soil Movement For Blk 2102 Lot 14**
- R# 126-11** **Execute Grant Contract with NJDOT for Ackerman Road and Reconstruction Improvements**
- R# 127-11** **9-1-1 PSAP Services**
- R# 128-11** **Authorizing Water Main Extension on Tall Trees and authorization to sign an agreement between the Borough of Saddle River and the owners and contractors.**
- R# 129-11** **Accepting Historical Structure from the Linda Perillo Zazalli Qualified Personal Residence Trust**
- R# 130-11** **Grantee Authorizing Rindlaub Park Field House Pavilion**
- R# 131-11** **Budget Transfers**
- R# 132-11** **Change title or text in the adopted Budget: Capital Improvement Fund from \$200,000 to \$100,000; Acquisition of computer network from 0 to \$100,000**
- R# 133-11** **Emergency appropriation resulting for Winter Storm**
- R# 134-11** **Bergen County Open Space matching grant of \$30,800 for Wandell School Field**
- R# 135-11** **Authorization to enter into a cooperative agreement with Bergen County for Municipal Open Space Trust fund for Municipal Park Improvement**
- R# 136-11** **Appointing Martin K. Spence, Engineer as Representative for Open Space Trust Municipal Program Regional Committee.**

OPEN TO THE PUBLIC FOR CONSENT AGENDA ITEMS ONLY:

COMMITTEE REPORTS

- Finance Report:** Council Member Murray gave the report for October 2011.
- Fire Report:** Council Member Walencyk gave the report for August 2011.
- Police Report:** Council President Mutter gave the report for October 2011.
- Planning Board:** Council Member Walencyk gave the report for November 2011.

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

Board of Health: Council President Mutter gave the report for November 2011.

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

Zoning Board: Council Member Toomey gave the report for October 2011.

Landmarks Committee: There was no report at this time.

Environmental Committee: Council Boardman gave the report for October 2011.

Parks and Recreation: There was no report at this time.

OPEN TO THE PUBLIC:

Rose Marie Arnold, 7 Lower Cross Road asked about the dredging project and the flooding problems with the Saddle River. She further stated that her home flooded twice in recent months due to very strong storms and there was raw sewerage evident in the water. She asked how this and the flooding problem plan to be rectified by the Borough.

Council President Mutter stated that his home floods as well and can appreciate Ms. Arnold's concern. He further stated that it is difficult to enforce the neighboring communities to the north to stop the pollution as well as taking care of river banks to prevent further flooding.

Administrator Cuccia stated that he has been in touch with the Governor's office and has not gotten a response. Mr. Spence stated that there were law suits filed in New York State as well as Upper Saddle River attempting to rectify the sewerage issue, to no avail.

Ms. Arnold asked the Mayor and Council again how the municipality intends to deal with this issue and reiterated that she is in need of help and she has serious concerns about this safety issue. She further stated that she cannot except that the Mayor and Council can't explain why the Saddle River is polluted with raw sewerage. Administrator Cuccia stated that he will follow up with the Governor's office. Attorney Bill Bailey discussed the ongoing law suit that Upper Saddle River has filed against Rockland County, NY and stated that he would get a status update for the Mayor and Council.

Council President Mutter reiterated that the details of the dredging project will continue to be worked out, specifically determining the remediation of the bank run, as well as following up with both the Governor's office as well as Rockland County. The Borough Attorney will investigate the status of the pending lawsuit as well.

Mr. Yates stated that it is very important that the Borough insures that no one constructs or installs anything in the flood plain that would exacerbate the existing flooding problem. He further stated that Waterford Gardens has installed a concrete block wall with large fish tanks and these are in the flood plain. Mr. Spence stated that Waterford Gardens did not get permits for this work and this has been discussed with the DEP as well. The DEP was on site and these tanks will be removed as well as remediating other issues that violate DEP requirements.

Mr. Spence stated that the DEP referred to aerial photos in order to determine the time line of construction of the wall. Those portions of this concrete wall along the river that are visible in these photos will be permitted to stay, and the remaining sections will be ordered to be removed.

Marilyn Goldfisher, 124 West Saddle River Road stated that the inlet pipe in the pond on Waterford Gardens' property is blocked, forcing the water onto her property, raising the water level and destroying her property further. She further stated that she has offered to pay for the removal of this blockage but Waterford Gardens has no interest in any assistance with this issue. She further stated that the swans have no resting area and once the pond freezes over, they will be killed by coyotes.

Mr. Spence stated that he has spoken with David Meeks, property owner of Waterford Gardens, and he advised Mr. Spence that this is a complicated issue, with the blockage being significant.

Mrs. Goldfisher stated that it could be rectified and a screen could be installed at the mouth of the pipe to prevent this from reoccurring. She further stated that she would like a time frame on this work as the winter is rapidly approaching and the swans will be in danger.

Chief McWilliams stated that he did not think that Mr. Meeks was aware that Mrs. Goldfisher was offering to finance this repair and he would advise him as such.

Mrs. Goldfisher stated that this problem will affect the center of town significantly if not dealt with prior to the spring.

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk