

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
HELD JANUARY 19, 2009**

PRESENT: Mayor Raia, Council President Burke, Council Members, Mastriano, Murray, Mutter, Re, Toomey, Borough Clerk Macari, Administrator Cuccia, & Borough Attorney Russell Huntington

ABSENT:

PRESIDING: Mayor Raia called the meeting to order at 7:15 p.m.; Borough Clerk Macari read the following statement:

"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 mailing a notice thereof to the Ridgewood Newspapers and The Record on December 10, 2008.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE:

AWARDS AND CEREMONIES: At this time, Mayor Raia presented former Council Member Carole FitzPatrick with a plaque and commended her for her years of service and dedication to the Borough of Saddle River.

Mayor Raia swore in the four officers of the Saddle River Fire Department as follows:

- Chief Brian C. Yates
- Asst. Chief Jacob Kossowsky
- Captain Jordan Zales
- Lieutenant Alexis Rosker

WORK SESSION:

MAYOR RAIA

Re-Organization Meeting: Mayor Raia stated that the following are the new Planning Board appointments: Planning Board Chairman: Eric Jensen, Vice Chairman: Bruce Meisel, Secretary: Rick Cote, Assistant Secretary: Carol Boyajian.

ISO (Insurance Services Office, Inc.) Report: Mayor Raia commended the Fire Department and stated that the Borough has received a reduction in its ISO rating which should result in insurance reductions.

Burning Hollow Water Issue/DEP: Mayor Raia asked Attorney Huntington to review what has transpired to date with this issue which he did in detail. He stated that due to contamination in many of the wells in Burning Hollow, the Borough investigated connecting to an alternative water system. The Borough adopted an ordinance in 2005 making it mandatory for those residents with contaminated wells to hook up to an alternative water source. A lawsuit was filed and the plaintiffs challenged the premise of the mandatory hook up. In 2007, the Borough entered into a settlement agreement with the participants of this suit and agreed to make the hook ups optional. In addition, the agreement provided that the Borough would continue to negotiate with the DEP in order to secure partial funding.

As part of the negotiation with the DEP, they requested that the ordinance be amended to make the hook up mandatory upon sale of the property. Last fall, the Borough introduced an ordinance intending to implement that requirement in order to make the funding available from the DEP. The Mayor and Council were not aware that this aspect of the issue would become so highly controversial as it did not affect the current home owner. There were many Burning Hollow residents who took strong objection to this provision in the ordinance so the Mayor and Council made a decision to remove the ordinance for consideration and review it.

Attorney Huntington further stated that when the ordinance was adopted in 2007 to implement the Settlement Agreement, it was adopted verbatim and any inconsistencies were repealed. The language was changed from hook up being "mandatory" to "optional". When the ordinance was sent to be codified by General Code, the new language was implemented but the old language was never removed. The codification must be corrected to reflect the ordinance which was adopted in 2007. A resolution was prepared to reflect this correction.

In summation, residents can now hook up to existing water lines at any time and any residents with POET systems can continue to utilize them. The Borough is continuing to pursue securing funding from the DEP to defray the cost of connection and well sealing. At this time, the DEP is asking for an ordinance to be adopted stating that the Borough will guarantee that 100% of all Burning Hollow residents would have to hook up to the water line upon sale of their home. He further stated that he has reviewed previous documents and he is of the opinion that, requiring residents to comply with this is inconsistent with the Settlement Agreement and that the request being made of the DEP was asking the Borough to overstep the grounds of this agreement and he did not advise the Borough to do so.

No ordinances will be changed and hook up is optional and will remain so even if a home is sold. The Borough will continue to work with the DEP and attempt to obtain funding without the provision of necessary hook up upon home sale. Attorney Huntington stated that if anyone wants to hook up immediately, they should make their intentions known so the Borough can then go the DEP and attempt to use governmental leverage to get them to soften their position. Should the DEP not comply, residents would have to fund this hook up.

Attorney Huntington stated that residents may be able to leave their wells open for irrigation purposes, as long as it meets the DEP criteria. If residents chose to take no action at this time, this is an option as well.

At this time, Mayor Raia asked Administrator Cuccia to continue the discussion regarding the Burning Hollow water issue.

ADMINISTRATOR CUCCIA

At the request of Mayor Raia, Administrator Cuccia provided the financial information regarding the Burning Hollow Water line.

At this time, Mr. John Christ, Health Officer was asked to discuss the water issue and the relative contaminants as well as the ability to utilize irrigation wells. He explained these issues in detail at this time.

ADOPTION OF ORDINANCE(S): There were none.

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

ORDINANCE NO. 09-824-M

AN ORDINANCE TO AUTHORIZE \$100,000 FOR ROAD IMPROVEMENTS IN THE BOROUGH OF SADDLE RIVER FOR 2009.

Resolution #23-09 Offered by Council Member Murray
Seconded by Council President Burke
Roll Call: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 24-09 Offered by Council Member Murray
Seconded by Council Member Mastriano
Roll Call Vote: AYES, Unanimous

RESOLUTIONS

Council President Burke stated that he wished to remove the last item from the Consent Agenda for a separate vote: Resolution Correcting Codification of Section 208-25 in the Code Book for the Borough of Saddle River.

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 Burke
Seconded by Council Member Mutter
Roll Call Vote: AYES, Unanimous

Explanation of Consent Agenda Items

A. Approval of Minutes: 12/15/08

B. Resolution(s)

- R#25-09** **Soil movement Blk 1501 Lot 12 (DENIED)**
- R#26-09** **2008 Tax Credit Blk. 1301 Lot 20**
- R#27-09** **Return of Escrow – Estate of Louis Schoenleber**
- R#28-09** **Resolution Authorizing Mayor to execute second addendum to the
Operating and Maintenance Agreement with United Water**

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

At this time, Mayor Raia asked Attorney Huntington to explain the corrections in the codification of Section 208-25 pertaining to the Burning Hollow Water issue, which he did in detail.

Resolution Correcting Codification of Section 208-25 in the Code Book for the Borough of Saddle River

Resolution # 29-09 Offered by Council President Burke
Seconded by Council Member Re
Roll Call: AYES, Unanimous

CLOSED TO THE PUBLIC

OPEN TO THE PUBLIC FOR RESOLUTION #29-09: Mary Jo Hackett, 44 West Saddle River Road asked if this ordinance pertained only to Burning Hollow and Attorney Huntington stated that it did.

OPEN TO THE PUBLIC: Attorney Robert P. Zisgen, Tuttle & Zisgen, Mahwah, NJ stated that he was representing Ramsey Auto Body and Collision, Inc. and Rondale Towing, Inc. He sent a letter to Attorney Huntington regarding his client's prior participation as a rotation tower in the Borough. There was some confusion with the expiration date of the prior year's contract and Mr. Zisgen's client was under the impression it had not yet expired. He further stated that he felt that his client was denied the opportunity to bid on this contract for 2009 and he would like for his client to be able to bid for 2009 as well as 2010 and 2011. Attorney Huntington stated that he would like his client to have this opportunity and he wants to insure that all of the towers that bid are guaranteed for a three year rotation in the future.

Dan Schiavello, 22 Cameron Rd asked Administrator Cuccia to confirm that the price of water through United Water would be 33% higher than the current rate. Mayor Raia stated that the Borough does charge a premium for the water and the infrastructure. He also asked if the Saddle River water utility recognized a profit from this and Mayor Raia stated that the water line cost \$1,300,000 and the premium is charged to offset this cost. Administrator Cuccia explained this in detail to Mr. Schiavello. In addition, he asked about the funding of the well capping and Attorney Huntington explained that the Borough is currently trying to get the DEP to fund this but, because it is no longer mandatory for residents to hook up to the water line, the DEP may not comply.

Michael Kelton, 3 West Gate Rd. stated that he felt that there was redundant language in the ordinance.

Tom DeBiasi, 16 Cameron Road thanked the Mayor and Council for their hard work with this water issue. He further stated his insurance rates have been reduced and overall, he is very happy with the outcome of this issue.

City Wide Towing stated that he spoke with Chief McWilliams and he feels that the current ordinance needs to be reviewed and perhaps amended to insure that all towers meet the same criteria. Chief McWilliams stated that he is aware of any inconsistencies and it is being monitored.

Tom LaCisero, All Points Towing Service stated that the current ordinance was adopted in 1999 and the rates and language are antiquated and in need of being amended. He would like to meet with the Borough Attorney and Chief McWilliams in order to contribute his input to this amendment.

Mark Holder, 203 East Saddle River Road asked about the contaminants in Burning Hollow spreading to other areas of the town. Attorney Huntington stated that the area of remediation and regulation falls entirely under the province of the DEP. Mr. Holder stated that the town should consider a more aggressive approach.

Howard Dresnin, 27 Cameron Road stated that he feels that a filtration system is the safest way to assure that your water is free of contaminants, whether you have well water or municipal water. He further stated that he feels it is important for residents to keep their wells.

Bernie Hopp, 21 Oak Road thanked the Mayor and Council for reviewing the agreement and ordinance. He further stated that the 33% premium for the water is being paid by only those who chose to hook up to municipal water and Administrator Cuccia clarified this in detail.

Attorney Huntington stated that there are forms that must be filled out by any residents that wish to hook up to municipal water. Mayor Raia reiterated that every resident has an option and the governing body would like to be of assistance in any way necessary and thanked the public for their input.

ADMINISTRATOR CUCCIA (continued)

2009 Budget: Administrator Cuccia stated that the deadline for budget introduction has been extended into March as there are some issues pending.

Towing: Administrator Cuccia stated that he feels that the towing issue was discussed and resolved.

2009 Road Improvement Program: Administrator Cuccia asked Borough Engineer Spence to report on this and he explained the resurfacing program in detail.

Old Woods Re-surfacing: Mr. Spence stated that an application has been submitted to the DOT for funding and we received grants for \$350,000 to aid in this re-surfacing as well as curbing and drainage improvements. He further stated that the Borough may want to consider the installation of a water main in light of the pending work on Old Woods Road.

Garbage Bids: Administrator Cuccia stated that our current contract will expire at the end of May and the new requirement states that municipalities must advertise two months prior to the bid offering. He further stated that he would be preparing the specifications.

Replacement of Radio Tower – Police Department: Administrator Cuccia stated that the Mayor and Council are in receipt of a letter and a schematic outlining the proposed design. Mayor Raia stated that he would like architect Gus Morpurgo as well as the Borough landscape architect to review the plan as well.

COUNCIL REPORTS:

Council President Burke stated that the Borough Hall Renovation Committee is set to meet on January 29, 2009 in order to hear a short proposal from five prospective architects.

Council Member Mastriano reported that the Green Committee is meeting on January 26, 2009. She also stated that the Jump for Heart Program will be held on February 9-10, 2009 at Wandell School to benefit the American Heart Association.

COMMITTEE REPORTS

Finance Report: Council Member Murray gave the financial report for the month of December 2008.

Fire Report: Council Member Re gave the report for December 2008 as well as the Annual Report; both are on file with the Borough Clerk.

Police Report: Council President Burke gave the report for December 2008 and stated that it was on file with the Borough Clerk.

Public Works: Council Member Mutter gave the report for December 2008.

Parks and Recreation: The committee is scheduled to meet on February 11, 2009.

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

Construction & Zoning Enforcement: Council President Burke gave the report for December 2008.

Zoning Board: Council Member Toomey gave the report for December 2008.

Planning Board: Council President Burke gave the report for January 2009.

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk

Nwwwp/mcminjan09