
**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
HELD JULY 17, 2006**

PRESENT: Council President Burke, Council Members, Murray, FitzPatrick, Re, Raia, Borough Clerk Macari, Administrator Cuccia, & Attorney Harry Norton

ABSENT: Mayor Caruso, Council Member Savarese

PRESIDING: Council President Burke called the meeting to order at 7:00 p.m.; Borough Clerk 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 faxing notice thereof to the Ridgewood Newspapers and The Record on December 30, 2005.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE:

AWARDS AND CEREMONIES:

WORK SESSION AGENDA:

At this time, Frank Covelli, PIA Insurance, discussed the Annual Report in detail. An insurance report was distributed for the Mayor and Council's review.

ADMINISTRATOR CUCCIA

Interlocal Agreement: Administrator Cuccia explained that this agreement is between the Borough of Saddle River and the town of Ramsey to share a tax collector. This resolution is part of the Consent Agenda.

Audit: Administrator Cuccia stated that the Mayor and Council are in receipt of a copy of the audit and the resolution accepting the audit is part of the Consent Agenda. Council Member Raia asked for clarification regarding the auditor's report and Administrator Cuccia explained this to the Council.

NJ DataNet Telecom, LLC: Administrator Cuccia explained that a representative from this telecommunications company will be attending the September 18, 2006 meeting to make a presentation.

Gas Line Emergency- Administrator Cuccia stated that there was a gas line rupture at the construction site at Wandell School. We immediately closed down and evacuated the school in

addition to the Zion Luthern Church and the Borough Hall. The problem was quickly resolved and there were no injuries.

Plumbing Sub Code Official: Administrator Cuccia stated that Thomas Zaconie is going to be appointed as a part time Plumbing Sub Code Official and this resolution is part of the Consent Agenda.

Traffic Light on Boro Line Road: Administrator Cuccia stated that he has been in contact with the Borough of Allendale as well as the County. The State issues with the DOT have been resolved and the remaining issue is obtaining an easement which is currently in progress.

Verizon Hearing: Administrator Cuccia stated that Verizon has asked that the Borough does not act on any of the information distributed, but rather wait until the Governor makes a decision about the pending bill.

Auction: Administrator Cuccia stated that there are items to be auctioned such as police cars, computers, etc. and it would probably be held some time in September.

COUNCIL REPORTS:

Council Member Murray stated that the financial statement was in order and commended Maria Reda, assistant to the CFO, for her hard work.

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

ORDINANCE 06-797-M

A BOND ORDINANCE AUTHORIZING THE ACQUISITION OF REAL ESTATE KNOWN AS LOT 1 IN BLOCK 1607 AS LAID OUT ON THE TAX ASSESSMENT MAP OF THE BOROUGH OF SADDLE RIVER, FOR THE EXPANSION OF RINDLAUB PARK; TO AMEND THE CAPITAL BUDGET; TO APPROPRIATE THE SUM OF \$1,100,000.00 TO PAY THE COST THEREOF; TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Resolution # 108-06 Offered by Council Member Re
Seconded by Council Member FitzPatrick
Roll Call Vote: AYES, Unanimous

PUBLIC HEARING ON ORDINANCE(S) Clerk to read the title of:

ORDINANCE NO. 06-795-C

AN ORDINANCE TO ACCEPT CERTAIN STREETS, AS PUBLIC STREETS IN THE BOROUGH OF SADDLE RIVER, STATE OF NEW JERSEY, IN THE CODE OF THE BOROUGH OF SADDLE RIVER.

Resolution # 109-06 Offered by Council Member FitzPatrick
Seconded by Council Member Murray
Roll Call Vote: AYES, Unanimous

OPEN TO THE PUBLIC: No one from the public wished to be heard.

ORDINANCE NO. 06-796-M

**AN ORDINANCE TO REPEAL ORDINANCE 05-784-M
A BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING
OF THE BURNING HOLLOW WATER MAIN EXTENSION
PROJECT (PHASE II) IN, BY AND FOR THE WATER UTILITY
OF THE BOROUGH OF SADDLE RIVER, IN THE COUNTY
OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM
OF \$1,795,427 TO PAY THE COST THEREOF, TO APPROPRIATE
A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF \$600,000.00
OF BONDS TO FINANCE SUCH APPROPRIATION AND TO
PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES
IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS, ADOPTED ON
DECEMBER 19, 2005.**

Resolution # 110-06 Offered by Council Member Raia
Seconded by Council Member Re
Roll Call Vote: AYES, Unanimous

OPEN TO THE PUBLIC:

Dan Schiavello, 22 Cameron Road asked for clarification of this ordinance. Attorney Norton explained that this ordinance is authorizing the rescinding of funding for the Burning Hollow Water Main Extension project.

Bernie Hopp, 21 Oak Road asked Council President Burke to give him an idea of how the Burning Hollow Water project is going to proceed now that the funding has been rescinded. Attorney Norton stated that it has nothing to do with the ordinance and Mr. Hopp asked if this is the issue is currently in court. Attorney Norton stated that the ordinance is not currently in the court and Mr. Hopp stated that, by rescinding this ordinance, the lawsuit will be removed. Mr. Hopp wanted the Council to respond as to why this ordinance is now being rescinded. Council President Burke stated that the ordinance is being rescinded for financial reasons and the issue needs to be addressed as a health issue.

Paul D'Ambrosio, 12 Stonewall Road asked if the Council is proceeding with another vehicle to attempt to get this water bond issue passed. Attorney Norton explained this and reiterated that only the funding mechanism is being rescinding. The initial ordinance is still in effect. Mr. D'Ambrosio stated that he does want this issue forced on him as a resident. Attorney Norton stated that there is still other monies ear marked for this project. After the result of the first law suit, the Council could continue with this project by installing water lines into the street but not directly hooking up into each individual residence.

Dan Schiavello, 22 Cameron Road asked the Council if they would need another ordinance to replace the one that his being repealed. Administrator Cuccia stated that it would depend on the outcome of the lawsuit and Mr. Schiavello disagreed. Attorney Norton stated that a funding ordinance was not needed. At this time, Mr. Schiavello stated that he did not want to hear from the Administrator or the Attorney, he wanted the Council to respond. Attorney Norton interjected, stating that because of the lawsuit, the Council can not move forward and cannot discuss this. Mr. Schiavello then asked if the Council was repealing an ordinance for fire protection in Burning Hollow. Attorney Norton explained that the funding that was rescinded was only allocated to direct water hook ups and not water main lines.

After the resolution was passed, Council President Burke made the following statement:

Council President Maurice Burke
Makes Clear the Purpose of Repealing Ordinance
05-784

The Council has just passed the rescinding ordinance repealing bond Ordinance 05-784, which funded through bonds 1/3 of the cost the construction of the water project in the Burning Hollow section of our Borough. We have authorized this action in order to focus the pending litigation on the Public Health issues and remove the creative debate over process and procedure relative to the proposed method of funding this project.

I would like to make it clear to every resident in our community that the action taken by this Council regarding public water, solely relates to the contaminated area of Burning Hollow.

Additionally, it is not now and never has been the intention of this Council, or any of previous Council, to bring public drinking water to the town in general.

Only the areas that are in need as a result of serious contamination have been considered for public water. At this time, that need is in Burning Hollow.

We want to focus on the public health issues and their effect on our residents.

Attempts by others in the recent past to confuse the public have been outrageous and disingenuous.

Claims of victory over procedural issues will not serve the public good.

The Mayor and Council, after months of extensive testimony and reporting by a series of experts in the field, completed their due diligence on the issue of contaminated well water and the concentration of carcinogens affecting the contaminated area of Burning Hollow.

The issue is Public Health and we will stay focused on that issue.

Public Health is a serious situation which could affect the health of our children, our families, and our property values.

Once again, I would like to make this perfectly clear to every resident in our community that the action taken by this Council regarding public water, solely relates to the contaminated area of Burning Hollow and it is not the intention of this Council, or any of previous Council, to bring public drinking water to the town in general.

APPROVAL OF BILLS

Resolution # 111-06 Offered by Council Member Murray
Seconded by Council Member Raia
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 Member Re
Seconded by Council Member Murray

Roll Call Vote: AYES, Unanimous

Explanation of Consent Agenda Items

- A. Approval of Minutes:** The regular meeting of the Mayor and Council Minutes of April 17, 2006 & May 15, 2006, June 19, 2006.

- B. Resolution (s):**
 - R# 112-06** Appointment of Thomas Zaconie to position of Part Time Plumbing Sub Code Official
 - R# 113-06** Municipal County Open Space Trust Fund Municipal Park Improvement and Land Acquisition Program/Municipal Representative for Open Space Committee
 - R# 114-06** Authorization for Mayor to sign Saddle River/Ramsey Tax **Collector** Interlocal Agreement
 - R# 115-06** Audit

Open to the Public for Consent Agenda Items Only:

COMMITTEE REPORTS

Finance Report: Council Member Murray gave the report for June 2006.

Fire Report: Council Member Re stated that the report was on file with the Borough Clerk for June 2006.

Police Report: Council President Burke gave the report for June 2006

Construction & Zoning Enforcement: There was no report.

Planning Board: There was no report.

Zoning Board: Council Member FitzPatrick gave the report for June 2006

Parks and Recreation: Council Member Raia stated that the next report will be in September, 2006.

OPEN TO THE PUBLIC:

Michael Kelton, 3 Westgate Road, stated that in the June 16th addition of the Bergen Record, it was reported that two employees of United Water were indicted for knowingly supplying contaminated water to residents in Dover Township. He then asked the Council if they have any concern about United Water. Council President Burke responded that it raises some concerns and Administrator Cuccia stated that he has been in contact with United Water in an attempt to gain further information on this situation. Mr. Kelton again questioned the integrity of the United Water executives as well as the product that they provide. Administrator Cuccia stated that he gets reports from United Water regarding the quality of the water that are available for review.

Bernie Hopp asked Council President Burke to confirm that it is the Mayor and Council's intention to not bring any other municipal water to any other parts of the town and asked for confirmation of that. Council President Burke stated that it was never the intention to bring public water to the residents. Mr. Hopp stated that he has a neighbor on Oak Road that was forced to connect to the water line before he could get a CO. Administrator Cuccia stated that this is incorrect and no one was ever forced to connect to the public water line. Mr. Hopp stated that he planned to confirm this information.

Alan Post, 15 Dogwood Drive asked Mr. Hopp who the person on Oak Road is that he was referring to. He then commended the Mayor and Council on their hard work

Marilyn Goldfisher, 124 West Saddle River Road stated that she would like to thank the Mayor and Council for their efforts in keeping the open space at the location of the Exxon property.

Dan Schiavello stated that he has reviewed the reports regarding the quality of the water provided by United Water and he finds many discrepancies in it. He further stated that a part of the fence ordinance was repealed and it was done with the best interests of the residents in mind and he urged the Mayor and Council to handle this water issue in the same fashion. He discussed the petition and stated that the Borough Clerk, regarding this situation, does not act alone. Attorney Norton clarified the Borough Clerk's responsibility as it pertains to any petition. He further stated that he is debating an issue that is currently in litigation. Council President Burke stated that any resident can come before the Mayor and Council and speak their mind but actions taken will be what the Mayor and Council believe are in the best interest of the entire Borough. Council Member Raia stated that he felt that the petition was unclear and many residents were confused. Attorney Norton read a part of the ordinance in order to clarify who will be entitled to public water.

Marilyn Helson, 8 Sherbrooke Court stated that on the Saddle River website, there is a prompt which allows you to give your email address should you want to receive ongoing information about the water situation. She further stated that, by doing so, your name is then on the petition against the conversion to public water and stated that she questioned the integrity of that action. Mr. Hopp clarified the subject of the petitions and further stated that Mayor and Council meetings should not be a forum for residents to condemn each other on a personal level.

Mike Toomey, 52 Westerly Road stated that he believes that the Mayor and Council have done much due diligence with the water situation and he commended them.

UNFINISHED AND NEW BUSINESS:

Council Member FitzPatrick stated that over the last several days many dump trucks carrying soil have been traveling down Chestnut Ridge Road and she stated that it is noisy and will be damaging to the road bed in time. Police Chief McWilliams stated that he has spoken with the town of Montvale and there was no way to re-route these trucks. He further stated that they can attempt to have police officers watch for moving violations more closely.

RESOLUTION FOR CLOSED SESSION

Resolution # 116-06 was offered by Council Member FitzPatrick
Seconded by Council Member Re
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.

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

Respectfully submitted,

Marie Elena Macari
Borough Clerk

NWWP/MINMCjuly06