
**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
HELD DECEMBER 18, 2006**

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

ABSENT:

PRESIDING: Mayor Caruso called the meeting to order at 7:15 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:

At this time, Dr. Goldblatt gave a report on assembly bills that were passed regarding the regionalization of school districts in New Jersey. He explained this legislation in detail to the Mayor and Council, including the consolidation of Superintendents. He further stated that this legislation is focused on the tax base of the town as opposed to the size of the district. Mayor Caruso asked Dr. Goldblatt about what he felt that the current thinking was in the Senate about passing the bill regarding the Superintendents. Dr. Goldblatt stated that he was unsure and further stated that this legislation will be difficult to pass. His recommendation was that members of the assembly and the Senate, regardless of their party affiliation should come together in protest of this regionalization.

MAYOR CARUSO:

The Ridge: Mayor Caruso stated that members of the Planning Board met with the representatives from the Ridge and it was decided that we would not pursue an appeal regarding the ingress and egress decision based on the Ridge providing funding for other aspects of the project. There will be funding for a water line in the amount of \$180,000 with a 50% payment up front if construction can begin shortly. He further stated that he wanted the Council's approval to begin this project and this was discussed. The water line would run on Chestnut Ridge Road to County Road, down to Tall Trees and Colts Foot Glen.

ADMINISTRATOR CUCCIA

Appropriation Transfers: Administrator Cuccia stated that this resolution was part of the Consent Agenda.

Twin Brooks Road Guard Rail: Administrator Cuccia stated that the cost will be approximately \$9700.00. Council Member Re stated that it is a very dangerous area and many residents are very aware of this. Borough Engineer Spence explained the guard rail, including the length, location and material to be used.

Police Promotions and Honoring New Police Officers: Administrator Cuccia stated that there will be appointments and promotions that will take place at the Reorganization Meeting on January 3, 2007.

COUNCIL REPORTS:

Council Member FitzPatrick stated that the tree lighting on December 3, 2006 was very successful and stated that holding it in conjunction with the Valley Club Open House brought out more residents.

In addition, she asked about the status of the Villa Marie Claire and Mayor Caruso stated that there has been no further progress. She further requested to make a motion that a committee be appointed by the Mayor and Council to deal with the Villa Marie Claire.

It was suggested that the committee include Mayor Caruso, Council President Burke, Council Member Raia with professional support of Gus Morpugo, Borough Engineer Spence, and Administrator Cuccia. Mayor Caruso stated that he feels that it may be premature to establish this committee and asked Planning Board Chairman Pera his opinion. He agreed that they are not ready to commence any discussions at this time. Council Member Raia felt that Council Member FitzPatrick's motion was a good idea and stated that members of the Council should be present throughout the negotiations. Council Member Savarese stated that the committee should be assembled when the Villa is ready to speak with the Borough.

Council President Burke stated that he felt that it was a good idea to form the committee as did Council Member Murray.

A motion was made to form this committee by Council Member FitzPatrick and it was seconded by Council Member Re. Roll call Vote: Unanimous.

At this time, it was decided that the minutes from the November 13, 2006 meeting would not be included in the Consent Agenda as corrections are required. Council Member Savarese explained the Soil Movement resolutions that are part of the Consent Agenda.

Council Member Murray reported that the financial reports are in order.

Council Member Raia stated that the scoreboard is working well.

Council Re stated that the Fire Department will hold its installation ceremony in early January.

PUBLIC HEARING ON ORDINANCE(S): Clerk to read the title of: There were none.

INTRODUCTION OF ORDINANCE(S): Clerk to read the title of: There were none.

APPROVAL OF BILLS

Resolution # 160-06 Offered by Council Member Murray
Seconded by Council Member Savarese
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 Burke
Seconded by Council Member Murray
Roll Call Vote: AYES, Unanimous

Explanation of Consent Agenda Items

A.. Approval of Raffle #123 for Valley Hospital Auxiliary SRVB 4/7/07

B. Resolution (s):

R# 161-06 Transfer

R# 162-06 Appointment of Probationary Police Officers: Jeffry Wells and Paul Passaretti

R# 163-06 Police Department Promotions

R# 164-06 Soil Movement 20 Glenwood Drive

R# 165-06 Marine Corps League S.R. Detachment, Inc. for Quasi 111 Insurance coverage through the Bergen County Municipal Joint Insurance Fund

R# 166-06 Tax Refunds to Blk. 1105 Lot 1 & Blk. 1802 Lot 1 for 3rd. qtr. overpayment

Open to the Public for Consent Agenda Items Only: No one from the public wished to be heard

R# 167-06 Soil Movement for 45 Woodcliff Lake Road

At this time, Thomas Van Dam, Attorney for the applicant explained this case to the Mayor and Council. He stated that the information regarding drainage on this property was not supported by the evidence that was presented and he explained this in detail. He further stated that the home has been reduced in size in order to comply with steep slope issues on the property. There was

never any indication by the Planning Board that the seepage pits and their calculations were incorrect. He stated that the information presented satisfied the soil relocation ordinance consistent with the prior determination of the Planning Board and he asked the Mayor and Council to approve this Soil Movement application subject to the Borough Engineer confirming this information. He further stated that there were some findings that were not presented to the Mayor and Council previously, which he discussed.

Mayor Caruso asked Attorney Van Dam to clarify what the engineering calculations were that were attached to his letter of November 14, 2006. Attorney Van Dam stated that his client had revised the plans to conform to the conditions of the approving resolution that was not adopted and submitted to the Board Attorney. He further stated that there would be no adverse consequences to the neighboring property and urged the Mayor and Council to approve this resolution.

Open to the Public:

Mr. William Bailey, Esq., Huntington Bailey represented Mr. and Mrs. Tregelia, owners of the neighboring property and stated that he did not agree with much of the testimony from Attorney Van Dam regarding the drainage and he explained this in detail. He cited two examples; the first regarding the test pit information which did not occur as well as the alignment of the seepage pits under a retaining wall, which makes them unable to be maintained. He stated that these two examples firmly justify the Planning Board's decision to deny this application.

Mr. Robert Abbot, co-owner of the property, stated that this has been an ongoing issue for four years and he has tried to accommodate all of the requirements presented and he feels that it is unfair that this has still not been rectified. He stated that he will get to the bottom of this and he will pursue this. He further stated that the pool has been abandoned and there was a fire in the property and it is now unsightly.

Mr. Jerry Treglia, 41Woodcliff Lake Road stated that he met with Mr. Abbott about a year and a half ago and he agreed to make changes, which have just not been accomplished. He further stated that Mr. Abbott did not do anything he promised he would do.

Attorney Van Dam stated that the site is very difficult and it is a balancing test to make this work. He further stated that the current design minimizes the water flow.

Mr. Bruce Whitaker, Esq. represented Blue Ribbon Developers, owners of the property. He stated that he has a good deal of experience working through the soil movement ordinance in Saddle River and stated that the Soil Movement Ordinance is not a Planning ordinance but has its own criteria, which states what form of development is best for a given piece of property. He asked the Mayor and Council to recognize that the applicant has satisfied all of the engineering requirements and he further stated that none of the ordinances are currently being violated.

Attorney Bailey stated that the drainage testing was flawed and reiterated that the location of the seepage pits cannot be adequate on any piece of property.

Mayor Caruso stated that it would be very difficult and impractical for the Mayor and Council to decide on engineering issues at hand and he suggested that this be remanded back to the Planning Board for the purposes of reexamining these issues. He further stated that he felt that the engineering issues may not be insurmountable and perhaps if the both parties got together

there could be an acceptable solution.

Council Member Raia stated that he feels that this plan has come a long way and it is now very close to a resolution but the neighbors must be kept in mind. He concurred that this should be given back to the Planning Board.

Attorney Norton outlined the actions that the Mayor and Council could take at this time and it was decided that it would be sent back to the Planning Board in order to investigate the engineering issues more closely.

Attorney Van Dam stated that he would be happy to have all of the information submitted to Borough Engineer Spence presented to the Planning Board again and further requested that he be given direction as to what the Planning Board is looking for.

Attorney Bailey stated that he did not want this limited to only drainage issues and Mayor Caruso stated that he was concerned with issues that have not yet been heard. He further encouraged both engineers to attempt to work this out, perhaps with the Borough Engineer Spence's assistance. If this is unsuccessful, then the Planning Board will vote accordingly.

A motion to send this application back to the Planning Board for re-consideration and additional comments from Borough Engineer Spence was made by Council Member Raia. Seconded by Council Member Savarese. Roll Call Vote: AYES, Unanimous

Council President Burke stated that he feels that this is very close to a resolution and with a little tweaking, it could be resolved. Council Member FitzPatrick stated that she is uncomfortable with this situation and further stated that she is concerned about both the height and the drainage issues.

COMMITTEE REPORTS

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

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

Police Report: Council President Burke stated that the report was on file with the Borough Clerk for November 2006.

Construction & Zoning Enforcement: Council Member Savarese gave the report for October 2006 and November 2006.

Planning Board: Council Member Savarese gave the report for November 2006.

Zoning Board: There was no report at this time.

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

OPEN TO THE PUBLIC:

Joe Pera, 16 Old Farms Road asked about specific details regarding the two police officers who were currently hired. Mayor Caruso gave some details on both officers and further stated that they are extremely qualified. Mr. Pera stated that he shouldn't have to ask these questions, this information should be made known to residents.

UNFINISHED AND NEW BUSINESS:

Council Member FitzPatrick stated that it has been brought to her attention that the Sign situation at the Colonial Shopping Center needs some attention. Some regulation to the sign ordinance should be considered in an effort to make the signs more consistent
Mayor Caruso stated that the current sign ordinance is partially a safety issue when people are looking for a particular establishment. Administrator Cuccia is going to look into how the signs can be changed to be more consistent. Council Member FitzPatrick felt that some direction is needed and Council President Burke agreed. Council Member Raia suggested that perhaps looking at similar town's sign ordinances could be beneficial.

Council Member FitzPatrick suggested that the Mayor and Council serve coffee prior to the monthly meetings in order to get the town more involved. Council Member Raia stated that many towns do offer coffee before meetings and he felt that it is a good idea to have the opportunity to have dialog with the public. It was decided that the meetings be moved to 7:15 and advertise accordingly.

Council Member Savarse asked about the library cards and Administrator Cuccia stated that it would be incorporated in the budget discussion.

RESOLUTION FOR CLOSED SESSION

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

Resolution # 168-06 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

WP/MINMCdec.06