
**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF SADDLE RIVER
HELD MARCH 19, 2007**

revised 5/15/07

PRESENT: Mayor Caruso, Council President Burke, Council Members FitzPatrick, Murray, Savarese, 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 January 2, 2007.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE:

AWARDS AND CEREMONIES:

2007 Clean Communities Grant Award: Mayor Caruso stated that the Borough of Saddle River received the grant money from the State in the amount of \$5174.00 for our anti-litter efforts.

Corn Crib Plaque: Mayor Caruso stated that the corn crib currently placed at the Bishop House, is an historic structure, dating back to 1850. The plaque was accepted, on behalf of the Bishop House, by Council Member FitzPatrick, Carol Lamela, Carol Richin, John May and Penny Neill.

WORK SESSION:

At this time, Dr. Goldblatt, Superintendent of Wandell School, expressed his appreciation to the Mayor and Council for their continued support of the Wandell School. He further stated that the State has decided to abandon their proposal to have a single county school district. He explained the history of the regionalization of the high school as well and referenced an editorial that was in the Bergen Record. He further stated that there will be a school budget meeting on Wednesday, March 28, 2007 at 7:00pm in the Multi-Purpose Room at Wandell School.

Council Member Raia stated that he is very appreciative that Dr. Goldblatt attends the Mayor and Council Meetings and is grateful for the relationship and open communication that exists between the school district and the Borough. ***Council Member Burke stated that we are fortunate to have Dr. Goldblatt as our Superintendent and the present Board of Education to work with on these issues.***

MAYOR CARUSO:

Update on Villa Marie Claire: Mayor Caruso stated that he is in receipt of a letter from Sister Maureen Collins indicating that they are entering into an agreement with Holy Name Hospital to utilize the Villa as a hospice facility.

COAH: Mayor Caruso stated that the Villa is no longer an issue but that the current requirement is 128 units, which gives the Borough a credit of 34. The 19 units that were to be utilized at the Villa Marie Claire will not have to be made up as the circumstances were beyond the Borough's control. He further stated that based on the pending litigation, he has been advised by Attorney Koenig to not take any action at this time.

Administrator Cuccia:

Budget Adoption: Administrator Cuccia stated that the Budget would not be adopted at this time. because we received word from the State that we cannot reimburse library fees and therefore we will have an amendment to the budget

There will be a hearing regarding the amendment and adoption of the budget will take place at the April 16, 2007 Council meeting. Council Member Raia stated that he feels that residents should be made aware of the library reimbursement situation through the newsletter as well as the website.

Amendment to Fire Prevention Fee Ordinance: Administrator Cuccia stated that there would be a fee structure change for fire prevention inspections. He explained this in detail to the Mayor and Council.

Maria Reda CMFO: Administrator Cuccia stated that Maria Reda has successfully completed her CMFO Certificate and will be receiving a salary increase as well as a new title.

The Museum: Borough Engineer Spence gave the Mayor and Council an update on the construction taking place at the Museum. Hopefully it will be available to the public by June 2, 2007.

Report on the Budget on the Museum: Borough Engineer Spence stated that the job should be completed under the allocated budget of \$50,000.

Memorial Park Well Testing: Borough Engineer Spence stated that there is going to be soil sample testing done to determine any level of contamination that may exist on the site. He further stated that the Mayor and Council were in receipt of a Site Access Agreement for their review. Attorney Norton explained the DEP's position to the Mayor and Council.

Construction Code Official's Vehicle: Administrator Cuccia stated that John Scialla's Borough car is in need of being replaced and asked the Mayor and Council to discuss this matter. He suggested that perhaps a hybrid car be considered.

Resolution for Indemnification: Administrator Cuccia stated that there was going to be a Defense and Indemnification Resolution for 66 East Allendale LLC v. the Borough of Saddle added to the Consent Agenda.

Council Member Raia asked about the status of the signage project at the shopping center and Administrator Cuccia stated that he would follow up on the progress.

Council Member Raia asked about the proposed steps and ramp at the Municipal Building and the possible alternatives. Borough Engineer Spence explained this in detail.

Council Member Raia asked about the progress of the sound barrier which was painted with graffiti and Administrator Cuccia stated a letter went to the home owner and further stated that he would like to continue this discussion in the Executive Session.

Chief McWilliams stated that a search warrant was executed and a Mahwah resident was charged with the above-mentioned graffiti.

Council Member Raia asked how the survey is going on the website, "Imagine 2020" and Administrator Cuccia stated that the response has been extremely nominal. Council Member Raia stated that perhaps there should be an incentive which would encourage people to fill the survey out.

Council Member Raia asked about the grant money that the Borough obtained for the purposes of combating litter and Administrator Cuccia explained it in detail.

COUNCIL REPORTS:

Council Member FitzPatrick stated that the plans for Memorial Day are underway for May 28, 2007 and encouraged anyone to offer help and suggestions. She stated that she would like to see Wandell School provide a float. Borough Engineer Spence stated that the steps and the ramp should be completed by then.

Council Member Savarese explained the two soil movement resolutions in the Consent Agenda.

Borough Engineer Spence discussed the situation at 45 Woodcliff Lake Road and Attorney Norton stated that he spoke with the attorney for the applicant and all were in agreement that the changes that were implemented were in the right of way so, therefore, were not a municipal matter.

Council Member Burke stated that the Environmental Commission was considering banning together with Upper Saddle River to join a lawsuit regarding the dumping of waste into the Saddle River. He further stated that he felt a better alternative was to monitor the situation to assess what is going on and not take legal action at this time. Attorney Norton stated that he contacted the Borough Attorney in Upper Saddle River and the lawsuit that was filed was done so under the Clean Water Act. Attorney Norton explained that the Borough of Upper Saddle River has very serious concerns regarding a proposed large Yeshiva building to be built in the Borough as it would have very serious implications on the pre-existing waste dumping problem. Attorney Norton stated that he would be in contact with the Upper Saddle River Borough Attorney and keep the Mayor and Council apprised of the situation.

Council Member Burke asked about testing the well located in Rindlaub Park and Borough Administrator Cuccia stated that there are two wells in the park and he would check into when they were tested.

Council Member Murray stated that there was no financial report available at this time. He commended Maria Reda on her work on the financial reports.

He also stated that there was no response to the Municipal Leadership Scholarship.

Council Member Raia stated that the Parks and Recreation Committee have been meeting and one of the topics discussed was placing a lightening rod on top of the field house in addition to the lightening alarm that already exists. Administrator Cuccia stated that they are going to get prices for this rod from the company that installed the alarm.

In addition, Council Member Raia stated that a grant has been received and there are plans to increase the distance of the walking path to approximately 6/10 of a mile and additionally add signage so people are aware of the distance walked. Markers will be placed on the pavement in addition to re-paving the existing walk and refurbishing the backstops. He further stated that the committee is very excited that the additional land will be obtained from the Exxon property enabling the path to extend for over a mile and across the river with a footbridge.

The condition of the fields due to the geese was of a great concern to the Committee and Council Member Raia stated that they would like to investigate hiring a service that would provide a dog to chase them on a regular basis. He further stated that they could also service Wandell School and the Ice Pond as well as there are problems there with geese as well. Attorney Norton stated that the company that other municipalities in Northwest Bergen use is the Geese Police. Council Member Raia stated that they would be a good choice as they are used to dealing with municipalities.

Council Member Re stated that there is new leadership in the Fire Department and they have been working well with the new fire inspector, Rich Silvia. He further stated that the Saddle River Marine Corp League Detachment will participate in the Memorial Day celebration.

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

ORDINANCE 07-808-C

**AN ORDINANCE TO AMEND CHAPTER 113 ENTITLED
“FIRE PREVENTION”, IN THE CODE OF THE
BOROUGH OF SADDLE RIVER, NEW JERSEY**

Resolution #49-07 Offered by Council Member Burke
Seconded by Council Member Murray
Roll Call Vote: AYES, Unanimous

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

ORDINANCE 07-806-C

**AN ORDINANCE TO AMEND CHAPTER 52 ENTITLED
“POLICE DEPARTMENT ”, IN THE CODE OF THE
BOROUGH OF SADDLE RIVER, NEW JERSEY**

Resolution #50-07 Offered by Council Member Burke
Seconded by Council Member Savarese
Roll Call Vote: AYES, Unanimous

ORDINANCE 07-807-M- CAP INDEX RATE ORDINANCE

**AN ORDINANCE TO EXCEED INDEX RATE FOR
THE YEAR 2007**

Resolution #51-07 Offered by Council Member Savarese
Seconded by Council Member Murray
Roll Call Vote: AYES, Unanimous

SELF EXAMINATION OF THE OF 2007 MUNICIPAL BUDGET

Resolution #52-07 Offered by Council Member Murray
Seconded by Council Member Savarese
Roll Call Vote: AYES, Unanimous

AMENDMENT TO THE 2007 MUNICIPAL BUDGET

Resolution #53-07 Offered by Council Member Murray
Seconded by Council Member Savarese
Roll Call Vote: AYES, Unanimous

APPROVAL OF BILLS

Resolution # 54-07 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 Re
Roll Call Vote: AYES, Unanimous

Explanation of Consent Agenda Items

A. Approval of Minutes: Regular Meeting of 2/12/07 with corrections

B. Resolution (s):

R# 55-07	Soil Movement Blk. 1102 Lot 1 14 Upper Cross
R# 56-07	Soil Movement Blk 1502 Lot 23 45 Woodcliff Lake Rd
R# 57-07	Award of Bid to Kaycon Inc. for front steps and ramp construction
R# 58-07	Agreement for Local 108
R# 59-07	Defense and Indemnification

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

COMMITTEE REPORTS

Finance Report: There was no report at this time.

Fire Report: Council Member Re stated that the report was on file with the Borough Clerk for February 2007.

Police Report: Council President Burke stated that the report was on file with the Borough Clerk for February 2007.

Construction & Zoning Enforcement: Council Member Savarese gave the report for February 2007.

Planning Board: Council Member Savarese gave the report for March 2007.

Zoning Board: Council Member FitzPatrick gave the report for February 2007.

Parks and Recreation: Council Member Raia stated that the committee met twice to deal with issues in Rindlaub Park.

OPEN TO THE PUBLIC:

Jim FitzPatrick, 60 Chestnut Ridge Road stated that there was an ordinance change which separated ponds on properties from the lot coverage calculation. He further stated that the owner of One Mohegan Trail was recently before the Zoning Board of Adjustment for a variance and, due to having a very large pond on his property, his proposed plans will encroach significantly. Mr. FitzPatrick stated that he did not think this was fair to the homeowner and further stated that he feels it is in the best interest of the Borough to try and retain these ponds. He stated that the ordinance should be amended so that the ponds are included in the lot coverage calculation.

Mr. FitzPatrick stated that this home, due to the slope of the property, will effectively be a three story home. He further stated that it is time, for the benefit of the whole community, to address the sizes of the homes being built in Saddle River as it is a detriment to many residents who have been living here for many years. He further stated that the only way to control the size of homes is to institute the Floor Area Ratio.

As the Chairman of the Zoning Board of Adjustment, Mr. FitzPatrick stated that the applications that have recently been before the Zoning Board are very difficult as many of the lots are non-conforming. He further stated that drainage is also becoming a very big issue in the Borough. Council Member Murray asked if man made ponds would be separated from natural ponds and Administrator Cuccia read the ordinance and determined that they are not separated. Mayor Caruso stated that he feels that the ordinance was written accordingly to discourage the construction of man made ponds. Mr. FitzPatrick stated that he is also very concerned with the height requirements in the Borough and he reiterated that the Floor Area Ratio should be instituted.

UNFINISHED AND NEW BUSINESS:

RESOLUTION FOR CLOSED SESSION

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

Resolution # 60-07 was offered by Council Member FitzPatrick
Seconded by Council Member Raia
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

P/MINMCmarch07