

The minutes of the regular Public Meeting of the Township Council of the Township of Saddle Brook held on August 2, 2018 at 7:00 PM at the Municipal Building, 93 Market Street, Saddle Brook, NJ.

The Township Clerk called the meeting to order.

The Township Clerk called the roll:

Councilman Cimiluca – present
Councilwoman D’Arminio - present
Councilman Gierek – present
Councilman Accomando – present
Council President Mazzer – absent

Mayor White – present
Mr. Suarez, Twp. Attorney – present
Mr. Arango, Twp. Engineer – present

In the absence of Council President Mazzer, the Township Clerk asked for nominations for Acting Council President.

Councilman Gierek nominated Councilwoman D'Arminio as Acting Council President seconded by Councilman Accomando.

Motion: Councilman Gierek Second: Councilman Accomando

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierak - yes
Councilman Accomando - yes
Council President Mazzer – absent

Acting Council President D'Arminio asked everyone to please rise for the salute to the flag and to remain standing to observe a moment of silence in remembrance of Saddle Brook Volunteer Ambulance Corps member and retired Chaplain Eugene Egan and Ambulance Corps member Michael Ferrulli.

Acting Council President D'Arminio announced that adequate notice of this meeting has been sent to all Council members and to all legal newspapers in accordance with the provisions of the Open Public Meetings Act, Chapter 231, P.L. 1975.

The Township Clerk announced that the public is hereby advised that any statements made during the meeting of the Township Council of the Township of Saddle Brook may not be privileged or protected and that persons or entities who take issue with such comments or are offended by same, may, and have in the past, sought legal redress through the courts.

Any member of the public who addresses the Council speaks for themselves and not for the Council.

Acting Council President D'Arminio asked for a motion to open the meeting to the public.

Motion: Councilman Cimiluca Second: Councilman Gierek

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

Mr. Larry Ratajczak of 92 Claremont Avenue said there was a letter in the Shopper last week that bothered him and he asked if anyone on the Council was related to the person who wrote the letter.

Acting Council President D'Arminio said she did not know what letter Mr. Ratajczak was referring to. Mr. Ratajczak said he was referring to the letter about Mr. Accomando and asked again if there was anyone related to the person who wrote the letter.

Councilman Gierek said if Mr. Ratajczak was referring to the editorial, it was written by his wife.

Mr. Ratajczak said I have a problem with that. I'm not saying everyone has to be the same way about it, but if you want to tell somebody something, you don't hide behind a fictitious name or maiden name or whatever. Your wife is known in this town as Mrs. Gierek. Maybe she's not, but she's recognized, and when you do something like that, maybe you wanted to write that letter, and you're hiding behind her. If that bothers you what that guy did or whatever, just stay out of that stuff. I don't believe in that stuff anyway because people get their self in trouble. If it offends or whatever, but this is America, and he can put or post whatever he wants as long as he didn't break any laws and it's up to the jurisdiction of the Board of Ed, and they investigated him already, and there's nothing that you can do. You might write something that I don't like, but what am I going to do? Write a letter and then put a fake name underneath it? Because I'll come here and tell you I don't like it, but that doesn't mean you have to change it. If you're a man, be man enough to be responsible for your actions and let people know who you are. Let them know who you are. It shouldn't have said 'Mother of class of 2036.' The reporter should have put 'Wife of Councilman David Gierek,' and then we would know who wrote that letter. Because I didn't know who wrote that letter. I think that's wrong. If you have a problem with the guy, sit down with the guy and talk to him or whatever. Don't use the newspaper to hide behind, and be man enough to put your name to what you write. We're getting way of course with the petitions and everything. Petitions mean nothing. They hold no water. They hold nothing. If that offends you, that site, or anybody in town, don't go on it. Don't go on it. You had to join it. It's a private site, so get off of it.

Mr. Ratajczak asked what's going on with Veterans' Field. He said I see we awarded more money for pavers and everything else. We don't have a completion date, we just keep pouring money and money and money into that place. That place is a disgrace. The guy who put them pavers down and got paid \$25,000, I don't put pavers down, but it's a disgrace. The place is not landscaped. I know it took a long time here, but the guy who put the generator in, that's a turn-key operation. You guys came into Town Hall, you weren't disruptive. Everything was landscaped. That place there, it's been going on for six years now. Look what it looks like, mounds of dirt, concrete on posts and stuff like that. Do we have an engineer that goes there and watches the job as it's being done? The building is pitched the wrong way. The parking lot is pitched into the building. It's not the first thing we missed on. And we just keep pouring money and money and money. It has to end, and we have to get a completion date where we can use it. Little Ferry started their field two years ago it, and it's beautiful.

Acting Council President D'Arminio thanked Mr. Ratajczak for his comments. She asked if Mr. Arango would like to say anything about Veterans' Field. Mr. Arango said the contract work that the Town had hired the contractors for was all done. The additional pavers that were installed, that was additional pavers that the town wanted to remove the small grass area and put pavers in. That project has been completed. As far as the generator project, that is completely done, however PSE&G has not replaced the meter, and we are waiting for them to do it, so we are waiting for them to do their job.

Mr. Ratajczak said how many times are you going to go with pavers?

Acting Council President D'Arminio thanked Mr. Ratajczak again and reminded him his time was up.

Mr. Ratajczak said we did not have an original set of plans to go on. We gave them about \$25,000 to mess up the pavers.

Acting Council President D'Arminio reminded Mr. Ratajczak again that his time was up.

Ms. Sylvia Zottarelli of 232 Lanza Avenue said she wanted to set the record straight on this whole situation with Mr. Accomando. There never was and there never will be an investigation. The matter was under review.

Acting Council President D'Arminio reminded Ms. Zottarelli we have nothing to do with the Board of Ed. Ms. Zottarelli said to some degree you don't. And I agree with that wholeheartedly. But when you have people sitting here making comments to the newspaper about it, where do you come to clear it up? Acting Council President D'Arminio said I don't know what comments you're talking about.

Ms. Zottarelli said the Mayor made a comment, and Mr. Gierek's wife did. Where do you come to clear it up? They don't come to a Board of Ed meeting. You want the facts, come to a Board of Ed meeting. Both of you, through the chair, you sat on the Board of Ed, you know what the governing rules are. He's not going anywhere. And through the chair, if I may, Dave, a few years ago you ran for the Board of Ed. Did you win? When you lost, let's put it that way, who did you lose to?

Councilman Gierek said I don't think that's relevant. Ms. Zottarelli said can you answer the question, and Councilman Gierek said you know the answer to that. Ms. Zottarelli said I would like to hear it, and I think they would too. Councilman Gierek said you know the answer; everyone in this room knows the answer to that. Ms. Zottarelli said it was Mr. Accomando. Councilman Gierek said yes, that has nothing to do with the article my wife wrote.

Mr. Suarez said we're getting into issues that are not really Mayor and Council meeting issues. These are separate autonomous bodies.

Mr. Emil Sudol of Van Luyn Terrace asked if the three-minute rule applied to his entire time here or for each issue. Acting Council President D'Arminio said each open session is three minutes.

Mr. Sudol said Fifth Street flooded again. Last Friday there was a serious downpour, we got a tremendous amount of rain, almost three inches of rain. It did recede kind of quickly, but it's still a mess. Not only was Fifth Street and Victor and by the ball field, the water was over the sidewalk, flooded out for a couple hundred yards. There's still something major wrong there. Can the Township have the engineer – I know the last engineer looked into this and said that the sewer system was kind of screwy around there. Three inches of rain is a lot of rain, but what if we get 7, 8, 9 inches of rain? That's what my concern is. Because that could be a potential disaster for that area. If it doesn't drain, if it sits there, it could be a major problem.

Regarding the marijuana issue, Mr. Sudol cited an item published in the American Medical Association regarding the medical benefits side of it including that it helps with chronic pain and muscle spasms.

Acting Council President D'Arminio said we're not voting on this tonight. There is a public hearing after we do the second reading, but we're not adopting it.

Mr. Sudol repeated this was published by the American Medical Association by a number of different research companies how the use of medical and recreational marijuana is used. It helps with chronic pain, muscle spasms related to multiple sclerosis, it actually improves lung capacity, glaucoma, epileptic seizures. It stops certain cancers from spreading, which was kind of a shock to me. It also slows down the growth of brain tumors, decreases anxiety, slows progression of Alzheimer's disease, lessens the side effects from people that are suffering from Hepatitis C, arthritis pain and inflammation. It soothes tremors for people that have Parkinson's disease. That's a horrible disease, and if there's something that can slow something like that, even just for a temporary amount of time, I think that's wonderful. Also PTSD. The list actually went on and on. I just looked this up and wanted to tell you guys about it.

Acting Council President D'Arminio said the ordinance that we're passing has nothing to do with medical marijuana. Mr. Sudol said I understand, it's for the sale, but you do have some words in there, I don't know if you changed anything. You had possession in there, which really concerned me because if it was legal in the state, and if I was able to purchase it let's say in Garfield or Lodi, and if I brought it into this town, could I be arrested and thrown in jail because I have pot on me? You have the word possession in the ordinance, and if it's legal throughout the state, how can it be illegal here in the Township? I don't know the legal part of that.

Mr. Suarez said you can wait for the public hearing portion or answer him when he's done.

Mr. Sudol then mentioned the financial part of this saying it was estimated to bring in between \$500 to \$700 million dollars a year in revenue from the sale of marijuana, and that was even estimated by the year 2022 to be over a billion dollars a year in revenue for the state. A whole lot of money. That's all I've got to say. Thank you for your time.

Councilman Accomando said through the chair that the lottery, the gas tax, they were also supposed to bring revenue by the millions, and that's never happened in the history of the state. So I don't know why people think that legalizing marijuana is going to do the same thing. People have a condition that they need the medical marijuana, they can get a prescription. They don't have to worry about doing anything illegally because they have insurance, so the whole thing of legal or not legal I don't think poses a question. If you get it legally through your doctor for medicinal purposes. Right? As long as you have a card, you shouldn't have to worry about being pulled over for illegal use. Do you know, Chief? Are they going to give cards out?

Mr. Suarez said this exempts specifically the medical aspect of it. He said he was not 100% sure of the procedures, but he would assume medical marijuana would be legal for an individual to have under those circumstances. The ordinance discusses possession in a retail capacity, so if it's legal in the state of New Jersey, that wouldn't in any way impact our ordinance. This just basically makes the zoning of it illegal in town. I do have a section where if there's any kind of conflict with the laws of the state or any other laws that would override obviously our local ordinance in that regard, but this is specifically a zoning ordinance that prohibits the zoning of a retail establishment. It's a public hearing tonight because we're waiting until after September per the Attorney General's directive to then move forward with it, and I would assume we're going to have adoption at our September meeting.

Acting Council President D'Arminio recognized Chief Kugler who addressed the Mayor and Council and said he wanted to make sure everyone was aware of National Night Out, which is to be held next Tuesday, August 7th from 6:00 PM to 9:00 PM at the Washington School field on Market Street. Chief Kugler gave a brief overview of the annual police community public safety event and encouraged residents to attend and meet our public safety officials.

Hearing no one else, Acting Council President D'Arminio asked for a motion to close the meeting to the public.

Motion: Councilman Gierrek

Second: Councilman Accomando

Councilman Cimiluca - yes

Councilwoman D'Arminio - yes

Councilman Gierrek - yes

Councilman Accomando - yes

Council President Mazzer – absent

Comments

Mayor White addressed Ms. Zottarelli. He said he was asked to give a quote by the staff reporter for the *Record*, and that was after at least two weeks, probably two and a half weeks had gone by. Several individuals, including himself and Council President Mazzer received an anonymous letter and there were some offensive images that were attached to that anonymous letter. He said you're correct when you say it's not the town's jurisdiction. It doesn't belong here, and that's why really I don't know why you're here mentioning it. But with that being said, I am the leader of this town. I received it. I was asked a question. I was told by the reporter that they were trying to reach out to the Board of Education for some kind of confirmation, and they were receiving no word back.

Mayor White said I'm speaking about what I did. Mrs. Zottarelli didn't like my comment or thought I shouldn't have commented. I'm explaining this. I was called four times by the reporter, and I was told she was getting nowhere with the Board of Ed for whatever reason. I'm the leader of this town, and what I quoted was I didn't say I said this or I believe this. I quoted what I was hearing from around town and what I'm still hearing around town. But I don't want to get into that. What I want to get into is I'm the leader of this town, and I'm asked a question by the newspaper. I feel obligated to make a statement to say what it is that I'm hearing and to answer questions. I've done this a long time. I was a police officer for 34 years as all of you should know, and for many of those years, I was the public information officer, so I know how to deal with the media. I know how to address them. I know that if you don't give them anything, with all due respect, they're going to get the information somewhere, and they're going to find a way to write the article and slant it with the information that they receive from somewhere. They received that anonymous letter. They received the images. So that's why I made the remark, and I stand by the remark. Again, it was what I was hearing around this town by a lot of people. There were a lot of people that were offended by those images, and it might not be true. It could be false, it could be fabricated, I don't know. All I know is I responded to the questions that the reporter had to ask me. I also believe that because such a long time went by it was a mistake because I think the Board of Education could have nipped it in the bud early, and we wouldn't be here right now, still, August 1st, talking about this issue. So with that being said, I'm going to move on.

Mayor White announced the tax bills are going to be going out the beginning of next week. The payment is going to be due on those tax bills September 7th. If it's paid after that date, the property owners will be charged interest back to August 1st, so make sure you get the payment in by September 7th.

The Mayor added I'm very proud to say that this year it's a very minimal tax increase. I have to thank the Board of Education members that are here tonight because you really worked hard and had a very minimal increase. The average house is anywhere between \$15 to \$40, which is fantastic for all taxes, so we had a very good year this year as far as taxes.

Mayor White said the first year of our summer camp was a successful program. He thanked Andy Gallo and Diane Bonner for running the camp as well volunteer helpers from the high school. He also congratulated Mike Calderone on his retirement and thanked him for 38 years of service. He then announced that we have promoted Bob Hicswa as the new Superintendent of Public Works effective August 1st. It was well deserved; Bob did a great job filling in for Mike when Mike was out, and he's going to do a great job. We're looking forward to working with him.

The Mayor then thanked the Council members for budgeting and said we have on tonight solar speed detection signs. We got three quotes, and we're going to purchase ten signs, which should be placed at various locations throughout town. The police department will have a big say in determining where those signs go. Definitely Fairlawn Parkway; we've had a lot of complaints over there.

Mayor White congratulated the Saddle Brook Little League 14-and-under team on getting 3rd place in the state tournament and also the 9-and-under all-star team, which won Saddle Brook's midsummer classic tournament.

The Mayor mentioned National Night Out next Tuesday night 6:00 to 9:00 at Washington School and said the Township Picnic is coming up on Saturday, August 25th at Saddle River County Park 12:00 to 4:00 PM, as well as the Mayor's Walk earlier that morning at 9:00 AM. Tickets will be given out in advance at Town Hall, the Senior Center and the Library. It's free to all Saddle Brook residents, pre-registration is preferred, but there will be tickets available at the park if you can't get them in advance. Rain date is going to be Sunday, August 26th.

Mayor White said we are having the hearing tonight regarding the marijuana ordinance, but we're not voting on it. Because it's under zoning, it needs to be reviewed by the Planning Board, and after review and recommendations by the Planning Board and the Planning Board attorney, we will move forward next month on the second reading of the ordinance.

Regarding Tri-Centennial Park, the Mayor said we received the funding from an Open Space grant. We are going to move forward very shortly on electric, flag pole, monument, sprinkler and fence for that. We just recently received \$58,000 in Open Space grant money.

The Mayor said tonight we have Nedellec Drive, Hayes Drive, Claremont Avenue, Erie Street and Legregni Street paving projects. We're going to be awarding bids that we received this week. Phase II Williams Street is supposed to be done on August 13th. The first phase of Caldwell Avenue paving should be done by the start of school. Also Fairlawn Parkway from Cambridge to Floral will be done under a grant, that's going to be later on. The water main on President Street is going to be done from Fifth Street to 46. We just accepted bids for that, and Liberty Street drainage and paving is going to be done before school. That will be done before September. Also we're going to apply for grants for Phase II, this is the NJ DOT grant Phase II of Caldwell Avenue and also Phase II of Fairlawn Parkway, so we're going to apply for that, and hopefully we will get funding for that and we will do that next year.

Mayor White said also we had a moment of silence for Gene Egan and Mike Ferrulli. We've had a tough couple of months between firefighter Sturdy who passed away before that, and we had Gene Egan who was 55 years on the ambulance corps and 50 of those were as chaplain, and most recently Mike Ferrulli, who was on the ambulance corps for 13 years. I thank all the volunteers for what you do, and they will be sadly missed.

Councilman Cimiluca said I'm happy about some of the things the Mayor said about paving. Ongoing paving projects, which the bids came in, so hopefully we will be starting before fall or by fall, and hopefully a lot of those will be completed before the weather breaks again.

Regarding the speed signs, Councilman Cimiluca said the best-looking sign also came at the best price. The one we chose I think is going to be a welcome addition; I think people are going to like it. The Chief of Police and the traffic patrol division is going to be heavily involved in determining where they go. There are a number of residents and a number of streets that all claim that their street is the one that's the worst speedway, but we will leave that to the police to decide because they're out there every single day.

Councilman Cimiluca said on Tuesday we talked about what I think is going to be a welcome addition to Saddle Brook. We are in the course of installing certain electrical outlets onto certain poles with the help of PSE&G, and we are in the process of determining what we're going to do in regard to holiday lighting. Saddle Brook has the tree, we have a very nice ceremony, but other than that, Market Street is pretty dark, so we're going to brighten it up a bit during the holiday season. I thank the rest of the Council for agreeing. It's something that's needed to be done for a while, and we're going to do it. I've been driving around some other towns, and they have it, so why shouldn't we?

Regarding Veterans' Field, Councilman Cimiluca said that last piece, it doesn't look great, however what it was in the plans and there *are* plans - someone was saying there are no plans - there have been plans for a year, but the plans had it as a small patch of grass, and it just was determined it just didn't make much sense to mow a 2-foot patch of grass in certain areas. What we decided to do was go with all pavers there. It's going to be done hopefully before football season starts. It is a complete project. The bathrooms are working. The snack stand is working. We're having good feedback from people who are going to the snack stand. Right now we have leased out the concession to someone who has a food truck, and I know some people that have on occasion gone there just to have dinner because the food is really, really good. So that's a project that's completed with the exception of a couple of things. We had a meeting on Tuesday, hopefully we'll even be getting some kind of seating arrangements. We're trying to work out with the county so we can get some of their old ones and fix or refurbish them and use them there.

Councilman Cimiluca said Mr. Sudol talked about flooding. He lives in that area, and I understand that. It's better. I don't know, just like at the river, I don't know if it's ever going to go away. We live in a town that says Brook in it, there's going to be some flooding issues at times. Sometimes the rain comes down so hard that it just happens. You see it on TV cars floating down the river or down streets that have become rivers. We are doing our best to get that done. We have accomplished a lot, and we will continue to try to make it even better.

Councilman Cimiluca offered his condolences to the Egan family. He said he was a good man, a good public servant, served the community for a long, long time. He was a good breakfast partner at the Township Fountain. Also Mike Ferrulli who served at the VFW and on the ambulance corps. They will be sorely missed, and condolences go out to their families and also their other family, which will be the ambulance corps and the VFW.

Councilman Cimiluca thanked retired DPW Superintendent Mike Calderone for his service. He welcomed Bob Hicswa to the position and said I'm sure he's going to do well and fill in the large footprints left by Mike Calderone.

In conclusion, Councilman Cimiluca said he thought it would be cleared up regarding marijuana. The ordinance does not say possession. It does use the word possession, but it's for retail sales, which means you have to put that in there because if you're selling stuff you have to possess it, so it's kind of a necessary evil. Obviously, if the state determines that it's going to legalize or decriminalize use of marijuana, possession will not be – you're not going to come from one town to another if it's legal in the state of New Jersey and be arrested if you had it here. There's going to be a certain prohibition if you can or can't use it. I'm sure, from what I've heard, any place that you can't smoke cigarettes you will not be able to smoke marijuana cigarettes, which means public parks, schools, things of that nature. In terms of the revenue, I know every time we have something new, it's pie in the sky, it's going to bring this much revenue. Maybe it will. I hope it does, because we all need property tax relief, and maybe that will come, but like he said, we weren't going to pay any taxes anymore because of horse racing, and then legalized gambling, sports betting – that's going to save the state, the lottery was supposed to save the state. From what I have heard though in terms of the taxes and the revenues, those are based on taxation. I don't know the numbers, so forgive me. I'm making these up, but it's a schedule where like the first year there's going to be a 5% tax, and then the next year it will be a 10% tax, and in the fifth or sixth year it's a 50% tax, and I just have to wonder about anything. Why would someone buy it legally for \$20 when they can go on the street somewhere and buy it for \$10? So I think all those revenues are based on every single person who they calculate with the need for it or the desire for that based on buying it legally because if they price it out of the market, there's going to be a black market. That's just the way the economy works. So I hope it works, but we'll have to take a wait and see attitude. We're going to have a public hearing on this so everyone can say what they want, and then it's going to go before the Planning Board, and the Planning Board is going to look at it because they're going to look over what our ordinance is, and then we'll come back and have a vote on it. It could pass or it could fail. Any member of the public is welcome to give their opinion on whether or

not we should have it. It's retail sales distribution. It has nothing to do with possession or the legalization of it, it's to have basically a head shop in Saddle Brook, and a head shop used to be just pipes and bongs and things of that nature, now it's the real deal, it's the stuff you put in that.

Councilman Accomando extended his condolences to the Egan and Ferrulli and the Sturdy families and to the firemen of the Township.

Councilman Accomando explained the bench project with the county parks started yesterday. Unfortunately, they had an issue with the service for the county parks, so they were unable to bring the materials. We did manage to dismantle about 25 benches, so tomorrow we will start building the 25 benches for the county. He thanked Mike Ferrulli for that, for heading the whole thing and getting it started. Mike did state that Jim Tedesco made a few phone calls because he was upset with the fact that the ball was dropped somewhere along the lines so I want to thank them both for that.

Councilman Accomando then said the thing with my brother, I understand that it is a Board of Ed issue. As a sitting Councilman whose name is getting dragged through the mud for a coward that doesn't put their name on a letter, it's done more damage to the family than it did to the Board of Ed. It wasn't good. If the person who put that letter out there, would like to be a man and just come forward and say you had a problem with it, that would be great because the same people that want my brother to apologize for nothing is the same person that won't come forward to accept that apology, so it's a two-way street. And I understand you're the leader of the town, and you have to make comments and whatever to the paper, and you had to be honest. I just wish that when you were being honest that you told the paper that you liked the majority of those comments that were being made. So with that being said, thank you.

The Mayor noted his objection to Councilman Accomando's comment. He said first off, I can't believe that you're going here with this because I never saw all Mike's comments, and I told you this in private. Your brother blocked me a long time ago. I don't see his comments, so I couldn't have liked them. I was on that site for about a week, and I saw it getting bad, but I never saw Mike's. I saw some other people's. My son was also on there. Maybe my son liked it, I don't know, but I don't want to say that about my son either because I don't know. But that's an out and out lie. Anyone wants to say that I saw Mike's stuff, that's a lie.

Councilman Accomando said I'm no liar.

Mayor White said I don't want to get into it.

Councilman Accomando said we'll discuss this after the meeting because I'm no liar.

Mayor White said why don't you prove that to me right here.

Councilman Accomando said I can't go on Facebook and show you the pictures that you liked, that says LIKED, Bob White with a thumbs up because I invited you to that page so anything you liked, I saw.

Mayor White said I know you did, but I just told you I did not see any of your brother's stuff. I may have liked some stuff on that site, but not your brother's. I could not see your brother's stuff. I just told you. I'm not saying you intentionally lied.

Acting Council President D'Arminio said can we leave this for the end of the meeting or after the meeting is adjourned?

Mayor White said he was very surprised at Councilman Accomando for bringing this up in public like this.

Councilman Accomando said I'm very surprised at you for not coming to me as a sitting Councilman to sit down and talk to me because you heard this. This was all new to me.

Mayor White asked that I heard what?

Councilman Accomando said you got the information I didn't get. The information you said you and the Council President got.

Mayor White asked did you not know about it, Todd?

Councilman Accomando said at first I did not know about it.

Mayor White asked how long did it take you to know about?

Councilman Accomando said probably two days.

Mayor White said I didn't talk to anybody about it for two days because I was away.

Acting Council President D'Arminio thanked Councilman Accomando for being in charge on the benches. She asked if he thought any would be done for the picnic.

Councilman Accomando said at least 30. Acting Council President D'Arminio said thank you.

Councilman Gieriek said taxes would increase marginally, roughly \$15 to \$40. I think it's a very fair increase for our residents, something they'll be able to handle. Nobody likes any type of increase. He thanked the Mayor and Mr. Lo Dico and the department heads for being very fiscally responsible with the budget and said we are also budgeting for ten speed signs that are going to be put on local streets. I think that's a great idea. Money well spent, and it's long overdue. He thanked Mike Calderone for 38 years of service to the community and wished him a long, healthy and happy retirement. He extended his condolences to the Egan and Ferrulli families and the ambulance corps members and thanked them for their service.

Regarding Mr. Ratajczak's and Ms. Zottarelli's comments, Councilman Gieriek said my wife wrote that editorial 100%. She's a very educated person. I stand behind her 100% in her beliefs. If those images are Mike's that he posted, it's a disgrace. I can't say he posted them. I was never part of that site. Did I see the images? Absolutely and they're atrocious and they're horrible. They're all over the place, Ms. Zottarelli. And they are atrocious, and there's no room for it in Saddle Brook. He suggested Ms. Zottarelli Google his wife's name and said it would come up with his name for their baby registry and wedding registry. She was not trying to conceal anything. She goes by Jillian Gartland. She's a professional. She's a speech therapist, she's well respected in her field and people know her as Jillian Gartland, that's why, and if you Google her name you'll see it. Getting back to the images. They were atrocious and there is no place for that in Saddle Brook from anyone. It's not about Mr. Accomando, it's about the school board and its integrity, and if it was anybody else they should be reprimanded.

Acting Council President D'Arminio called for order after comments from the public.

Councilman Gieriek said if it was him, the community deserves an apology.

Someone said it was not him. Councilman Gieriek said I'd like to hear it from him because he hasn't said he didn't do it.

Acting Council President D'Arminio called for order again and reminded the public that the meeting was not open at this time.

Someone said yes he has. Councilman Gieriek asked why didn't he say it to the *Bergen Record* when he was interviewed?

Someone from the audience said he did.

Acting Council President D'Arminio called for order and said again the meeting was not open.

Councilman Gierrek said the Record lied? Someone said yes they did.

Acting Council President D'Arminio said the resident speaking was out of order.

Councilman Gierrek said I stand behind my wife's comments 100%.

Acting Council President D'Arminio said again that the meeting was not open to the public. She asked for the officer on duty to remove the resident and said we can't have it out of control.

Councilman Gierrek said he would talk to Mr. Ratajczak about it later. He said I think I've said enough for one night.

Acting Council President D'Arminio said again that the meeting was closed to the public at this time.

Councilman Gierrek wished everyone a happy summer and a great Labor Day weekend.

Acting Council President D'Arminio extended her condolences to the Egan and Ferrulli families and the ambulance corps.

She said all the road improvement bids are being awarded today and she was very happy about that. Regarding the speed signs, she asked the Mayor if Fairlawn Parkway was going to get speed signs, and he said yes. She said the rest would be determined by the police department. Mayor White said yes, and he was sure some of them would be in school zones. Acting Council President D'Arminio said the residents of Fairlawn Parkway were very eager to see the signs.

Regarding the Town Picnic Acting Council President D'Arminio said we are having a baking contest and we're asking all of the residents to participate. It's going to be judged and ribbons will be awarded to the winners. I'm hoping the town joins because after the contest we will serve the cake to all of the people who come to the picnic. We do need volunteers for the picnic, anyone interested please see me or call the Mayor's office.

Acting Council President D'Arminio said as you know our VFW has donated thousands and thousands of dollars for parades, fireworks, emergency services for their equipment, and now they're hurting a little bit, and they need some help in doing some improvements on their building. That being said, we are going to go to Community Development to ask for a grant. They did that in the past, when Councilman Cimiluca was here, to put in the elevator. Todd is working with the commander to compile a list of what needs to be done, so we will be helping in that way, but they will be having a table at the picnic and I would like to ask all of the residents to please stop by the VFW. They are able to take donations. If we could give back to them, I think it would be a good thing to do.

She concluded by saying we will discuss the marijuana as we go into the hearing. I think we can move on to that.

ORDINANCES

1. **ORDINANCE #1646-18 – FINAL READING** **AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF SADDLE BROOK, CHAPTER 206 “ZONING” BY ADDING A NEW SECTION TO PROHIBIT RETAIL/WHOLESALE SALE OF MARIJUANA PRODUCTS**

The Council President announced that a motion is in order that the Township Clerk proceed to give same ordinance a second reading.

Motion: Councilman Gierek

Second: Councilman Accomando

Councilman Cimiluca - yes
Councilwoman D’Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

The Township Clerk then reads the Ordinance by title on second reading:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF SADDLE BROOK, CHAPTER 206 “ZONING” BY ADDING A NEW SECTION TO PROHIBIT RETAIL/WHOLESALE SALE OF MARIJUANA PRODUCTS

The Council President announced that the motion was in order and that the Public Hearing on this ordinance be opened.

Motion: Councilman Accomando

Second: Councilman Gierek

Councilman Cimiluca - yes
Councilwoman D’Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

Ms. Sylvia Zottarelli said my personal opinion - make that ordinance as tough as possible. I’m just curious, from the legal standpoint, if someone has a medical marijuana card, and they’re driving stoned and they get pulled over, where does that fall on the spectrum?

Mayor White said they are not allowed to drive under the influence. You can’t drive while you’re using it.

Ms. Zottarelli said I hope it sticks.

Councilman Cimiluca said there is something called the Comprehensive Uniform Medical Marijuana Act – Compassionate Use of Medical Marijuana Act. If you are stopped in town in possession of marijuana, there is a hotline that the police would call, the state police to make sure that person is validly holding a medical marijuana card, however no law will allow someone to drive while intoxicated by marijuana. That’s one of the tough parts of the legalization that’s going to have to be hashed out at some point because we have an alcohol test. It’s a number. You blow into a machine. If you’re over a certain number, you’re considered what’s called a per se violation - driving while intoxicated. There’s almost no defense to that. With marijuana, they haven’t developed that, although what I’ve heard through the grapevine is that the same company that makes the alcohol test is trying to develop something that would be able to tell if you are on marijuana. Now, the only thing they can do is to try and get your consent to take a blood test. If you don’t give consent, they have to get a warrant, so the police have to prepare an affidavit,

they've got to call it into a judge and get a warrant to take your blood. They can't really take it forcibly. There are certain issues with that, but certainly one of the fears of everyone in law enforcement is that it's going to lead to an increase in marijuana related driving incidents because it does affect your cognizant ability. So there's going to be some issues, and again just like the taxation, let's see where it goes. We're going to have to take a step-by-step basis. Hopefully the legislators in New Jersey will think long and hard about all the potential outcomes for legalization before they actually pass a bill.

Mr. Larry Ratajczak said if the state passes it that it's legal, do our laws prohibiting the sale in Saddle Brook supersede that? You can't have a store in Saddle Brook? If the state passes it and they say it's legal to buy and sell marijuana.

Mr. Suarez said we're prohibiting it to be utilized in a retail capacity, so even if the state legalizes it, it wouldn't be permitted to be sold in a retail facility in Saddle Brook.

Mr. Ratajczak said so really what we're looking for is the support of all the surrounding towns to knock it down.

Acting Council President D'Arminio said a lot of them already have ordinances, in fact Garfield, Lodi, Hasbrouck Heights, Maywood.

Councilman Cimiluca said it definitely does not apply to the retail sale of medical marijuana because you're not going to be able to stop that.

Mr. Suarez said it is excluded, and there is a sunset provision.

Mr. Emil Sudol said just to correct you on that, Garfield does not have it.

Acting Council President D'Arminio said I believe Garfield does. Mr. Sudol said I spoke to some people and they assured me. Acting Council President D'Arminio said it was in the paper.

Mr. Sudol asked if we do opt out of this, will we lose out on the benefits of financial revenue from it? From the state? I did explain to you that what they did in many states that do have it okayed right now and it's legal that a lot of the money that the states are collecting are going to Townships, Boards of Educations to build schools and renovate schools and stuff like that. If we opt out of this and not allow it in Saddle Brook, will that knock us out from getting any benefit from it? Because I believe it was the Mayor that brought this issue up at the last meeting that if we do lose out on this money, this could be potentially very damaging here.

Acting Council President D'Arminio said the way the bill reads right now, and it's going to be changed, but the way the bill reads, it's going to be like a hotel tax. The first year it's going to be 1% and then the second year it will be 2% and the third year it'll be 3%. As far as all the money – that's what this particular retail store would gain.

Mr. Sudol asked once again, if we do opt out of this, by not allowing it in our Township, by putting it in a red light district or whatever, in this township will we be losing out on benefits from the state? Will the state stop us from receiving these benefits because we opted out from the sale and possession of it in the town? Are you people looking at that at all? I think that's very important.

Mayor White said I'll answer that, but I don't want to take up your time.

Mr. Sudol said that's pretty much all I have to say on the issue.

Mayor White said I believe there have been several – it seems like it changes on an almost daily basis. I believe the last bill does have a stipulation that towns can ban it without consequences. I was concerned because one of the bills said perhaps towns would lose state aid for funding the schools or not get as much, but I believe that's no longer in this latest bill.

Mr. Sudol said by moving forward with this now, I would wait until the state figures out what they're doing with it. I just think you're being a little early with this.

Mayor White said between last month and this month, I kind of changed my mind. I kind of agree that we are putting the cart a little bit before the horse but in that month period I've received three calls from three different marijuana businesses or prospective businesses that are looking in town – one retail, one cultivation and they asked me if the town would be interested in sitting down. It could be a lucrative thing for the town as far as this tax that they would put on it similar to a hotel tax where 1% to 3% of the profits would go to the town. They were pitching all this, and as soon as I said to them we're attempting to pass an ordinance that would ban the use of recreational marijuana, they didn't want to talk to me anymore because they don't want to come into a town where they're going to have challenges. They could maybe challenge the ordinance, but what it's doing is they're saying Saddle Brook doesn't want it, so they're going to go somewhere else. I'm against what they do in Trenton, if they pass a law. I don't believe it's a good thing. I'm against legalized marijuana for recreation. I'm okay with the medical marijuana, but what I'm trying to say is by doing this, we're effectively stopping them. What we're going to get is these business owners, these people that want to get in on the ground floor to a lucrative business. Right now it's fairly lucrative under the medical marijuana, but they want to get in under the medical marijuana so that when the law changes they're going to have the recreational marijuana as profit as well. It could be very lucrative for them. But if they don't come, it's serving its purpose. We don't really want it here. I certainly don't want retail... manufacturing or cultivation.

Mr. Sudol said I do understand between you and some of the council, you do have a police or law enforcement background, and you have to deal with this stuff through your career. I can understand that 100 %.

Mayor White said I can understand the argument for it. There are people that make great arguments. You bring up some good points. In town we talked about it. I do feel in the town that more people are against it. You get that feeling. Maybe the state should put it to a vote. That might be a good idea. But in Saddle Brook I do believe the majority of the people are not for it. I think we're protecting the town.

Acting Council President D'Arminio said I do think it's important to note that if we don't do it within the first year that it's going to be passed, we will not be able to put an ordinance in place for five years. So I think if we do it soon, and we see how it is, we can always amend the ordinance, but if we do nothing and then the year goes by, we can't do it. And we'd have to wait for five years.

Hearing no one, the Council President announced that the motion was in order and that the Public Hearing on this ordinance be closed.

Motion: Councilman Gierak

Second: Councilman Accomando

Councilman Cimiluca - yes

Councilwoman D'Arminio - yes

Councilman Gierak - yes

Councilman Accomando - yes

Council President Mazzer – absent

Mr. Lo Dico said to give the Planning Board an opportunity to review since they did not have a July meeting, the recommendation by the Township attorney is to continue the ordinance to the September 6th 2018 meeting.

Acting Council President D'Arminio asked for a motion to continue this ordinance to the meeting of September 6, 2018,

Motion: Councilman Cimiluca

Second: Councilman Gierek

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

2. ORDINANCE #1647-18 – FIRST READING

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF FAIRLAWN PARKWAY (PHASE I) IN, BY AND FOR THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$410,000 TO PAY THE COST THEREOF, 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.

The Council President announced that the next order of business is the introduction of **BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF FAIRLAWN PARKWAY (PHASE I) IN, BY AND FOR THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$410,000 TO PAY THE COST THEREOF, 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.**

The Council President directed the Township Clerk to read the resolution regarding passage and adoption on first reading.

Motion: Councilman Gierek

Second: Councilman Accomando

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

CR# 818-160

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF FAIRLAWN PARKWAY (PHASE I) IN, BY AND FOR THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$410,000 TO PAY THE COST THEREOF, 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.

by the Township Council of the Township of Saddle Brook that heretofore passed on first reading, be further considered for final passage at a meeting to be held on the 6th day of September, 2018, at 7:00 PM or as soon thereafter as the matter can be reached at the Municipal Building, 93 Market Street and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance according to law, with a notice of its introduction and passage on first reading and of a time and place when and where said ordinance will be further considered for final passage.

Motion: Councilman Cimiluca

Second: Councilman Gierek

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierrek - yes
Councilman Accomando - yes
Council President Mazzer – absent

All items listed with an asterisk (*) are considered routine and non-controversial by the Township Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so requests it, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies adoption of all resolutions, receive and file letters, correspondence, reports and approval of applications and minutes.

Mr. Lo Dico noted the minutes of the July 5th 2018 regular public meeting were not part of the consent agenda.

Motion: Councilman Gierrek Second: Councilman Accomando

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierrek - yes
Councilman Accomando - yes
Council President Mazzer – absent

*** MINUTES**

1. July 2, 2018 – Special Public Meeting

THE FOLLOWING MINUTES ARE NOT PART OF THE CONSENT AGENDA

2. July 5, 2018 – Regular Public Meeting

Motion: Councilman Gierrek Second: Councilman Cimiluca

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierrek - yes
Councilman Accomando - abstain
Council President Mazzer – absent

*** RESOLUTIONS**

TOWNSHIP OF SADDLE BROOK RESOLUTION

CR# 818-161

WHEREAS, the Township Annual Picnic will be held on August 25, 2018; and

WHEREAS, each year purchases must be made to obtain various services needed for a successful event; and

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Saddle Brook that the Business Administrator is hereby authorized to issue off-line checks if needed to vendors for the Township Picnic.

Motion: Councilman Gierrek Second: Councilman Accomando

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

CR# 818-162

Motion: Councilman Gierak Second: Councilman Accomando

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierak - yes
Councilman Accomando - yes
Council President Mazzer – absent

CR# 818-163

NOW THEREFORE BE IT RESOLVED, that a refund be issued to Mr. & Mrs. Ronald Pozzi, 278 Nedellec Drive, Saddle Brook, NJ 07663 in the amount of \$269.31

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierak - yes
Councilman Accomando - yes
Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-164

WHEREAS, the Township is desirous to have additional work done by the Veterans Field Concession Stand including pavers and grading; and

WHEREAS, 3 quotes were obtained from contractors for this work, and the recommendation was made that JNE Associates Limited Liability Co., d/b/a Brian Anthony Landscaping, PO Box 8148, Saddle Brook, NJ submitted the lowest responsible quote of \$15,247.38

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Saddle Brook that it hereby approves the proposal from Brian Anthony Landscaping in the amount of \$15,247.38 providing funds are available.

Motion: Councilman Gierrek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes

Councilwoman D'Arminio - yes

Councilman Gierrek - yes

Councilman Accomando - yes

Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-165

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Saddle Brook desires to further the public interest by obtaining a loan and/or grant of \$487,500 from the State to fund the following project:

#0257-12-014
Flood Mitigation Acq

NOW, THEREFORE the governing body resolves that Mayor Robert D. White or the successor to the office of Mayor is hereby authorized to:

- a) Make application for such a loan and/or such a grant
- b) Provide additional application information and furnish such documents as may be required,
- c) Act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the Sate for the above named project:

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Saddle Brook that:

1. The Mayor of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as flood mitigation, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$975,000
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state and local laws, rules, and regulations in its performance of the project
5. This resolution shall take effect immediately.

Motion: Councilman Gierak

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierak - yes
Councilman Accomando - yes
Council President Mazzer – absent

TOWNSHIP OF SADDLE BROOK RESOLUTION

CR# 818-166

WHEREAS, Community Development requires that the Township Council confirms by resolution the Mayor's appointments for 2018-2019,

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Saddle Brook that the Mayor's appointments of:

Mayor Robert White
93 Market Street
Saddle Brook, NJ 07663

And

Peter Lo Dico
93 Market Street
Saddle Brook, NJ 07663

As the Mayor's Alternate are confirmed by this resolution.

Motion: Councilman Giersek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-167

BE IT RESOLVED by the Township Council of the Township of Saddle Brook that the following requisition(s) submitted to the Township Council for purchases over \$2,500.00 be approved providing funds are available:

<u>DEPARTMENT</u>	<u>COMPANY</u>	<u>ITEM</u>	<u>AMOUNT</u>
FIRE DEPT.	NJ FIRE EQUIPMENT	EQUIPMENT	\$2,714.25
SEWER	FRANK SEMERARO	EMERGENCY	\$6,383.76
	CONSRT	REPAIR, SADDLE	
		RIVER ROAD	
FIRE DEPT	FIRE &SAFETY	ENG 2 PREV MAIN	\$9,640.92
	SERVICE		
SEWER	TITANIUM PLUMBING &	REPAIR – DWYER	\$8,350.00
	HEATING	PL	
FIRE	FIRE & SAFETY	GENERATOR – ENG	\$14,140.00
	SERVICE	4	
DPW	ELAN CITY	10 SOLAR SPEED	\$26,869.00
		SIGNS	

Motion: Councilman Gierek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D’Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-168

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SADDLE BROOK, COUNTY OF BERGEN, STATE OF NEW JERSEY THAT THE PROPER WARRANTS BE DRAWN AND THAT THE ATTACHED BILLS, WITH THE EXCEPTION OF THOSE BILLS NOT APPROVED BY A MAJORITY OF THE COUNCIL, BE PAID TOTALING **\$1,800.00** PROVIDING FUNDS ARE AVAILABLE AND ALL BILLS SUBMITTED COMPLY WITH N.J.S.A. 40A: 11-1 ET. SEQ AND ANY OTHER APPROPRIATE STATUTES.

THESE ARE THE BILLS PAID THROUGH OFF LINE CHECKS

Motion: Councilman Gierek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D’Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-169

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SADDLE BROOK, COUNTY OF BERGEN, STATE OF NEW JERSEY THAT THE PROPER WARRANTS BE DRAWN AND THAT THE ATTACHED BILLS, WITH THE EXCEPTION OF THOSE BILLS NOT APPROVED BY A MAJORITY OF THE COUNCIL, BE PAID TOTALING **\$5,994,291.73** PROVIDING FUNDS ARE AVAILABLE AND ALL BILLS SUBMITTED COMPLY WITH N.J.S.A. 40A: 11-1 ET. SEQ AND ANY OTHER APPROPRIATE STATUTES.

Motion: Councilman Gierek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-170

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SADDLE BROOK, COUNTY OF BERGEN, STATE OF NEW JERSEY THAT THE PROPER WARRANTS BE DRAWN AND THAT THE ATTACHED BILLS, WITH THE EXCEPTION OF THOSE BILLS NOT APPROVED BY A MAJORITY OF THE COUNCIL, BE PAID PROVIDING FUNDS ARE AVAILABLE AND ALL BILLS SUBMITTED COMPLY WITH N.J.S.A. 40A: 11-1 ET. SEQ AND ANY OTHER APPROPRIATE STATUTES.

P.O. #	VENDOR	AMOUNT
87071, 87179	STONE BROOK GARDEN	\$65.00

Motion: Councilman Gierek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-171

WHEREAS, the Township of Saddle Brook advertised for bids Nedellec Drive Roadway Improvements; and

WHEREAS, 3 bids were received and opened on July 31, 2018; and

WHEREAS, the Township Engineer, in correspondence dated July 31, 2018, recommended awarding the contract to the lowest bidder and Township Attorney has reviewed the bids received and concurs; and

WHEREAS, the low bidder is AJM Contractors, 300 Kuller Road, Clifton, NJ with a bid of \$274,207.76; and

WHEREAS, the Chief Financial Officer has completed a certificate of availability of funds certifying that funds are available in Capital funds,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Saddle Brook that it hereby awards the bid for Nedellec Drive Roadway Improvements to AJM Contractors, Clifton, NJ in the amount of \$274,207.76 providing funds are available.

Motion: Councilman Gierak

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes

Councilwoman D'Arminio - yes

Councilman Gierak - yes

Councilman Accomando - yes

Council President Mazzer – absent

#10-2018

AFFIDAVIT

"

In accordance with N.J.S.A. 52: 27BB – 10 and 40A: 4-57. I do hereby certify that funds are available and that the attached resolution can be adopted.

AJM Contractors

PURPOSE: _____

04-2156-55-9917-1643-18

ACCOUNT _____

Capital

FUND _____

\$ 274,207.76

AMOUNT _____

87284

PURCHASE ORDER NO. _____



Raymond N. Carnevale
Chief Financial Officer

DATE 7/31/2018

CHECKED BY (Signature)

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-172

WHEREAS, the Township of Saddle Brook advertised for bids Hayes Drive Roadway Improvements; and

WHEREAS, 2 bids were received and opened on July 31, 2018; and

WHEREAS, the Township Engineer, in correspondence dated July 31, 2018, recommended awarding the contract to the lowest bidder and Township Attorney has reviewed the bids received and concurs; and

WHEREAS, the low bidder is AJM Contractors, 300 Kuller Road, Clifton, NJ with a bid of \$231,030.35; and

WHEREAS, the Chief Financial Officer has completed a certificate of availability of funds certifying that funds are available in Capital funds,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Saddle Brook that it hereby awards the bid for Hayes Drive Roadway Improvements to AJM Contractors, Clifton, NJ in the amount of \$231,030.35 providing funds are available.

Motion: Councilman Gierak

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierak - yes
Councilman Accomando - yes
Council President Mazzer – absent

#15-2018

AFFIDAVIT

"

In accordance with N.J.S.A. 52: 27BB – 10 and 40A: 4-57. I do hereby certify that funds are available and that the attached resolution can be adopted.

AJM Contractors

PURPOSE: _____

04-2156-55-9917-1643-18

ACCOUNT _____

Capital

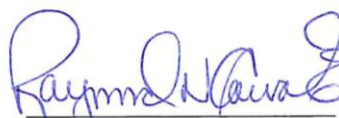
FUND _____

\$ 231,030.35

AMOUNT _____

87288

PURCHASE ORDER NO. _____



Raymond N. Carnevale
Chief Financial Officer

DATE 7/31/2018

CHECKED BY (Signature)

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-173

WHEREAS, the Township of Saddle Brook advertised for bids Claremont Avenue Roadway Improvements; and

WHEREAS, 2 bids were received and opened on July 31, 2018; and

WHEREAS, the Township Engineer, in correspondence dated July 31, 2018, recommended awarding the contract to the lowest bidder and Township Attorney has reviewed the bids received and concurs; and

WHEREAS, the low bidder is AJM Contractors, 300 Kuller Road, Clifton, NJ with a bid of \$317,242.50; and

WHEREAS, the Chief Financial Officer has completed a certificate of availability of funds certifying that funds are available in Capital funds,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Saddle Brook that it hereby awards the bid for Claremont Avenue Roadway Improvements to AJM Contractors, Clifton, NJ in the amount of \$317,242.50 providing funds are available.

Motion: Councilman Gierek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

#11-2018

AFFIDAVIT

In accordance with N.J.S.A. 52: 27BB – 10 and 40A: 4-57. I do hereby certify that funds are available and that the attached resolution can be adopted.

PURPOSE: AJM Contractors

ACCOUNT 04-2156-55-9917-1643-18

FUND Capital

AMOUNT \$ 317,242.50

PURCHASE ORDER NO. 87285


Raymond N. Carnevale
Chief Financial Officer

DATE 7/31/2018
CHECKED BY (Signature)

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-174

WHEREAS, the Township of Saddle Brook advertised for bids Erie Street Roadway Improvements; and

WHEREAS, 4 bids were received and opened on July 31, 2018; and

WHEREAS, the Township Engineer, in correspondence dated July 31, 2018, recommended awarding the contract to the lowest bidder and Township Attorney has reviewed the bids received and concurs; and

WHEREAS, the low bidder for the base bid is AJM Contractors, 300 Kuller Road, Clifton, NJ with a bid of \$180,472.22; and

WHEREAS, the Chief Financial Officer has completed a certificate of availability of funds certifying that funds are available in Capital funds,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Saddle Brook that it hereby awards the bid for Erie Street Roadway Improvements to AJM Contractors, Clifton, NJ in the amount of \$180,472.22 providing funds are available.

Motion: Councilman Gierak

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierak - yes
Councilman Accomando - yes
Council President Mazzer – absent

#13-2018

AFFIDAVIT

In accordance with N.J.S.A. 52: 27BB – 10 and 40A: 4-57. I do hereby certify that funds are available and that the attached resolution can be adopted.

PURPOSE: AJM Contractors

ACCOUNT 04-2156-55-9917-1643-18

FUND Capital

AMOUNT \$ 180,472.22

PURCHASE ORDER NO. 87286

"


Raymond N. Carnevale
Chief Financial Officer

DATE _____

CHECKED BY _____

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-175

WHEREAS, the Township of Saddle Brook advertised for bids for water main replacement – President Street; and

WHEREAS, 4 bids were received and opened on July 31, 2018; and

WHEREAS, the Township Engineer, in correspondence dated July 31, 2018, recommended awarding the contract to the lowest bidder and Township Attorney has reviewed the bids received and concurs; and

WHEREAS, the low bidder for Alternate Bid #1 is Reivax Contracting, 300 S. Second Street, Newark, NJ with a bid of \$464,630.50

WHEREAS, the Chief Financial Officer has completed a certificate of availability of funds certifying that funds are available in Capital funds,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Saddle Brook that it hereby awards the bid for President Street Water Main Replacement – Alternate Bid 1 to Reivax Contracting, Newark, NJ in the amount of \$464,630.50 providing funds are available.

Motion: Councilman Gierek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

#16-2018

AFFIDAVIT

In accordance with N.J.S.A. 52: 27BB – 10 and 40A: 4-57. I do hereby certify that funds are available and that the attached resolution can be adopted.

Reivax Contracting

PURPOSE: _____

04-2156-55-9917-1647-18

ACCOUNT _____

Capital

FUND _____

\$ 464,630.50

AMOUNT _____

87289

PURCHASE ORDER NO. _____


Raymond N. Carnevale
Chief Financial Officer

DATE 7/31/2018

CHECKED BY (Signature)

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-176

WHEREAS, the Township of Saddle Brook advertised for bids Legregni Street Roadway Improvements; and

WHEREAS, 2 bids were received and opened on July 31, 2018; and

WHEREAS, the Township Engineer, in correspondence dated July 31, 2018, recommended awarding the contract to the lowest bidder and Township Attorney has reviewed the bids received and concurs; and

WHEREAS, the low bidder is AJM Contractors, 300 Kuller Road, Clifton, NJ with a bid of \$170,535.40; and

WHEREAS, the Chief Financial Officer has completed a certificate of availability of funds certifying that funds are available in Capital funds,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Saddle Brook that it hereby awards the bid for Legregni Street Roadway Improvements to AJM Contractors, Clifton, NJ in the amount of \$170,535.40 providing funds are available.

Motion: Councilman Gierak

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierak - yes
Councilman Accomando - yes
Council President Mazzer – absent

#14-2018

14-2018

AFFIDAVIT

In accordance with N.J.S.A. 52: 27BB – 10 and 40A: 4-57. I do hereby certify that funds are available and that the attached resolution can be adopted.

AJM Contractors

PURPOSE: _____

04-2156-55-9917-1643-18

ACCOUNT _____

Capital

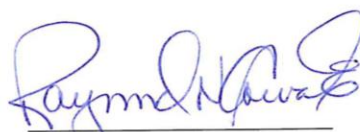
FUND _____

\$ 170,535.40

AMOUNT _____

87287

PURCHASE ORDER NO. _____



Raymond N. Carnevale
Chief Financial Officer

DATE 7/31/2018

CHECKED BY (Signature)

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-177

WHEREAS, the Township of Saddle Brook advertised for bids for recycling; and

WHEREAS, 1 bid was received and opened on July 11, 2018; and

WHEREAS, the Township Attorney has reviewed the bid received; and

WHEREAS, the Chief Financial Officer has completed a certificate of availability of funds certifying that funds are available in the 2018 budget,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Saddle Brook that it awards the contract to Gaeta Recycling, 278-282 West Railway Avenue, Paterson, NJ for one year commencing August 1, 2018 with a bid price of \$162,000.00 providing funds are available.

Motion: Councilman Gierak

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes

Councilwoman D'Arminio - yes

Councilman Gierak - yes

Councilman Accomando - yes

Council President Mazzer – absent

17-2018

AFFIDAVIT

In accordance with N.J.S.A. 52: 27BB – 10 and 40A: 4-57. I do hereby certify that funds are available and that the attached resolution can be adopted.

Gaeta Recycling Co. Inc

PURPOSE: _____

01-2010-26-2912-230

ACCOUNT _____

Current

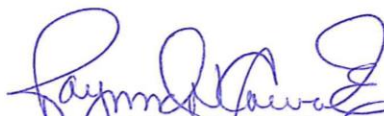
FUND _____

\$ 162,000.00

AMOUNT _____

87290

PURCHASE ORDER NO. _____


Raymond N. Carnevale
Chief Financial Officer

DATE 7/31/2018

CHECKED BY (RAC)

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-178

WHEREAS, the Township of Saddle Brook has a contract with Bruno Associates, 1373 Broad Street, Clifton, NJ 07013 as the Township Grant writer; and

WHEREAS, the contract expires July 31, 2018 and both parties are agreeable to extend the contract to December 31, 2018,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Saddle Brook that the present contract with Bruno Associates is hereby extended until December 31, 2018.

Motion: Councilman Gierek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-179

WHEREAS, Community Development requires that the Township Council appoint a representative for the coming fiscal year beginning July 1, 2018 through June 30, 2019,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Saddle Brook that

Councilwoman Karen D'Arminio
537 Avon Lane
Saddle Brook, NJ 07663

is hereby appointed to the Community Development Committee, and

Councilwoman Florence Mazzer
128 Claremont Avenue
Saddle Brook, NJ 07663

is hereby appointed as alternate.

Motion: Councilman Gierek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierek - yes
Councilman Accomando - yes
Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

**RESOLUTION CALLED FOR THE LEGISLATURE TO AMEND THE OPEN
PUBLIC RECORDS ACT TO PERMIT MUNICIPALITIES TO RELY ON THE
GOVERNMENT RECORDS COUNCIL AS A DEFENSE TO ATTORNEYS' FEES
OR TO ABOLISH THE GOVERNMENT RECORDS COUNCIL ALTOGETHER**

CR# 818-180

WHEREAS, the Open Public Records Act ("OPRA") creates an administrative agency called the Government Records Council ("GRC"); and

WHEREAS, one of the purposes of the GRC is to issue "advisory opinions" to municipalities on compliance with OPRA; and

WHEREAS, the normal purpose of an administrative agency like the GRC is to provide guidance for regulated community on the subject matter of the agency; and

WHEREAS, a requestor challenging a denial of access under OPRA has the choice of whether to file in Superior Court or with the GRC; and

WHEREAS, OPRA states that the GRC opinions are not precedential in complaints filed in Superior Court challenging a denial of access under OPRA; and

WHEREAS, the current structure of OPRA allows a requestor to take advantage of the GRC when it has issued opinions favorable to the requestor's case but to disregard the GRC altogether when it is more favorable for the requestor; and

WHEREAS, municipalities routinely rely on the GRC for guidance and the GRC even has a "hotline" for custodians of records to call for guidance; and

WHEREAS, under OPRA municipalities must pay attorneys' fees for a requestor who prevails in a challenge to a denial of access; and

WHEREAS, OPRA does not give the GRC to the Superior Court any discretion on whether to award attorneys' fees, even when a municipality relies on a GRC opinion that is ultimately held to be wrong; and

WHEREAS, for example in Scheeler v. Atl. Cnty. Mun. Joint. Ins. Fund, ____ N. J. Super. ____ (App Div. May 16, 2018), the Appellate Division rejected a GRC opinion that OPRA contained a citizenship requirement; and

WHEREAS, several municipalities had relied upon that GRC opinion and had to pay attorneys' fees in denial of access complaints even though they relied on that opinion; and

WHEREAS, if the regulated community cannot rely on the GRC then the GRC should not issue opinions; and

NOW, THEREFORE, BE IT RESOLVED the Township Council of the Township of Saddle Brook requests that the legislature amend OPRA to provide either that good faith reliance on a GRC opinion is a defense to the award of attorneys' fees in a denial of access complaint or that the GRC is simply abolished.

Motion: Councilman Giersek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes

Councilwoman D'Arminio - yes

Councilman Giersek - yes

Councilman Accomando - yes

Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 818-181

WHEREAS, Remington, Vernick and Arango, Township Engineer has submitted a proposal dated March 8, 2018 for President Street water main replacement; and

WHEREAS, the design phase was approved by CR# 318-66,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Saddle Brook that it hereby approves the balance of the proposal for engineering services for replacement of the President Street Water Main not to exceed \$72,198.00 providing funds are available.

Motion: Councilman Gierak

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierak - yes
Councilman Accomando - yes
Council President Mazzer – absent

*** CORRESPONDENCE**

- | | |
|---|---|
| 1. Richard Arango, Twp. Engineer | Re: Municipal Building Emergency Generator Payment Certification No. 4 |
|---|---|

To: Peter Lo Dico, Twp. Clerk Date: June 27, 2018

Enclosed please find Pay Certificate No. 4 from ARCO Electrical for work performed on the above referenced project. Remington & Vernick Engineers have reviewed the certificate with the contractor and agree with the payment.

Therefore, we recommend payment be made to **ARCO Electrical** in the amount of **\$23,405.25**.

Should you should have any questions, please feel free to call our offices at (201) 624-2137.

- | | |
|---|--|
| 2. Richard Arango, Twp. Engineer | Re: Veterans' Field Concession Stand, Veterans' Field Patio Quote |
|---|--|

To: Peter Lo Dico, Twp. Clerk Date: July 17, 2018

At your direction, this office requested quotes for the above work from three (3) contractors. This office received quotes and the results of the quotes are as follows:

- | | |
|--------------------------------------|-------------|
| • Brian Anthony Landscaping & Design | \$15,247.38 |
| • Diamond Construction | \$21,300.00 |
| • Vanas Construction | \$23,231.00 |

We have reviewed the submitted information from all contractors and find JNE Associates Limited Liability Company t/a Brian Anthony Landscaping & Design to be the lowest responsible contractor. We recommend that the Township of Saddle Brook prepare a Purchase Order in the amount of \$15,247.38.

Copies of the quotes submitted are enclosed for your review. Therefore, in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq, the contract should be awarded to the lowest responsible bidder, which appears to be JNE Associates Limited Liability Company t/a Brian Anthony Landscaping & Design, PO Box 8148, Saddle Brook, NJ 07663 in the amount of \$15,247.38.

The award should be contingent upon approval of your Counsel and the availability of funds. If you have any questions, please feel free to call me at (201) 624-2137.

3. Richard Arango, Twp. Engineer Re: FY' 2018 Nedellec Drive Roadway Improvements Recommendation to Award

To: Peter Lo Dico, Twp. Clerk Date: July 31, 2018

We have tabulated the bids received on Tuesday, July 31, 2018, with reference to the above-captioned project and find the lowest bidder to be AJM Contractors, 300 Kuller Road, Clifton, NJ in the amount of \$274,207.76 representing the base bid on the quantities for items #1-31 inclusive.

A copy of the tabulation is enclosed for your review.

Therefore, in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq, the contract should be awarded to the lowest responsible bidder, which appears to be AJM Contractors.

The award should be contingent upon approval of your Counsel and the availability of funds.

If you have any questions, please feel free to call me at (201) 624-2137.

4. Richard Arango, Twp. Engineer Re: Hayes Drive Roadway Improvements Recommendation to Award

To: Peter Lo Dico, Twp. Clerk Date: July 31, 2018

We have tabulated the bids received on Tuesday, July 31, 2018, with reference to the above-captioned project and find the lowest bidder to be AJM Contractors, 300 Kuller Road, Clifton, NJ in the amount of \$231,030.35 representing the base bid on the quantities for items #1-30 inclusive.

A copy of the tabulation is enclosed for your review.

Therefore, in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq, the contract should be awarded to the lowest responsible bidder, which appears to be AJM Contractors.

The award should be contingent upon approval of your Counsel and the availability of funds.

If you have any questions, please feel free to call me at (201) 624-2137.

5. Richard Arango, Twp. Engineer Re: Claremont Avenue Roadway Improvements Recommendation to Award

To: Peter Lo Dico, Twp. Clerk Date: July 31, 2018

We have tabulated the bids received on Tuesday, July 31, 2018, with reference to the above-captioned project and find the lowest bidder to be AJM Contractors, 300 Kuller Road, Clifton, NJ in the amount of \$317,242.55 representing the base bid on the quantities for items #1-39 inclusive.

A copy of the tabulation is enclosed for your review.

Therefore, in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq, the contract should be awarded to the lowest responsible bidder, which appears to be AJM Contractors.

The award should be contingent upon approval of your Counsel and the availability of funds.

If you have any questions, please feel free to call me at (201) 624-2137.

6. Richard Arango, Twp. Engineer Re: FY' 2018 Erie Street Roadway Improvements Recommendation to Award

To: Peter Lo Dico, Twp. Clerk Date: July 31, 2018

We have tabulated the bids received on Tuesday, July 31, 2018, with reference to the above-captioned project. This project consists of the following:

Base Bid

Roadway Improvements to Erie Street from Market Street to South Midland Avenue

Add Alternate Bid

Water Main Improvements on Dewey Avenue, Hobson Avenue and Steinway Road

A copy of the tabulation is enclosed for your review.

The apparent low bidder in either Base or Add Alternate bid scenarios appears to be AJM Contractors, 300 Kuller Road, Clifton, NJ.

Our recommendation(s) to award are as follows:

- Should the Township decide to award the Base Bid, the resolution should indicate award to AJM Contractors, 300 Kuller Road, Clifton, NJ.in the amount of \$180,250.22 representing Items 1 through 37 on the Base Bid.
- Should the Township decide to award the Base Bid plus the Add Alternate, the resolution should indicate award to AJM Contractors, 300 Kuller Road, Clifton, NJ.in the amount of \$258,365.22 representing Items 1 through 37 on the Base Bid (\$180,250.22) and Items 16A to 21A on the Add Alternate Bid (\$78,115.00).

Please note that AJM made several mathematical errors which decreased their bid by \$222.00. This has no effect on their status as low bidder.

Therefore, in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq, the contract should be awarded to the lowest responsible bidder, which appears to be AJM Contractors.

The award should be contingent upon approval of your Counsel and the availability of funds.

If you have any questions, please feel free to call me at (201) 624-2137.

7. Richard Arango, Twp. Engineer Re: President Street Water Main Improvements Recommendation to Award

To: Peter Lo Dico, Twp. Clerk Date: July 31, 2018

We have tabulated the bids received on Tuesday, July 31, 2018, with reference to the above-captioned project. This project consists of the following:

Base Bid / Contract 1

Water Main Improvements from Route 46 to Midland Avenue

Alternate Bid #1

Water Main Improvements from Route 46 to 5th Street

A copy of the tabulation is enclosed for your review.

Our recommendation(s) to award are as follows:

- Should the Township decide to award the Base Bid / Contract 1, the resolution should indicate award to Jo-Med Contracting, 300 So. Second Street, Elizabeth, NJ in the amount of \$1,018,824.00 representing Items 1 through 41 on the Base Bid.
- Should the Township decide to award the Alternate Bid, the resolution should indicate award to Reivax Contracting, 365 Thomas Street, Newark, NJ in the amount of \$464,630.50 representing Items 1 through 41 on the Alternate Bid.

Therefore, in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq, the contract should be awarded to the lowest responsible bidder, which appears to be Jo-Med Contracting for the Base Bid or Reivax Contracting for the Alternate Bid.

The award should be contingent upon approval of your Counsel and the availability of funds.

If you have any questions, please feel free to call me at (201) 624-2137.

8. Richard Arango, Twp. Engineer Re: Legregni Street Roadway Improvements Recommendation to Award

To: Peter Lo Dico, Twp. Clerk Date: July 31, 2018

We have tabulated the bids received on Tuesday, July 31, 2018, with reference to the above-captioned project and find the lowest bidder to be AJM Contractors, 300 Kuller Road, Clifton, NJ in the amount of \$170,535.40 representing the base bid on the quantities for items #1-35 inclusive.

A copy of the tabulation is enclosed for your review.

Therefore, in accordance with the Local Public Contracts Law, NJSA 40A:11-1 et seq, the contract should be awarded to the lowest responsible bidder, which appears to be AJM Contractors.

The award should be contingent upon approval of your Counsel and the availability of funds.

If you have any questions, please feel free to call me at (201) 624-2137.

*** RAFFLES/APPLICATIONS**

NONE

*** REPORTS**

1. Municipal Court Monthly Report – June 2018
2. Bergen County Animal Control – April 2018
3. Hotel Room Occupancy Revenue Report – July 2018
4. Senior Center Monthly Report – June 2018
5. DPW Monthly Report – June 2018
6. Grant Writer Report – June 2018
7. Construction Code Official Monthly Report – June 2018
8. Property Maintenance Official Monthly Report – June 2018
9. Tax Collector's Report – June 2018
10. Water Billing Revenue Report – June 2018
11. Engineer's Monthly Report – June 2018
12. Budget Status Report – June 2018

OLD BUSINESS / NEW BUSINESS

Mayor White said we have the Record reporter here tonight and Councilman Accomando brought something up. I'm disturbed by him bringing it up, but I just want to clarify something. It is true that I was a member. Councilman Accomando had asked me to join a private Facebook group called Saddle Brook Dads. The intent of the group, the purpose of the group basically was for dads in Saddle Brook to talk about relevant topics in the town, sports, what have you. That was what the mission statement said. It was fairly new, I think it was at its inception and had just been developed or put out there. At first the site seemed fine, there was a lot of good things on there, there was a lot of discussion about relevant topics, sports etc. After a couple of days, it started to get a little bit different where it was pinups and things like that, which were okay. I didn't find that inappropriate. Then I started to see it was getting some jokes, and it was maybe a little more risqué or profane or whatever you want to call it. I decided to unjoin. I left the group, but again I want to repeat at no time did I ever see any of Mr. Michael Accomando's posts because he blocked me about two years ago during that infamous Board of Education election that Mr. Gierke lost. I don't mean to bring up a bad time but at any rate – I didn't see it.

My question to Todd, you've mentioned to me that I liked some of Michael's posts, some of the posts that are those posts that were inappropriate. Why would you mention it? Why would you mention that I liked some of these posts? Why would you even mention it if they weren't inappropriate? Because somebody here in the audience was shouting out that there was no inappropriate posts that those posts were not his, that I received anyway, so what is it? Did your brother post them or not? I don't know if your brother posted them.

Councilman Accomando said I have no idea. I'm just stating....

Mayor White said how do you know I liked it? And I liked what? You said I liked some of his posts.

Councilman Accomando said memes. That's what they were. I didn't say you liked his memes, I said you liked a lot of memes. You liked a lot of pictures.

Mayor White said you just said the word memes now; you didn't say it before. Anyway, I just find it ironic how I liked some of the same posts that people were finding offensive, which I did not like but you brought that up. There must have been some posts that were inappropriate or maybe offensive. That's all I have to say. This should not have been brought up tonight, and I'm very disappointed in you, Councilman Accomando, extremely disappointed in you. But I'll get over it because I'm a professional, and we'll get past this. But I'm not happy.

Council President Mazzer asked for a motion to open the meeting to the public on agenda items only.

Motion: Councilman Cimiluca

Second: Councilman Accomando

Councilman Cimiluca - yes

Councilwoman D'Arminio - yes

Councilman Gierak - yes

Councilman Accomando - yes

Council President Mazzer – absent

Mr. Ratajczak said on these paving projects that we have listed here, I know Fairlawn Parkway is desperately in need. Are we going to remove the trees and the stumps that encroach on the roadway? I know Mr. Cerrone is here. He works for the DPW. Down by Cambridge Avenue, between Oxford and Cambridge, there's been a tree stump there for about 30 years, and it's actually in the roadway. The plows, it's impossible for them to go curb to curb because there's a tree stump in the way. And I'm sure there's other trees that need servicing or removal before we pave so we don't waste our time paving, and are we going to fix the curbs that need to be fixed or are we just going to pave?

Acting Council President D'Arminio asked Mr. Arango to respond. Mr. Arango said the Fairlawn Parkway project – the Council gave us the go ahead to start our design. We haven't done any of our survey work, but certainly if there are defects out there we will have to address them. If there are stumps that are pushing the curbs out into the road, of course those stumps will have to be taken out so new curbing can be installed.

Mr. Ratajczak said that's for the Fairlawn Parkway one that just made the ordinance that's trying to get the first reading. But now these streets that are going to be paved or bids are going to be awarded, Claremont, Hayes Drive, are they going to get the same attention?

Mr. Arango said yes.

Mr. Ratajczak said how about sidewalks and curbs where there are none? I live on Claremont. One side of the street has curbs all the way down, had sidewalks except for three houses. The other side of the street has no boundaries at all. Are we going to address that? William Street should be our Market Street. It's got curbs, sidewalks, pavers; it's got everything. About three cars a day go down that street. The busy streets – I lived on Claremont for 28 years. It's the original roadway, so it's probably going to be another 28 years before we see another paving truck down that road, so can we please do it the right way so the paving doesn't walk away and walk into people's front yards and stuff? Or are you just going to do a quickie. and that's it? I know you have the numbers down already so if you have the numbers down, you have to know what you're doing as far as what kind of work you're doing. Are you doing curbs and sidewalks? I'll ask on one street, Hayes Drive.

Mr. Arango said there are certain curbs that are being replaced. I don't believe there are sidewalks being replaced on Hayes. The plans are done, and they're available of course to see.

Mr. Ratajczak asked how about Claremont. Mr. Arango said on Claremont I believe the side of the road that doesn't have curbs will have curbs now. So the road will be delineated.

Mr. Ratajczak said no sidewalks? Mr. Arango said no sidewalks. Mr. Ratajczak asked will the trees will be taken out where they need to be taken out? Mr. Arango said I believe so, yes.

Mayor White said through the chair we already took out two trees that were a problem. Mr. Ratajczak said and you got the one by the high school that needed to be taken out for 25 years, finally. I'm saying just don't take the tree down, take the

stump out and everything. We have trees around town that we take out that are 15 feet tall and just leave the body of the tree up, and we don't take the stump out and we don't take the tree all the way down. That's another issue besides paving that needs to be done is the trees in town. The time to do it is before you pave, not after.

Hearing no one, Council President Mazzer asked for a motion to close the meeting to the public.

Motion: Councilman Gierrek

Second: Councilman Accomando

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierrek - yes
Councilman Accomando - yes
Council President Mazzer – absent

Acting Council President D'Arminio reminded everyone about National Night out on Tuesday, August 7th between 6:00 PM and 9:00 PM.

Acting Council President D'Arminio asked for a motion to adjourn.

Motion: Councilman Gierrek

Second: Councilman Accomando

Councilman Cimiluca - yes
Councilwoman D'Arminio - yes
Councilman Gierrek - yes
Councilman Accomando - yes
Council President Mazzer – absent

Meeting adjourned at 8:15 PM.

Respectfully submitted,

Peter Lo Dico, R.M.C. CMC
Township Clerk

Approved: September 6, 2018

Karen D'Arminio
Acting Council President