

The minutes of the Regular Public Meeting of the Township Council of the Township of Saddle Brook held on December 5, 2019 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 – absent
Councilman Gierek – present
Councilman Accomando – present
Council President Mazzer – absent

Mayor White – present
Anthony Suarez, Twp. Attorney – present
Richard Arango, Twp. Engineer - present

The Township Clerk said the first order of business would be the appointment of an Acting Council President.

Through the chair Councilman Accomando nominated Councilman Cimiluca for Acting Council President, seconded by Councilman Gierek.

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

Acting Council President Cimiluca asked everyone to please rise for the salute to the flag and remain standing to observe a moment of silence in memory of retired Saddle Brook Police Sergeant Richard Lasiw, and the father of one of our Lieutenants, Bill Burns, member of the VFW and for all the lives lost during the attack on Pearl Harbor on December 7th, 1941.

Acting Council President Cimiluca announced that adequate notice of this meeting has been sent to all Council members by police messenger 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 Cimiluca asked for a motion to open the meeting to the public.

Motion: Councilman Gierak Second: Councilman Accomando

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

Mr. Larry Ratajczak of 92 Claremont Avenue asked through the chair to the Engineer, is there any update with the paving project or are we still where we were? We're not paying the contractor.

Mr. Arango said through the chair there was a bill that was pulled from the agenda two months ago that has still not been placed on the agenda and the contractor has submitted the core analysis in accordance with the contract documents that were performed by an independent engineering company. The results were that they were within range of 2% to 8%, the average air void was 5.8%, and of all the analyses nothing was either under the 2% or over the 8%.

Mr. Ratajczak said okay, I don't want to waste a lot of time. On Claremont Avenue, the handicapped ramps – the handicapped ramps are – all of them that are put in are installed incorrectly. When you build a handicapped ramp, you can look it up, you're an engineer, they have to be sloped coming in, so it has wheelchair access on both sides. These are straight cut curbs like if you took a saw and cut the curb. They're all no good. So that has to be addressed. The puddling – there's still puddling. That's not addressed.

Councilman Cimiluca said is this limited to Claremont?

Mr. Ratajczak said Claremont. I live on that street, so I worry about that street. As far as the purchase of Home Depot, you read the newspapers – the headlines say \$9.4 million. You've got to read down into the article, it says we're spending \$28 million. Let's be honest with the people and tell them – the headline should read \$28 million to be spent, so the homeowners and the residents have the right number. Not a lot of people will read the whole article, okay? It's hidden down on the bottom where it says the cost will be \$28 million.

Councilman Cimiluca said we didn't write the article.

Mr. Ratajczak said I know you didn't write the article, but if you reported it correctly maybe the paper would get the right idea of what it is. You read the paper today it says we might purchase it. We did it already. It's over with. It's done. It says in there that the Planning Board did an investigation. I would like to see the results of the investigation. And the other thing is, I know the Mayor is all pro for this project, the Planning Board is handpicked by the Mayor, okay? They're his people on the Planning Board, so it's highly doubtful that any of them would go against the project or be against the project. Like I say, I would like to see and know of all the Planning Board members if you have notes, whatever notes we have. I'll OPRA them, Pete, and see if they did visit the site and did visit the surrounding areas on what dates and what did they find. What are their findings? The resident that took the flood thing... last...

Acting Council President Cimiluca said I will let you finish your comment.

Mr. Ratajczak said we were all aware of that for years. Todd, you went off and said I'm calling you guys liars and stuff like that. It's not that I'm calling you liars. You got to read between the lines. If we're aware of a problem for ten or twelve years, and we did nothing to fix that problem, then the resident comes in and buys the house and we, as a town, try to tell the resident that it's their problem, and I know the lady - her English was a little broken, I think she said that the engineer told her to put plywood over the sewer covers. I hope that wasn't our engineer that told her that, and I know she didn't pay for an engineer because she saying it was \$3000 to have an engineer. But if you go back, and you listen to the tape, and you listen what she said, and I don't think the lady is going to come up here and lie, I mean she was almost crying. That's our water. That's Township water that's flooding her property and ruining her property. We've got to fix that, no matter what it costs. We have to fix that. And it should not be any cost to the resident. We're talking about having flood meetings and FEMA meetings and everything else. We've got flooding right there, we're not even near a river. We can't control our drain water. We have to fix it, and I think you five people up there have to speak up and either comfort the resident or tell her we'll get on it. Probably a month went by, and I doubt highly if anything was done on it.

Mayor White said through the chair, I don't want to interrupt, but we had a meeting, myself, Mr. Arango and Business Administrator Lo Dico with the couple, the homeowners there, and I just want Rick to – because of what Mr. Ratajczak said about the plywood to just set everybody straight on that.

Mr. Arango said when I got involved in the problem, the first thing we did is we found out that what was happening is that the pipework was getting surcharged and water was

bubbling out of the two inlets that are on either side of the property, and that's caused because of the pressure in the system, there's so much water coming into it that it relieves itself by coming up through – and we typically call that bubbling out. So my suggestion to my engineers was we were to cap the inlets, and we did use plywood to cover them to prevent the water from bubbling out to see if in fact that would adversely effect the piping system anywhere else either upstream or downstream because what you don't want to do is you don't want to fix this and create another problem either downstream or upstream, so we did that, and there was no adverse effect. Nowhere else did it bubble out anywhere else, so we were in the process of discussing with the homeowner because they had mentioned that they wanted to raise their backyard because they are in a sump area, the lowest part in the block. I believe it was the beginning of this year, I discussed with the Council that my recommendation is that we can assist the resident in changing those open grate inlets to closed manholes and raise them up to whatever level she gets her backyard designed with, and we put an approximate cost of about \$6000 each. So the town would offer \$12,000 to fix that. We did have a meeting last night. There is what appears to be a separation in the pipe or a crack in the pipe. We're going to be fixing that right away. Again we don't want that water in the pipe system discharging onto her property. You're absolutely right. We don't want to do that. We did ask the homeowner what are your plans? Are you going to raise the backyard, and if you are, you need to hire an engineer to properly design it. They, last night, I think they kind of concluded that they really didn't want to do that, and I said listen, you write the Mayor a letter saying we're not going to raise the backyard, but we would like you to proceed with taking the open grates and closing them so that the water will not bubble out onto her property. That was the conclusion of the meeting last night.

Mr. Ratajczak said okay, but ten years ago there was an engineer from the town that went there, and if I remember correctly, the problem was the pipe is too narrow, it's a 14-inch pipe or whatever, it needs to be like a 28-inch pipe or a 42-inch pipe, and it can't handle that water. And that was the conclusion we made back then, and PJ passed away, and nothing was ever said about it.

Acting Council President Cimiluca said Larry, you can talk to Mr. Arango after the meeting if you want to further discuss that.

Mr. Ratajczak said like I say we did spend money on it before.

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

Motion: Councilman Gierek

Second: Councilman Accomando

Councilman Cimiluca – yes

Councilwoman D'Arminio – absent

Councilman Gierek – yes

Councilman Accomando – yes

Council President Mazzer – yes

COMMENTS

Councilman Gierek said the flood committee is going to be meeting on December 16th at the Senior Center at 6:30. We're hoping to talk with a potential flood plain manager for the Township. Other old business that will be discussed, we will talk about the FEMA brochures and their distribution, the new flood maps that we received a couple months ago. We are also looking to finalize our flood committee mission statement. Any resident that is interested is more than welcome to attend the meeting. Also I'd just like to wish all the residents of Saddle Brook a Merry Christmas, a happy holiday and a Happy New Year as well as all the members here on the council and the Mayor. Thank you.

Acting Council President Cimiluca said with regard to the Home Depot property, we have no control over what people write in the paper. I did not read the entire article. I forget where I was, but it came out and somebody said oh, you guys are buying the Home Depot – some people did not know that we were going to do that. The \$28 million

was the amount that basically is a cap amount. We honestly do not expect it to go that high. It was less than \$10 million was for the property, the rest is for the build out, for security, for equipment, for chairs and office supplies and things of that nature. I know in the past people have said it's old, but everybody here probably lives in a house that's 50 or 60 years old. This is basically a square block that was easy to make – it's just there. It can contain what we need to do, and I think it's easy to retrofit what we need into that. In terms of there was a question about the Planning Board, sometimes the reporters just don't get it. The Planning Board's job was to review and determine whether or not this property would be considered a property in need of redevelopment. They did, and they found that it was, and that was their finding. If anybody wants to know what they did or how they did it, I would suggest that you look at the minutes of the Planning Board. It may have it in there, it may not, but that would be the best place to look.

Acting Council President Cimiluca said on another note, the holiday lights will be going up this weekend, and our intention is to expand it and extend it. It ended last year – we got it up to Fifth Street, and this year our intention is to go from Fifth up to Erie, pending our friends at PSE&G giving us the electricity and putting the outlets in. As silly as it sounds, we need them to cooperate with us and get us the outlets so we can plug in the lights. So that is hopefully getting in place this weekend, and we will have the lights up through the end of the New Year.

Mayor White said, regarding the budget, I just want to let everyone know that Business Administrator Lo Dico and I are meeting with department heads to go over the operational and capital budget requests for 2020. We've asked them to keep the expenses at the prior year's level if possible. Events and activities in November: We had the Veteran's Day ceremony at the VFW Circle on Monday, November 11th. Mr. Lo Dico and I attended the Bergen County Freeholder board meeting on Wednesday November the 13th and presented our plans to purchase the old Home Depot site at 55 Mayhill Street and reconstruct the existing structure into a municipal complex and civic center. We are bonding the money through the Bergen County Improvement Authority, and it was required that we go before the Freeholder board and we did and got their approval as well as that of County Executive Jim Tedesco.

The Mayor said on Saturday, November 16th the Council and I attended the Eagle Scout Court of Honor for Michael Maniscalco, which was at St. Philip's Church in the auditorium. We had our Tree Lighting and Holiday Party on Friday, November 29th. I want to thank everyone. It was a great event, very well attended both the Tree Lighting here at Town Hall and the party at the high school gym. I want to thank everyone that attended. I especially want to thank the Projects and Activities Committee led by Councilwoman Karen D'Arminio and also Todd's wife, Chairwomen of the Projects and Activities Committee, Shannon Accomando and my secretary Christine Genuario. There are too many others to mention, but it was a great event.

Mayor White said regarding ordinances tonight, there is a first reading on the execution of the lease agreement for 55 Mayhill Street. This is the next step in the town's acquisition of this property, which is a requirement for bonding the funds from the Bergen County Improvement Authority. Next Wednesday, December 11th, Business Administrator Lo Dico, myself, and town auditor Steve Wielkots are going to appear before the Local Finance Board in Trenton to request their approval to go forward with the project. That, I believe, is the last step - obtaining authorization to go forward. We also have a first reading of a bond ordinance to fund a replacement of the water main at Bell Avenue and Kuhn Drive which is needed. The first reading of a bond ordinance for the 2020 Road Program. We're trying to adopt it sooner this year so the engineer can get started and the streets done next year. The Council President and I have done a lot of talking about this. We want to get done sooner – we want to try to get the roads done in the year that they're supposed to. We're hoping that we can get most of it done between April and October of next year. The roads are not listed. We're going to do that afterwards, but we do have a dollar amount that we do not want to exceed.

Regarding resolutions, Mayor White said we have a resolution to file for Community Development Block grant for resurfacing and making drainage improvements to Albany Street, also funds for barrier-free upgrades to 55 Mayhill Street as part of our municipal complex reconstruction project. There's also an endorsement of Dinners4Seniors which is a service organization. A Community Development Grant application was submitted by us and by the Center for Food Action here in town. There's also an authorization to

sign a lease agreement for the town to rent the parking lot behind the senior center at Kessler Institute which will alleviate overflow parking from Kessler on Legregni Street. They need additional parking, so we're going to rent them that area. I believe there's about 30 spaces, Pete?

Mr. Lo Dico said 28.

Mayor White said we also have a resolution for the New Jersey Department of Transportation Grant Application for operating expenses for our senior bus service and associated costs. Our bill list over \$2500, there are two computer software items for the police department, Power DMS, which is a policy and procedure management computer program and a bar code system also to track evidence. These items together total about \$15,000, but I want everyone to be aware that they are being purchased using forfeiture funds at no cost to the town. We also received a New Jersey Department of Transportation grant. We were notified in writing by the state. We received \$182,000 for paving Mayhill Street, for Mayhill circle to the Route 80 Bridge overpass.

The Mayor said I want to thank the DPW for doing a very good job with the snowstorm this past Monday. We did receive a lot of compliments from the public. Next week, the Business Administrator and I are scheduling a meeting for next week with Public Service Gas and Electric to discuss their Phase II of their gas main replacement project. They completed Phase I in October of this year, and they paved about a third of the streets that were dug up, and they are going to do the remainder in the spring of 2020. We really don't want to risk doing them with the cold weather that's upon us now and snow.

Regarding upcoming events, Mayor White said we have the Holiday Decorating Contest that that we started getting registrations for. I believe we're going to do the judging on December 19th – I'm not sure on that date, it's not set. Also the Fire Department Santa Ride is December 21st, I'm not sure of the times, but that is on December 21st. On December 26th we're having our end-of-the-year wrap up meeting at 7:00 PM. I also want to express my deepest condolences for the family and friends of William Burns. Bill, as we know was a member of the VFW Post 3484. He was the president of the parade committee, past grand marshall of the Saddle Brook Memorial Day Parade. He's the husband of retired long-time crossing guard Alice Burns and the father of retired Saddle Brook police lieutenant Bill Burns. On behalf of myself and the Council, I want to wish everyone a happy holiday season and a happy, healthy and prosperous New Year. Thank you.

ORDINANCES

1. ORDINANCE #1670-19 – FINAL READING AN ORDINANCE AMENDING CHAPTER 206, ARTICLE VE OF THE TOWNSHIP CODE OF THE TOWNSHIP OF SADDLE BROOK ENTITLED “ZONING, AFFORDABLE HOUSING DISTRICTS”

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

Motion: Councilman Accomando

Second: Councilman Gieriek

Councilman Cimiluca – yes

Councilwoman D'Arminio – absent

Councilman Gieriek – yes

Councilman Accomando – yes

Council President Mazzer – absent

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

**AN ORDINANCE AMENDING CHAPTER 206, ARTICLE VE OF THE TOWNSHIP
CODE OF THE TOWNSHIP OF SADDLE BROOK ENTITLED “ZONING,
AFFORDABLE HOUSING DISTRICTS”**

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 Gierrek

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

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 Accomando

Second: Councilman Gierrek

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

CR# 1219-206

BE IT RESOLVED by the Township Council of the Township of Saddle Brook that the ordinance entitled: **AN ORDINANCE AMENDING CHAPTER 206, ARTICLE VE OF THE TOWNSHIP CODE OF THE TOWNSHIP OF SADDLE BROOK ENTITLED “ZONING, AFFORDABLE HOUSING DISTRICTS”**

does now pass on second and final reading and that the Township Clerk be directed to advertise said ordinance or Title thereof, in the press, together with a notice of the date of passage of said ordinance according to law.

Motion: Councilman Gierrek

Second: Councilman Accomando

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

2. ORDINANCE #1671-19 – FINAL READING

AN ORDINANCE TO AMEND AND SUPPLEMENT THE PROVISIONS OF CHAPTER 183 “SWIMMING POOLS, PRIVATE” OF THE TOWNSHIP CODE OF THE TOWNSHIP OF SADDLE BROOK

Mr. Lo Dico said due to an error, we are not going to have a second reading on this ordinance and reintroduce a newer version.

Acting Council President Cimiluca said there will be no motion on this ordinance.

3. ORDINANCE #1672-19 – FIRST READING

AN ORDINANCE OF THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT WITH THE BERGEN COUNTY IMPROVEMENT AUTHORITY (THE “AUTHORITY”) RELATING TO THE ISSUANCE OF COUNTY GUARANTEED LEASE REVENUE BONDS,

SERIES 2020 (TOWNSHIP OF SADDLE BROOK PROJECT) AND ANY NOTES ISSUED IN ANTICIPATION THEREOF BY THE AUTHORITY AND DESIGNATING THE AUTHORITY AS REDEVELOPMENT ENTITY IN CONNECTION WITH THE TOWNSHIP OF SADDLE BROOK PROJECT.

The Council President announced that the next order of business is the introduction of **AN ORDINANCE OF THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT WITH THE BERGEN COUNTY IMPROVEMENT AUTHORITY (THE “AUTHORITY”) RELATING TO THE ISSUANCE OF COUNTY GUARANTEED LEASE REVENUE BONDS, SERIES 2020 (TOWNSHIP OF SADDLE BROOK PROJECT) AND ANY NOTES ISSUED IN ANTICIPATION THEREOF BY THE AUTHORITY AND DESIGNATING THE AUTHORITY AS REDEVELOPMENT ENTITY IN CONNECTION WITH THE TOWNSHIP OF SADDLE BROOK PROJECT.**

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 – absent

Councilman Gierek – yes

Councilman Accomando – yes

Council President Mazzer – absent

CR# 1219-207

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY AN ORDINANCE OF THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT WITH THE BERGEN COUNTY IMPROVEMENT AUTHORITY (THE “AUTHORITY”) RELATING TO THE ISSUANCE OF COUNTY GUARANTEED LEASE REVENUE BONDS, SERIES 2020 (TOWNSHIP OF SADDLE BROOK PROJECT) AND ANY NOTES ISSUED IN ANTICIPATION THEREOF BY THE AUTHORITY AND DESIGNATING THE AUTHORITY AS REDEVELOPMENT ENTITY IN CONNECTION WITH THE TOWNSHIP OF SADDLE BROOK PROJECT.

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 26th day of December, 2019 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 Gierek

Second: Councilman Accomando

Councilman Cimiluca – yes

Councilwoman D’Arminio – absent

Councilman Gierek – yes

Councilman Accomando – yes

Council President Mazzer – absent

Acting Council President Cimiluca reiterated that the second reading of the above ordinance would be at the December 26th meeting and not at the January meeting.

4. ORDINANCE #1673-19 – FIRST READING

BOND ORDINANCE TO AUTHORIZE THE 2020 ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE

SUM OF \$1,400,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

The Council President announced that the next order of business is the introduction of **BOND ORDINANCE TO AUTHORIZE THE 2020 ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,400,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

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

Motion: Councilman Accomando

Second: Councilman Gierek

Councilman Cimiluca – yes

Councilwoman D’Arminio – absent

Councilman Gierek – yes

Councilman Accomando – yes

Council President Mazzer – absent

CR# 1219-208

BOND ORDINANCE TO AUTHORIZE THE 2020 ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,400,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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Motion: Councilman Gierek

Second: Councilman Accomando

Councilman Cimiluca – yes

Councilwoman D’Arminio – absent

Councilman Gierek – yes

Councilman Accomando – yes

Council President Mazzer – absent

Acting Council President Cimiluca noted again that there would be a second reading on this ordinance on December 26th at 7:00 PM.

5. ORDINANCE #1674-19 – FIRST READING

BOND ORDINANCE TO AUTHORIZE THE KUHN COURT AND BELL AVENUE WATER MAIN REPLACEMENT PROJECT AND WATER SYSTEM IMPROVEMENTS AT VARIOUS LOCATIONS IN, BY AND FOR THE WATER UTILITY OF THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$400,000 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 KUHN COURT AND BELL AVENUE WATER MAIN REPLACEMENT PROJECT AND WATER SYSTEM IMPROVEMENTS AT VARIOUS LOCATIONS IN, BY AND FOR THE WATER UTILITY OF THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$400,000 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 Accomando

Second: Councilman Gierek

Councilman Cimiluca – yes

Councilwoman D’Arminio – absent

Councilman Gierek – yes

Councilman Accomando – yes

Council President Mazzer – absent

CR# 1219-209

BOND ORDINANCE TO AUTHORIZE THE KUHN COURT AND BELL AVENUE WATER MAIN REPLACEMENT PROJECT AND WATER SYSTEM IMPROVEMENTS AT VARIOUS LOCATIONS IN, BY AND FOR THE WATER UTILITY OF THE TOWNSHIP OF SADDLE BROOK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$400,000 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 26th day of December, 2019 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 Accomando

Second: Councilman Gierek

Councilman Cimiluca – yes

Councilwoman D’Arminio – absent

Councilman Gierek – yes

Councilman Accomando – yes

Council President Mazzer – absent

Acting Council President Cimiluca noted again that there would be a second reading on this ordinance on December 26th at 7:00 PM.

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 minutes and applications.

Motion: Councilman Gierek

Second: Councilman Accomando

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

*** MINUTES**

1. November 7, 2019 – Regular Public Meeting

*** RESOLUTIONS**

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

RESOLUTION AUTHORIZING THE SUBMISSION OF A NJ TRANSIT S5310 FY2019 GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH NEW JERSEY TRANSIT FOR OPERATING EXPENSE ASSISTANCE FOR THE SADDLE BROOK SENIOR CITIZEN BUS AND BUS DRIVER ASSOCIATED COSTS

CR# 1219-210

WHEREAS – New Jersey Transit has funds available for enhanced mobility of seniors and individuals with disabilities through its New Jersey Transit S5310 FY19 Grant Program; and

WHEREAS, the application would provide funding to offset the cost of the Saddle Brook Senior Bus Driver and associated operating expenses; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Saddle Brook formally approves the grant application for the above-stated project; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as S5310-2019 to the New Jersey Transit S-Rides on behalf of the Township of Saddle Brook; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Saddle Brook, and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Township of Saddle Brook on this 5th day of December, 2019.

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve execution of the grant agreement as authorized by the resolution above.

Motion: Councilman Gierrek

Second: Councilman Accomando

Roll Call:

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

RESOLUTION

CR# 1219-211

WHEREAS, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” Law, enacted by the New Jersey State Legislature shall become effective; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., a municipality may not award a contract with a value in excess of \$17,500.00 to a business entity that had made a contribution within one year of the date the contract is to be awarded that is reportable by the recipient under P.L. 1973, c. 83 (c. 19.44A-1 *et seq.* to a municipal political party committee in that municipality if a member of that party is serving in elective public office when such a contract is awarded or to any candidate committee of any person who is serving in an elective public office of the municipality when such a contract is awarded unless the contract is awarded under a “fair and open process” pursuant to N.J.S.A. 19:44-20.1 et seq.; and

WHEREAS, a “fair and open process” constitute the following: (1) public advertisement of a Request for Proposals (“RFP”) with ten (10) calendar days’ notice prior to the receipt of responses to the “RFP”; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established in writing by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

WHEREAS, it has become necessary for the Township of Saddle Brook (“the Township”) to engage legal and financial professionals and to engage the services of other individuals for extraordinary unspecifiable services by a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq.

NOW THEREFORE BE IT RESOLVED, by the Township of Saddle Brook, County of Bergen and State of New Jersey that RFPs for professional services for the following professional services for the Township are hereby authorized:

- (1) Bond Counsel
- (2) Auditor
- (3) Tax Appeal Attorney
- (4) Health Risk Manager
- (5) Labor Attorney
- (6) Insurance Consultant
- (7) Township Planner
- (8) Grant Writer

BE IT FURTHER RESOLVED, that all of the RFPs for the professional services and extraordinary unspecifiable services as set forth hereinafter shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq., and all submissions in response shall be evaluated on the basis of the most advantageous submission, all factors considered, including but not limited to:

- (1) Experience and reputation in the field;
- (2) Knowledge of the Township and subject matter to be addressed under the contract;
- (3) Availability to accommodate any required meeting of the Township or Township Agency
- (4) Any other factors demonstrated to be in the best interest of the Township of Township Agency

BE IT FURTHER RESOLVED that the Township Clerk is directed to public notices of RFPs for the professional services and extraordinary unspecifiable services enumerated above, in a newspaper circulated in the Township of Saddle Brook by December 12, 2019. The notice of RFPs shall include the following:

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 - absent

Councilman Gierek - yes

Councilman Accomando - yes

Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

CR# 1219-214

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 **\$3,888,181.52** 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 - absent

Councilman Gierek - yes

Councilman Accomando - yes

Council President Mazzer – absent

**TOWNSHIP OF SADDLE BROOK
RESOLUTION**

RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL ENTITLED CHAS PROPERTIES, LLC V. TOWNSHIP OF SADDLE BROOK AT 100 MIDLAND AVENUE, BLOCK 1009, LOT 10 FOR TAX YEARS 2014 THROUGH 2019

CR# 1219-215

WHEREAS, Chas Properties, LLC has filed action with the Tax Court of New Jersey against the Township of Saddle Brook challenging the tax assessed against property located at 100 Midland Avenue and identified on the Township's tax maps as Block 1009, Lot 10 for tax years 2014 through 2019; and

WHEREAS, the Township Assessor, the Township Tax Appeal Attorney and Township Appraiser, after independent review and upon consulting with each other, is of the opinion that the settlement proposed below is in the best interest of the Township of Saddle Brook; and

WHEREAS, the Township Assessor, the Township Tax Appeal Attorney and Township Appraiser, after independent review and upon consulting with each other, jointly recommend that this matter be settled according to the terms listed below;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Saddle Brook, Bergen County, New Jersey that the Township Tax Appeal Attorney be hereby authorized and directed to execute any and all documents necessary in order to settle this matter according to the following proposed terms:

- 1) The assessment for tax year 2014 to be reduced from \$3,560,800 to \$2,668,500 resulting in a refund of \$23,378.
- 2) The assessment for tax year 2015 to be reduced from \$3,560,800 to \$2,854,000 resulting in a refund of \$19,190
- 3) The assessment for tax year 2016 to be reduced from \$3,560,800 to \$2,817,000 resulting in a refund of \$21,310
- 4) The assessment for tax years 2017 & 2018 to remain unchanged.
- 5) The assessment for tax year 2019 to be reduced from \$4,714,300 to \$4,000,000 resulting in a refund of \$18,522.
- 6) Half of the refunds due shall be payable on or before December 31, 2019. The remaining half of the refunds due shall be payable on or before August 31, 2020.
- 7) Taxpayer agrees to waive interest owed on the refunds due if payments are made in accordance to clause (6) above.

Motion: Councilman Giersek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes

Councilwoman D'Arminio - absent

Councilman Giersek - yes

Councilman Accomando - yes

Council President Mazzer – absent

TOWNSHIP OF SADDLE BROOK RESOLUTION

CR# 1219-216

WHEREAS, a FY20 Bergen County Community Development Block Grant (CDBG) totaling approximately \$236,322.24 has been proposed by the Township of Saddle Brook for improvements to Albany Street in the Township of Saddle Brook; and

WHEREAS, the proposed project limits are within an area of the township deemed eligible per Bergen County CDBG mapping; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the Mayor and Council of the Township of Saddle Brook endorse and support the aforesaid project because it is in the best interests of the people of Saddle Brook; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and it intended solely to expedite expenditure of the aforesaid Community Development funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Saddle Brook hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Bergen County Division of Community Development (Robert G. Esposito, Director; Bergen

County Division of Community Development; One Bergen County Plaza, 4th Floor, Hackensack, NJ 07601) so that implementation of the aforesaid project may be expedited.

Motion: Councilman Gierek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes

Councilwoman D'Arminio - absent

Councilman Gierek - yes

Councilman Accomando - yes

Council President Mazzer – absent

TOWNSHIP OF SADDLE BROOK RESOLUTION

CR# 1219-217

WHEREAS, a FY20 Bergen County Community Development Block Grant (CDBG) totaling approximately \$50,000.00 has been proposed by the Township of Saddle Brook for Dinners4Seniors in the Township of Saddle Brook; and

WHEREAS, the proposed project limits are within an area of the township deemed eligible per Bergen County CDBG mapping; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the Mayor and Council of the Township of Saddle Brook endorse and support the aforesaid project because it is in the best interests of the people of Saddle Brook; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and it intended solely to expedite expenditure of the aforesaid Community Development funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Saddle Brook hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Bergen County Division of Community Development (Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, 4th Floor, Hackensack, NJ 07601) so that implementation of the aforesaid project may be expedited.

Motion: Councilman Gierek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes

Councilwoman D'Arminio - absent

Councilman Gierek - yes

Councilman Accomando - yes

Council President Mazzer – absent

TOWNSHIP OF SADDLE BROOK RESOLUTION

CR# 1219-218

WHEREAS, Kessler Institute, 300 Market Street, Saddle Brook, NJ is desirous of leasing the Saddle Brook Senior Center lower parking area, located on Legregni Street; and

WHEREAS, a lease agreement was finalized with Kessler Institute paying the Township of Saddle Brook a monthly rental of \$1,200.00

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Saddle Brook that it hereby approves the lease agreement with Kessler Institute for one year commencing January 1, 2020 and the Mayor is hereby authorized to sign said lease.

Motion: Councilman Gieriek

Second: Councilman Accomando

Roll Call:

Councilman Cimiluca - yes

Councilwoman D'Arminio - absent

Councilman Gieriek - yes

Councilman Accomando - yes

Council President Mazzer – absent

*** CORRESPONDENCE**

1. Peter Lo Dico, Twp. Clerk Re: Ordinance 1670-19

To: Saddle Brook Planning Board Date: November 8, 2019

At the Township Council's Public Meeting of November 7, 2019 Ordinance #1670-19 regarding amending Chapter 208, Article VE – Zoning, Affordable Housing Districts was introduced for first reading.

I am referring Ordinance #1670-19 to you for the Planning Board's review and recommendation. The Township Council plans to have a public hearing and second reading of the ordinance at the December 5, 2019 public meeting.

**2. Robert Klein, PE
Remington Vernick
Engineers**

**Re: Cash Bond Release
JAT Company, LLC
323 North Midland Avenue
Block 1201, Lot 1**

To: Peter Lo Dico, Twp. Clerk Date: September 23, 2019

Enclosed please find Payment Request No. 1 from John Garcia Construction for work performed on the above referenced project. Remington & Vernick Engineers has reviewed the certificate with the contractor and agree with the partial payment noted.

Therefore, we recommend the following that payment be made to **John Garcia Construction Co. Inc.** in the amount of **\$81,619.84** for Certificate No. 1.

The total contract price is \$134,911.50. Therefore, 40% of the total contract price remains.

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

3. Stephen F. Pellino Re: Proposed Ordinance 1670-19
Basile, Birchwale and
Pellino, LLP

To: Peter Lo Dico, Twp. Clerk Date: November 27, 2019

As you know, I serve as the Attorney to the Planning Board of the Township of Saddle Brook.

Please be advised that pursuant to the request contained in your letter of November 8, 2019 addressed to the Planning Board, and pursuant to the provisions of *N.J.S.A. 40:55D-26(a)*, the Planning Board, at its November 26, 2019 regular meeting, considered the above proposed ordinance. By motion duly adopted by the Planning Board, I have been authorized and directed to prepare this letter report in connection with the Planning Board's review of the ordinance.

The Planning Board finds that the ordinance is consistent with the Township's master plan, and the Planning Board does, in fact, recommend its adoption by the Township Council. The Planning Board does, however, find that there is some doubt as to the accuracy of the lot and block numbers to be part of the new zoning district established pursuant to the ordinance, and recommends that these designations be verified by the Township Council and corrected, if necessary, prior to adoption.

*** RAFFLES & APPLICATIONS**

None

*** REPORTS**

1. Municipal Court Monthly Report – October 2019
2. Bergen County Sanitarian Report – October 2019
3. Bergen County Animal Control Report – October 2019
4. Hotel Room Tax Revenue Report – November 2019
5. Construction Code Official Report – October 2019
6. Property Maintenance Monthly Report – October 2019
7. DPW Monthly Report – October 2019
8. Tax Collector Monthly Report – October 2019
9. Water Bill Monthly Report – October 2019
10. Engineer's Status Report – Mid-October 2019
11. Budget Status Report – November 2019

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

Motion: Councilman Accomando Second: Councilman Gierek

Councilman Cimiluca - yes
Councilwoman D'Arminio - absent
Councilman Gierek - yes
Councilman Accomando - yes

Council President Mazzer – absent

Hearing no one, Acting Council President Cimiluca asked for a motion to close the meeting to the public on agenda items.

Motion: Councilman Accomando

Second: Councilman Gierrek

Councilman Cimiluca - yes

Councilwoman D'Arminio - absent

Councilman Gierrek - yes

Councilman Accomando - yes

Council President Mazzer – absent

Old Business / New Business

Acting Council President Cimiluca asked if anyone had any more comments before closing.

Councilman Accomando wished everyone a Merry Christmas and a Happy Healthy New Year.

Acting Council President Cimiluca said most of us went down to Atlantic City for the League of Municipalities Convention, which is a great place to meet people from other towns, get some ideas and make new friends and reconnect with some old friends. There is a lot of business being done – one of them is we had a JIF seminar – JIF is the Joint Insurance Fund, that is who insures us for liability. They do give us a credit for attending their Risk Loss seminar, and we saved the town \$1250 by attending an hour and a half seminar that they gave.

Acting Council President Cimiluca we are going into a new year, 2020 is going to be a tumultuous year both nationally and probably less tumultuously in this town. We have elections obviously national, and that's already in the news and we'll be having an election of three council people in 2020. We do go into 2020, I believe on sound financial ground. We have our auditor come in to talk about that. We do have a reasonable surplus, which we haven't had for some time. It's a good amount of surplus. Our tax appeals are down. The amount of appeals are down, the amount of refunds are down, so I think we do go into the new year on sound financial ground, and also we're doing that without laying anybody off, without hurting or decreasing the amount of services that we're providing for the town. Actually we're increasing the services that we're providing for the town. We have made some new hires to clean up the town and make the town more visually desirable. So with that I wish everyone a Merry Christmas and a Happy and Healthy New Year. We will be back, however, on December 26th to do our year-end review. I thank everyone in attendance and everyone watching on TV.

Acting Council President Cimiluca asked for a motion to adjourn.

Motion: Councilman Gierrek

Second: Councilman Accomando

Councilman Cimiluca - yes

Councilwoman D'Arminio - absent

Councilman Gierrek - yes

Councilman Accomando - yes

Council President Mazzer – absent

Meeting adjourned at 7:37 PM.

Respectfully submitted,

Peter Lo Dico, RM. CMC
Township Clerk

Andrew Cimiluca
Acting Council President

Approved: December 26, 2019