

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
HELD JANUARY 18, 2016**

PRESENT: Mayor Kurpis, Council Members: Acaster, Gray, Jensen, Kerner, Salazer, Schulstad, Borough Administrator Shenkler, Borough CFO Mariniello, Borough Clerk Macari, Borough Attorney Huntington

ABSENT:

PRESIDING: Mayor Kurpis called the meeting to order at 7:00 p.m.; Borough Clerk Macari read the following statement:

PUBLIC NOTICE: "Notice of this meeting in compliance with the Open Public Meetings Act, Chapter 231 of the laws of 1975, has been given by posting a notice of the scheduled dates of all regular meetings of the Mayor and Council of the Borough of Saddle River on the bulletin board in the Municipal Building and in the office of the Borough Clerk and by emailing notice thereof to the Herald News and The Record on December 16, 2015." Also on the official Borough website and E-notify.

NOTIFICATION OF FIRE EXITS

PLEDGE OF ALLEGIANCE:

INVOCATION:

Mayor Kurpis stated that Pastor Wesley Smith, Zion Evangelical Lutheran Church would deliver the invocation; he bestowed blessings to the Borough of Saddle River community and the attending public.

AWARDS AND CEREMONIES:

Swearing in of Fire Department Officials

At this time, Mayor Kurpis swore in the following Fire Fighters, reading their Oaths of Office:

- **Chief Jacob Kossowsky**
- **Assistant Patrick Varsolona**
- **Captain Joseph Kelly**
- **1st Lieutenant Bryan Doyle**
- **2nd Lieutenant Daniel Miller**

DISCUSSION OF COUNCIL PRESIDENT

Mayor Kurpis stated that the Council did not appoint a Council President at the Reorganization Meeting on January 4, 2016. He further stated that, by State statute, he is permitted to appoint the Council President; this is an extremely important position and he stated that he does not feel that it is incumbent on the Mayor to make that choice. At this time, he urged the Council to make nominations.

Council Member Gray stated that he would like to do what is best for Saddle River. He further stated that the residents' message is very clear; they would like the Council to work harmoniously for the Borough. He stated that he wanted to withdraw his name for appointment as Council President and he offered a motion to nominate Council Member Jensen as Council President.

Council Member Acaster seconded this motion.

Roll Call Vote: AYES, Unanimous

Council Member Jensen stated that he is honored to be selected and is pleased that this issue is resolved. He further stated that he will work closely with the Mayor and Council in order to address all matters pertinent to the Borough.

WORK SESSION:

At this time Frank Covelli, Professional Insurance Associates gave a presentation regarding alternate health plan options for Borough employees. He distributed worksheets outlining alternate plans that Borough employees can evaluate and choose from. He explained these plans in detail at this time. He further stated that there is a resolution in the Consent Agenda authorizing the offering of these plans to Borough employees.

Council Member Schulstad asked if Mr. Covelli had spoken with either the Finance Committee, the Personnel Committee or the Borough Administrator about these plans prior to this meeting and Mr. Covelli stated that he had met with both the CFO and the Administrator regarding these plans. Council Member Jensen asked for confirmation that these plans would not impact the current plan in place but rather offer employees more choices in medical plans. Mr. Covelli confirmed this.

At this time Steven Rogut, Rogut McCarthy, LLC, Bond Counsel for Saddle River was introduced.

Council Member Kerner stated that the Borough has two bond anticipation notes, which is the sum total of the Borough's debt structure. Bonds have not been issued; the Borough has remained with bond anticipation notes (BANS) and they are issued one year out. She explained that both longer term and shorter term rates for these bonds have changed. These BANS are coming due in March and Mr. Rogut outlined the options in detail at this time, handing out two spread sheets for reference. Bond and Note rates were discussed and Mr. Rogut stated that the rates have dropped significantly and he addressed specific rates.

Council Member Kerner asked Mr. Rogut about the time frame to execute a BAN and he explained this in detail at this time. Mayor Kurpis asked if the entire BAN amount should be rolled over and Mr. Rogut was in agreement with this practice. Mayor Kurpis also asked Mr. Rogut if he would recommend locking in Borough debt with a bond at this time to give some stability to the issue. Mr. Rogut stated that he could present several different calculations to consider when making this decision. CFO Mariniello stated that he has been discussing this with Mr. Rogut and he does not feel, based upon the current financial climate, it makes sense to opt for long term financing.

Attorney Huntington asked if the option existed to opt for short term financing at lower rates now and, should the financial climate improve, shift to long term financing. Mr. Rogut explained that this is an option but it can be a timely alternative.

Council Member Kerner stated that the audited financial statements are in the process of being prepared and asked if there was ample time between now and March 24, 2016 to do a bond rating. Mr. Rogut stated that this time frame may not be viable as there are many facets to this process that must be completed. Council Member Kerner stated that the Council should determine how to proceed and then direct the Administrator to generate the necessary paperwork for the BAN. CFO Mariniello stated that he would be working with bond counsel on this and would suggest a time frame of at least six to nine months. It was determined that the Council would further review this matter and take action at the February 22, 2016 meeting.

Council Member Schulstad stated that he would prefer to have the BANS maturing in November or December.

MAYOR KURPIS:

Employee Meetings: Mayor Kurpis stated that he met individually with each Borough employee and received very valuable feedback. He further stated that all employees appear to be happy in their jobs. Mayor Kurpis announced that Borough Clerk Marie Elena Macari and Planning Board Secretary Georgia Silverman are both retiring on April 1, 2016. He further stated that the Personnel Committee has been notified in order to begin the process of hiring their replacements.

Northwest Bergen Mayor's Meeting: Mayor Kurpis stated that he attended the Northwest Bergen Mayor's Meeting and Mayor Minichetti from Upper Saddle River was elected as Chairman. He further stated that many Mayors are interested in staying current on Municipal Employment Law and a guest speaker was in attendance to address this issue.

Bergen Mayor's Meeting of the League of Municipalities: Mayor Kurpis stated that he attended this meeting in Trenton and the objectives of this organization were reviewed with the Mayors in attendance.

Meeting with Humane Society: Mayor Kurpis stated that he met with the Humane Society with Council Member Schulstad, Environmental Commission Chairman Bob LaViano and Wildlife Management Committee member Jerry DeCrosta. The Society presented some valuable information regarding wildlife management which Council Member Schulstad will address moving forward. Mayor Kurpis further stated that the following three members of the Wildlife Management Committee need to be re-appointed for 2016: Jerry DeCrosta, Dr. Duncan Carpenter and Bob LaViano.

2016 By-Laws: Mayor Kurpis stated that this matter needs to continue to be worked on and reviewed so the By-Laws can be adopted.

Ordinance Review Committee: Mayor Kurpis stated that there are some open ended areas from 2015 that need to continue to be addressed in 2016.

Summer Concerts: Mayor Kurpis stated that many residents are inquiring about whether there will be a concert series this summer and he encouraged the Council to make a decision on this matter.

24th Annual Mayor's Legislative Day & NJ Conference of Mayors on Terrorist Events: Mayor Kurpis stated that he will be attending these meetings on February 3, 2016 and January 28, 2016 respectively. He further stated that he has invited Chief Tim McWilliams to join him on January 28, 2016; he will be sharing any pertinent information he receives accordingly.

NJ Planner Magazine: Mayor Kurpis stated that this monthly publication addresses government at the municipal level. He specifically referenced an article regarding Borough officials and their use of technology during public meetings. He further stated that he would like the Council to address this issue to insure that all actions taken are unbiased.

BOROUGH ADMINISTRATOR

Fox Hedge Road: Administrator Shenkler stated that work is expected to commence shortly, weather dependent. There were several issues with the DEP and United Water, which delayed this project, which will now begin in early March.

Boroline Road: Administrator Shenkler stated that this is a joint project with Allendale, with a \$220,000 grant with the DOT to finance the complete repaving of this roadway. This work will begin at the end of February.

Town-Wide Shredding Day: Administrator Shenkler stated that this event, which was well received by residents in 2015, will take place on Saturday, May 21, 2016 at the Borough Hall.

BOROUGH CLERK MACARI

BOROUGH ATTORNEY

COUNCIL REPORTS

Council Member Kerner stated that the Mayor and Council are in receipt of the first draft of an operating budget for 2016 and she encouraged them to review it carefully for further discussion. She outlined some details of this budget at this time. She distributed information regarding the capital budget at this time and stated that detail information is included for review. The water line project, which is approximately a \$5,000,000 expenditure, must be given careful consideration as well as the purchase of a rescue truck, the replacement of the salt shed and the replacement of Borough vehicles.

Mayor Kurpis thanked Council Member Kerner for her diligent work on the budget. He further stated that he wanted to give Council Members a chance to thoroughly review the distributed budget documents.

Council Member Kerner stated that typically the budget is introduced in February and adopted in March, with the exception of 2015, and if this information will not be reviewed now, she requested that all Council Members provide both the Finance Committee as well as CFO Mariniello with input on budget matters independently.

Council Member Schulstad wanted to consider holding a Special Meeting in order to review all budget documents prior to the introduction so this can take place at the February 22, 2016 meeting.

Council Member Jensen asked Council Member Kerner for clarification on proposed budgetary calculations, which she provided in detail at this time.

Council Member Schulstad stated that he has reviewed Saddle River's debt position and it is his opinion that Saddle River is a high debt per person municipality. He said that this should be considered when large budgetary items are proposed.

Mayor Kurpis stated that many Mayors of the neighboring municipality's have stated that they envy Saddle River's financial status and surplus. He further stated that it is hard to compare Saddle River's financial demographic with many other towns and the priority should be to insure that the residents of Saddle River understand the debt structure and solicit feedback.

Council Member Gray asked if, when making comparisons to other municipalities financial statuses, if population density was taken into account. Council Member Schulstad stated that smaller towns like Alpine and Saddle River have a more difficult time being fiscally efficient.

Council Member Acaster stated that he met with the employees of the building department and he gave the report for December at this time. He further stated that he would like the all building department forms and applications to be available on the Borough website as well as the posting of building department hours in an effort to enhance customer service.

Council Member Gray stated that the Personnel Committee met to address the need to hire personnel for the retiring employees. The jobs will be posted and advertised and interviews will commence the third week of February, with final decisions made by the end of February.

He further stated that the Borough must facilitate electronic storage of records.

Council Member Gray stated that the Mayor and Council needs to focus on Employment Law and he would like to bring in a professional to addresses this important issue.

Council Member Schulstad thanked the Mayor for attending the meeting with the Humane Society in order to obtain and access information regarding deer management. The Wildlife Committee will continue to review all of the viable options moving forward.

Council Member Schulstad stated that he met with Administrator Shenkler regarding the Information and Transparency Committee and the need to update and retool the Borough website. He further stated that he would like to see both Open and Closed Session Minutes approved on a more timely basis in 2016, in an effort to get them on the website for the public.

Council Member Schulstad stated that Henry Senger was re-elected as Wandell School Board President and the interim Superintendent's term will ending at the end of the school year. Resumes for this position are due on January 22, 2016. The annual Wandell School Foundation fund raiser will be held at Season's on March 4, 2016.

RESOLUTION FOR CLOSED SESSION

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

Resolution # 29-16 Offered by Council President Jensen
Second by Council Member Kerner
Roll Call Vote: AYES: Unanimous

CONTINUATION OF THE REGULAR MEETING AGENDA

INTRODUCTION OF ORDINANCE(S) There were none.

ADOPTION OF ORDINANCE(S): There were none.

APPROVAL OF BILLS

Resolution # 30-16 Offered by Council Member Kerner
Seconded by Council Member Gray

Council Member Kerner addressed two bills, one from Merit Trophy for \$3400 from 2013 and a bill from Dutra Excavating for \$14,000 for sewer, electric and water to the new EMS Center. She further stated that Council previously approved an expenditure of up to \$40,000 on this project and the contract was \$32,800 plus change orders totaling \$35,000. The project, with added expenses, now totals approximately \$60,000 with a potential for another \$50,000 needed for converting the salt shed into a garage. She further stated that the Mayor and Council owe it to residents to more carefully estimate projects and make every attempt to complete projects within the allocated budget. She further stated Dutra's bill for \$14,000 should have come before the Council and she asked CFO Mariniello to address this issue.

He explained that the part of the project that included the sewer, electric and water line was put out to bid and Dutra was the lowest at \$14,000. He further stated that the conversion of the salt shed back to a storage barn has nothing to do with the EMS Center project.

Council Member Kerner asked, after the bids are received for this project, why the Council did not review them. CFO Mariniello explained that time was of the essence to get the EMS into their new location. A Certificate of Occupancy could not be obtained without sewer and water lines, which made it necessary to expedite this project. Council Member Kerner stated that corners cannot be cut and internal controls must be maintained; a Special Meeting could have been scheduled to address this matter.

Mayor Kurpis stated that, as Council President at the time of this matter, it was incumbent upon all Council Members to review the relevant documentation that was provided and he shares in the responsibility of this issue. He further stated that the precedent moving forward must be that the Council must review all documents on all projects. Council Kerner reiterated that the Mayor and Council needs to be more realistic on project estimation and management moving forward. She further stated that she feels that the salt shed is linked to this project as the plan was to build an additional salt shed next to the existing one or completely remove the existing one and build a new structure. Converting the salt shed into a garage/barn (to replace the space which is now the EMS Center) was never part of the plan. Mayor Kurpis reiterated that it was necessary to move quickly in order to get the EMS Center up and running and the salt shed was discussed.

Council Member Gray stated that he recalls that the salt shed would be moved to the other side, closer to the existing structure.

Council Member Schulstad stated that he would like to obtain clarification on the competitive contracting process. He further stated that the Governing Body is supposed to pre-authorize competitive contracting before it occurs. He further stated that a \$14,000 expenditure must come before the Council and he asked for clarification from Attorney Huntington. Attorney Huntington stated that the bidding process and competitive contracting are two different issues and he would be happy to explain this at a subsequent meeting. Council Member Kerner asked that this bill for Dutra be pulled from the bill list.

Roll Call Vote: AYES: Unanimous

A motion to authorize the approval of the Dutra Excavating Bill in the Amount of \$14,000 was offered by Council President Jensen. Seconded by Council Member Gray.

Roll Call Vote: AYES: Acaster, Gray, Jensen, Salazer
NAYS: Kerner, Schulstad

RESOLUTIONS

All matters listed hereunder are considered routine in nature and will be enacted in one motion. Any Council Member may request that an item be removed for separate consideration. Considering approval of minutes, a yes vote will indicate a vote in favor of approval of the minutes of each meeting at which the Council Member was present and an abstention with respect to the minutes of meetings at which such Council Member was not present.

Resolution Offered by Council President Jensen
Seconded by Council Member Kerner

Explanation of Consent Agenda Items

OPEN TO THE PUBLIC FOR CONSENT AGENDA ITEMS ONLY:

Marilyn Goldfisher, 124 West Saddle River Road stated that she does not feel that it is ethical to have family members on the Planning Board, as Mayor Kurpis' son was newly appointed. She also did not feel that it is appropriate to appoint a real estate agent to the Zoning Board and stated that the same residents are appointed to Boards and Commissions each year.

Debby Hardesty, 15 East Saddle River Road stated that she would like to see diversity on Boards and Commissions.

Patty Nazzaro, 3 Westwind Court stated that the appointment of the Wildlife Committee members was well thought out as they work with both the Board of Health and the Environmental Commission.

At this time, Council Member Kerner asked to have the January 4, 2016 minutes removed for separate consideration. Additionally, she asked to amend the resolution authorizing the Administrator to retain an appraisal company. She requested that language be added to specify that the dollar amount for this service was not to exceed \$3500. She further stated that Council Members Jensen and Salazer be appointed to the COAH Committee and the Civility Resolution be considered for separate consideration. Council Member Kerner addressed the resolution authorizing the Fund Balance Policy and requested that it be pulled. Mayor Kurpis was in agreement.

Roll Call Vote: AYES – Acaster, Gray, Jensen, Kerner, Salazer, Schulstad

A. Approval of Minutes: Regular Meeting: 12/21/15

B. Resolutions:

- R# 31-16** (Resolution Number not utilized)
- R# 32-16** Authorizing Administrator to retain an appraisal company
- R# 33-16** Appointments to COAH Committee
- R# 34-16** Planning Board Appointments
- R# 35-16** Re-Appointment of Members to the Wildlife Management Committee
- R# 36-16** 2016 West Bergen Mental Healthcare Agreement for the Employee Assistance Program and Municipal Allocation
- R# 37-16** Authorizing additional Offerings of Alternative Health Benefit Plans for Employee Health Benefits Program
- R# 38-16** Approving the Borough's Accounting Policy
- R# 39-16** Authorization for Strategic Plan for Funding Municipal Alliances
- R# 40-16** Authorization for extending an Interlocal Shared Service Agreement with the Borough of Chatham, Chatham, NJ to Provide services of Qualified Purchasing Agent
- R# 41-16** Authorization for On-line Auction

Authorization to Approve Civility Resolution

R# 42-16 Offered by Council Member Gray
Seconded by Council Member Acaster

Council Member Kerner stated that she is in favor of approving a civility policy and has written a draft policy that has not been addressed. She addressed Council Member Gray and asked that he apologize to Council Member Schulstad for his conduct at the September 21, 2015 meeting if he is serious about a civility policy. Council Member Gray apologized to Council Member Schulstad but stated that this policy should not be a punishment but rather a commitment to the residents that the Mayor and Council will work for the residents in a civil manner. Council Member Schulstad stated that he does not think a

civility policy is necessary now that there is a change in the governing body. He further stated that he is more troubled by unauthorized investigations and he feels that Council Member Kerner deserves an apology from the former Mayor and Council Member Gray.

Mayor Kurpis stated that the Council may not need a civility policy at this time but the public must have a commitment that the Mayor and Council will work together without dissention and the civility policy is a good start. Council Member Acaster was in agreement. Council Member Kerner reiterated that she is not a fan of approving a resolution just to have something, she stated that she would like to put work into something that is effective and a product of the Mayor and Council's input. Mayor Kurpis stated that he would like to agree to disagree on this matter.

Roll Call Vote: AYES: Acaster, Gray, Salazer, Mayor Kurpis
NAY: Jensen, Kerner, Schulstad,

COMMITTEE REPORTS

Board of Health: Council Member Salazer gave the report for January 2016.

COAH: Council President Jensen addressed the potential purchase of an affordable housing unit.

Resolution Approving the Purchase of One Packer Place, Saddle River NJ

R# 43-16 offered by Council Member Jensen
Seconded by Council Member Gray
Roll Call Vote: AYES, Unanimous

Const. & Zoning Enforcement: Report given earlier.

Environmental Committee: There was no report at this time.

Board of Education: Report given earlier.

Wildlife Management: No report at this time.

Fire Report: Council Member Acaster for December 2015. The incidences of false fire alarms were addressed in detail.

Police Report: Council Member Gray gave the report for December 2015. He praised the Police Department for their diligence and compassion. Mayor Kurpis stated that he would like to see reports on how many deer related incidences occur in Saddle River monthly.

EMS Report: Council Member Kerner gave the report for December 2015.

Finance Report: Report given earlier.

Landmarks Committee: No report at this time.

Public Works: Council Member Acaster gave the report for December 2015.

Parks and Recreation: No report at this time.

Planning Board: Council President Jensen gave the report for January 2016.

Zoning Board: No report at this time.

OPEN TO THE PUBLIC:

Patty Nazzaro, 3 Westwind Court stated that she feels that the Borough of Saddle River website needs to be updated but does not feel it needs to be completely re-done. She addressed the salt shed and encouraged the Mayor and Council to consider several options. She further stated that she would like the Mayor and Council's approval for a Municipal Alliance resolution. She started a Facebook Page for the Municipal Alliance as well and encouraged everyone to view it. Ms. Nazzaro addressed CERT training and stated that she has posted a Facebook page on this as well. She further stated that she would like to see the 911 Memorial included in the 2016 budget to complete this project. She addressed Memorial Park, stating that she does not feel that this is an optimum location for the piece of steel from the World Trade Center that the Borough has acquired. She further stated that she would like to see it in a location that is more accessible to the public.

Marilyn Goldfisher, 124 West Saddle River Road asked about the Engineering Update in Borough Engineer Martin Spence's absence. Administrator Shenkler gave a brief overview of engineering projects that the Borough is currently working on. She further stated that she would like clarification on the Borough's liability insurance for legal matters. She addressed the two resignations of Borough employees and encouraged the Mayor and Council to promote from within and perhaps reduce the staff in order to save money. Additionally, she stated that she is not happy about the extra money necessary to complete the construction of the EMS Center.

UNFINISHED BUSINESS:

NEW BUSINESS:

Council President Jensen asked about the inter-fund balance and asked CFO Mariniello if this could be eliminated in order to simplify the budget. CFO Mariniello explained this in detail at this time.

Council Member Kerner addressed the clearing of dead deer from County Roads and asked who is responsible for this. Chief Tim McWilliams stated that residents should call the Police Department regarding this matter.

ADJOURNMENT: A motion to adjourn was made and seconded.

Respectfully submitted,

Marie Elena Macari
Borough Clerk