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July 18, 2018

VIA ELECTRONIC FILING

Hon. John Michael Vazquez
United States District Court, District of New Jersey Newark
Frank R. Lautenberg U.S. P.O. & Cthse., Room 417
2 Federal Sq.
Newark, New Jersey 07102

**Re: Bergen Rockland Eruv Association, et al. v. The Borough of Upper
Saddle River – Civil No.: 2:17-CV-05512-JMV-CLW**

Dear Judge Vazquez:

As Your Honor is aware, this office represents defendant Borough of Upper Saddle River (“USR”) in the above-referenced matter. Pursuant to the conference held on July 10, 2018, we write to advise the Court of the meeting held between the parties at the Court-ordered lead counsel meeting held on July 12, 2018, where Rabbi Chaim Steinmetz and his contractors also attended for Plaintiffs and police, public works, administration and the mayor attended for Upper Saddle River. This letter does not supersede the parties’ Settlement Agreement (the “Agreement”), but rather provides a framework for implementing the Agreement in good faith. The parties agree to meet and confer in good faith regarding any dispute over implementing the Agreement, including written notice of, and a reasonable opportunity to cure, any purported deficiencies. The Parties further agree to undertake such efforts before involving the Court.

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NOTICE

Weekly checking notice. Plaintiffs have explained that Rabbi Steinmetz intends to assign people to check the USR eruv (“Checkers”) on a weekly basis, either on Thursday or Friday. Plaintiffs agree that Rabbi Steinmetz or his designee will call the USR Police Department (“USR PD”) Dispatch (201-327-2700) and provide the following information several hours in advance of commencing inspections: (1) the date of the intended inspection; (2) the approximate time of the inspection; (3) the identity of and phone number for each Checker, and; (4) a description of any vehicles (*i.e.*, make, model, color and license plate number) that will be performing work on Plaintiffs’ behalf. Plaintiffs will also contact USR PD Dispatch immediately if/when they anticipate that any road closures will be necessary. If, during the course of Plaintiffs’ inspection they identify repairs which must be performed to make the eruv valid (at Plaintiffs’ determination), Rabbi Steinmetz or his designee will call the Dispatcher to advise of the general nature of the work needed to be performed, and at which pole(s) the work will occur, or such other information sufficient to identify the location(s) of the work. As a general matter, Lieutenant Lally of USR PD, with respect to police-related issues, and Theodore Preusch, with respect to implementation-related issues, shall be USR’s primary points of contact.

Prior to the use of the newly revised eruv as set forth in the Agreement as Exh. A (“Exh. A”), Rabbi Steinmetz and his team of Checkers will meet with the USR PD to discuss traffic safety rules, the checking process, and ensure that all parties understand the notice requirements for the new eruv. Following completion of the Exh. A eruv, Rabbi Steinmetz and USR officials may elect to confer in good faith on a standing notice, in lieu of the weekly notice set forth in the preceding paragraph, concerning the weekly checking of the Exh. A eruv.

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Construction and eruv removal notice. Plaintiffs agree to provide notice several hours before any construction or removal related to the Temporary or Exh. A eruv by calling USR Dispatch, providing information including: (1) the approximate time and location of work; (2) the identity and phone number of the primary point of contact for the construction and/or removal work at issue, and; (3) a description of any vehicles (*i.e.*, make, model, color and license plates) that will be performing work on Plaintiffs' behalf; and (4) sufficient information such that the USR PD is aware of all potential road closures.

COMPLIANCE WITH TRAFFIC LAWS

Plaintiffs agreed to comply with all state and local traffic laws, including the Manual on Uniform Traffic Control Devices, as adopted by New Jersey Title 39, and will obtain any necessary permit for the use of amber flashing lights.

VANDALISM AND POTENTIAL CONFLICTS

If Plaintiffs identify suspected vandalism, they will immediately contact the USR PD, who shall document and investigate the matter as promptly as possible. Subject to Plaintiffs' need to maintain a valid eruv at all times (as determined solely by Plaintiffs), Plaintiffs will refrain from conducting any repair work on the eruv upon USR PD request. USR will promptly provide police support for repairs by Plaintiffs to the Eruv resulting from such vandalism. If Plaintiffs or anyone working on their behalf feel that they are being harassed or are in anyway potentially a victim of a crime, they will contact the USR PD immediately, who shall respond as quickly as possible to assist Plaintiffs and/or their agents. Further, should a resident or USR official report an incident involving Plaintiffs or someone acting on Plaintiffs' behalf, USR agrees that the USR PD officer investigating the matter will attempt to contact Rabbi Steinmetz, the primary contractor for

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Plaintiffs, to notify him of the incident and permit him a reasonable opportunity to investigate and cure any alleged incidents. In all events, the USR PD will respond to all complaints and suspicious activity reports regardless of who makes such a report. USR PD need not refrain from investigating while Rabbi Steinmetz conducts a parallel investigation, if any, into alleged incidents, but no USR PD investigation shall impede Plaintiffs' ability to maintain a valid eruv at all times.

TREE TRIMMING

Plaintiffs agree and acknowledge that they are not permitted to trim any branch, limb or remove any tree in the USR right-of-way without first obtaining an appropriate USR Shade Tree Commission permit. Plaintiffs or their representatives can advise USR of any necessary branch or tree removal and discuss the matter in good faith.

RESTORATION OF PROPERTY

USR agrees to accept the condition of nine of the ten pole work-sites in and around the area of Hillside Ave., Brook Road and Winding Way. Plaintiffs have agreed to restore the property at 24 Hemlock Hill Road to a substantially similar condition as existed prior to work being performed by hiring a landscaper to lay topsoil and grass seed on and around the area of excavation. This restoration shall be completed no later than the week of July 16, 2018.

PENDING VERIZON APPROVAL

The Parties have confirmed that Verizon received the complete application, package, including payment, from Plaintiffs and Verizon is now finalizing all necessary permit approvals.

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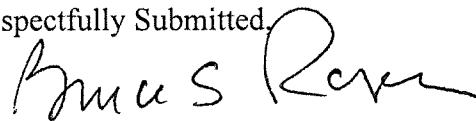
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CONSTRUCTION OF EX. A ERUV

Construction of the Exh. A Eruv will begin **the week of July 16, 2018** and continue until such time as it is complete. While Verizon's permit is pending, in the temporary eruv, for all poles that will remain in the Exh. A Eruv, Plaintiffs will change all lechis on Orange and Rockland utility poles from white PVC to black plastic. For all Orange and Rockland poles in the Exh. A Eruv, Plaintiffs will install the black lechis. Further, for all newly installed poles, where possible, Plaintiffs will begin hanging the agreed upon wire between poles on Hillside Avenue. While no specific date was offered for completion, Plaintiffs reiterated their desire to complete the tasks set forth in the Settlement Agreement as soon as possible and Upper Saddle River specifically requested that the work be completed before Labor Day Weekend before car traffic increases with the opening of schools.

We thank the Court for its assistance in helping the parties work toward implementing the Agreement, and are hopeful that further assistance from the Court will be unnecessary.

Respectfully Submitted,



Bruce S. Rosen

BSR:anz

cc: Yehudah Buchweitz, Esq. (via electronic filing)
David Yolkut, Esq. (via electronic filing)
Kaela Dahan, Esq. (via electronic filing)
Robert Regan, Esq. (via email)