

Minutes of the Regular Meeting of the Mayor and Council held on Monday, May 5, 2016 at 8:00 p.m. at the Upper Saddle River Borough Hall.

Moment of Silence and Pledge of Allegiance was led by Mayor Minichetti.

Pursuant to the Open Sunshine Act P.L. 1975, c. 231, proper notice of this meeting has been provided by submitting appropriate notice to The Ridgewood News and The Record on April 28, 2016 by Fax and mail and published in The Record on May 2, 2016 in which the time, place and purpose of the meeting was set forth.

RULE 1. Roll Call:

Mayor	Joanne L. Minichetti	Present
Councilman	Roger DeBerardine	Present
Councilman	Steven DiMartino	Present
Councilman	Jonathan Ditkoff	Present
Councilman	Vincent M. Durante	Present
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Present

RULE 2. Minutes of Executive, Closed and Regular Meetings of April 7, 2016 were delivered to all members of the governing body and posted on the bulletin board and were unanimously approved following a motion by Councilman Durante, seconded by Councilman DeBerardine.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of April, 2016 and deposited them with the Collector/Treasurer:

Landscape Permit	\$ 130.00
Peddlers License	10.00
Garage Sales	16.00
Copies	3.11
Total	\$ 159.11

The Borough Clerk's office issued 8 licenses for the month of April. \$18.60 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of publication was received for:

1. Adoption of Ord. #1-16-Redevelopment Plan.

Police: Report for the month of April was received and filed.

DPW: Report for the month of April was received and filed.

Fire Dept: Report for the month of April was received and filed.

Library: Report for the month of April was received and filed.

Borough Official's Report:

Construction Code Official: Report for the month of April was received and filed.

RULE 4. Communications, Petitions & Bills:

NWBCA Minutes of March 15, 2016 was received and filed.  
Resolutions from Dumont, New Milford, Hackensack, Norwood, Westwood, Tenafly, Hasbrouck Heights,

A motion by Councilman DeBerardine, seconded by Councilman DiMartino to pay bills in the amount of 5,732,492.79 was unanimously approved by all Council members present. Mayor Minichetti declared bills approved for payment and ordered checks drawn.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None. Motion approved.

RULE 5. Unfinished Business:

Councilman Ditkoff read for the second time: (Ord. #2-16)

"AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14) FOR THE CALENDAR YEAR 2016".

Mayor Minichetti opened the public hearing; there being no comments, hearing was closed.

Resolution by Councilman Ditkoff, seconded by Councilman DiMartino:

"AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A:4-45.14) FOR THE CALENDAR YEAR 2016" was introduced at a Regular meeting of the Mayor and Council on April 7, 2016 and passed its first reading. After public hearing held on May 5, 2016 it passed its second and final reading and was duly adopted by the Council and approved by the Mayor and shall take effect when published according to law.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

RULE 6. New Business:

CONSENT AGENDA: All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Council and shall be so approved. There will be no separate discussion of these items unless a Council member or citizen so requests, in which case the item will be considered in its normal sequence.

A motion to approve Consent Agenda by Councilman Hafner, seconded by Councilwoman Florio was unanimously approved by all Council members present.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

\*Resolution #64-16

RESOLUTION AUTHORIZING THE EXPENDITURE OF \$2000 IN FURTHERANCE  
OF THE PURPOSES OF THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT

WHEREAS, the Borough Council of the Borough of Upper Saddle River ("Borough") entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, the Mayor and Council authorized the expenditure of \$2,000 for the preparation of the expert report; and

WHEREAS, an Amendment to the MSSDA ("Amendment") was authorized by Resolution to substitute Econsult Solutions, Inc. as the expert for the municipalities participating in the MSSDA (the "Consortium"); and

WHEREAS, the Borough recognizes that the Litigation requires further reports to be prepared as well as other legal matters to be addressed by the Consortium; and

WHEREAS, the Borough has determined that it is in the best interests of the citizens of the Borough of Upper Saddle River to approve additional funding to enable the Consortium and its expert to address the multiplicity of issues raised and associated with the Litigation and the continued implementation of the MSSDA.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey as follows:

1. The amount of \$2,000 is hereby authorized to be expended by the Borough of Upper Saddle River in furtherance of the purposes of the MSSDA.
2. This Resolution shall take effect immediately.

\*Resolution #65-16

WHEREAS, the Borough of Upper Saddle River has been requested to enter into a Shared Services Agreement (the "Agreement") with the Township of Mahwah, Apple Ridge USR, LLC and Apple Ridge Mahwah, LLC for the use of sanitary sewers; and

WHEREAS, Apple Ridge USR, LLC and Apple Ridge Mahwah, LLC are the developers of certain property which is located both in the Borough of Upper Saddle River and the Township of Mahwah; and

WHEREAS, after due consideration, the most reasonable solution for the developers is to connect certain properties within the development located

in the Borough of Upper Saddle River to the Mahwah Sanitary Sewerage System; and

WHEREAS, the Borough believes that entering into this Shared Services Agreement is in the best interest of the citizens of the Borough; and

WHEREAS, the Agreement sets forth all the responsibilities of the Borough and the Township of Mahwah, Apple Ridge USR, LLC and Apple Ridge Mahwah, LLC with respect to this project; and

WHEREAS, the Borough Attorney and Borough Engineer have reviewed and approved the form of the Agreement

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Upper Saddle River

1. The Mayor and Clerk are hereby authorized to execute the Shared Services Agreement between the Township of Mahwah and the Borough of Upper Saddle River, Apple Ridge USR, LLC and Apple Ridge Mahwah, LLC for the connection of certain properties within the development located in the Borough of Upper Saddle River to the Mahwah Sanitary Sewerage System.
2. A certified copy of this Resolution shall be provided to the Township of Mahwah, Apple Ridge USR, LLC and Apple Ridge Mahwah, LLC.

BE IT FURTHER RESOLVED that a certified copy of this Resolution, along with the executed Shared Services Agreement shall be kept on file in the Office of the Borough Clerk.

\*Resolution #66-16

WHEREAS, N.J.S.A.40A:4-19 provides that, where any contract, commitments or payments are to be made prior to the final adoption of the 2016 budget, temporary appropriations should be made for the purpose and the amounts required in the manner and time therein provided; and

WHEREAS, the total appropriation in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum of \$10,824,831.15; and

WHEREAS, One quarter of the appropriations in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance in said budget, is the sum \$2,706,207.79.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Upper Saddle River in the County of Bergen and State of New Jersey that the following appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

TEMP

TEMPORARY APPROPRIATIONS 2016

Finance, S&W	\$ 6,300	Legal, S&W	\$ 10,000
Finance, OE	10,000	Legal, OE	40,000
Engineering, OE	10,000	Bldg. Dept, OE	5,000
Group Ins.	50,000	Prosecutor, S&W	400
Recycling Contract	30,000	Bldg.&Grnds,OE	4,000
Cel. Public Events	500	Solid Waste Contract	60,000
Court, OE	2,000	Social Security	20,000

\*BOND ORDINANCE #4-16 by Councilman Hafner, seconded by Councilwoman Florio TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES AND A NEW FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,233,887 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 was introduced at a Mayor and Council meeting on May 5, 2016 and passed its first reading and will be considered for final passage at a meeting of the said Mayor and Council to be held on June 2, 2016 at 8:00 PM at the Borough Hall, Upper Saddle River, NJ, at which time and place all persons interested will be given an opportunity to be heard concerning same.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

A motion by Councilman Durante, seconded by Councilman DeBerardine to approve Fire Department membership of Srinivas Rao and Jr. membership of Erik Seay.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Resolution #55-16 by Councilman DiMartino, seconded by Councilman Durate: MUNICIPAL BUDGET OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, NEW JERSEY FOR THE FISCAL YEAR 2016.

BE IT RESOLVED, that the following statement of revenues and appropriations shall constitute the Municipal Budget of the Borough of Upper Saddle River for the year 2016;

BE IT FURTHER RESOLVED, that said budget will be published in the May 12, 2016 issue of The Record.

The Governing Body of the Borough of Upper Saddle River does hereby approve the Municipal Budget for the year 2016 in the amount of \$12,767,097.00.

Roll Call: Ayes: Council members DeBerardine, DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Mayor Minichetti introduced Judge Joseph S. Conte who summarized his background as a Superior Court Judge and his experience in land use matters. He described his participation in the negotiations with Mack-Cali representatives and how the decision was made which resulted in the Settlement Agreement. Judge Conte pointed out the Federal Court Judge dismissed the suit against the Borough by Mack-Cali determining the Settlement Agreement was fair and reasonable.

Borough Planner Joseph Burgess explained how COAH and the Fair Share Housing Act of 1985 affected all municipalities and since COAH became dysfunctional, the decision to determine the number of affordable housing units for each municipality was charged to the Superior Court. Mr. Burgess pointed out that Fair Share Housing decided Upper Saddle River's obligation would be 510 units, with Econsult's number at 306. He said the Settlement Agreement calls for 186 market value and 22 affordable units, with 25 off-site.

Borough Engineer Kevin Boswell described the property, buffer areas, access points, clubhouse, pool, height of buildings, garages, number of units per acre, recreational areas, walking path, concession stand, and parking areas. He explained the cost to purchase 9 acres and the opportunity to apply for grants during several cycles of funding. Mr. Boswell noted the property is deficient in the allocation for sanitary sewers which the borough will have to pursue. He pointed out the Borough will lose approximately \$600,000 each year in tax revenue until the development is completed and sold which would then produce approximately \$3.2 million dollars per year in revenue.

#### RULE 7. Public Comments:

Thomas Brophy, 8 Albert Drive, inquired as to the possible number of school children and cost per student the development would produce and the tax impact on the town.

Eric Friis, 4 Sparrowbush Road, complained there was no communication with the public during the negotiations and that the Council should have fought harder not to have the project built.

In response to Jannine Yatko, 12 Robin Ridge Road, Judge Conte described his position during the negotiations in order to prevent the litigation from continuing for years. Mr. Burgess explained fair housing to Ms. Yatko and the number of affordable housing units the Courts may impose on the Borough.

Christopher Wesley, 31 Briarcliff Road, inquired about the water supply to the site.

David Aarons, 56 Echo Ridge Road questioned the collection of COAH fees if COAH no longer exists. However, Mr. Burgess explained COAH is still in existence except that the Courts will be making the decisions as to the number of affordable units for each municipality. In response to questions by Mr. Aarons about the financial impact, Mr. Burgess explained

that analysis done over the years and assessments are accurate and that 4.4 units per acre is not high-density development.

Mr. Weinbrecht, 32 Shadow Road, thanked everyone for attending and expressed concern with what is needed when the property is fully developed, such as extra schools, police and sewerage.

Mr. Burgess explained affordable housing income limits and that the schools can accommodate up to 250 additional students to Joseph Stepp, 6 Autumn Court.

Kelly Peters, 22 Rambling Brook, questioned the salability of units that sell for more than \$750,000 and asked that an analysis should be conducted.

In response to Matt O'Connor, 86 Carlough Road, question on the necessity of building affordable housing units, Mr. Burgess explained the Borough has a constitutional obligation to provide affordable housing.

Ms. J. Jean, 48 Timblerlane Road, asked about the possibility of the developer asking to construct more than the Agreement calls for. Mr. Regan said that could not happen due to the fact the Settlement Agreement runs with the land.

Marshall Grupp, 27 Hidden Glen Road, said he thought the Borough could have had a better deal years ago and asked if the parks would be private. Mr. Regan pointed out New Jersey State law allows all parks to be open to all people.

RULE 8. Adjournment:

A motion to adjourn by Councilman DeBerardine, seconded by Councilman Ditzkoff was unanimously approved by all Council members present.  
(Meeting adjourned at 11:00 pm.)

Respectfully submitted,

Rose Vido, RMC  
Borough Clerk