

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, July 7, 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 December 18, 2015 by Fax and mail 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	Absent
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 June 2, 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 Councilwoman Florio.

RULE 3. Borough Clerk's Report:

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

Landscape Permit	\$	35.00
Garage Sales		36.00
Copies		<u>6.65</u>
Total	\$	77.65

The Borough Clerk's office issued 9 licenses for the month of June. \$10.80 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of publication was received for:

1. Resolution #55-16 - Introduce Municipal Budget
2. Adoption of Ord. #2-16 - Exceed CAP
3. Introduction Ord. #4-16 - Capital Improvements
4. Sunshine Notice of 5/5/16 meeting.

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

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

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

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

Borough Official's Report:

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

Other Boards & Commissions:

Municipal Court: Report for the month of May & June were received and filed.

RULE 4. Communications, Petitions & Bills:

Thank you letter from NHRHS for donation to Project Graduation 2016.

Thank you letter from Ambulance Corps for donation from 5K Run.

Letter from Mr. & Mrs. J. Hubbard expressing appreciation for assistance from Fire Dept. and Ambulance Corps members.

BCUA notice of \$1,000 Environmental Awareness Challenge Grant awarded to Cavallini and Bogert schools.

Public hearing notice from Suez Water re System Improvement Charge.

NWBCUA Minutes of May 17, 2017.

Resolutions from New Milford, Closter, Montvale, Bd. of Chosen Freeholders.

Councilman DiMartino presented bills in the amount of \$1,663,432.76:

A motion by Councilman DiMartino, seconded by Councilman Durante to pay bills in the amount of \$1,663,432.76 was unanimously approved by all Council members present. Mayor Minichetti declared bills approved for payment and ordered checks drawn.

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

RULE 5. Unfinished Business: 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 Councilman Ditkoff was unanimously approved by all Council members present.

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

*Resolution #74-16

In Support of the Adoption of S2254/A3821 to Clarify
Municipal Affordable Housing Obligations

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which

transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities (including Upper Saddle River) filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that "present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period." (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct "gap period" obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this "gap period" issue arises out of COAH's inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called "gap" obligation, the households counted in the "gap period" may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of "builder's remedy" lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, hundreds of New Jersey's municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State's failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities;

NOW THEREFORE BE IT RESOLVED on this 7th day of July, 2016, by the Borough of Upper Saddle River, County of Bergen, State of New Jersey, that:

1. The Mayor and Township Council hereby support the adoption of Senate

Bill S2254 and Assembly Bill A3821 to clarify that a municipality's present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called "gap period."

2. The Mayor and Township Council urge the members of the New Jersey Senate, General Assembly and the Governor to swift and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.

3. A certified copy of this resolution be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

*Resolution #75-16

WHEREAS, the property owners, Apple Ridge USR, LLC, must apply to the State of New Jersey Department of Environmental Protection for a Sanitary Sewer Extension Permit (TWA-1); and

WHEREAS, the Borough Engineer has reviewed the plans and has determined that the project is in conformance with the requirements of all Borough ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that the Borough Administrator is hereby authorized and directed to execute the Statement of Consent Form (WQM-003) on behalf of the Governing Body for the construction of an offsite sanitary sewer main from the property known as Pleasant Brook Estates, Carlough Road, Block 401, Lots 2 and 4 to the Janice Court pump station located in the Township of Mahwah.

*Resolution #76-16

RESOLUTION HONORING THE BERGEN VOLUNTEER CENTER ON ITS 50TH ANNIVERSARY

WHEREAS, the Bergen Volunteer Center was founded in 1966 to meet community needs through the power of volunteers. Its direct service programs organize volunteers to provide invaluable support to some of Bergen County's most vulnerable citizens. The Mentoring Youth program has recruited, trained and supervised volunteer mentors for children who have been abused or neglected; since 1978 Mentoring Youth has provided a trusted mentor to more than 3,700 children. The Mentoring Moms program recruits, trains and supervises mentors for mothers whose children are at-risk for abuse or neglect; since 1995 more than 500 mothers have been matched with a mentor. The Chore Service provides home safety repairs for senior citizens and the disabled free of charge through the volunteer efforts of senior citizens. The Business Volunteer Council organizes corporations to help eliminate hunger and illiteracy; and

WHEREAS, the Bergen Volunteer Center ensures that Bergen County has a pipeline of committed, civic leaders through its training programs: Bergen LEADS for adults and Teen LEADS and Ready-Set-Serve for young people. They also strengthen the nonprofit community by maintaining a database of volunteer opportunities, providing volunteer managers' training and the Expert Exchange workshops and webinars; and

WHEREAS, the Borough of Upper Saddle River have benefitted from the efforts of the Bergen Volunteer Center since 2010 by receiving Chore Services and participating in Bergen LEADS; and

WHEREAS, residents of Upper Saddle River have supported the Bergen Volunteer Center since 2010 by serving as Youth and Moms Mentors and supporting the Bergen Volunteer Center with their philanthropy; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Upper Saddle River, County of Bergen, hereby honors the Bergen Volunteer Center for its 50 years of turning caring into action and knowing that the Bergen Volunteer Center is not getting old, it is just getting started.

*Resolution #77-16

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 an additional \$2,000 for the preparation of further reports and legal matters to be addressed by the Consortium; 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.

A motion by Councilman Durante, seconded by Councilman Ditkoff to approve Fire Department membership of William Flood.

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

Councilman DiMartino read for the first time: (Ord. #5-16)

"AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED AN ORDINANCE RELATING TO THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, STATE OF NEW JERSEY, adopted July 9, 2015".

Resolution by Councilman DiMartino, seconded by Councilman Durante:

"AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED AN ORDINANCE RELATING TO THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, STATE OF NEW JERSEY, adopted July 9, 2015" was introduced at a Mayor and Council meeting on July 7, 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 August 4, 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 DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Councilman Durante read for the first time: (Ord. #6-16)

"AN ORDINANCE TO AMEND CHAPTER 76 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED LICENSES".

Resolution by Councilman Durante, seconded by Councilman Ditkoff:

"AN ORDINANCE TO AMEND CHAPTER 76 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED LICENSES" was introduced at a Mayor and Council meeting on July 7, 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 August 4, 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 DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

Councilman Durante read for the first time: (Ord. #7-16)

"AN ORDINANCE TO AMEND AND SUPPLEMENT THE ZONING ORDINANCE AND ZONING MAP OF THE BOROUGH OF UPPER SADDLE RIVER, NEW JERSEY".

Resolution by Councilman Durante, seconded by Councilman DiMartino:

"AN ORDINANCE TO AMEND AND SUPPLEMENT THE ZONING ORDINANCE AND ZONING MAP OF THE BOROUGH OF UPPER SADDLE RIVER, NEW JERSEY" was introduced at a Mayor and Council meeting on July 7, 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 August 4, 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 DiMartino, Ditkoff, Durante, Florio, Hafner. Nays: None.

RULE 7. Public Comments: None.

RULE 8. Adjournment:

A motion to adjourn by Councilman Durante, seconded by Councilman Ditkoff was unanimously approved by all Council members present. (Meeting adjourned at 8:25 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk