

Minutes of the Regular Meeting of the Mayor and Council held on Thursday, June 7, 2018 at 8:00 p.m. at the Upper Saddle River Borough Hall.

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

Mr. Sean Bookstaver distributed USR RUN donations to the following organizations: USR Fire Dept., USR Ambulance Corps, USR Boy Scouts, USR Girl Scouts, The Epic School, DARE, Jeremy's Heroes, Shelter our Sisters, and the Rose Foundation. A \$1,500 scholarship was awarded to Shane Ciongoli and a \$1,000 scholarship was awarded to Jacob Brand.

Mayor Minichetti presented Proclamations to Eric and Leah Halpern in recognition of their many years of volunteerism to the community.

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 19, 2017 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	Present
Councilman	Steven DiMartino	Absent
Councilman	Jonathan Ditkoff	Present
Councilman	Vincent M. Durante	Absent
Councilwoman	Joanne Florio	Present
Councilman	Thomas Hafner	Present

RULE 2. Minutes of May 3, 2018 were delivered to all members of the governing body and posted on the bulletin board and were unanimously approved following a motion by Councilman Ditkoff, seconded by Councilman DeBerardine.

RULE 3. Borough Clerk's Report:

The Borough Clerk's office received the following fees for the month of May, 2018 and deposited them with the Collector/Treasurer:

Landscaper Permit	\$1159.00
Copies	35.90
Liquor License	432.00
Garage Sales	24.00
Total	<u>\$1650.90</u>

The Borough Clerk's office issued 7 licenses for the month of May. \$8.40 was forwarded to the NJ Department of Health for the Pilot Clinic and Animal Control Fund.

Proof of Publications were received for:

- (1) Adoption of Ord. #4-18 - Subdivision/Site Plan
- (2) Adoption of Ord. #5-18 - Leasing of property
- (3) Introduction of Ord. #6-18 - Zoning
- (4) Introduction of Ord. #7-18 - Property Maintenance
- (5) Introduction of Ord. #8-18 - Vacate easement

Police: Report for the month May was received and filed.

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

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

Library: Report for the month of May and Minutes of 4/18/18 Minutes were received and filed.

Youth Guidance Council: Minutes of 5/4/18 were received and filed.

Borough Official's Report:

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

Municipal Court: Report for the months of April and May were received and filed.

RULE 4. Communications, Petitions & Bills:

Adoption notice of Ramsey Master Plan.

NWBCUA Minutes of April 17, 2018

Woodcliff Lake Planning Bd. public hearing notice re Master Plan.

Resolutions from Rochelle Park, Closter, Hackensack, Wyckoff, Montvale.

Councilman DeBerardine presented bills in the amount of \$4,247,393.38.

A motion by Councilman DeBerardine, seconded by Councilman Hafner to pay bills in the amount of \$4,247,393.38 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, Ditkoff, Florio, Hafner.
Nays: None.

RULE 5. Unfinished Business:

Councilwoman Florio read for the second time: (Ord. #6-18)

"AN ORDINANCE TO AMEND CHAPTER 150 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED ZONING".

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

Resolution by Councilwoman Florio, seconded by Councilman DeBerardine.

AN ORDINANCE TO AMEND CHAPTER 102 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED "ZONING" was introduced at a Regular meeting of the Mayor and "An Ordinance to amend Chapter 150 of the Code of the Borough of Upper Saddle River entitled Zoning" was introduced at a Regular meeting of the Mayor and Council on May 3, 2018 and passed its first reading. After public hearing held on June 7, 2018, 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, Ditkoff, Florio, Hafner.
Nays: None.

Councilman Ditkoff read for the second time: (Ord. #7-18)

"AN ORDINANCE TO AMEND CHAPTER 102 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED "PROPERTY MAINTENANCE".

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

Resolution by Councilman Ditkoff, seconded by Councilman Hafner:

"AN ORDINANCE TO AMEND CHAPTER 102 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED "PROPERTY MAINTENANCE" was introduced at a Regular meeting of the Mayor and Council on May 3, 2018 and passed its first reading. After public hearing held on June 7, 2018, 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, Ditkoff, Florio, Hafner.
Nays: None.

Councilman Hafner read for the second time: (Ord. #8-18)

"AN ORDINANCE TO VACATE AND EXTINGUISH THE BOROUGH'S RIGHTS IN AN EASEMENT FOR PEDESTRIAN TRAFFIC RELATING TO PREMISES KNOWN AND DESIGNATED AS BLOCK 302, LOT 16 AS DEPICTED ON THE BOROUGH TAX MAP".

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

Resolution by Councilman Hafner, seconded by Councilman Ditkoff:

"AN ORDINANCE TO VACATE AND EXTINGUISH THE BOROUGH'S RIGHTS IN AN EASEMENT FOR PEDESTRIAN TRAFFIC RELATING TO PREMISES KNOWN AND DESIGNATED AS BLOCK 302, LOT 16 AS DEPICTED ON THE BOROUGH TAX MAP" was introduced at a Regular meeting of the Mayor and Council on May 3, 2018 and passed its first reading. After public hearing held on June 7, 2018, 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, Ditkoff, 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 Councilman Ditkoff was unanimously approved by all Council members present.

*Resolution #72-18

RESOLUTION AUTHORIZING THE MUNICIPALITY of UPPER SADDLE RIVER, NEW JERSEY, TO EXECUTE AN AGREEMENT WITH THE COUNTY OF BERGEN TO SUPERCEDE THE COOPERATIVE AGREEMENT DATED JULY 1, 2000 AND AMENDMENTS THERETO ESTABLISHING THE COMMUNITY DEVELOPMENT PROGRAM.

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and Emergency Solutions Grant Act of 2012, and

WHEREAS, it is necessary to supersede an existing interlocal services cooperative agreement for the County and its people to benefit from this program; and

WHEREAS, an agreement has been proposed under which the Municipality of Upper Saddle River and the County of Bergen in cooperation with other municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. 40:8A-1 et.seq.; and

WHEREAS, it is in the best interest of the Municipality of Upper Saddle River to enter into such an agreement,

NOW, THEREFORE, BE IT RESOLVED, by the Municipality of Upper Saddle River, that the agreement entitled "Three Year Cooperative Agreement": An Agreement Superseding the Cooperative Agreement dated July 1, 2000 - June 30, 2003, to clarify the planning and implementation procedures, and to enable the Municipality to make a Three Year irrevocable commitment to participate in the Community Development Program, the HOME Investment Partnership Act Program and the Emergency Solutions Grant program for the Program Years: 2018, 2019, 2020 (July 1, 2018-June 30, 2021) to be

executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately in accordance with law.

*Resolution #73-18

A Resolution to Affirm the Borough of Upper Saddle River's Civil Rights Policy with Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that come into contact with Municipal Employees, Officials and Volunteers.

WHEREAS, it is the policy of the Borough of Upper Saddle River to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Upper Saddle River has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council that:

Section 1: No official, employee, appointee or volunteer of the Borough of Upper Saddle River by whatever title known, or any entity that is in any way a part of the Borough of Upper Saddle River shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Upper Saddle River's business or using the facilities or property of the Borough of Upper Saddle River;

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Upper Saddle River to provide services that otherwise could be performed by the Borough of Upper Saddle River.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Mayor and Council shall establish written procedures for any person to report alleged discrimination, harassment and

violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Mayor and Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Upper Saddle River as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Mayor and Council shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Mayor and Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Upper Saddle River. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Upper Saddle River in order for the public to be made aware of this policy and the Borough of Upper Saddle River's commitment to the implementation and enforcement of this policy.

*Resolution #74-18

WHEREAS, the Mayor and Council advertised that sealed bids would be received by the Borough of Upper Saddle River for Solid Waste Collection Service; and

WHEREAS, in response to said advertisement for proposals, a bid was received on April 12, 2018 at 10:00 a.m. from Interstate Waste Services of New Jersey, Inc., 300 Frank W. Burr Blvd., Suite 39, Teaneck, NJ; and

WHEREAS, the bid submitted by Interstate Waste Services of New Jersey, Inc. satisfies the criteria under the Specifications so as to be deemed the lowest qualified bidder; and

WHEREAS, the Chief Financial Officer has certified that funds are available for payment of such services.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Upper Saddle River that it does hereby award a contract to Interstate Waste Services of New Jersey, Inc, 300 Frank W. Burr Blvd., Teaneck, NJ for the 2 year period commencing July 1, 2018, and ending June 30, 2020 in the sum of \$1,065,220; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be authorized to execute a contract in connection with this matter after same has been prepared.

*Resolution #75-18

WHEREAS, the Mayor and Council advertised that sealed bids would be received by the Borough of Upper Saddle River for the Collection and Disposal of Recyclable Materials; and

WHEREAS, in response to said advertisement for proposals, a bid was received on April 12, 2018 at 10:00 a.m. from Interstate Waste Services of New Jersey, Inc., 300 Frank W. Burr Blvd., Suite 39, Teaneck, NJ; and

WHEREAS, the bid submitted by Interstate Waste Services of New Jersey, Inc. satisfies the criteria under the Specifications so as to be deemed the lowest qualified bidder; and

WHEREAS, the Chief Financial Officer has certified that funds are available for payment of such services.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby award a Contract for the Collection and Removal of Recyclable Materials to Interstate Waste Services of New Jersey, Inc. for the 2 year period commencing July 1, 2018 and ending June 30, 2020; in the sum of \$538,196; and

BE IT FURTHER RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute a Contract for the aforesaid purposes.

*Resolution #76-18

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY, DESIGNATING A \$726,750 BOND ANTICIPATION NOTE, DATED MAY 18, 2018, PAYABLE FEBRUARY 15, 2019, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Upper Saddle River, in the County of Bergen, New Jersey (the "Borough") desires to designate a \$726,750 Bond Anticipation Note, dated May 18, 2018, payable February 15, 2019 (the "Note"), as a

"qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

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

SECTION 1. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2018.

SECTION 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2018:

<u>AMOUNT</u>	<u>DATED - DUE</u>
	\$7,823,849 BAN
	2/16/18 - 2/15/19
	435,000 BAN
	2/16/18 - 5/1/18
	260,000 Bonds
	5/1/18 - 2/15/19-21

SECTION 4. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2018 dated as of the date of delivery of the Note.

SECTION 6. This resolution shall take effect immediately upon its adoption.

*Resolution #77-18

WHEREAS, tax title liens were outstanding from the year 2016 to to 2018 on the following properties:

Block	Lot	Amount
705	26	\$ 170.01
801	2	225.69
919	8	62.51
1016	6	2,704.90
1202	14	4,665.25
1202	15	40.86
1203	18	85.05

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, that the tax collector is hereby authorized to cancel the total amount of \$7,954.27 from the tax records.

*Resolution #78-18

WHEREAS, the following Upper Saddle River checks have been outstanding for more than six months:

Check #	Amount
16120	\$ 117.50
16261	38.13
17380	190.00
17562	445.49
18840	.38
19190	1,200.00
19552	127.96
19956	84.50
20111	320.16
20545	155.00
20968	5,109.26
21172	400.00
21279	1,803.61

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, that the Chief Financial Officer is hereby authorized to cancel the total amount of \$9,991.99 from the tax records.

*Resolution #79-18

WHEREAS, the following property is not needed by the Upper Saddle River Police Department; and

WHEREAS, the Mayor and Council are desirous of selling said the property in an "as is" condition without express or implied warranties;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Upper Saddle River, County of Bergen as follows:

1. The sale of the property shall be conducted by GovDeals pursuant to New Jersey State Contract A-709667/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and the State of New Jersey.
2. The sale will be conducted online and the address of the auction site is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.

4. The property to be sold is noted below.

5. The property as identified shall be sold in "as is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

6. The Borough of Upper Saddle River reserves the right to accept or reject any bid submitted.

2003 Volkswagen Passat Vin. #WVWTH63B53P053049

*Resolution #80-18

WHEREAS, N.J.S.A.40A:5-29 permits a local unit to accept bequests and gifts made to it; and

WHEREAS, Michael and Jill Weinstein and RBC Wealth Management has offered to donate funds for the purchase of a new defibrillator; and

WHEREAS, this item will be utilized by the Upper Saddle River Police Department;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Upper Saddle River hereby gratefully accepts this generous gift; and

BE IT FURTHER RESOLVED, that a letter expressing our gratitude be sent to Michael and Jill Weinstein and to RBC Wealth Management.

*Resolution #81-18

WHEREAS, application for renewal of an alcoholic beverage license has been filed with the New Jersey Division of Alcoholic Beverage Control Commission by Wine For You, Inc., 380 Route 17 North, Upper Saddle River, N.J. 07458 and proper fees have been filed with State and local authorities;

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage license be renewed effective July 1, 2018 to June 30, 2019:

License #0263-44-002-003

A Plenary Retail Distribution License is hereby issued to Wine For You, Inc., 380 Route 17 North, Upper Saddle River, N.J. 07458.

*Resolution #82-18

WHEREAS, on or about December 29, 1994 the Borough of Upper Saddle River adopted Ordinance No. 19-94 entitled, "An Ordinance Authorizing The Execution Of An Amendment To A Certain Sewer Connection Agreement Between

The Borough Of Upper Saddle River And The Borough of Montvale Providing For And Relating To The Collection, Receiving, And Disposal Of Certain Sewage Originating Within The Borough Of Upper Saddle River" ("the Ordinance"); and

WHEREAS, said Ordinance authorizes an amendment to a 1985 Sewer Connection Agreement between the Boroughs of Upper Saddle River, Montvale and Woodcliff Lake; and

WHEREAS, the Ordinance authorizes the connection of certain properties, in addition to those listed on Schedule A of the 1985 Sewer Connection Agreement located in Block 922 as depicted on the Upper Saddle River tax map, and permits any property owner in Block 922 to connect to the Montvale sewer system, subject to the approval of the Borough of Montvale and the payment of all connection charges and fees required by the Borough of Montvale; and

WHEREAS, a request has been made by the owner of Lot 21 in Block 922, being more commonly known as 76 Huff Terrace ("the property"), to connect to the Montvale sewer system.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby authorize and approve the property to be connected to the Montvale sewer system, subject to the approval by the Borough of Montvale of such sewer connection, and the property owner being responsible for all connection charges and fees required for such service by the Borough of Montvale.

*Resolution #83-18

WHEREAS, the following property is not needed by the Upper Saddle River Department of Public Works; and

WHEREAS, the Mayor and Council are desirous of selling said the property in an "as is" condition without express or implied warranties;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Upper Saddle River, County of Bergen as follows:

1. The sale of the property shall be conducted by GovDeals pursuant to New Jersey State Contract A-709667/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and the State of New Jersey.
2. The sale will be conducted online and the address of the auction site is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.

4. The property to be sold is noted below.

5. The property as identified shall be sold in "as is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

6. The Borough of Upper Saddle River reserves the right to accept or reject any bid submitted.

2003 Ford F450 Vin.#1FDXF47563EC73961

*Resolution #84-18

RESOLUTION OPPOSING THE LEGALIZATION OF RECREATIONAL CANNABIS USE
IN THE STATE OF NEW JERSEY

WHEREAS, the Governor of New Jersey Philip D. Murphy is pursuing legislation presently pending before the New Jersey Legislature to legalize recreational cannabis (known as "Marijuana"); and

WHEREAS, the United States of America has outlawed recreational cannabis pursuant to the Controlled Substances Act, 21 U.S.C. Section 811; and

WHEREAS, there are issues with the short term effects with the use of cannabis and how said effects negatively affect a user's ability to operate a motor vehicle and general ability to react to hazardous situations; and

WHEREAS, there are no objective standards for operating under the influence of drugs like cannabis that would enforce existing traffic laws and ensure public safety; and

WHEREAS, in the midst of a serious opioid epidemic in the State of New Jersey, the Upper Saddle River Governing Body believes that legalized recreational cannabis may compound this epidemic and hinder law enforcement;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey is hereby opposed to the legalization of cannabis for recreational use; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Governor of the State of New Jersey, members of the Senate and General Assembly and to the Upper Saddle River and Allendale Board of Education requesting support opposing recreational use of cannabis in the State of New Jersey.

*Resolution #85-18

WHEREAS, there exists on property known as Block 1109, Lot 14, being more commonly known as 33 Hillcrest Drive (the property") a twenty (20) foot wide drainage easement in favor of the Borough of Upper Saddle River; and

WHEREAS, the property owners have applied for a permit to install new fencing along the rear property line, a portion of which will intrude into the area of the easement; and

WHEREAS, as a result of the proposed intrusion of the fence into the easement area, approval of the Mayor and Council is required.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that permission is hereby granted to the placement of a fence within the easement area in accordance with plans filed with the Zoning Officer, subject to the following conditions:

1. Execution of a "Hold Harmless Agreement" by the property owners, which shall provide that the Borough may remove all or a part of the fencing installed if required to access the easement or adjoining brook, with the Borough incurring no liability in connection with any such removal.

2. The location, size and dimensions of the fence shall be in accordance with the plans which accompanied the application for a permit.

3. Issuance of all required approvals by the New Jersey Department of Environmental Protection ("DEP") due to the proximity of the proposed fence to the brook which adjoins the rear of the property.

4. Compliance with all requirements of the Borough Engineer, Zoning Officer and Construction Official.

5. Payment of all required fees, including reimbursement of Borough professionals for services in this matter and costs incurred for recording the "Hold Harmless Agreement".

*Resolution #86-18

WHEREAS, the Borough of Upper Saddle River ("the Borough") is the owner of certain premises known as Block 1002, Lot 4.02 as depicted on the Borough tax map ("the property" or "the premises") which encompasses a land area of approximately 7.8 acres; and

WHEREAS, the Borough is desirous to have the property developed with a total of seventy (70) affordable housing units which will be available to low and moderate income senior citizens and special needs individuals; and

WHEREAS, the Borough entered into a Ground Lease Option Agreement dated _____, 2015 with the Housing Development Corporation of Bergen County (the

"HDC"), a not-for-profit corporation and an affiliated entity of the Bergen County Housing Authority pursuant to which the HDC was granted the option to execute a ground lease for the property for an initial term of 75 years provided certain conditions were met;

WHEREAS, the HDC applied for certain land use approvals from the Borough's Land Use Board and such approvals were granted in a resolution dated 3/22/18; and

WHEREAS, the HDC must transfer such approvals and the rights granted it under the Ground Lease Option Agreement to an affiliated single purpose entity USR HDC SUPPORTIVE HOUSING URBAN RENEWAL, LP (the "Special Purpose Entity"), a New Jersey limited partnership, in order to apply for certain funding available to construct the project;

WHEREAS, the parties have agreed to extend the dates contained in the Original Ground Lease Option Agreement and to transfer such rights to the Special Purpose Entity; and

WHEREAS, the Governing Body has determined that execution of this Ground Lease Option Agreement will advance the purpose of constructing affordable housing units on the property in furtherance of the Borough's Affordable Housing Plan.

NOW THEREFORE BE IT RESOLVED that Mayor Joanne L, Minichetti and Borough Clerk Rose Vido be and are hereby authorized to execute the Ground Lease Option Agreement on behalf of the Borough.

*Resolution #87-18

WHEREAS, the Borough of Upper Saddle River has previously entered into a contract with American Asphalt & milling Services, 96 Midland Avenue, Kearny, NJ 07032 in connection with the Improvements to Carlough Road, Section 5; and

WHEREAS, Change Order #1 in the amount of \$8,695.77 has been submitted which indicate an increase in the As-Built Quantities; and

WHEREAS, Change Order #1 has been filed with the Governing Body detailing the aforementioned facts and indicating that the proposed Change Order may be permitted pursuant to applicable rules.

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

1. The Governing Body does hereby determine that this Change Order is necessary and that it is in compliance with the provisions set forth in N.J.A.C. 5:34-4.4.

2. The foregoing Change Order constitutes a modification to effect economics and will increase the contract by \$8,695.77 in accordance with the provisions of N.J.A.C. 5:34-4.7.

BE IT FURTHER RESOLVED that the aforementioned Change Order #1 be and is hereby approved for the work described in the Change Order, increasing the contract price with American Asphalt & Milling Services by \$8,695.77.

*Resolution #89-18

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments and Recommendations

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments and Recommendations

as evidenced by the Group Affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 54:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office".

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Upper Saddle River, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

*Approve Fire Dept. membership of Sara Nasta.

Councilman DeBerardine read for the first time: (Ord. #9-18)

"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 August 3, 2017".

Resolution by Councilman DeBerardine, seconded by Councilwoman Florio:

"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 August 3, 2017" was introduced at a Mayor and Council meeting on June 7, 2018 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 July 5, 2018 at 8:00 PM at the Borough Hall, 376 W. Saddle River Road, 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, Ditkoff, Florio, Hafner.
Nays: None.

Councilman DeBerardine read for the first time: (Ord. #10-18)

"AN ORDINANCE AUTHORIZING A CERTAIN LONG TERM EXEMPTION AGREEMENT BETWEEN THE BOROUGH OF UPPER SADDLE RIVER AND USR HDC SUPPORTIVE HOUSING URBAN RENEWAL, LP PURSUANT TO N.J.S.A. 40A:21-1 ET SEQ."

Resolution by Councilman DeBerardine, seconded by Councilman Ditkoff:

"AN ORDINANCE AUTHORIZING A CERTAIN LONG TERM EXEMPTION AGREEMENT BETWEEN THE BOROUGH OF UPPER SADDLE RIVER AND USR HDC SUPPORTIVE HOUSING URBAN RENEWAL, LP PURSUANT TO N.J.S.A. 40A:21-1 ET SEQ." was introduced at a Mayor and Council meeting on June 7, 2018 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 July 5, 2018 at 8:00 PM at the Borough Hall, 376 W. Saddle River Road, 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, Ditkoff, Florio, Hafner.
Nays: None.

RULE 7. Public Comments: None.

RULE 8. Adjournment:

A motion to adjourn by Councilman Ditkoff, seconded by Councilwoman Florio was unanimously approved by all Council members present. (Meeting adjourned at 8:40 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk