

**JOINING THE MEETING VIA ZOOM**

**By Computer:**

Link: <https://zoom.us/j/842319706>  
Meeting ID: 842-319-706

**By Phone:**

1-669-900-6833  
1-877-853-5247

Then dial meeting ID (842-319-706) followed by #, then #, #9 to raise hand.

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*Meeting held via teleconference  
due to Covid19*

**AGENDA OF THE REGULAR MEETING  
OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF UPPER SADDLE RIVER  
JUNE 4, 2020 8:00 p.m.**

**Moment of Silence – Pledge of Allegiance**

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, 2019 by email which the time, place and purpose of the meeting was set forth.

- ❖ **Recognition of National Emergency Medical Services (EMS) Week: May 17-23, 2020**
- ❖ **Proclamation Honoring Upper Saddle River 2020 Graduates**
- ❖ **Proclamation in Recognition of LGBTQ Month – June 2020**

**Rule 1. Roll Call:**

Mayor Minichetti  
Ms. DeFuccio  
Mr. DiMartino  
Mr. Ditkoff  
Mr. Durante  
Ms. Florio  
Mr. Rotella

**Rule 2. Approval of Minutes**

- May 7, 2020
- May 7, 2020
- May 7, 2020

**Roll Call:**

Regular Meeting  
Executive Meeting  
Closed Session

**Rule 3. Borough Clerk’s Report:**

Police  
Fire  
Library  
Recreation Commission  
Environmental Committee  
Youth Guidance Council

Department of Public Works  
Ambulance Corps  
Planning Board  
Historic Preservation Commission  
Shade Tree Commission

**Borough Official's Report:**

**Other Boards & Commissions**

Borough Attorney  
Borough Engineer  
Construction Code Official

Municipal Court

**Rule 4. Communications, Petitions and Bills:**

Motion to Pay Bills:

**Roll Call:**

**Rule 5. Unfinished Business**

**Rule 6. New Business**

**Public Hearing on One Lake Street Park**

**OPEN TO THE PUBLIC:**

**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.

Motion to Approve Consent Agenda Items:

**Roll Call:**

- \*1. **Resolution #68-20** Authorizing Tax Collector to Prepare and Mail Estimated Tax Bills
- \*2. **Resolution #69-20** Renewal of Lease – Bergen Highlands United Methodist Church
- \*3. **Resolution #70-20** Purchase of two Police vehicles through Cranford PD Cooperative Pricing System
- \*4. **Resolution #71-20** Authorization to Consent to the Submission of TWA-1 Application to the DEP

**\*Introduction of Ordinance #02-20:**

**AN ORDINANCE TO PROHIBIT SHORT TERM RENTALS IN THE BOROUGH AND TO ESTABLISH PENALTIES FOR THE VIOLATION THEREOF.**

**Roll Call :**

**\*Introduction of Ordinance #03-20:**

**BOND ORDINANCE 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, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, 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 \$1,269,000 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.**

**Roll Call:**

**\*Introduction of Ordinance #04-20**

**AN ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 150 OF THE BOROUGH CODE TO PROVIDE STANDARDS AND PROCEDURES FOR THE APPROVAL OF SPORTS COURTS**

**Roll Call:**

**Rule 7. Public Comment**

**Rule 8. Adjournment**

Motion to Adjourn

**Roll Call:**

*Agenda subject to change*

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #68-20  
June 4, 2020**

**Authorization for the Borough of Upper Saddle River Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994 C.72**

WHEREAS, the Borough of Upper Saddle River has adopted its calendar year 2020 budget, and the Bergen County Board of Taxation is unable to certify the Borough's tax rate at this time, and the Borough of Upper Saddle River Tax Collector may be unable to mail the Borough's 2020 3rd and 4th quarter tax bills on a timely basis; and

WHEREAS, the Borough of Upper Saddle River in consultation with the Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Mayor and Council of the Borough of Upper Saddle River requests the Director of the Division of Local Government Services to approve the estimated tax levy not exceeding the 105% listed below. Approval will enable the Borough to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest on borrowing,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, State of New Jersey on this 4th day of June, 2020, as follows:

1. The Borough of Upper Saddle River Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2020 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by P.L. 1993, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2020 is hereby set at \$54,687,160.
3. In accordance with law, the third installment of 2020 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Moved Second Ayes Nays Absent Abstain

Council Member DeFuccio  
Council Member DiMartino  
Council Member Ditkoff  
Council Member Durante  
Council Member Florio  
Council Member Rotella

I hereby certify that the above resolution was adopted by the Mayor and Council on June 4, 2020.

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Joy C. Convertini, R.M.C., Borough Clerk

BOROUGH OF UPPER SADDLE RIVER  
County of Bergen, New Jersey

Calculation of Proposed 2020 Estimated Tax Levies and Rates

ACTUAL TAX LEVIES AND RATES - 2019

Net Valuations Taxable     \$ 2,252,656,500.00

Purpose	Levy	Rate
County	\$ 6,406,703.86	0.285
County Open Space	274,734.65	0.011
District School	23,331,308.00	1.036
Regional School	14,093,170.00	0.626
Library	912,444.00	0.041
Municipal	8,532,183.00	0.379
	<u>\$ 53,550,543.51</u>	<u>2.378</u>

ESTIMATED RANGES - 2020

Purpose	95.00%	105.00%
County	\$ 6,086,368.67	\$ 6,727,039.05
County Open Space	260,997.92	288,471.38
Local School	22,164,742.60	24,497,873.40
Regional School	13,388,511.50	14,797,828.50
Library	866,821.80	958,066.20
Municipal	8,105,573.85	8,958,792.15
	<u>\$ 50,873,016.33</u>	<u>\$ 56,228,070.69</u>

ESTIMATED TAX LEVIES AND RATES - 2020

Net Valuations Taxable     \$ 2,245,567,200.00

Purpose	Levy	Rate
County	\$ 6,534,838	0.291
County Open Space	280,229	0.012
District School	23,633,925	1.052
Regional School	14,369,441	0.640
Library	909,936	0.041
Municipal	8,958,791	0.399
	<u>\$ 54,687,160</u>	<u>2.435</u>

Estimated Budget	Within 95%-105% Range
Adopted Budget	Within 95%-105% Range
Adopted Budget	Within 95%-105% Range

Levy Percentage Increase                     2.12%

Certified by:

\_\_\_\_\_  
James A. Mangin, Tax Collector

\_\_\_\_\_  
James A. Mangin, Chief Financial Officer

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #69-20  
June 4, 2020**

**Renewal of Lease Agreement with Bergen Highlands  
United Methodist Church**

**WHEREAS**, the Borough of Upper Saddle River and Bergen Highlands United Methodist Church entered into a Lease Agreement whereby the Borough agreed to lease premises at 305 West Saddle River Road, together with additional parking at 314 West Saddle River Road; and

**WHEREAS**, the Lease Agreement provides for renewal by the parties of the terms and conditions of the Lease.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council hereby approve the extension of the aforesaid Lease through June 30, 2021 under the same terms and conditions as applicable for the period from June 30, 2019 to June 30, 2020; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk be and are hereby authorized to execute any documents to effectuate the Lease extension.

Moved Second    Ayes    Nays    Absent Abstain

Council Member DeFuccio  
Council Member DiMartino  
Council Member Ditkoff  
Council Member Durante  
Council Member Florio  
Council Member Rotella

I hereby certify that the above resolution was adopted by the Mayor and Council on June 4, 2020.

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Joy C. Convertini, R.M.C., Borough Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #70-20  
June 4, 2020**

**Purchase of Police Vehicles through the Cranford Police Department  
Cooperative Pricing System**

**WHEREAS**, on October 3, 2019 the governing body of the Borough of Upper Saddle River, County of Bergen, State of New Jersey duly agreed to participate in the Cranford Police Cooperative Pricing System (ID # 47-CPCPS), for the provision and performance of goods and services; and

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40A: 11-11(5), the bidding process is not required; and

**WHEREAS**, the Upper Saddle River Police Department will be purchasing two (2) 2020 AWD Dodge Durango Pursuit Vehicles, as awarded to Beyer of Morristown under the 2019-2020 Cranford Police Cooperative Pricing System, cost per vehicle: \$33,199

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Saddle River hereby authorizes the purchase of the above-mentioned vehicles under Item #4 of the Cranford Police Cooperative Pricing System.

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Saddle River hereby authorize Borough Administrator Preusch and Police Chief Rotella to execute this transaction.

Moved Second    Ayes    Nays    Absent    Abstain

Council Member DeFuccio  
Council Member DiMartino  
Council Member Ditkoff  
Council Member Durante  
Council Member Florio  
Council Member Rotella

I hereby certify that the above resolution was adopted by the Mayor and Council on June 4, 2020.

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Joy C. Convertini, R.M.C., Borough Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #71-20  
June 4, 2020**

**Authorization of Consent To The Submission  
Of TWA-1 Application to the Department  
Of Environmental Protection**

**WHEREAS**, the Housing Development Corporation of Bergen County has received site plan and other land use approvals for the construction of 70 affordable housing units which will be available to low and moderate income senior citizens and special needs individuals, which approvals relate to certain premises known as Block 1002, Lot 4.02 as depicted on the Borough tax map; and

**WHEREAS**, there has been submitted to the Borough Statements of Consent pertaining to the submission of a TWA-1 permit application to the New Jersey Department of Environmental Protection ("DEP"); and

**WHEREAS**, the Statements of Consent require approval by the Governing Body.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council hereby consents to the submission of the TWA-1 application to the DEP for approval; and

**BE IT FURTHER RESOLVED** that Mayor Joanne L. Minichetti, or her designee, be and is hereby authorized to execute the consent by the Mayor and Council pertaining to the submission of the aforesaid application.

**Moved Second      Ayes      Nays      Absent      Abstain**

**Council Member DeFuccio  
Council Member DiMartino  
Council Member Ditkoff  
Council Member Durante  
Council Member Florio  
Council Member Rotella**

I hereby certify that the above resolution was adopted by the Mayor and Council on June 4, 2020.

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Joy C. Convertini, R.M.C., Borough Clerk

**BOROUGH OF UPPER SADDLE RIVER**

**ORDINANCE #02-20**

**AN ORDINANCE TO PROHIBIT SHORT TERM RENTALS IN THE BOROUGH AND TO ESTABLISH PENALTIES FOR THE VIOLATION THEREOF.**

**WHEREAS**, the New Jersey Legislature has, pursuant to *N.J.S.A. 40:52-1(d)* and *(n)*, authorized municipalities to regulate “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof,’ as well as the “rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere”; and

**WHEREAS**, in recent years, there has been a marked increase in the advertisement of short-term rental of dwelling units for periods from one (1) to one hundred seventy-five (175) days (“Short Term Rentals”) within the Borough and neighboring municipalities; and

**WHEREAS**, the Borough has determined that Short Term Rentals frequently result in a deterioration of the neighborhood character, public nuisance, noise complaints, overcrowding and illegal parking within the residential neighborhoods in the Borough, and the effective conversion of residential Dwelling Units into de-facto hotels, motels, or similar facilities, in

violation of the Borough Code, Zoning Ordinances, and other State laws, rules and regulations; and

**WHEREAS**, the Borough therefore wishes to prohibit short-term rentals in order to: (1) ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents; (2) eliminate property uses that may negatively affect property value; (3) minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department; and (4) prohibit the unlawful creation of commercial enterprises in both single-family and multi-family Dwelling Units in violation of Borough Zoning Ordinances and public nuisance ordinances.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, and State of New Jersey as follows:

**Section 1. Findings and Purpose.**

The Borough of Upper Saddle River does hereby find as follows:

A. The New Jersey Legislature has, pursuant to *N.J.S.A. 40:52-1(d)* and *(n)*, authorized municipalities to regulate “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof,” as well as the “rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere.”

B. In recent years, there has been a marked increase in the advertisement of short-term rental of dwelling units for periods from one (1) to one hundred seventy-five (175) days (“Short Term Rentals”) within the Borough and neighboring municipalities.

C. The Borough has determined that Short Term Rentals frequently result in a deterioration of the neighborhood character, public nuisance, noise complaints, overcrowding and illegal parking within the residential neighborhoods in the Borough, and the effective conversion of residential Dwelling Units into de-facto hotels, motels, or similar facilities, in violation of the Borough Code, Zoning Ordinances, and other State laws, rules and regulations.

D. The Borough therefore wishes to prohibit short-term rentals in order to: (1) ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents; (2) eliminate property uses that may negatively affect property value; (3) minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department; and (4) prohibit the unlawful creation of commercial enterprises in both single-family and multi-family Dwelling Units in violation of Borough Zoning Ordinances and public nuisance ordinances.

## **Section 2. Definitions.**

ADVERTISE OR ADVERTISING - Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this chapter, as same may be viewed through various media including but not limited to, signs, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this chapter.

CONSIDERATION - Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT - Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, single-family home, cooperative, converted space, or portions thereof, that is offered to be used, made available for use, or is actually used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration.

HOSTING PLATFORM - A website or marketplace in whatever form, whether online or not, which facilitates Short-Term Rentals through

advertising, searching, match-making or any other means, using any medium of facilitation and from which the operator of the Hosting Platform derives revenues, including but not limited to booking fees or advertising revenues, from providing or maintaining the website or marketplace.

HOUSEKEEPING UNIT - Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

OCCUPANT - Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit.

OWNER - Any Person(s) who legally use, possess, own, lease, sub-lease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) one or more Dwelling Units, or who have charge, care, control, or who participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON - An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

RESIDENTIAL OCCUPANCY - The use of a Dwelling Unit by an Occupant(s).

SHORT-TERM RENTAL - A Residential Occupancy for a period of less than one hundred seventy-five (175) days.

### **Section 3. Short-Term Rentals Prohibited.**

A. Notwithstanding anything to the contrary contained in the Borough Code, it shall be unlawful for a Person or Owner to receive or obtain actual or anticipated Consideration for using, authorizing, permitting, or failing to discontinue the use of any Dwelling Unit as a Short-Term Rental, as defined herein.

B. Nothing in this Chapter will prevent formation of an otherwise lawful Residential Occupancy of a Dwelling Unit for a rental period of one hundred seventy-five (175) days or more.

C. Nothing in this Chapter shall be deemed to prohibit the lawful operation of any hotel as that term is defined in the New Jersey Hotel and Multiple Dwelling Law, *N.J.S.A. 55:13-1, et seq.*

#### **Section 4. Permitted Uses.**

The Residential Occupancy of an otherwise lawful and lawfully-occupied Dwelling Unit for a period of one hundred seventy-five (175) days or more by any Person who is a member of the Housekeeping Unit of the Owner, without consideration, such as house guests, is permitted.

#### **Section 5. Advertising Prohibited; Hosting Platform Prohibitions.**

A. It shall be unlawful for any Person to Advertise by any means all actions, or failures to act, that would be in violation of the provisions of this Chapter.

B. It shall be unlawful for any Hosting Platform to undertake, maintain, authorize, aid, facilitate or Advertise any Short-Term Rentals in violation of this Chapter.

#### **Section 6. Violations, Penalties and Enforcement.**

A. The provisions of this Chapter shall be enforced by the Construction Official, Zoning Official, Health Department, other Subcode or Code Official, as their jurisdiction may arise, including legal counsel for the Borough or other persons designated by the Borough Council, to issue municipal civil infractions directing alleged violators of this Chapter and/or to appear in court or file civil complaints.

B. A violation of this Chapter is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.

C. Any Person found to have violated any provision of this chapter, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250. Each day of such violation shall be a new and separate violation of this Chapter.

D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Bergen County, or in such other Court or tribunal of competent

jurisdiction, by either summary disposition or by Zoning or Construction Code municipal proceeding.

**Section 7. Severability.**

If any section, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such subject shall be rendered.

**Section 8. Inconsistent Ordinances Repealed.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

**Section 9. Effective Date.**

This Ordinance shall take effect after publication thereof and final passage as required by law.

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**JOANNE L. MINICHETTI, Mayor**

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**JOY C. CONVERTINI, RMC  
Borough Clerk**

Introduced:  
Adopted:  
Approved:

BOROUGH OF UPPER SADDLE RIVER, NJ  
ORDINANCE #3-20

BOND ORDINANCE 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, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, 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 \$1,269,000 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.

BE IT ORDAINED by the Borough Council of the Borough of Upper Saddle River, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Upper Saddle River, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment, new information technology equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the

appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the 2020 Road Improvement Program at various locations in the Borough, as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the list referred to in the preceding sentence. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, the "Local Bond Law").

Appropriation and Estimated Cost	\$ 550,000
Down Payment Appropriated	\$ 26,200
Bonds and Notes Authorized	\$ 523,800
Period of Usefulness	10 years

B. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of pickup trucks for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$ 165,000
Down Payment Appropriated	\$ 8,370
Bonds and Notes Authorized	\$ 156,630
Period of Usefulness	5 years

C. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of SUVs for the use of the Police Department.

Appropriation and Estimated Cost	\$ 75,000
Down Payment Appropriated	\$ 3,600
Bonds and Notes Authorized	\$ 71,400
Period of Usefulness	5 years

D. Acquisition of new additional or replacement equipment and machinery and new information technology equipment consisting of a mobile video camera system and related computer equipment for the use of the Police Department.

Appropriation and Estimated Cost	\$ 12,000
Down Payment Appropriated	\$ 580
Bonds and Notes Authorized	\$ 11,420
Period of Usefulness	10 years

E. Undertaking of various improvements at Police Headquarters.

Appropriation and Estimated Cost	\$ 31,000
Down Payment Appropriated	\$ 1,480
Bonds and Notes Authorized	\$ 29,520
Period of Usefulness	15 years

F. Acquisition of new additional or replacement equipment and machinery consisting of various ambulance equipment, including, but not limited to, a stretcher load system, stretcher upgrades and a mechanical CPR device, for the use of the Ambulance Corps.

Appropriation and Estimated Cost	\$ 80,000
Down Payment Appropriated	\$ 3,810
Bonds and Notes Authorized	\$ 76,190
Period of Usefulness	10 years

G. Acquisition of new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 265,000
Down Payment Appropriated	\$ 12,620
Bonds and Notes Authorized	\$ 252,380
Period of Usefulness	10 years

H. Acquisition of new communication and signal systems equipment for the use of the Fire Department consisting of (i) mobile radios and (ii) portable radios.

Appropriation and Estimated Cost	\$ 91,000
Down Payment Appropriated	\$ 4,340
Bonds and Notes Authorized	\$ 86,660
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$1,269,000
Aggregate Down Payment Appropriated	\$ 61,000
Aggregate Amount of Bonds and Notes Authorized	\$1,208,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$50,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$61,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$61,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$1,208,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per

annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,208,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within

limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 9.17 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,208,000 and that the issuance of the bonds and notes authorized by this

ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or

notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Upper Saddle River, in the County of Bergen, State of New Jersey, on June 4, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the Borough Council to be held in the Borough Hall, 376 W. Saddle River Road, Upper Saddle River, New Jersey, on July \_\_\_\_, 2020 at 8:00 P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available, at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE 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, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, 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 \$1,269,000 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.

The purposes, appropriations and bonds/notes authorized in this multipurpose bond ordinance are as follows:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the 2020 Road Improvement Program at various locations in the Borough, as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the list referred to in the preceding sentence. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, the "Local Bond Law").

Appropriation and Estimated Cost	\$ 550,000
Down Payment Appropriated	\$ 26,200
Bonds and Notes Authorized	\$ 523,800
Period of Usefulness	10 years

B. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of pickup trucks for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$ 165,000
Down Payment Appropriated	\$ 8,370
Bonds and Notes Authorized	\$ 156,630
Period of Usefulness	5 years

C. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of SUVs for the use of the Police Department.

Appropriation and Estimated Cost	\$ 75,000
Down Payment Appropriated	\$ 3,600
Bonds and Notes Authorized	\$ 71,400
Period of Usefulness	5 years

D. Acquisition of new additional or replacement equipment and machinery and new information technology equipment consisting of a mobile video camera system and related computer equipment for the use of the Police Department.

Appropriation and Estimated Cost	\$ 12,000
Down Payment Appropriated	\$ 580
Bonds and Notes Authorized	\$ 11,420
Period of Usefulness	10 years

E. Undertaking of various improvements at Police Headquarters.

Appropriation and Estimated Cost	\$ 31,000
Down Payment Appropriated	\$ 1,480
Bonds and Notes Authorized	\$ 29,520
Period of Usefulness	15 years

F. Acquisition of new additional or replacement equipment and machinery consisting of various ambulance equipment, including, but not limited to, a stretcher load system, stretcher upgrades and a mechanical CPR device, for the use of the Ambulance Corps.

Appropriation and Estimated Cost	\$ 80,000
Down Payment Appropriated	\$ 3,810
Bonds and Notes Authorized	\$ 76,190
Period of Usefulness	10 years

G. Acquisition of new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 265,000
Down Payment Appropriated	\$ 12,620
Bonds and Notes Authorized	\$ 252,380
Period of Usefulness	10 years

H. Acquisition of new communication and signal systems equipment for the use of the Fire Department consisting of (i) mobile radios and (ii) portable radios.

Appropriation and Estimated Cost	\$ 91,000
Down Payment Appropriated	\$ 4,340
Bonds and Notes Authorized	\$ 86,660
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$1,269,000
Aggregate Down Payment Appropriated	\$ 61,000
Aggregate Amount of Bonds and Notes Authorized	\$1,208,000

Grants (if any) Appropriated: \$-0-

Section 20 Costs: \$50,000

Useful Life: 9.17 years

This Notice is published pursuant to N.J.S.A. 40A:2-17.

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Borough Clerk  
Borough of Upper Saddle River  
County of Bergen  
State of New Jersey

**BOROUGH OF UPPER SADDLE RIVER  
ORDINANCE #4-20**

**AN ORDINANCE OF THE BOROUGH OF UPPER SADDLE RIVER, COUNTY OF BERGEN,  
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 150 OF THE  
BOROUGH CODE TO PROVIDE STANDARDS AND PROCEDURES FOR THE APPROVAL OF  
SPORTS COURTS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Upper Saddle River, as follows:

**Section 1.** Chapter 150, Section 19, of the Code of the Borough of Upper Saddle River is hereby amended and supplemented by adding the following text

**150-19 L. Special accessory uses.**

- (1) Sports courts shall only be permitted as accessory uses subject to the following conditions:
  - (a) Only one sports] court shall be located in a R-1 and R-2 Residence District.
  - (b) The sports court, if allowed, shall be located on a lot on which there exists at the time of construction a permitted principal use.
  - (c) No sports] court shall be located within the front yard or forward of the front building setback line as prescribed by this ordinance.
  - (d) No sports court shall be located on a lot exhibiting an area of less than 38,000 square feet
  - (e) Any fence constructed around the perimeter of the sports court shall not exceed 8 feet, notwithstanding any ordinance to the contrary.
  - (f) The sports court and fencing shall be screened by use of plantings so as to obscure the view of the same from any street or adjacent property. Said plantings shall be comprised of evergreens, a minimum of six feet tall.
  - (g) Sports courts within a residential zone shall not be used for commercial purposes.
- (2) Lighting shall be permitted only under certain conditions as follows:
  - (a) Lighting fixtures must be a minimum of 25 feet from the rear and side lot lines. No lighting shall be permitted in any front yard.
  - (b) At all times the lighting intensity at the property lines shall be a maximum of 0.15 foot-candle. This measurement shall be conducted in accordance with generally accepted engineering standards, and the measurement shall include and be the sum of the combined illumination of the sports court lighting, other lighting on the property and lighting from any natural light sources.
  - (c) Lighting on sports courts shall not be permitted after 10:00 p.m. [except on Friday and Saturday evenings, when lighting will be permitted until 11:00 p.m.]
  - (d) Fixtures shall be of a type and shall be mounted and shielded in such a manner as to prevent the light source from being visible off the property. Such lighting shall further be of a type and located and positioned in such a manner as not to illuminate adjacent properties.

(e) The mounting height of lighting fixtures shall not exceed [25] 15 feet [or the height of the principal building, whichever is less].

(3) Permit required. No sports court shall be constructed prior to the issuance of a building permit, and where applicable an electrical permit, from the Construction Official and Zoning Officer of the Borough of Upper Saddle River

**Section 2.** Planning Board review.

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Upper Saddle River, this Ordinance shall be transmitted to the Planning Board for its review and recommendation.

**Section 3.** Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 4.** Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 5.** Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 6.** Effective Date: This ordinance shall become effective upon adoption and publication as required by law.

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Joy C. Convertini, RMC  
Municipal Clerk

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Joanne L. Minichetti  
Mayor