

**AGENDA OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF UPPER SADDLE RIVER
AUGUST 6, 2020 8:00 p.m.**

*Meeting held via Zoom
due to COVID19*

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.

Rule 1. Roll Call:

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

Rule 2. Approval of Minutes

Roll Call:

- July 2, 2020 Regular Meeting
- July 2, 2020 Executive Meeting
- July 2, 2020 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

1. Second reading, Open Public Hearing - **Ordinance #05-20:**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF A PUBLIC IMPROVEMENT AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, 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 \$666,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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.

Open to the Public:

Roll Call:

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.

Motion to Approve Consent Agenda Items:

Roll Call:

- *1. Resolution #83-20 Referendum to Establish an Open Space Trust Fund**
- *2. Resolution #84-20 Renewal of JIF Membership 2021**
- *3. Resolution #85-20 Borough Engineer Authorization of Bond Reduction**
- *4. Resolution #86-20 Authorizing Approval of Ground Lease Agreement**
- *5. Resolution #87-20 Tax Appeal Settlement Blk. 601 Lot 1.01**

***Introduction of Ordinance #06-20**

AN ORDINANCE TO AMEND CHAPTER 98 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "PARKS AND PLAYGROUNDS"

Roll Call:

***Introduction of Ordinance #07-20**

AN ORDINANCE TO AMEND "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"

Roll Call:

Rule 7. Public Comment

Rule 8. Adjournment

Motion to Adjourn

Roll Call:

****Agenda subject to change**

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #83-20
August 6, 2020**

Referendum to Establish an Open Space Trust Fund

WHEREAS, *N.J.S.A. 40:12-15.7* permits a municipality to submit to the electorate a proposition authorizing the imposition of an annual levy for the purposes outlined in said statutory provision, including acquisition of lands for recreation and conservation purposes; development of lands acquired for recreation and conservation purposes; maintenance of lands acquired for recreation and conservation purposes; historic preservation of historic properties, structures, facilities, sites or areas and the acquisition thereof for historic preservation purposes; and payment of a debt service on indebtedness issued or incurred for such purposes.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby request the Clerk of Bergen County to print upon the General Election Ballot for Tuesday, November 3, 2020 the following question:

MUNICIPAL QUESTION

“Shall the Borough of Upper Saddle River establish a dedicated tax program and impose an annual tax levy at the rate of \$0.01 per \$100.00 of assessed value for a period of five (5) years for any or all of the following purposes or any combination thereof as determined by the Governing Body: acquisition, development and maintenance of lands for recreation and conservation purposes, preservation of historic properties, structures, facilities, sites or areas, and debt service for any of these purposes?”

INTERPRETIVE STATEMENT

This proposition would authorize the Borough of Upper Saddle River to establish a Municipal Trust Fund for the acquisition, development, maintenance and preservation of lands for recreation and conservation purposes, as well as the preservation of historic properties, structures, facilities, sites or areas, and for the payment of debt service for any of these purposes. Real property owners in the Borough would be taxed annually at the rate of \$0.01 per \$1.00 of assessed value to fund this program, which is equal to \$75.00 for an average property assessed at \$750,000.00.

BE IT FURTHER RESOLVED that a copy of this resolution shall be transmitted to the Bergen County Clerk in accordance with the aforesaid statute and as required by *N.J.S.A. 19:37-1*.

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DeFuccio						
DiMartino						
Ditkoff						
Durante						
Florio						
Rotella						

I hereby certify that the above resolution was adopted by the Mayor and Council on August 6, 2020.

JOY C. CONVERTINI, RMC
Borough Clerk

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #84-20
August 6, 2020

Renewal of Municipal Joint Insurance Fund

WHEREAS, the Borough of Upper Saddle River is a member of the Bergen County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2020 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership:

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Borough of Upper Saddle River agrees to renew its membership in the Bergen County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Borough Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DeFuccio						
DiMartino						
Ditkoff						
Durante						
Florio						
Rotella						

I hereby certify that the above resolution was adopted by the Mayor and Council on August 6, 2020.

 JOY C. CONVERTINI, RMC
 Borough Clerk

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #85-20
August 6, 2020

Borough Engineer Authorization of Bond Reduction

WHEREAS, subdivision approval was granted by the Planning Board of the Borough of Upper Saddle River pertaining to a project known as "The Preserve At Upper Saddle River" being more commonly known as Block 401, Lots 2 and 4 as depicted on the tax assessment map; and

WHEREAS, site plan approval was granted by the Planning Board of the Borough of Upper Saddle River pertaining to a project known as "The Grove At Upper Saddle River" being commonly known as Block 601, Lot 1 as depicted on the tax assessment map; and

WHEREAS, Toll Bros., Inc. ("Toll") is the developer of both projects; and

WHEREAS, Toll has submitted a request for reduction and/or relief pertaining to certain bonds; and

WHEREAS, Boswell Engineering has recommended the foregoing relief and reductions in certain bond amounts.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that based upon the recommendation of the Borough Engineer, that the following is approved:

1. The release of Performance Bond No. 106494063 for stream restoration ("The Preserve Restoration Bond").
2. Release of the \$240,000.00 cash portion of The Preserve Restoration Bond (associated with Bond No. 106494063).
3. Reduction of The Grove Improvement Bond No. 0750258 from \$1,307,575.00 to \$181,350.00.
4. Reduction of the cash portion of The Grove Improvement Bond from \$145,286.00 to \$18,135.00.

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to Richard J. Hoff, Esq. and to Boswell Engineering.

Moved Second Ayes Nays Absent Abstain

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

I hereby certify that the above resolution was adopted by the Mayor and Council on August 6, 2020.

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

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION # 86-20
August 6, 2020**

**Resolution Authorizing A Ground Lease Agreement Between the Borough and
USR HDC Supportive Housing Urban Renewal, LP Pertaining To The Construction
of 70 Affordable Units on Block 1002, Lot 4.02**

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 October 1, 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; and

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 March 22, 2018; and

WHEREAS, by resolution dated June 7, 2018 (Resolution #86-18), the Governing Body authorized an extension of the dates contained in the original Ground Lease Option Agreement; and

WHEREAS, the said resolution provided that the HDC would transfer approvals and rights under the Ground Lease Option Agreement to an affiliated single purpose entity USR HDC SUPPORTIVE HOUSING URBAN RENEWAL, LP (the “Special Purpose Entity”); and

WHEREAS, on June 7, 2018 a Ground Lease Option Agreement was entered into between the Borough and the Special Purpose Entity; and

WHEREAS, paragraph 3 of the June 7, 2018 Ground Lease Option Agreement provides that the option to enter into a Ground Lease Agreement may be exercised by the Special Purpose Entity at any time from June 7, 2018 through December 31, 2019, and further provides that the Special Purpose Entity may extend the option period for an additional twelve (12) months upon payment of One (\$1.00) Dollar as consideration for such extension; and

**BOROUGH OF UPPER SADDLE RIVER
 RESOLUTION # 87-20
 August 6, 2020**

Tax Appeal Settlement Blk. 601 Lot 1.01

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, "Mack-Cali Realty, L.P. v. Borough of Upper Saddle River", Docket No. 006847-2016, which matter involves appeal of the assessment on certain premises known as Block 601, Lot 1.01 and being more commonly known as One Lake Street, for the 2016 tax year; and

WHEREAS, the parcel is assessed for the 2016 tax year at \$42,367,500.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2016 tax year.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby authorize settlement of the above-captioned appeal based upon the following terms and conditions:

1. The Stipulation of Settlement shall provide that the assessment for the 2016 tax year on said parcel shall be established at \$38,000,000.00.

2. Plaintiff agrees to waive interest due on the refund in connection with this settlement. In addition, the refund due the property owner in the sum of \$99,185.93 shall be payable in the form of a cash refund payable in two installments, the first installment by December 31, 2020 and the second installment by December 31, 2021.

BE IT FURTHER RESOLVED that the Borough attorney, Robert T. Regan, Esq., be and is hereby authorized and directed to execute any and all documents necessary to effectuate the terms of the within settlement.

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DeFuccio						
DiMartino						
Ditkoff						
Durante						
Florio						
Rotella						

I hereby certify that the above resolution was adopted by the Mayor and Council on August 6, 2020.

 JOY C. CONVERTINI, RMC
 Borough Clerk

WHEREAS, by resolution dated March 5, 2020, the Borough extended the Ground Lease Option Agreement to December 31, 2021; and

WHEREAS, the Special Purpose Entity is completing its arrangements to finance the construction of the seventy (70) affordable units on the property and requires a Ground Lease Agreement with the Borough as owner of the property and being designated landlord, and the Special Purpose Entity being designated as Tenant; and

WHEREAS, the Ground Lease Agreement has been prepared; and

WHEREAS, entering into the Ground Lease Agreement will permit the construction of the affordable units on the property in accordance with the Borough's Affordable Housing Plan which has been approved by the Superior Court.

NOW THEREFORE BE IT RESOLVED that Mayor Joanne L. Minichetti and Borough Clerk Joy C. Convertini be and are hereby authorized to execute the Ground Lease Agreement on behalf of the Borough.

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 August 6, 2020.

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

BOROUGH OF UPPER SADDLE RIVER

ORDINANCE # 6-20

AN ORDINANCE TO AMEND CHAPTER 98 OF THE CODE OF THE BOROUGH OF UPPER SADDLE RIVER ENTITLED, "PARKS AND PLAYGROUNDS"

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.

Chapter 98 of the Code of the Borough of Upper Saddle River, Parks and Playgrounds, §98-6.1, be and is hereby amended to add a new Section following §98-6.1 to be known as §98-6.1.1 to read as follows:

§98-6.1.1 Bicycles Prohibited On Walking Path At Lions Park.

- A. No person shall operate or ride a bicycle on any portion of the walking path within Lions Park, designated as Block 801, Lot 3 on the tax assessment map.
- B. Any person violating the provisions of Subsection A of this section shall be subject to such fines and penalties as set forth in §1-15 of the Borough Code, provided, however, that the minimum fine shall be One Hundred (\$100.00) Dollars.

Section 2. Severability.

If any section, sentence or any other 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 judgment shall be rendered.

Section 3. Inconsistent Ordinances Repealed.

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

Section 4. Effective Date.

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

JOANNE L. MINICHETTI, Mayor

JOY C. CONVERTINI, Borough Clerk

Introduced:
Adopted:
Approved:

AN ORDINANCE TO AMEND "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".

ORDINANCE # 07-20

POSITION	SALARY	COMPENSATION RANGE
Borough Administrator*	129,897.00	
Borough Clerk/Adm. Asst.*	95,893.00	
Tax Assessor P/T*	58.01 per hr.	
Secy. To Tax Assessor*	43,605.00	
Tax Assessor Consultant	4,600.00	
CFO/Tax Collector*	86,730.00	
Borough Attorney*	75,970.00	
DPW Utilityman P/T*		16.50-25.50 per hr.
DPW Superintendent*	96,686.00	
DPW Foreman*	83,640.00	
DPW Utilityman F/T*		40,000.00 – 72,065.00
Administrative Assistant*	41,769.00	
A&E Clerk*	36,200.00	
Finance/Acct. Payable*	59,466.00	
Staff Accountant*		35.00 – 72.00 per hr.
Registrar/Bd. of Health	8,415.00	
Construction Official*	113,315.00	
Property Maintenance*	28.50 per hr.	
Zoning Officer P/T*	28.50 per hr.	
Plumbing Subcode P/T*		35.00-42.00 per hr.
Construction Control*	42,254.00	
Construction Control P/T*		25.00 per hr.
Judge-Municipal Court***	12,730.00	370.00 per special session/170.00 thereafter

Borough Prosecutor***	9,690.00	310.00 per special session-3hrs./220.00 thereafter
Court Administrator*	55,284.00	
Violations Clerk P/T*		17.00-21.00 per hr.
Borough Engineer*	3,950.00	
Shade Tree Clerk*	3,417.00	
Housing Clerk/Municipal Housing Liaison/Affordable Housing Clerk	5,304.00	
Combined Planning/Zoning Bd*	25,102.00	
Planning Board Engineer*	2,170.00	
Planning Board Attorney*	3,830	160.00 per hr.
Recreation Director*	70,166.00	
Boro Newsletter Coordinator*	3,000.00	
EMT*		13.00-21.00 per hr.
Fire Prevention Inspector P/T*	2,713.00	
Fire Prevention Official P/T*	4,733.00	
Qualified Purchasing Agent*	3,366.00	
Radio Dispatcher F/T*		40,000.00-51,800.00
Radio Dispatcher P/T*		16.75-21.30 per hr.
Administrative Assistant PD*	58,737.00	
Police Matrons*	47.75 per hr.	
Police Chief*	187,241.00	
Deputy Borough Clerk*	87,500.00	
Deputy Tax Collector*	73,300	
CFO P/T*		60.00 – 72.00 per hr.
Tax Collector P/T*		50.00 – 72.00 per hr.
Zoning Official	60,469	

Section 2-3,5-10. These sections shall remain the same as the salary ordinance adopted on September 19, 2019.

Section 4. Borough officers and employees with the approval of their respective department heads or committee chairman, be reimbursed for use of their automobiles on Borough business at the rate of fifty-seven. five cents (\$.575) per mile and other actual expenses in the performance of their duties and for attendance at approved conferences and meetings.

Section 11. This ordinance shall take effect when passed and published according to law and shall be retroactive to January 1, 2020 except for those employees covered by agreements or contracts or for employees whose period of employment commenced after January 1, 2020.

*Semi-monthly

**Monthly

***Quarterly