

Minutes of Special Regular Meeting of the Mayor and Council held on Monday, June 29, 2015 at 7:00 PM at the Upper Saddle River Borough Hall.

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

Pursuant to the Open Sunshine Act P.L. 1975, c. 231, proper notice of this meeting has been provided by submitting appropriate notice to The Ridgewood News and The Record on June 24, 2015 by Fax and mail in which the time, place and purpose of the meeting was set forth.

RULE 1. Roll Call:

Mayor Minichetti	Present
Mr. DeBerardine	Absent
Mr. DiMartino	Present
Mr. Ditkoff	Present
Mr. Durante	Present
Ms. Florio	Present
Mr. Hafner	Present

Rule 2,3,4,5. Passed

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 DiMartino:

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

* Seek bids for purchase of a new fire truck.

Councilman Durante explained the new fire truck would be a slightly larger pumper-tanker truck and that ½ of the \$600,000 cost would be funded this year and ½ next year.

* Seek bids for Rehabilitation of Hess Park Bridge.

*Resolution #56-15

WHEREAS, the Planning Board of the Borough of Upper Saddle River adopted the Housing Element and Fair Share Plan ("the Housing Element") of the Master Plan by resolution dated June 25, 2015; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to *N.J.A.C. 5:96-2.2(a)2*; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby endorse the Housing Element as adopted by the Borough of Upper Saddle River Planning Board; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Upper Saddle River hereby requests Substantive Certification of the Housing Element from the Superior Court of New Jersey pursuant to the decision in *In Re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council On Affordable Housing*, 221 N.J. 1 (2015); and

BE IT FURTHER RESOLVED that notice that the Borough of Upper Saddle River is applying for Substantive Certification from the Superior Court of New Jersey shall be provided upon the filing of a Declaratory Judgment action pursuant to the aforesaid Decision of the New Jersey Supreme Court; and

BE IT FURTHER RESOLVED that a copy of this resolution, the adopted Housing Element, and all supporting information shall be available for inspection at the Municipal Clerk's Office at the Upper Saddle River Borough Hall, 376 West Saddle River Road, Upper Saddle River, New Jersey during normal business hours.

*Resolution #57-15

WHEREAS, by resolution dated May 28, 2015, the Planning Board of the Borough of Upper Saddle River determined that certain property known as Block 1002, Lot 4.02 is an area in need of redevelopment, which decision was based upon a study prepared by Burgis Associates Inc. entitled, "Area In Need Of Redevelopment Study, Porcelanosa Affordable Housing Site, Block 1002, Lot 4.02, Borough of Upper Saddle River, Bergen County, New Jersey" dated March 25, 2015; and

WHEREAS, *N.J.S.A. 40A:12A-6b(5)(b)* provides that after receiving the recommendation of the Planning Board, the Governing Body may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area; and

WHEREAS, the Governing Body has reviewed the Planning Board resolution and the findings and conclusions detailed therein.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council determines that all of the delineated area known as Block 1002, Lot 4.02 constitutes a redevelopment area; and

BE IT FURTHER RESOLVED that a copy of the within resolution shall be transmitted by the Borough Clerk to the Commissioner of the Department of Community Affairs in accordance with the requirements of *N.J.S.A. 40A:12A-6b(5)(c)*.

*Resolution #58-15

WHEREAS, the Borough of Upper Saddle River has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Morris County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Borough of Upper Saddle River desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter "MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and

responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Upper Saddle River for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Upper Saddle River and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Upper Saddle River in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of Upper Saddle River hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Upper Saddle River the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Upper Saddle River will

inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.

7. This Resolution shall take effect immediately.

*Resolution #59-15

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, NEW JERSEY, DESIGNATING A \$707,750 BOND ANTICIPATION NOTE, DATED JUNE 25, 2015, PAYABLE FEBRUARY 19, 2016, 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 \$707,750 Bond Anticipation Note, dated June 25, 2015, payable February 19, 2016 (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 2015.

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 2015:

<u>AMOUNT</u>	<u>DATED - DUE</u>
\$5,755,486 BANS	2/20/15 - 2/19/16

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 2015 dated as of the date of delivery of the Note.

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

RULE 7. Public Comments: None.

RULE 8. Adjournment:

A motion by Councilman Durante, seconded by Councilman Ditkoff to go into Closed Session at 7:22 p.m.:

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

Respectfully submitted,

Rose Vido, RMC
Borough Clerk

Minutes of Closed Meeting of the Mayor and Council held on Monday, June 29, 2015 at 7:22 PM at the Upper Saddle River Borough Hall.

Present: Mayor Minichetti, Council members DiMartino, Ditkoff, Durante, Florio, Hafner.

Also Present: Borough Administrator Preusch, Borough Attorney Regan and Police Chief Rotella.

Absent: Councilman DeBerardine.

Resolution to close meeting by Councilman Durante, seconded by Councilman Ditkoff:

WHEREAS, the members of the USR Council deem it necessary to discuss certain actions under Section 7b of the Open Public Meetings Act; and

WHEREAS, the discussions more specifically will involve:

- 1) Land acquisition.

NOW, THEREFORE, BE IT RESOLVED, that at 7:22 p.m., the Mayor and Council deem it necessary to exclude the public from discussion. The outcome of the discussion will be disclosed as follows:

- 1) Will be disclosed if it does not adversely affect the municipality.

Roll Call: All Ayes:

Mayor Minichetti said the owner of 62 Sparrowbush Road, tabled their application to the Planning Board appealing the denial by Zoning Official John Walsh to construct a group home on the property. She said in response to concerns and objections by residents, she asked the Council to consider offering a land swap of the Sparrowbush property for two lots on East Crescent Avenue. Mayor Minichetti explained the two lots on East Crescent consist of 1 1/3 acres, which is approximately the same size as the Sparrowbush lot and that the Borough Engineer will be asked to prepare a survey of both sites. In response to questions, Mr. Regan explained that according to Borough Planner Joe Burgis, the Borough will still have sufficient vacant land to accommodate our affordable housing obligations. Consensus of the Council was to proceed with the land swap offer.

A motion to adjourn by Councilman Durante, seconded by Councilman Ditkoff was unanimously approved by all Council members present. (Meeting adjourned at 7:40 p.m.)

Respectfully submitted,

Rose Vido, RMC
Borough Clerk