

AGENDA

MAYOR AND COUNCIL

REGULAR MEETING August 15, 2016

7:00 p.m.

1. ROLL CALL:

- 2. PUBLIC NOTICE – Clerk to Read - "Notice of this meeting in compliance with the Open Public Meetings Act, Chapter 231 of the Laws of 1975 has been given by posting a notice of the scheduled dates of all the regular meetings of the Mayor and Council of the Borough of Saddle River on the bulletin board, in the Municipal Building and in the office of the Clerk and by e-mailing notice thereof to the Record and the Herald News on January 4, 2016. Also e-notify and on the website."**

Notification of fire exits

3. PLEDGE OF ALLEGIANCE

4. AWARDS AND CEREMONIES:

Proclamation: Fibrodysplasia Ossificans Progressiva Awareness Initiative

- 5. OPEN TO THE PUBLIC: Saddle River Residents Only (3 minutes per speaker)**

6. WORK SESSION AGENDA

REPORTS:

MAYOR KURPIS

- a. Deer Fencing

ADMINISTRATOR

- a. Bergen County Open Space Trust Fund
b. Website Update
c. Work Session Meetings

ENGINEERING REPORT

BOROUGH ATTORNEY

BOROUGH CLERK

AGENDA

7. INTRODUCTION OF ORDINANCE(S) There are none.

8. ADOPTION OF ORDINANCES

- **Ord. 16-922-C**

An Ordinance to Supplement Chapter 166, Property Maintenance, of the Borough Code Regulating the Care, Maintenance, Security and Upkeep of Vacant and Abandoned Residential Properties in Foreclosure

Offered by Council Member Schulstad
Seconded by Council Member

Motion to Open the Hearing to the Public Offered by Council Member
Seconded by Council Member
Voice Vote:

Motion to Close the Hearing to the Public Offered by Council Member
Seconded by Council Member
Voice Vote:

Roll Call Vote:

9. APPROVAL OF BILLS

Resolution Offered by Council Member Kerner
Seconded by Council Member
Roll Call Vote:

10. RESOLUTIONS

All matters listed hereunder are considered routine in nature and will be enacted in one motion. Any Council Member may request that an item be removed for separate consideration. Considering approval of minutes, a yes vote will indicate a vote in favor of approval of the minutes of each meeting at which the Council Member was present and an abstention with respect to the minutes of meetings at which such Council Member was not present.

Resolution Offered by Council President Jensen
Seconded by Council Member

Roll Call Vote:

Explanation of Consent Agenda Items:

A. Approval of Minutes: Regular Council Meeting: July 18, 2016

B. Resolution(s)

1. Authorize Official Towing Operator's License List
2. Reorganization Meeting Date
3. Tax Court Judgement Refund Blk. 1606 Lot 14

4. Adopt Policy and Procedure Manual
5. Fibrodysplasia Ossificans Progressive Awareness
6. Support Senate and Assembly- Affirms Legislative Intent of the Fair Housing Act
7. Retroactive Pay Adjustment – Non-Bargaining Employees
8. Authorize Open Space Grant – Rindlaub Park Irrigation
9. Appoint Liz Salazer to Information and Transparency Committee
10. Authorize purchase of new vehicle for Construction Official
11. Cancellation of Outstanding Checks

Open to the Public for Consent Agenda items only

11. COMMITTEE/COUNCIL REPORTS

Board of Health: Council Member Salazer

Landmarks: Council Member Salazer

Council on Affordable Housing (COAH):

Council Members Jensen and Salazer

Planning Board: Council Member Jensen

Construction and Zoning Enforcement: Council Member Acaster

Public Works: Council Member Acaster
(Bldg. & Grounds, Roads, Streets, Lighting, Drainage and Sanitation)

Environmental: Council Member Gray

Zoning Board: Council Member Gray

Board of Education: Council Member Schulstad

Wildlife Management Committee: Council Member Schulstad

Ordinance Review Committee: Council Member Schulstad

Parks & Recreation: Council Member Schulstad

Department of Public Safety:

Fire Report Council Member Acaster

Police Report Council Member Gray

EMS Report Council Member Kerner

Finance: Council Member Kerner

12. OPEN TO THE PUBLIC:

13. UNFINISHED AND NEW BUSINESS:

14. RESOLUTION FOR CLOSED SESSION

Resolution Offered by Council President Jensen
Seconded by Council Member
Roll Call Vote:

15. ADJOURNMENT

****Disclaimer: Agenda subject to additions and/or deletions***

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Resolution Offered by Council Member Schulstad

Date: 8/15/16

Seconded by Council Member

RESOLVED that an Ordinance No. 16-922-C entitled:

**AN ORDINANCE TO SUPPLEMENT CHAPTER 166,
PROPERTY MAINTENANCE, OF THE BOROUGH CODE
REGULATING THE CARE, MAINTENANCE, SECURITY
AND UPKEEP OF VACANT AND ABANDONED
RESIDENTIAL PROPERTIES IN FORECLOSURE**

Passed final reading and that said ordinance be adopted as an Ordinance in the Borough of Saddle River; and

BE IT FURTHER RESOLVED THAT the Borough Clerk is hereby authorized to cause a copy of title of said ordinance to be published together with adoption of said Ordinance.

Ayes Nays Abstain Absent

**Jensen, Eric, Council Pres.
Acaster, Benjamin
Gray, Ronald
Kerner, Corinne
Salazer, Elizabeth
Schulstad, Paul**

Kurpis, Albert J., Mayor

Date Passed: 8/15/16

_____(Mayor)

_____(Borough Clerk)

ORDINANCE NO. 16-922-C

AN ORDINANCE SUPPLEMENTING CHAPTER 166, PROPERTY MAINTENANCE, OF THE BOROUGH CODE REGULATING THE CARE, MAINTENANCE, SECURITY AND UPKEEP OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE

WHEREAS, the Borough of Saddle River regulates the maintenance of residential property within the Borough by and through Chapter 166 of the Borough Code, "Property Maintenance"; and

WHEREAS, the Legislature and the Governor of the State of New Jersey have enacted P.L. 2014, c. 35, described as "[a]n Act concerning the maintenance of certain residential properties, supplementing Chapter 48 of Title 40 of the Revised Statutes ..." ("the Act"); and

WHEREAS, the Act authorizes the Borough to adopt an ordinance for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed a summons and complaint in an action to foreclose; and

WHEREAS, the Act authorizes designated Borough officials to issue notices to creditors that have filed a summons and complaint in an action to foreclose, if the public official determines that the property is vacant and abandoned and that the creditor has failed to provide for the care, maintenance, security and upkeep of the exterior of the property; and

WHEREAS, the Act authorizes the Borough to impose monetary fines and penalties for each violation of this Ordinance and its respective provisions in the Borough Code; and

WHEREAS, the Borough wishes to amend the Borough Code to enact the provisions of P.L. 2014, c. 35; and

WHEREAS, the Governing Body finds that it is in the best interests of the Borough to amend the Borough Code as hereinafter provided to enact the provisions of P.L. 2014, c. 35.

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

Section 1. The Borough Code, Chapter 166, "Property Maintenance" shall be amended to add Section 15 as follows:

166-15. MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES

166-15.1. DEFINITIONS

A, "Creditor" shall mean, consistent with Section 3 of P.L. 2008, c. 86, a State chartered bank, savings bank, savings and loan association or any credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act", and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, servicers.

B. "Vacant and Abandoned" residential property shall mean, consistent with Section 1 of P.L. 2010, c. 70 (C. 2A:50-73), residential real estate for which a notice of violation has been issued pursuant to Section 159-10.3 of this Chapter and Subsection b. of Section 1 of P.L. 2014, c. 35. Where a notice of violation has not been issued pursuant to Section 159-10.3 of this Chapter and Subsection b. of Section 1 of P.O. 2014, c. 35, residential property shall be deemed "Vacant and Abandoned" where a mortgaged property is not occupied by a mortgagor or tenant as evidenced by a lease agreement entered into prior to the service of a notice of intention to commence foreclosure according to Section 4 of the "Fair Foreclosure Act," P.L. 1995, c. 244 and at least two of the following conditions exist:

1. Overgrown or neglected vegetation;
2. The accumulation of newspapers, circulars, flyers or mail on the property;
3. Disconnected gas, electric, or water utility services to the property;
4. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
5. The accumulation of junk, litter, trash or debris on the property;
6. The absence of window treatments such as blinds, curtains or shutters;
7. The absence of furnishings and personal items;
8. Statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
9. Windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
10. Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
11. A risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
12. An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
13. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
14. A written statement issued by any mortgagor expressing the clear intent of all

- mortgagors to abandon the property; and
15. Any other reasonable indicia of abandonment.

166-15.2 CREDITOR RESPONSIBILITY FOR VACANT AND ABANDONED PROPERTIES

- A. A Creditor filing a summons and compliant in an action to foreclose on a residential property within the Borough shall be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Chapter.
- B. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of Paragraph A of this Section. Notice of said representative or agent shall be provided to the Borough Clerk in a manner that is consistent with Subsection a. of Section 17 of P.L. 2008, c. 127 (the "Save New Jersey Homes Act of 2008"), and shall further include the full name and contact information of the in-State representative or agent.

166-15.3 NOTICE

- A. Any public officer designated by the Borough or authorized municipal official responsible for the administration of any property maintenance or public nuisance code shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough, if the public officer determines that the Creditor has violated this Chapter by failing to provide for the care, maintenance, security and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Section 10-12.2 of this Chapter and the Save New Jersey Homes Act of 2008.
- B. The notice referenced in Paragraph A of this Section shall require the Creditor to correct the violation (s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.
- C. The issuance of a notice pursuant to Paragraph A of this Section shall constitute proof that a residential property is "Vacant and Abandoned" for the purposes of this Chapter.

166.-15.4 VIOLATIONS AND PENALTIES

- A. A Creditor subject to this Chapter that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cied in a notice issued pursuant to this Chapter shall be subject to a fine of \$1,500 for each day of the

violation. Any fines imposed pursuant to this Subsection shall commence 31 days following the Creditor's receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

- B. An out-of-state Creditor subject to this Chapter that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in Paragraph 1. Of Subsection a. of Section 17 of P.L. 2008, c. 127 (C. 46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- C. No less than 20 percent of any money collected by the Borough pursuant to this Section shall be utilized by the Borough for municipal code enforcement purposes.

If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provision of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Attest:

Approved:

Joy C. Convertini, Borough Clerk

Albert J. Kurpis, Mayor

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Resolution Offered by Council Member Kerner

Date: 08/15/16

Seconded by Council Member

APPROVAL OF BILLS

BE IT RESOLVED that the bill list attached hereto and made part of this resolution has been approved by the proper personnel, audited by the CFO and has been found to be correct; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Saddle River hereby approve the bill list for payment.

Ayes Nay Abstain Absent

Jensen, Eric, Council Pres.

Acaster, Benjamin

Gray, Ronald

Kerner, Corinne

Salazer, Elizabeth

Schulstad, Paul

Kurpis, Albert J., Mayor

Date Passed: 08/15/16

(Mayor)

(Borough Clerk)

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Resolution Offered by Council President Jensen

Date: 8/15/16

Seconded by Council Member

Resolution Authorizing Three Year Term of Appointment of Towing Operators

WHEREAS, the Mayor and Council of the Borough of Saddle River adopted amendments to Chapter 196: Towing, Road Service and Storage, in order to better streamline the appointment of tow truck operators in accordance with the applicable statutes; and

WHEREAS, during the changeover from the provisions of the former Ordinance to the new Ordinance, the timetable for term and renewals deviated from the actual working provisions.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Saddle River that anyone who has applied during the current application process and who is otherwise qualified to be appointed a towing operator, shall be granted a three (3) year term to expire on December 31, 2018.

BE IT FURTHER RESOLVED that the towing operators listed on **Schedule A** are appointed as towing operators for the Borough of Saddle River.

AYES NAYS ABSTAIN ABSENT

- Jensen, Eric, Council Pres.**
- Acaster, Benjamin**
- Gray, Ronald**
- Kerner, Corinne**
- Salazer, Elizabeth**
- Schulstad, Paul**

Kurpis, Albert J., Mayor

Date Passed: 08/15/16

_____(Mayor)

_____(Borough Clerk)

Schedule A

Name	Address	Phone Number
A-1 Auto Body	265 Rt. 17 South, Upper Saddle River, NJ	201-825-2210
All Points Towing	145 Hopper Avenue, Waldwick, NJ	201-678-3040
Allendale Towing	536 Route 17 North, Ramsey, NJ	201-327-0069
Citywide Towing	205 Chestnut Street, Ridgewood, NJ	973-238-8660
N.A.R. Towing	536 Rt. 17 North, Ramsey, NJ	201-327-2994
Ramsey Auto Body	265 Rt. 17 South, Upper Saddle River, NJ	201-327-1235
Rondale Towing	41 Hewson Avenue, Waldwick, NJ	201-444-6260
Venusti Auto Body	265 Rt. 17 South, Upper Saddle River, NJ	201-327-1235
Big Tows, Inc.	35 Grant Street, Ramsey, NJ	201-529-0990

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Resolution Offered by Council President Jensen

Seconded by Council Member

Date: 8/15/16

2017 REORGANIZATION MEETING DATE

BE IT RESOLVED by the Mayor and Council of the Borough of Saddle River that the 2017 Reorganization Meeting of the Borough of Saddle River will be held on Thursday, **January 5, 2017 at 7:00pm** in the Municipal Building.

Ayes Nay Abstain Absent

Jensen, Eric, Council Pres.

Acaster, Benjamin

Gray, Ronald

Kerner, Corinne

Salazer, Elizabeth

Schulstad, Paul

Kurpis, Albert J., Mayor

Date Passed: 08/15/16

(Mayor)

(Borough Clerk)

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Introduced by Council President Jensen

Date: 8/15/16

Seconded by Council Member

WHEREAS, the Tax Collector has requested that the Mayor and Council approve the following refund due to a Civil Action Judgment from the New Jersey Tax Court which has reduced the assessments for the following property and caused an over billing of taxes in the year 2015 which must be refunded, and a judgment for 2016 which was credited to the fourth quarter taxes, as follows:

<u>Block/Lot Name/Address</u>	<u>Judgment Lowered Assessed Value</u>
1606/14 Mohammad Ghazi 30 Mohegan Trail	YEAR 2016, \$340,000.00 x 1.019 = <u>\$3,464.60</u> 2016 4th QTR. CREDIT = <u>\$3,464.60</u>
1606/14 Mohammad Ghazi 30 Mohegan Trail	YEAR 2015, \$340,000.00 x .0987 = <u>\$3,355.80</u> REFUND = <u>\$3,355.80</u>

Check for \$3,355.80 to the attorney:

James T. Cedarstrand, Esq.
FBO Mohammad Ghazi
309 Dayton Street
Ridgewood, NJ 07450

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Saddle River hereby approve the credit and the refund for the above property and have the Tax Collector adjust the tax records accordingly;

AYES NAYS ABSTAIN ABSENT

Jensen, Eric Council President
Acaster, Benjamin
Gray, Ron
Kerner, Corinne
Salazer, Elizabeth
Schulstad, Paul

Kurpis, Albert J., Mayor

Date Passed: August 15, 2016

_____ (Mayor)

_____ (Borough Clerk)

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Resolution Offered by Council Member Kerner

Date: 08/15/16

Seconded by Council Member

Resolution Adopting Personnel Policies and Procedures

WHEREAS, it is the policy of the Borough of Saddle River to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council of the Borough of Saddle River has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations; and

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council of the Borough of Saddle River that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council of the Borough of Saddle River.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices.

Ayes Nay Abstain Absent

**Jensen, Eric, Council Pres.
Acaster, Benjamin
Gray, Ronald
Kerner, Corinne
Salazer, Elizabeth
Schulstad, Paul**

Kurpis, Albert J., Mayor

Date Passed: 08/15/16

(Mayor)

(Borough Clerk)

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Resolution Offered by Council President Jensen

Date: 8/15/16

Seconded by Council Member

FIBRODYSPLASIA OSSIFICANS PROGRESSIVE AWARENESS

WHEREAS, Fibrodysplasia Ossificans Progressive is a rare genetic incurable condition in which the body makes additional bone where bone should not form, such as within muscle, tendons, ligaments and other connective tissues, with symptoms of FOP including excruciating pain and distortion of the existing skeletal frame; and

WHEREAS, A gene has been identified after 15 years of hard research by the University of Pennsylvania, the only known research facility currently investigating a cure for this; and

WHEREAS, Discoveries made in the FOP lab by scientists and researchers may aid in the treatment or cure for other genetic diseases such as osteoporosis, arthritis, and spinal cord injuries; and

WHEREAS, The symptoms of FOP usually begin in the first or second decade of life, with the majority of patients diagnosed by age 10, depriving children of normal development, with FOP affecting approximately 2,500 people worldwide; and

WHEREAS, since learning that the daughter of a close friend had been diagnosed with FOP, Gary W. Whyte of Mountainside, New Jersey, with the help and support of his wife and three sons, has made it his mission to raise awareness of this debilitating disease by asking the Mayors of all 566 New Jersey municipalities and all 21 New Jersey Counties pass either a Proclamation or a Resolution urging FOP awareness to be placed in a FOP Awareness Campaign Book to hopefully one day display in Washington, D.C. on behalf and in support of the children/young adults in the state of New Jersey afflicted with FOP and equally show concern for all other children afflicted with FOP.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Saddle River does hereby proclaim to acknowledge and help raise awareness of Fibrodysplasia Ossificans Progressive and commends Gary W. Whyte and his wife and three sons for their dedication in making others aware of this affliction and for their work and support for the benefit of FOP and further urges all 21 Somerset County Municipalities to adopt a Resolution or Proclamation to assist with FOP awareness and forward same to Gary W. Whyte to include in his FOP Awareness Campaign Book.

Ayes Nays Abstain Absent

Jensen, Eric, Council Pres.

Acaster, Benjamin

Gray, Ronald

Kerner, Corinne

Salazer, Elizabeth

Schulstad, Paul

Kurpis, Albert J., Mayor

Date Passed: 8/15/16

_____ (Mayor)

_____ (Borough Clerk)

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Resolution Offered by Council President Jensen

Date: 8/15/16

Seconded by Council Member

A Resolution in Support of Senate Bill S-2254 and Assembly Bill A-3821 which affirms the Legislative Intent of the Fair Housing Act

WHEREAS, the Borough of Saddle River supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgement actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, recently the Ocean County Superior Court included a distinct "gap period" analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

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

WHEREAS, the "gap issue" arises out of COAH's inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive "gap" obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

WHEREAS, Senate Bill S-2254 sponsored by Senators Greenstein and Bateman and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the legislative intent of the Fair Housing Act so as to preclude significant, unfair impacts and instead progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Saddle River on the 15th day of August that:

1. The Mayor and Council of the Borough of Saddle River strongly urges New Jersey Legislators to reaffirm the legislative intent of the Fair Housing Act (FHA) immediately and **clarify** that affordable housing need is the sum of present and prospective need for a ten year period.

2. The Mayor and Council of the Borough of Saddle River supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor and Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, State Senator and Assembly Representatives (Bergen County), Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey and New Jersey League of Municipalities.

Ayes Nay Abstain Absent

Jensen, Eric, Council Pres.
Acaster, Benjamin
Gray, Ron
Kerner, Corinne
Salazer, Elizabeth
Schulstad, Paul

Kurpis, Albert, J. - Mayor

DATE PASSED: August 15, 2016

(Mayor)

(Borough Clerk)

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Offered by Council President Jensen

Seconded by Council Member

Date: 8/15/16

**Salary Resolution-Retroactive Pay Adjustment for
Non-Bargaining Employees**

WHEREAS, Section 56-2 of Chapter 56 of the Borough Code provides for the passing of a Resolution specifying the annual compensation for the Borough's non bargaining employees, and

WHEREAS, it is the desire of the Mayor and Council to establish rates of compensation for Borough Employees for 2016, retroactive to January 1, 2016, in accordance with the direction of the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the compensation for Borough employees effective January 1, 2016 through December 31, 2016 is hereby established and authorized in accordance with Schedule A as directed by Section 56-2 of Chapter 56 of the Code of the Borough of Saddle River.

AYES NAYS ABSTAIN ABSENT

Jensen, Eric, Council Pres.
Acaster, Benjamin
Gray, Ronald
Kerner, Corinne
Salazer, Elizabeth
Schulstad, Paul

Kurpis, Albert J., Mayor

Date Passed: 08/15/16

_____ **(Mayor)**

_____ **(Borough Clerk)**

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Resolution Introduced by Council President Jensen

Date: 8/15/16

Seconded by Council Member

**RESOLUTION AUTHORIZING OPEN SPACE TRUST FUND FOR
UNDERGROUND IRRIGATION FOR FIELD C IN RINDLAUB PARK**

WHEREAS, a Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), Provides matching grants to municipal governments and to non profit organizations for assistance in the development or redevelopment of municipal recreation facilities; and,

WHEREAS, the Borough of Saddle River desires to further the public interest be obtaining a matching grant of \$20,000.00 from the County Trust Fund to fund the following project: Install Underground Irrigation in Field C in Rindlaub Park; and,

WHEREAS, the Borough of Saddle River has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations, and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council.

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of October 13, 2016, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, Mayor & Council has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That Mayor & Council is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.

5. That the Mayor and Council agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and

6. That this resolution shall take effect immediately.

	AYES	NAYS	ABSTAIN	ABSENT
Jensen, Eric, Council Pres.				
Acaster, Benjamin				
Gray, Ronald				
Kerner, Corinne				
Salazer, Elizabeth				
Schulstad, Paul				

Kurpis, Albert J., Mayor

Date Passed: 08/15/16

(Mayor)

(Borough Clerk)

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Introduced by Council President Jensen

Date: 8/15/16

Seconded by Council Member

RESOLUTION APPOINTING COUNCIL MEMBER SALAZER TO THE PUBLIC INFORMATION AND TRANSPARENCY COMMITTEE

RESOLVED that **Council Member Liz Salazer** be appointed to the Public Information and Transparency Committee effective immediately, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Saddle River accept the appointment of Council Member Liz Salazer through December 31, 2016.

AYES NAYS ABSTAIN ABSENT

Jensen, Eric, Council Pres.
Acaster, Benjamin
Gray, Ronald
Kerner, Corinne
Salazer, Elizabeth
Schulstad, Paul

Kurpis, Albert J., Mayor

Date Passed: 8/15/16

_____ (Mayor)

_____ (Borough Clerk)

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Resolution Offered by Council President Jensen

Seconded by Council Member

Date 08/15/16

Authorize the Replacement of Vehicle for Construction Official

WHEREAS, Construction Official, John Scialla, as part of his compensation package dating back to 2001, has the daily use of a Borough vehicle; and

WHEREAS, the 2009 Ford Escape he is currently driving has exceeded 182,200 miles, needs a new windshield, tires and transmission and has been deemed to be not worth the investment to repair and unsafe to drive; and

WHEREAS, four quotes have been obtained for the purchase of a replacement 2017 Ford Escape with the lowest quote from Schultz Ford Lincoln, Inc., Nanuet, NY in the amount of \$30,485; and

WHEREAS, a similar model vehicle is not included on New Jersey State Contract; and

WHEREAS, Chief Financial Officer, Michael Mariniello, Jr., Borough of Saddle River has ascertained that there are available sufficient funds in the 2016 Budget for purchase this vehicle

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Saddle River approve the purchase the of a 2017 Ford Escape for Building Official John Scialla in the amount of \$30,485.

AYES NAYS ABSTAIN ABSENT

Jensen, Eric, Council Pres.

Acaster, Benjamin

Gray, Ronald

Kerner, Corinne

Salazer, Elizabeth

Schulstad, Paul

Kurpis, Albert J., Mayor

Date Passed: 8/15/16

_____ (Mayor)

_____ (Borough Clerk)

R#

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Introduced by Council President Jensen

Date: 8/15/16

Seconded by Council Member

CANCELLATION OF STALE/OUTSTANDING CHECKS

WHEREAS, upon review of the financial records of the Current Checking account held at Wells Fargo and maintained by the Borough of Saddle River, it was determined that there are several stale-dated outstanding checks; and

WHEREAS, it is in the best interest of the Borough of Saddle River to cancel these outstanding checks; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Saddle River, that the following outstanding checks be cancelled:

Wells Fargo List of Outstanding Checks

Check Date	Check #	Amount	Vendor	Description
10/19/09	1170	\$ 423.00	Tropicana	C. Poiter 11/17/09-11/19/09
11/16/09	1216	\$ 100.00	FFG of NJ	1808/4 18 Eugene Display Box Return
2/3/11	2288	\$ 69.06	Orange & Rockland Bergen County Muni Judges	Voided in Munidex
6/20/11	2746	\$ 75.00	Assoc	2011 Dues
2/11/13	4622	\$ 134.95	State Line Fire & Safety	Water Test & Repairs
9/16/13	5259	\$ 200.00	Ramsey Towing	Parks-Remove Sandpro from Wandell
11/18/13	5441	\$ 30.00	Kenneth Warr Jr.	Subscription Duty Shift Scheduling
12/16/13	5534	\$ 158.00	Orkin Pest Control	Pest Control
3/18/14	5694	\$ 100.00	FBI-Leeda	Police Annual FBI Dues
4/21/14	5768	\$ 829.50	Merit Trophies & Engraving	2014 Council Name Plates/Retirement Plaques
5/19/14	5846	\$ 180.00	ANJR	2014 NJ Recyclers Membership Dues
4/20/15	6783	\$ 175.00	Building Safety Conference	Reg fee for Conference, Rich Silvia
TOTAL		\$ 2,474.51		

AYES NAYS ABSTAIN ABSENT

**Jensen, Eric, Council Pres.
Acaster, Benjamin
Gray, Ronald
Kerner, Corinne
Salazer, Elizabeth
Schulstad, Paul
Kurpis, Albert J., Mayor**

Date Passed: 8/15/16

_____ (Mayor)

_____ (Borough Clerk)

R# -16

COUNCIL OF THE BOROUGH OF SADDLE RIVER

Introduced by Council President Jensen

Date: 8/15/16

Seconded by Council Member

EXECUTIVE SESSION RESOLUTION

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting, and

WHEREAS, the Mayor and Council of the Borough of Saddle River has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

WHEREAS, the regular meeting of this Governing Body may or may not reconvene; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Saddle River will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12b:

_____ Any matter which, by express provision of Federal Law or State statute or Rule of Court shall be rendered confidential or excluded from discussion in public;

_____ Any matter in which the release of information would impair a right to receive funds from the Federal Government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy.

_____ Any collective bargaining agreement;

_____ Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection, any investigations of violations or possible violations of the law;

_____ Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;

_____ Any matter involving the employment, appointment, termination of employment, disciplinary action unless individual, in writing requests a public meeting;

_____ Any deliberations of the public body occurring after a public hearing that may result in the imposition of specific civil penalty.

AYES NAYS ABSTAIN ABSENT

**Jensen, Eric, Council Pres.
Acaster, Benjamin
Gray, Ronald
Kerner, Corinne
Salazer, Elizabeth
Schulstad, Paul**

Kurpis, Albert J., Mayor

Date Passed: 8/15/16

_____(Mayor)

_____(Borough Clerk)