

**AGENDA OF THE REGULAR MEETING  
OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF UPPER SADDLE RIVER  
November 5, 2020 8:00 p.m.**

**Pledge of Allegiance/Moment of Silence**

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:**

- September 3, 2020 Regular Meeting, Executive Meeting, Closed Session Meeting

**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:**

- Borough Attorney
- Borough Engineer
- Construction Code Official

**Other Boards & Commissions**

- Municipal Court

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

Motion to Pay Bills:

**Roll Call:**

**Rule 5. Unfinished Business:**

Second reading, Open Public Hearing – **Ordinance #08-20**

**An Ordinance to Amend Ordinance #07-20 Entitled "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".**

**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:**

Open to the Public for Consent Agenda Items Only:

- \*1. Resolution #107-20 Renewal of Alcoholic Beverage Pocket License Beso XOXO Corporation
- \*2. Resolution #108-20 Resolution Authorizing Request for Qualifications
- \*3. Resolution #109-20 Approval of Storm Drain Connection – 96 Lake Street
- \*4. Resolution #110-20 Approval of Storm Drain Connection – 88 Pleasant Avenue
- \*5. Resolution #111-20 Property Tax Overpayment Refund – Blk. 1301 Lot 13
- \*6. Resolution #112-20 Property Tax Overpayment Refund – Blk. 916 Lot 30
- \*7. Resolution #113-20 Property Tax Overpayment Refund – Blk. 704 Lot 7.01
- \*8. Resolution #114-20 Redeeming Third Party Lien
- \*9. Resolution #115-20 Bid Award – 2020 Road Resurfacing Program 4 Clean-up Inc.
- \*10. Resolution #116-20 NO RESOLUTION
- \*11. Resolution #117-20 Approval of Hazard Mitigation Plan
- \*12. Resolution #118-20 Approving Developer's Agreement b/w USR Planning Board, the Borough and East Crescent Development Group, LLC
- \*13. Resolution #119-20 Sale of PD Property on GovDeals
- \*14. Resolution #120-20 Transfer of Funds
- \*15. Resolution #121-20 Approving Corrective Action Plan for 2019 Audit
- \*16. Resolution #122-20 Certification of Annual Audit
- \*17. Resolution #123-20 Auditor's Approval to Release Escrow Funds
- \*18. Resolution #124-20 Cancellation of Stale/Outdated Checks
- \*19. Resolution #125-20 Approval of Fire Hydrant Installation Suez - 54 Pleasant Avenue, LLC
- \*20. Resolution #126-20 Approval of Water Main Extension – Suez – 54 Pleasant Avenue, LLC
- \*21. Resolution #127-20 Endorsing the Housing Element and Fair Share Plan
- \*22. Resolution #128-30 Appointment of Affordable Housing Administrative Agent
- \*23. Resolution #129-70 Appointment of Municipal Housing Liaison
- \*24. Resolution #130-20 Adopting Affirmative Marketing Plan

- \*25. Resolution #131-20 Adopting Affordable Assistance Program Manual
- \*26. Resolution #132-20 Adopting Rehabilitation Program Manual

**\*Introduction of Ordinance #09-20**

**An Ordinance to Amend Chapter 150 of the Code of the Borough of Upper Saddle River Entitled  
"Zoning" to Provide Additional Standards Pertaining to Sports Courts  
Roll Call:**

**\*Introduction of Ordinance #10-20**

**An Ordinance Replacing Chapter 63, Housing, Affordable," in the Borough of Upper Saddle River Code to  
Address the Requirements of the Fair Housing Act and Uniform Housing Affordability Controls ("UHAV")  
Regarding Compliance with the Borough's Affordable Housing Obligations, Mandatory Set-Aside  
Requirements and Development Fees  
Roll Call:**

**\*Introduction of Ordinance #11-20**

**An Ordinance to Amend and Supplement Chapter 150, Zoning, of the Borough of Upper Saddle River,  
Bergen County, New Jersey to Establish a New Overlay 1 (OL-1) Zone  
Roll Call:**

**\*Introduction of Ordinance #12-20**

**An Ordinance to Amend and Supplement Chapter 150, Zoning, of the Borough of Upper Saddle River,  
Bergen County, New Jersey to Establish a New Overlay 2 (OL-2) Zone  
Roll Call:**

**\*Introduction of Ordinance #13-20**

**An Ordinance to Amend and Supplement Chapter 150, Zoning, of the Borough of Upper Saddle River,  
Bergen County, New Jersey to Establish a New Overlay 3 (OL-3) Zone  
Roll Call:**

**\*Introduction of Ordinance #14-20**

**An Ordinance to Amend and Supplement Chapter 150, Zoning, of the Borough of Upper Saddle River,  
Bergen County, New Jersey to Establish a New Overlay 4 (OL-4) Zone  
Roll Call:**

**\*Motion to Approve Raffle License #402 Woman's Club Mega Raffle Roll Call:**

**\*Motion to accept the Best Practices Inventory as submitted on November 4, 2020 Roll Call:**

**Rule 7.      Public Comment**

**Rule 8.      Adjournment**

Motion to Adjourn Roll Call

*\*\*Agenda subject to change*

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #107-20  
November 5, 2020**

**RENEWAL OF ALCOHOLIC BEVERAGE POCKET LICENSE  
BESO XOXO CORPORATION**

**WHEREAS**, application for renewal of an alcoholic beverage pocket license has been filed with the Division of Alcoholic Beverage Control Commission by BESO XOXO Corporation, 36 Sleepy Hollow Road, Upper Saddle River, 07458 and proper fees have been filed with State and local authorities; and

**WHEREAS**, Licensee has received a Special Ruling from the Director of Alcoholic Beverage Control pursuant to N.J.S.A.33:1-12.39 for the license term 2020-2021;

**NOW, THEREFORE, BE IT RESOLVED**, that the following alcoholic beverage pocket license be renewed effective July 1, 2020 - June 30, 2021, and is subject to review and/or modification should the factual circumstances warrant:

License #0263-33-003-005

A Plenary Retail Consumption Pocket License is hereby issued to BESO XOXO Corporation, 36 Sleepy Hollow Road, Upper Saddle River, NJ 07458.

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 November 5, 2020.

\_\_\_\_\_  
Joy C. Convertini, R.M.C  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #108-20  
November 5, 2020**

**RESOLUTION AUTHORIZING REQUEST FOR QUALIFICATIONS**

**WHEREAS**, there exists in the Borough of Upper Saddle River a need for the services of a Bond Counsel, Borough Attorney, Borough Auditor, Borough Planner, Information Technology Professional, Labor Attorney, Planning Board Attorney, Prosecutor, Public Defender, and Risk Management Consultant; and

**WHEREAS**, such professional services involve qualified services and knowledge that specifications cannot reasonably be formulated and public bidding is not feasible; and

**WHEREAS**, *N.J.S.A.:11-5(1)(a)* of the Local Public Contracts Law exempts professional services from public bidding; and

**WHEREAS**, it has been determined that it is in the best interest of the Borough that said aforementioned professionals should be appointed under a fair and open process, pursuant to the New Jersey Local Unit Pay to Play law, *N.J.S.A. 19:44A-20.4, et. seq.* ("Pay to Play Law").

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

1. For the reasons above stated, the Borough Clerk is authorized to issue Requests for Qualifications ("RFQs"), for Bond Counsel, Borough Attorney, Borough Auditor, Borough Planner, Information Technology Professional, Labor Attorney, Planning Board Attorney, Prosecutor, Public Defender, and Risk Management Consultant, for the Borough of Upper Saddle River, notice of which shall be publicly advertised as required in the Pay to Play Law.
2. Responses to such RFQ must be submitted no later than 3:00 p.m. on Friday, December 11, 2020, at the Borough Clerk's Office at the Municipal Building, 376 West Saddle River Road, Upper Saddle River, New Jersey.
3. The Mayor shall be authorized to appoint a committee not to exceed three (3) persons, which committee shall consist of Borough Council Members and/or officials, who shall review the responses submitted to the RFQs with respect to each appointment, and make a determination whether there has been compliance with all specifications and requirements thereof, and make a recommendation for each appointment to the governing body.
4. Such appointments shall be subject to the preparation and execution of an agreement, or memoranda of understanding.

5. A copy of this Resolution shall be published in the *Record*, the official newspaper of the Borough of Upper Saddle River, within ten (10) days, according to law.

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 November 5, 2020.

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

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #109-20  
November 5, 2020**

**RESOLUTION APPROVING STORM DRAIN CONNECTION  
96 LAKE STREET**

**WHEREAS**, Borough Engineer Marisa Tiberi has recommended that the owner of certain premises known as Block 1005, Lot 4, 96 Lake Street, PAM Real Estate LLC, be allowed to connect the above-mentioned property to the municipal storm drain system as noted on the attached site plan; and

**WHEREAS**, all required fees have been deposited with the Borough.

**NOW THEREFORE BE IT RESOLVED**, this request be and is hereby approved subject to the requirement that an Agreement be prepared whereby the property owner and its successors in interest and assigns will indemnify and hold harmless the Borough in connection with the maintenance and operation of the proposed connection; and

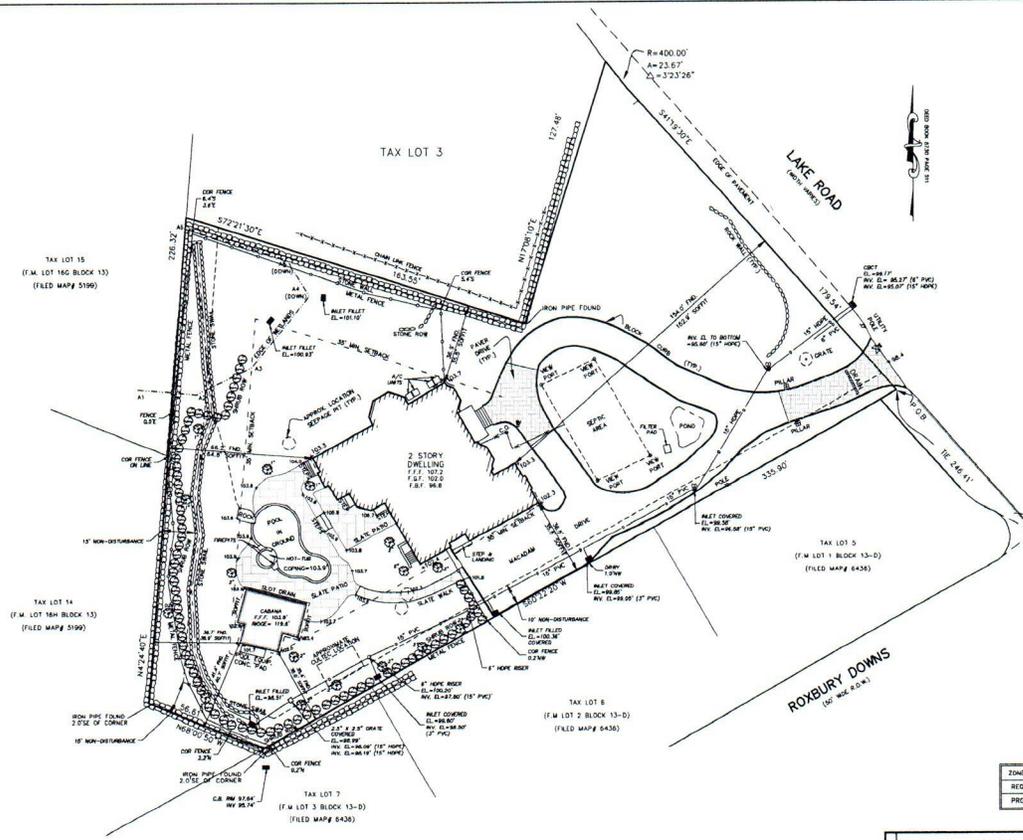
**BE IT FURTHER RESOLVED** that Mayor Joanne L. Minichetti and Borough Clerk Joy C. Convertini be and are hereby authorized to execute the aforementioned Maintenance and Hold Harmless Agreement after same has been prepared by the Borough Attorney.

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

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



ACCESSORIES BUILDING HEIGHT CALCULATION  
 LOWEST ADJACENT ELEVATION = 102.5 FT  
 RIDGE ELEVATION = 119.6 FT  
 HEIGHT = 119.6 - 102.5 = 17.1 FT

BUILDING COVERAGE CALCULATIONS  
 DWELLING 4,822.7 SQ. FT.  
 4,822.7 SQ. FT. / 64,202.6 = 8.5%

IMPROVED LOT COVERAGE CALCULATIONS  
 DWELLING 4,822.7 SQ. FT.  
 DRIVEWAY/STEPS 7,165.4 SQ. FT.  
 POOL/SPA/PATIO 2,970.5 SQ. FT.  
 CABANA 620.9 SQ. FT.  
 SIDE WALK 242.0 SQ. FT.  
 AC/POOL EQUIP & STAIRS 132.0 SQ. FT.  
 FILTER PAD 11.7 SQ. FT.  
 15,765.2 SQ. FT. / 64,202.6 = 29.1%

BULK TABLE

ZONE	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	R-11	R-12	R-13	R-14	R-15	R-16	R-17	R-18	R-19	R-20
REQUIRED	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.	33,000 SQ. FT.
PROVIDED	46,202.6 SQ. FT.	33,000 SQ. FT.																		

NOTES:  
 1. COPIES OF THIS MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.  
 2. IMPROVEMENTS ON OR UNDER THE LANDS AND NOT MOBILE MAY NOT BE REFINED.  
 3. THIS SURVEY IS NOT TO BE USED FOR SURVEY PURPOSES UNLESS THE SURVEY IS NOT CENTERED TO ANY PART OF OTHER TOWN MAPS AND IS NOT LISTED IN THE CERTIFICATION AT THE DATE OF THIS SURVEY.  
 4. THIS SURVEY IS SUBJECT TO THE REVIEW AND FINDINGS OF A CURRENT TITLE SEARCH REPORT.  
 5. OFFICIAL TOWN MAPS ARE FOR THIS PURPOSES ONLY AND NOT TO BE USED TO DETERMINE BOUNDARIES FOR CONSTRUCTION.  
 6. SURVEY ASSUMED.

TAX MAP REFERENCE  
 TAX LOT D4 BLOCK 1005  
 DEED BOOK 9730 PAGE 311  
 AREA = 64,202.6 SQ. FT. = 1.48 ACRES

POOL AS BUILT SURVEY FOR

96 LAKE STREET  
 BOROUGH OF UPPER SADDLE RIVER  
 BERGEN COUNTY, NEW JERSEY

**BROOKER ENGINEERING, PLLC**  
 PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
 14 Corporate Center, Suite 301  
 Saddle River, NJ 07634  
 PHONE: (201) 261-1000  
 FAX: (201) 261-1001  
 PROJECT NUMBER: 120211  
 SHEET: 1 OF 1

JOHN J. BEZUYEN, P.L.S.  
 PROFESSIONAL LAND SURVEYOR  
 NEW JERSEY LICENSE# 38800

DATE: 04/24/2009

**BOROUGH OF UPPER SADDLE RIVER  
 RESOLUTION #110-20  
 November 5, 2020**

**RESOLUTION APPROVING STORM DRAIN CONNECTION  
 88 PLEASANT AVENUE**

**WHEREAS**, Borough Engineer Marisa Tiberi has recommended that the owner of certain premises known as Block 1302, Lot 8.03, 88 Pleasant Avenue Properties, LLC, be allowed to connect the above-mentioned property to the municipal storm drain system as noted on the attached site plan; and

**WHEREAS**, all required fees have been deposited with the Borough.

**NOW THEREFORE BE IT RESOLVED**, this request be and is hereby approved subject to the requirement that an Agreement be prepared whereby the property owner and its successors in interest and assigns will indemnify and hold harmless the Borough in connection with the maintenance and operation of the proposed connection; and

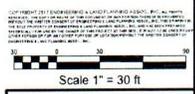
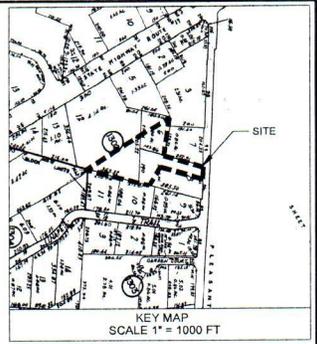
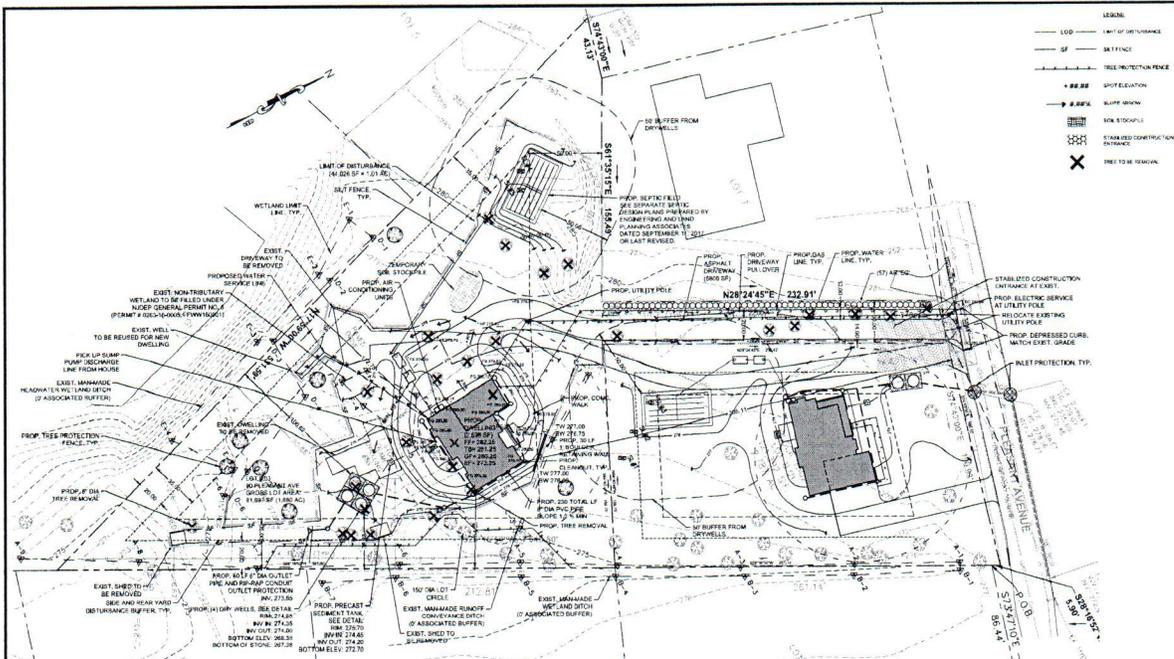
**BE IT FURTHER RESOLVED** that Mayor Joanne L. Minichetti and Borough Clerk Joy C. Convertini be and are hereby authorized to execute the aforementioned Maintenance and Hold Harmless Agreement after same has been prepared by the Borough Attorney.

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 November 5, 2020.

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



NO.	REVISION	BY	DATE

**GENERAL NOTES**

1. CONVEYANCE OF THE PROPERTY TO THE BOROUGH ENGINEER SHALL BE SUBJECT TO THE BOROUGH ENGINEER'S REVIEW AND APPROVAL OF THE CONSTRUCTION DOCUMENTS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE BOROUGH ENGINEER AND THE STATE OF NEW JERSEY.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN THE PROPOSED ELEVATIONS AND GRADES THROUGHOUT THE PROJECT.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EXISTING OBSTRUCTIONS AND THE INSTALLATION OF ALL NEW UTILITIES AND STRUCTURES.
7. THE CONTRACTOR SHALL MAINTAIN THE PROPOSED ELEVATIONS AND GRADES THROUGHOUT THE PROJECT.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EXISTING OBSTRUCTIONS AND THE INSTALLATION OF ALL NEW UTILITIES AND STRUCTURES.
9. THE CONTRACTOR SHALL MAINTAIN THE PROPOSED ELEVATIONS AND GRADES THROUGHOUT THE PROJECT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EXISTING OBSTRUCTIONS AND THE INSTALLATION OF ALL NEW UTILITIES AND STRUCTURES.

**SUMMARY OF INSPECTIONS/VIOLATIONS REQUIRED DURING CONSTRUCTION**

1. AN INSPECTION OF ALL THE EXISTING UTILITIES, MEASUREMENTS, AND RECORDS SHALL BE REQUIRED PRIOR TO THE START OF CONSTRUCTION.
2. THE BOROUGH ENGINEER SHALL BE NOTIFIED OF ALL VIOLATIONS AND REQUIRED TO SIGN OFF ON THE CONSTRUCTION DOCUMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EXISTING OBSTRUCTIONS AND THE INSTALLATION OF ALL NEW UTILITIES AND STRUCTURES.
4. THE CONTRACTOR SHALL MAINTAIN THE PROPOSED ELEVATIONS AND GRADES THROUGHOUT THE PROJECT.
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10. THE CONTRACTOR SHALL MAINTAIN THE PROPOSED ELEVATIONS AND GRADES THROUGHOUT THE PROJECT.

**BULK REQUIREMENTS**

ITEM	REQUIRED	PROPOSED	VARIANCE
CONCRETE	1000	1000	0
STEEL	1000	1000	0
BRICK	1000	1000	0
GLASS	1000	1000	0
WOOD	1000	1000	0
ROOFING	1000	1000	0
MECHANICAL	1000	1000	0
ELECTRICAL	1000	1000	0
PLUMBING	1000	1000	0
PAINT	1000	1000	0
LANDSCAPE	1000	1000	0
OTHER	1000	1000	0

**IMPERVIOUS COVERAGE SUMMARY**

ITEM	AREA (SQ FT)	PERCENTAGE
DRIVEWAY	1000	10%
PARKING	1000	10%
WALKWAYS	1000	10%
ROOFS	1000	10%
OTHER	1000	10%
<b>TOTAL</b>	<b>5000</b>	<b>50%</b>

**BUILDING COVERAGE**

ITEM	AREA (SQ FT)	PERCENTAGE
ROOFS	1000	10%
WALLS	1000	10%
OTHER	1000	10%
<b>TOTAL</b>	<b>3000</b>	<b>30%</b>

**MAXIMUM ROOF CALCULATION**

ITEM	AREA (SQ FT)	PERCENTAGE
ROOFS	1000	10%
WALLS	1000	10%
OTHER	1000	10%
<b>TOTAL</b>	<b>3000</b>	<b>30%</b>

**LANDSCAPE SCHEDULE**

DTY	LABEL	COMMON NAME	BOTANICAL NAME	SIZE	NOTES
1	EMERALD GREEN ARBUSTIVE	YALSA	COCCINIFERA	VARIOUS	PLANT

**PROJECT INFORMATION**

PROJECT: 90 PLEASANT AVENUE, BLOCK 1002, LOT 8 & 03, BOROUGH OF UPPER SADDLE RIVER, BERGEN COUNTY, NEW JERSEY

DATE: SEPTEMBER 27, 2017

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #111-20  
November 5, 2020**

**PROPERTY TAX OVERPAYMENT REFUNDS  
BLOCK 1301 LOT 13**

**WHEREAS**, the tax collector has advised 2 Park Associates LLC, owner of Block 1301 Lot 13 located at Park Way, was paid two times by the bank and the homeowner in the amount of **\$23,780.00**

**WHEREAS**, taxes were paid on the 2nd quarter of 2020 on this property; and

**WHEREAS**, the application of these credits resulted in Tax Overpayments in the above amounts for the listed year amounting to \$23,780.00

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey that approval be granted to issue a check in the amount of \$23,780.00 payable to 2 Park Way Associates LLC.

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 November 5, 2020.

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

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #112-20  
November 5, 2020**

**PROPERTY TAX OVERPAYMENT REFUNDS  
BLOCK 916 LOT 30**

**WHEREAS**, the Tax Collector has advised Lefteris Politis et al, owner of Block 916 Lot 30 located at 30 Rolling Ridge Rd., that a reduction of assessment by the Tax Court of New Jersey for the year 2019 in the amount of **\$1,816.79 plus interest calculated @5% in the amount of 91.85 total amount to be paid \$1,908.64**

**WHEREAS**, taxes were paid through the 4<sup>th</sup> Quarter of 2019 on this property; and

**WHEREAS**, the application of these credits resulted in Tax Overpayments in the above amounts for the listed year amounting to \$1,908.64.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey that approval be granted to issue a check in the amount of \$1,908.64 payable to Lefteris Politis.

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 November 5, 2020.

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

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #113-20  
November 5, 2020**

**PROPERTY TAX OVERPAYMENT REFUND  
BLOCK 704 LOT 7.01**

**WHEREAS**, the Tax Collector has advised Melnyk David & Dalida, owner of Block 704 Lot 7.01 located at 101 Lake St., was paid two times by the bank and the homeowner in the amount of **\$3,304.84**; and

**WHEREAS**, taxes were paid on the 2nd quarter of 2020 on this property; and

**WHEREAS**, the application of these credits resulted in Tax Overpayments in the above amounts for the listed year amounting to \$3,304.84

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey that approval be granted to issue a check in the amount of \$3,304.84 payable to Melnyk David & Dalida.

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 November 5, 2020.

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

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #114-20  
November 5, 2020**

**Resolution to Redeem Third-Party Tax Lien**

**WHEREAS**, the tax Collector has advised that payment has been received in the amount of \$18,604.38 to redeem TTL #19-00004 and subsequent taxes on Block 1012 Lot 3, located at 881 Conklin Avenue Upper Saddle River, within the Borough, and

**WHEREAS, US BANK CUST//Pro Capital** is the holder of said Certificate **TTL#19-00004** and is therefore entitle to payment of \$18,604.38, and

**WHEREAS**, the lienholder also paid a premium at the time of purchase and is entitled to a refund of same in the amount of **25,000.00**

**NOW, THEREFORE, BE IT RESOLVED by the Governing Authority of the Borough of Upper Saddle** River, County of Bergen, State of New Jersey to issue a check in the amount of \$43,604.38, payable to the abovenamed lienholder, representing the redemption amount of said Certificate and a refund of the premium.

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 November 5, 2020.

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Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #115-20  
November 5, 2020**

**CONTRACT AWARD TO 4 CLEAN-UP, INC.  
2020 BOROUGH ROAD RESURFACING PROGRAM**

**WHEREAS**, the Borough of Upper Saddle River advertised that sealed proposals would be received on October 15, 2020 for the Borough Road Resurfacing Program; and

**WHEREAS**, in response to said advertisement for proposals, a total of ten (13) bids were submitted; and

**WHEREAS**, a bid submitted by **4 Clean-Up, Inc. P.O. Box 5098, North Bergen, NJ 07047** was the lowest responsible bidder in an amount of **\$560,638.25**;  
and

**WHEREAS**, the submission has been reviewed and found to be in conformance with the specifications;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Upper Saddle River that it does hereby award a contract to 4 Clean-Up, Inc. for the Borough Road Resurfacing Program in the amount of **\$560,638.25**.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk be and are hereby authorized to execute a contract for the aforesaid service after same has been prepared by the Borough Attorney.

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 November 5, 2020.

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

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #117-20  
November 5, 2020**

**Approval of Hazard Mitigation Plan**

**WHEREAS**, the County of Bergen, New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property;

**WHEREAS**, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk through the adoption of a Bergen County Multi-Jurisdictional Hazard Mitigation Plan (“Hazard Mitigation Plan”); and

**WHEREAS**, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the Hazard Mitigation Plan; and

**WHEREAS**, a draft Hazard Mitigation Plan has been developed by the Mitigation Planning Committee; and

**WHEREAS**, the draft Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

**WHEREAS**, the draft Hazard Mitigation Plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management’s website so as to introduce the planning concept and to solicit questions and comments; and to present the Hazard Mitigation Plan and request comments, as required by law; and

**WHEREAS**, the draft Hazard Mitigation Plan was submitted by the Bergen County Office of Emergency Management to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020; and

**WHEREAS**, the New Jersey Office of Emergency Management and the Federal Emergency Management Agency have approved the draft Hazard Mitigation Plan as submitted; and

**WHEREAS**, formal adoption and maintenance of the Hazard Mitigation Plan by the governing body is a condition of receipt of federal disaster aid; and

**WHEREAS**, the Bergen County Office of Emergency Management has recommended to the County Executive and Board of Chosen Freeholders that the Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020, be adopted as the official Hazard Mitigation Plan of the County of Bergen.

**NOW THEREFORE BE IT RESOLVED**, by the **Mayor and Council of the Borough of Upper Saddle River** upon the recommendation of the Bergen County Office of Emergency Management, as follows:

1. The Bergen County Multi-Jurisdictional Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020 by the Bergen County Office of Emergency Management is hereby adopted as an official plan of the County of Bergen; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. A hard copy of the Hazard Mitigation Plan shall be kept on file at the Bergen County Office of Emergency Management, and a digital copy shall be posted on the web site of the Bergen County Office of Emergency Management.
3. Any action proposed by the Hazard Mitigation Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the County of Bergen, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Bergen County Office of Emergency Management shall prepare an annual progress report on the goals set forth in the Hazard Mitigation Plan. Copies of those reports will be kept on file at the office of the Board of Chosen Freeholders and the Bergen County Office of Emergency Management. The status reports shall be submitted on an annual basis by a predetermined date as agreed upon by all stakeholders, and as required by applicable statutes and regulations.

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 November 5, 2020.

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Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #118-20  
November 5, 2020**

**RESOLUTION APPROVING A DEVELOPER’S AGREEMENT BETWEEN THE  
BOROUGH, PLANNING BOARD AND EAST CRESCENT DEVELOPMENT GROUP,  
LLC BLK. 601 LOTS 2 & 3**

**WHEREAS**, East Crescent Development Group, LLC (“the Developer”) received various approvals from the Planning Board of the Borough of Upper Saddle River by resolution dated April 13, 2106 relating to premises known as Block 601, Lots 2 and 3, being more commonly known as 558-572 East Crescent Avenue (“the property”); and

**WHEREAS**, a condition of approval required the Developer to execute a Developer’s Agreement and to post performance and cash bonds and escrow charges; and

**WHEREAS**, the aforesaid Developer’s Agreement has been prepared.

**NOW THEREFORE BE IT RESOLVED** that the Mayor, or her designee, and Borough Clerk Joy C. Convertini be and are hereby authorized to execute the Developer’s Agreement on behalf of the Borough.

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 November 5, 2020.

\_\_\_\_\_  
Joy C. Convertini, R.M.C  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #119-20  
November 5, 2020**

**AUTHORIZING SALE OF POLICE DEPARTMENT PROPERTY ON GOVDEALS**

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

**WHEREAS**, the Mayor and Council are wish to sell said the property in an “as is” condition without express or implied warranties;

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

1. The sale of the property shall be conducted by GovDeals pursuant to New Jersey State Contract A-709667/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and the State of New Jersey.
2. The sale will be conducted online and the address of the auction site is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
4. The property to be sold is noted below.
5. The property as identified shall be sold in “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Borough of Upper Saddle River reserves the right to accept or reject any bid submitted.

**1) Truck Winch drum only (new) Part#7412382-1 Serial number OTE0590  
Starting bid: \$850**

**2) 15kw Trailer Mounted Diesel generator (used)  
Note: Generator has auxiliary power hook-up wired by licensed electrician allowing  
for connection to rhino temporary power distribution box.  
Model: MEP-804B -b Serial number: FZ62932 Hours: 354  
Starting bid: \$1,500**

**3) Addison Safety Boots black (new) Size 14.5  
Starting bid: \$50**

**4) Addison Safety Boots black (new) Size 14.5  
Starting bid: \$50**

**5) Large army field pack (no frame)  
Quantity: 9  
Starting bid: \$150**

**6) Aruba AP125 Wireless Access Point (used)  
Quantity: 4  
Starting bid: \$50**

**7) ClearCube Dual DisplayPort model:CD9924 (new)**  
**Starting bid: \$25**

**8) McDowell Research WKW-7 Power Adapter (new)**  
**Starting bid: \$25**

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 November 5, 2020.

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Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #120-20  
November 5, 2020**

**Transfer of Funds**

**WHEREAS**, N.J.S.A. 49:4-58 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budget appropriations;

**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 that the CFO is hereby authorized to affect the following transfers:

**To:**

Tax Collector	S&W	0-01-20-708-010	\$5,000
Engineering	OE	0-01-20-715-030	\$5,000
Planning Bd.	S&W	0-01-21-720-010	\$1,700
Zoning Bd of Adj	S&W	0-01-21-721-010	\$2,500
Ambulance	S&W	0-01-25-750-010	\$35,000
Buildings & Grounds	S&W	0-01-26-772-010	\$5,500
Buildings & Grounds	OE	0-01-26-772-030	\$2,000
Internet Access	OE	0-01-31-720-214	\$600
Garbage Dump Fees	OE	0-01-32-827-220	\$17,000
Reserve Tax Appeals	OE	0-01-40-307-000	\$11,000
	<b>Total</b>		<b><u>\$85,300</u></b>

**From:**

General Admin	OE	0-01-20-701-030	\$9,000
Finance	OE	0-01-20-705-030	\$8,000
Tax Assessment	S&W	0-01-20-710-010	\$20,000
Tax Assessment	OE	0-01-20-710-030	\$5,000
Legal Services	OE	0-01-20-712-030	\$5,300
Prosecutor	S&W	0-01-25-757-010	\$10,000
Celeb Public Events	OE	0-01-28-796-030	\$11,000
PERS	OE	0-01-36-836-000	\$17,000
	<b>Total</b>		<b><u>\$85,300</u></b>

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 November 5, 2020.

\_\_\_\_\_  
Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #121-20  
November 5, 2020**

**APPROVING THE CORRECTIVE ACTION PLAN FOR THE AUDIT  
RECOMMENDATIONS IN THE 2020 AUDIT REPORT**

**WHEREAS**, the Director of the Division of Local Government Services has formally directed all municipalities to adopt a Corrective Action Plan as part of their annual audit process; and

**WHEREAS**, this Corrective Action Plan shall be submitted to the Director of Local Government Services upon adoption of the Governing Body and it shall be kept on file with the Borough Clerk; and

**WHEREAS**, the Plan shall cover all audit findings and recommendations and be prepared in accordance with the Single Audit Act OMB Circular A-128 and Local Finance Notice 92-15;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Upper Saddle River that it hereby approves the Corrective Action Plan for the 2019 Annual Audit, a copy of which will be available in the Borough Clerk's office.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution, including the Corrective Action Plan, be forwarded to the Director of Local Government Services.

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 November 5, 2020.

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Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #122-20  
November 5, 2020**

**Governing Body Certification of the Annual Audit**

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

**WHEREAS**, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

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

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, That the Mayor and Council of the Borough of Upper Saddle River hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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 November 5, 2020.

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Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #123-20  
November 5, 2020**

**Auditor's Approval to Release Escrow Funds**

**WHEREAS**, a request has been received for the return of any professional review escrow funds and/or bonds for the projects listed below; and

**WHEREAS**, the Chief Financial Officer has determined the appropriate balances as shown below; and

**WHEREAS**, the Borough is in receipt of a certification as to the completeness of the project from the Building / Land Use Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Upper Saddle River that the Chief Financial Officer is hereby directed to return the balance of professional review escrow funds and/or bonds as indicated below:

- |                        |   |                    |             |
|------------------------|---|--------------------|-------------|
| • Viorel Tatu          | 81 Fawn Hill Rd.                        | Bl 706 – Lot 5     | \$1,291.75  |
| • Rachel Malina        | 11 White Pond Rd.                       | Bl 1215 – Lot 8    | \$7,500.00  |
| • Deanna Mandara       | 533 E. Saddle River Rd.                 | Bl 212 – Lot 5     | \$5,000.00  |
| • Joseph Mezzina       | 39 Skyline Dr.                          | Bl 1108 – Lot 5    | \$18,000.00 |
| • Brett & Lisa Hawken  | 35 Anona Dr.                            | Bl 206 – Lot 29    | \$5,000.00  |
| • Alpine Gourmet       | 852 Franklin Ave.<br>Franklin Lakes, NJ | Bl 901 – Lot 8     | \$18,000.00 |
| • KDJ Realty Inc.      | 475 Route 304<br>New City, NY           | Bl 1109 – Lot 6.01 | \$5,000.00  |
| • Niranjana Mapitigama | 19 Cobblestone                          | Bl 102 Lot 5.04    | \$2,500.00  |
| • Mona Vaidya          | 349 Lake Street                         | Bl 908 Lot 7.01    | \$5,000.00  |

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 November 5, 2020.

\_\_\_\_\_  
Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #124-20  
November 5, 2020**

**Resolution Authorizing the Cancellation of Stale/Outstanding  
Borough Checks**

**WHEREAS**, the Borough of Upper Saddle River has carried on its book balance several stale, outstanding checks and various reconciling items, which are in excess of twelve months old; and

**WHEREAS**, it is necessary to cancel these outstanding balances and remit any remaining funds to the Current Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Upper Saddle River that the following stale, outstanding checks and reconciling items are hereby cancelled:

Current Fund

#23349	\$30.00	12-06-2018
#23478	\$470.00	12-31-2018
#23955	\$180.00	06-06-2019
#24057	\$438.62	06-13-2019
#24425	\$270.00	09-18-2019

Animal Control Fund

#XXXX	\$450.00	XX-XX-2018
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Recreation Trust Fund

#1035	\$95.00	06-06-2019
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Net Payroll Account

#13072	\$117.31	XX-XX-2018
#13146	\$0.08	XX-XX-2018
#13153	\$184.22	XX-XX-2018
#13158	\$46.96	XX-XX-2018
#111120	\$135.30	XX-XX-2018
#13231	\$452.23	XX-XX-2018
#13264	\$18.34	XX-XX-2018

Payroll Agency Account

#2653	\$160.47	08-30-2019
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DARE Account

#7636	\$875.00	10-24-2017
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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 November 5, 2020.

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Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #125-20  
November 5, 2020**

**Approval of Installation of Fire Hydrant – Suez Water New Jersey  
Pleasant Avenue**

**WHEREAS**, Suez Water New Jersey, Inc. is hereby requested to erect one (1) public fire hydrant which will be tapped off a new 12 inch water main proposed within Pleasant Avenue, to be used for fire purposes only, in accordance with the Rules and Regulations of the Company and its rates as set forth in its Schedule of Rates filed with the New Jersey Board of Public Utilities in Newark, NJ; and

**WHEREAS**, the cost of the installation of the hydrant will be the responsibility of the developer, 54 Pleasant Avenue, LLC.

**NOW THEREFORE BE IT RESOLVED**, that said hydrant be installed and the same hereby is approved.

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 November 5, 2020.

---

Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #126-20  
November 5, 2020**

**Approval of Water Main Extension – Suez Water New Jersey  
Pleasant Avenue**

**WHEREAS**, 54 Pleasant Avenue, LLC has presented to Suez Water New Jersey an application for an extension to its distribution system running and consisting of relocating and/or installing 500 feet of 12 inch pipe in public road known as Pleasant Avenue, Upper Saddle River, NJ Off this new 12 inch water main will be five (5) 1.5” domestic services for five (5) single family homes and one (1) public fire hydrant.

**RESOLVED**, that said extension be made and the same is hereby approved.

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 November 5, 2020.

---

Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION # 127-20  
November 5, 2020**

**RESOLUTION ENDORSING THE HOUSING ELEMENT  
AND FAIR SHARE PLAN**

**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 October 22, 2020; 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*.

**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 RESOLVEVD** 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 the Borough hereby requests the Superior Court of New Jersey to approve the Housing Element in the action it has filed and is pending in the Superior Court entitled, “In The Matter of The Application of The Borough of Upper Saddle River, A Municipal Corporation of the State of New Jersey”, Docket No. BER-L-6121-15; 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 Borough Clerk’s Office at the Upper Saddle River Borough Hall, 376 West Saddle River Road, Upper Saddle River, New Jersey during normal business hours.

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 November 5, 2020.

---

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

**R E S O L U T I O N**

**PLANNING BOARD OF THE BOROUGH OF UPPER SADDLE RIVER**

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IN THE MATTER OF THE 2020 HOUSING  
ELEMENT AND FAIR SHARE HOUSING PLAN

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WHEREAS, pursuant to *N.J.S.A.* 40:55D-24, the Planning Board is vested with authority and jurisdiction over the adoption and amendment of the municipal Master Plan; and

WHEREAS, pursuant to *N.J.S.A.* 40:55D-28, the municipal Master Plan is required to obtain a statement of objectives, principles, assumptions, policies, and standards upon which constituent proposals for the physical, economic, and social development of the municipality are based as well as a Land Use element; Housing Plan Element and Fair Share Housing Plan; and

WHEREAS, *N.J.A.C.* 5:94-2.2(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

WHEREAS, *N.J.A.C.* 5:94-4.1 requires the preparation of a Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, the Borough has entered into a Settlement Agreement, dated January 23, 2020 with the Fair Share Housing Center, Inc., setting forth the Borough's Affordable Housing obligations and ending the

Borough's Affordable Housing litigation; and

WHEREAS, the Planning Board is desirous adopting a Housing Plan Element and a Fair Share Housing Plan known as the "2020 Housing Element and Fair Share Plan, dated October 9, 2020"; and

WHEREAS, the aforesaid Housing Element and a Fair Share Housing Plan has been presented to the Planning Board by the Board's licensed professional planner, Joseph Burgis, PP, of Burgis Associates, Planning Consultants, maintaining offices at 25 Westwood Avenue, Westwood, New Jersey; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Borough of Upper Saddle River held a public hearing on the Housing Element and Fair Share Plan on October 22, 2020; and

WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Housing Plan presented to the Planning Board are consistent with the goals and objectives of the Borough's Master Plan and that the adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and serve to protect the public health and safety and promote the general welfare.

NOW THEREFORE, BE IT RESOLVED that the Planning Board of the Borough of Upper Saddle River does hereby adopt the Housing Element and the Fair Share Housing

Plan specified herein and which is made a part hereof, in full;

BE IT FURTHER RESOLVED, that the Board Secretary shall forward a copy of said Plan, together with this Resolution to the Mayor and Council of the Borough of Upper Saddle River and shall otherwise circulate, file and distribute same in accordance with law.

BE IT FURTHER RESOLVED, that the Board recommends that the Mayor and Council endorse the Plan and forward a copy of the Housing Element and Fair Share Housing Plan to the Council on Affordable Housing; the Bergen County Planning Board and the Office of State Planning.

BE IT FURTHER RESOLVED, that Page 30 (Item A) of the Housing Element and Fair Share Housing Plan shall contain the following sentence at the end of Item A: "The Borough is awaiting the funding schedule, construction schedule and pro forma from the Development Entity, and the Borough will furnish these, and related documents, to FSHC upon receipt, and if determined necessary amend this Plan accordingly".

RESOLUTION

PLANNING BOARD OF THE BOROUGH OF UPPER SADDLE RIVER NJ

IN THE MATTER OF THE 2020 HOUSING ELEMENT

AND FAIR SHARE PLAN

	Motion	Second	Aye	Absent	Abstain
Mayor Minichetti			✓		
Councilwoman DeFuccio			✓		
Mr. Bakal		✓	✓		
Mr. Richardi	✓		✓		
Mr. Bonjuklian			✓		
Mr. Polizzi			✓		

DATED: October 22, 2020

I HEREBY CERTIFY THE FOREGOING IS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE UPPER SADDLE RIVER PLANNING BOARD AT THEIR MEETING HELD OCTOBER 22, 2020.

Linda Marmora  
Linda Marmora, Board Clerk

Roy Polizzi  
Roy Polizzi, Board Vice Chairman

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #128-20  
November 5, 2020**

**RESOLUTION APPOINTING AFFORDABLE HOUSING ADMINISTRATIVE AGENT  
BOROUGH OF UPPER SADDLE RIVER**

**WHEREAS**, The Borough of Upper Saddle River’s Housing Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.), applicable Council on Affordable Housing (“COAH”) regulations and Uniform Housing Affordability Controls (“UHAC”) regulations; and

**WHEREAS**, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., hereinafter the “Act”) the Municipality is implementing a program to provide affordable housing units to low- and moderate-income households desiring to live within the Municipality; and

**WHEREAS**, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the “Rules”); and

**WHEREAS**, Section 5:80-26.14 of the Rules provides that affordability controls shall be administered by an administrative agent acting on behalf of a municipality; and

**WHEREAS**, the Municipality has selected Community Grants, Planning and Housing to be the Administrative Agent for the purposes of administering the Borough’s affordable rehabilitation program; and

**WHEREAS**, The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in the Rules, including those set forth in Sections 5:80-26.14, 16 and 18 thereof.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Upper Saddle River in the County of Bergen, and the State of New Jersey that **Piazza & Associates, LLC** is hereby appointed by the Governing Body of the Borough of Upper Saddle River as the Administrative Agent for the administration of the affordable housing program.

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 November 5, 2020.

\_\_\_\_\_  
Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #129-20  
November 5, 2020**

**RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON  
BOROUGH OF UPPER SADDLE RIVER**

**WHEREAS**, The Borough of Upper Saddle River's Housing Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.), applicable Council on Affordable Housing ("COAH") regulations and Uniform Housing Affordability Controls ("UHAC") regulations; and

**WHEREAS**, the Borough of Upper Saddle River has chosen to appoint a Municipal Housing Liaison for the administration of Upper Saddle River's affordable housing program to enforce the requirements of applicable COAH and UHAC regulations; and

**WHEREAS**, the Borough of Upper Saddle River's Borough Code provides for the appointment of a Municipal Housing Liaison to administer the Borough's affordable housing program.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Upper Saddle River, in the County of Bergen, and the State of New Jersey, that **Municipal Clerk Joy Convertini, RMC** is hereby appointed by the Governing Body of the Borough of Upper Saddle River as the Municipal Housing Liaison for the administration of the Borough's affordable housing program.

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 November 5, 2020.

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Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER**  
**RESOLUTION #130-20**  
**November 5, 2020**

**RESOLUTION ADOPTING AN AFFIRMATIVE MARKETING PLAN FOR THE BOROUGH OF  
UPPER SADDLE RIVER**

**WHEREAS**, in accordance with applicable Council on Affordable Housing (“COAH”) regulations, the New Jersey Uniform Housing Affordability Controls (“UHAC”)(N.J.A.C. 5:80-26., et seq.), and the terms of a Settlement Agreement between the Borough of Upper Saddle River and Fair Share Housing Center (“FSHC”), which was entered into as part of the Borough’s Declaratory Judgment action entitled “In the Matter of the Borough of Upper Saddle River, County of Bergen, Docket No. BER-L-6121-15, which was filed in response to Supreme Court decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (“Mount Laurel IV”), the Borough of Upper Saddle River is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by rehabilitation, are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region 1, which encompasses the Borough of Upper Saddle River; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

**Affirmative Marketing Plan**

- A. All affordable housing units in the Borough of Upper Saddle River shall be marketed in accordance with the provisions herein unless otherwise provided in N.J.A.C. 5:93-1, et seq.
- B. The Borough of Upper Saddle River has a Gap (1999-2015) and Prospective Need (2015-2025) affordable housing obligation. This Affirmative Marketing Plan shall apply to all developments that require an Affirmative Marketing Plan or will contain very low, low and moderate-income units, including those that are part of the Borough’s current Housing Element and Fair Share Plan, and those that may be constructed in future developments not contemplated in the Borough’s Housing Element and Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for identified rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Upper Saddle River. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough, shall undertake all of the following strategies:
  - 1. Publication of one advertisement in a newspaper of general circulation within the housing region.

2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
  3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 in which the Borough is located and covers the entire period of deed restriction for each restricted housing unit.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for application for very low, low and moderate-income units shall appear in the Record.
  2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper during the first week of the marketing program. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Borough's Administrative Agent.
  3. The advertisement shall include a description of the:
    - i. Location of the units;
    - ii. Direction of the units;
    - iii. Range of prices for the units;
    - iv. Size, as measured in bedrooms, of units;
    - v. Maximum income permitted to qualify for the units;
    - vi. Location of applications;
    - vii. Business hours when interested households may obtain an application; and
    - viii. Application fees.

4. Newspaper articles, announcements and information on where to request applications for very low, low and moderate income housing shall appear in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Bergen County and the other two of which shall be circulated primarily outside of Bergen County, but within the housing region.
5. Advertisements will be broadcast on Spectrum Cable.
6. Applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
  - i. Borough Municipal Building
  - ii. Borough Public Library
  - iii. Borough Website
  - iv. Developer's Sales/Rental Office
  - v. Bergen County Administration Building

Applications shall be mailed by the Administrative Agent to the prospective applications upon request. Locations of applications, brochures, and flyers to affirmatively market the program are listed in the attached Appendix.

7. Also, applications shall be made available at the developer's sales/rental office and shall be mailed to prospective applicants upon request. When on-line preliminary applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Bergen, Hudson, Passaic and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.
  - i. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Eastern Bergen County Board of Realtors (411 Rte. 17 South, Hasbrouck Heights, NJ 07604)

Sussex County Association of Realtors (115 DeMarest Rd., Sparta, NJ 07871)

Passaic County Board of Realtors (204 Berdan Ave., Wayne, NJ 07470)

Hudson County Board of Realtors (110a Meadowlands Pkwy., Ste. 103, Secaucus, NJ 07094)

- ii. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Bergen, Hudson, Passaic and Sussex:

Welfare or Social Service Board

Office on Aging or Division of Senior Services

Housing Authority

Community Action Agencies

Community Development Departments

- iii. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all the major employers within the region as listed in the attached Appendix in accordance with the Region 1 Affirmative Marketing Plan.
- iv. The Administrative Agent will also provide specific direct notice to the following community and regional organizations whenever affordable housing units become available in the Borough to the organizations listed in the attached Appendix, including those listed below:

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)

New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203)

The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)

The Bergen County NAACP (P.O. Box 1136, Englewood, NJ 07631)

Bergen County Urban League (12 Tenafly Rd., Ste. 104, Englewood, NJ 07631)

Bergen County Housing Coalition (389 Main St., Hackensack, NJ 07601)

8. A random selection method to select occupants of very low, low and moderate income housing will be used by the Administrative Agent in conformance with N.J.A.C. 5:80-26.16(l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1 comprised of Bergen, Hudson, Passaic and Sussex Counties.
9. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of

affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.

10. Whenever appropriate, the Administrative Agent shall provide or direct qualified very low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
11. All developers/owners of very low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
12. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Borough-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in River Edge that is subject to N.J.A.C. 5:80-26.1 et seq. That document shall be completed by the owner/developer and will be compliant with the Borough's Affirmative Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the Administrative Agent's review and approval. The development specific affirmative marketing plans will use the standard form for Region 1, which is included in the attached Appendix.
13. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C. 5:80-26-1, et seq. and the Order granting the Borough a Final Judgment of Compliance and Repose.

**BE IT FURTHER RESOLVED** that the appropriate Borough officials and professionals are authorized to take all actions required to implement the terms of this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

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 November 5, 2020.

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Joy C. Convertini, RMC    Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #131-20  
November 5, 2020**

**RESOLUTION OF THE BOROUGH OF UPPER SADDLE RIVER COUNCIL ADOPTING  
AN AFFORDABILITY ASSISTANCE PROGRAM MANUAL**

**WHEREAS**, the Mayor and Council of the Borough of Upper Saddle River intends to implement the Borough’s Third Round Housing Plan Element and Fair Share Plan consistent with the terms of a Settlement Agreement reached between the Borough and Fair Share Housing Center, in the Matter of the Borough of Upper Saddle River, County of Bergen, Docket No. BER-L-6121-15 regarding In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (“Mount Laurel IV”); and

**WHEREAS**, in accordance with the regulations of N.J.A.C. 5:93-5.2, et seq. and the terms of the settlement agreement identified above, the Borough of Upper Saddle River is required to adopt an affordability assistance program manual to guide the administration of the Borough’s affordability assistance program expenditures to meet its obligation for the Third Round.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, hereby adopts the attached Affordability Assistance Program Manual.

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 November 5, 2020.

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Joy C. Convertini, RMC  
Municipal Clerk

**BOROUGH OF UPPER SADDLE RIVER  
RESOLUTION #132-20  
November 5, 2020**

**RESOLUTION OF THE BOROUGH OF UPPER SADDLE RIVER COUNCIL ADOPTING  
A REHABILITATION PROGRAM MANUAL**

**WHEREAS**, the Mayor and Council of the Borough of Upper Saddle River intends to implement the Borough’s Third Round Housing Plan Element and Fair Share Plan consistent with the terms of a Settlement Agreement reached between the Borough and Fair Share Housing Center, in the Matter of the Borough of Upper Saddle River, County of Bergen, Docket No. BER-L-6121-15 regarding In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (“Mount Laurel IV”); and

**WHEREAS**, in accordance with the regulations of N.J.A.C. 5:93-5.2, et seq. and the terms of the settlement agreement identified above, the Borough of Upper Saddle River is required to adopt a rehabilitation program manual to guide the administration of the Borough’s housing rehabilitation program to meet its rehabilitation obligation for the Third Round.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Upper Saddle River, County of Bergen, State of New Jersey, hereby adopts the Rehabilitation Program Manual dated October 8, 2020.

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 November 5, 2020.

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Joy C. Convertini, RMC  
Municipal Clerk