

**AGENDA OF THE REGULAR MEETING
OF THE MAYOR AND COUNCIL
BOROUGH OF UPPER SADDLE RIVER
June 2, 2022 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 15, 2021 by email which the time, place and purpose of the meeting was set forth.

- ❖ **Proclamation: National Gun Violence Awareness Day – June 3, 2022**
- ❖ **Proclamation: LGBTQ Pride Month – June 2022**

Rule 1. Roll Call:

Mayor Minichetti
Mr. DiMartino
Mr. Ditkoff
Ms. Drennan
Mr. Fardanesh
Ms. Florio
Mr. Masi

Rule 2. Approval of Minutes

- May 5, 2022: Executive, Closed and Regular Meeting

Roll Call:

Rule 3. Borough Reports

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
Municipal Court

Rule 4. Communications, Petitions and Bills:

Motion Offered by Council Member
Seconded by Council Member

Roll Call:

Rule 5. Unfinished Business

Rule 6. New Business

PUBLIC HEARING ON THE SUBMISSION OF A 2022 BERGEN COUNTY TRUST FUND GRANT APPLICATION FOR ONE LAKE STREET PARK

Proposed work includes the construction of two new multi-purpose athletic fields with perimeter pathway, four new tennis courts, new perimeter bleachers, and new fieldhouse building.

Motion to Open to the Public:
Seconded by Council Member:

PUBLIC HEARING ON THE SUBMISSION OF A 2022 BERGEN COUNTY TRUST FUND GRANT APPLICATION FOR CREATIVE GARDENS TRACT ACQUISITION: 409 EAST SADDLE RIVER ROAD

Proposed work includes future passive-use park for bird-watching, vegetative enhancement, and environmental education.

Motion to Open to the Public:
Seconded by Council Member:

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 Open to the Public for Consent Agenda Items Only:

- | | |
|--------------------------------|---|
| *1. Resolution #95-22 | Review, Reform & Amendment of OPRA |
| *2. Resolution #96-22 | Disposal of USRPD Property of GovDeals |
| *3. Resolution #97-22 | Return of Escrow Funds |
| *4. Resolution #98-22 | Renewal of ABC Pocket License East Crescent Dev. Group |
| *5. Resolution #99-22 | Renewal of ABC Pocket License Beso XOXO |
| *6. Resolution #100-22 | Renewal of Plenary Dist. License USR Liquors, LLC |
| *7. Resolution #101-22 | Prof. Serv. Agmt. Retain Michael Burke, Esq. |
| *8. Resolution #102-22 | Cancel Uncollectable Taxes Blk. 506 Lot 9 |
| *9. Resolution #103-22 | Approval to Submit NJJDOT Grant Appl. – Carlough Rd. Improv. |
| *10. Resolution #104-22 | Auth. Emergency Appropriation |
| *11. Resolution #105-22 | Auth. Tax Collector to Send Estimated Tax Bills |

Motion to Approve Consent Agenda Items
Seconded by Council Member

Roll Call:

***Introduction of Ordinance 03-22**

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

Roll Call:

***Introduction of Ordinance 04-22**

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF A PORTION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 1016, LOT 5 TO BE KNOWN AS LOT 5.02 IN FURTHERANCE OF THE BOROUGH'S ADOPTED AND APPROVED HOUSING ELEMENT AND FAIR SHARE PLAN.

Roll Call:

***Introduction of Ordinance 05-22**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,933,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Roll Call:

Rule 7. Public Comments

Rule 8. Council Comments

Rule 9. Adjournment

****Agenda subject to change***

BOROUGH OF UPPER SADDLE RIVER
Office of the Mayor

PROCLAMATION

NATIONAL GUN VIOLENCE AWARENESS DAY - JUNE 3, 2022

This proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the Borough of Upper Saddle to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.

WHEREAS, every day, more than 100 Americans are killed by gun violence, alongside more than 230 who are shot and wounded, and on average there are more than 13,000 gun homicides every year; and

WHEREAS, Americans are 25 times more likely to die by gun homicide than people in other high-income countries; and

WHEREAS, New Jersey has 445 gun deaths in an average year, with a rate of 5 deaths per 100,000 people. New Jersey has the 44th highest rate of gun deaths in the US; and

WHEREAS, gun homicides and assaults are concentrated in cities, with more than half of all firearm related gun deaths in the nation occurring in 127 cities; and

WHEREAS, cities across the nation, including in Upper Saddle River, are working to end the senseless violence with evidence-based solutions; and

WHEREAS, protecting public safety in the communities they serve is mayors' highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, gun violence prevention is more important than ever as the COVID-19 pandemic continues to exacerbate gun violence after more than a year of increased gun sales, increased calls to suicide and domestic violence hotlines, and an increase in city gun violence;

WHEREAS, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 4, 2021 to recognize the 24th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to -

- (1) Hadiya Pendleton and other victims of gun violence; and*
- (2) the loved ones of those victims; and*

***WHEREAS**, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and*

***WHEREAS**, anyone can join this campaign by pledging to wear orange on June 3rd the first Friday in June in 2022, to help raise awareness about gun violence; and*

***WHEREAS**, by wearing orange on June 3, 2022 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and*

***WHEREAS**, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.*

***NOW, THEREFORE BE IT RESOLVED**, that Mayor Minichetti of the Borough of Upper Saddle River declares the first Friday in June, June 3, 2022, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.*

***Given under my hand and seal this Second Day of June
In the year of our Lord, Two Thousand Twenty Two***

JOANNE L. MINICHETTI, MAYOR

BOROUGH OF UPPER SADDLE RIVER
Office of the Mayor

PROCLAMATION

LGBTQ PRIDE MONTH- JUNE 2022

WHEREAS, On June 28, 1969, the New York City Police Department raided the Stonewall Inn, a bar that was frequented by members of the Lesbian, Gay, Bisexual, Transgender and Questioning, or LGBTQ community; and

WHEREAS, the Stonewall Riots marked the beginning of the liberation movement that transformed the oppression of LGBTQ people into calls of pride and action, and LGBTQ Pride Month, where we commemorate the events of June 1969 and commit to achieving equal justice under the law for LGBTQ Americans; and

WHEREAS, Upper Saddle River has a proud LGBTQ community, from all walks of life, which has the right to feel safe and not live with fear of harassment and persecution and not be discriminated against; and

WHEREAS, all people deserve to live with dignity and respect, free from fear and violence and protected against discrimination, regardless of their gender identity or sexual orientation. During LGBTQ Pride Month, we celebrate the proud legacy LGBTQ individuals have woven into the fabric of our Nation, we honor those who have fought to perfect our Union, and we continue our work to build a society where every child grows up knowing that their country supports them, is proud of them, and has a place for them exactly as they are.

THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Borough of Upper Saddle River, N. J. does hereby recognize June 2022 as LGBTQ Pride Month in Upper Saddle River.

*Given under my hand and seal this Second day of June
In the year of our Lord, Two Thousand Twenty Two*

JOANNE L. MINICHETTI, MAYOR

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #95-22
June 2, 2022

Resolution Requesting Review, Reform and Amendment
Of the Open Public Records Act

WHEREAS, the New Jersey Open Public Records Act ("OPRA"), *N.J.S.A. 47:1A-1, et seq.*, has been in effect for some two decades and has become an onerous burden to municipalities and a detriment to the safety and welfare of the public; and

WHEREAS, municipal staff and budgets are increasingly strained to accommodate requests by individuals and commercial entities; and

WHEREAS, municipalities are already required by State law to provide information and documentation on municipal websites including, but not limited to, budgets, financial statements, audits, minutes, public meeting notices and Ordinances and Resolution; and

WHEREAS, OPRA fees are woefully inadequate for the amount of time and effort municipalities are required to provide to address requests for documents; and

WHEREAS, the Government Records Council and New Jersey courts have overwhelmingly decided in favor of requestors who prevail in a proceeding alleging denial of access and have awarded exorbitant attorneys' fees that are far greater than the hourly rates which municipalities pay to their retained attorneys; and

WHEREAS, OPRA permits commercial entities and activist groups to utilize municipal employees' time and services for private gain; and

WHEREAS, too often municipalities have been subject to exploitation and abuse by requestors, often having hidden agendas, seeking to threaten, harass and abuse local governments; and

WHEREAS, Court decisions have too often disregarded and eliminated privacy concerns while at the same time permitting requestors to seek documents without disclosing the requestor's identification; and

WHEREAS, to date, the Legislature has failed to consider the impact that the OPRA law has had on local governments.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby support and advocate for the following:

1. The creation of a Study Commission on OPRA.
2. Amending the law so as to provide that municipalities shall not be subject

to any provision that the Legislature, State Agencies, or the Executive Branch are exempt from.

3. Clarify the law to provide guidance to record custodians.
4. Mandate that a requestor certify that he or she has not been convicted of an indictable offense and that the requested information will not be used for profit or commercial gain.
5. Require that a requestor provide their legal name and valid New Jersey address.
6. Preclude requests for email addresses and personal identifying information, including driver's license numbers, home addresses, and vehicle identification numbers.
7. Exempt pet license information.
8. Eliminate attorney's fees in instances where there is no clear guidance by statute or case law when a record request is denied.

BE IT FURTHER RESOLVED that the Mayor and Council hereby calls upon the New Jersey Legislature to review, reform and amend the OPRA statute; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to all New Jersey Legislators representing Bergen County.

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DiMartino						
Ditkoff						
Drennan						
Fardanesh						
Florio						
Masi						

I hereby certify that the above resolution was adopted by the Mayor and Council on June 2, 2022.

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

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #96-22
June 2, 2022

Authorizing Sale/Disposal of Police Department Property

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

WHEREAS, the Mayor and Council wish to sell and/or disposing of said property in an "as is" condition without express or implied warranties;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough 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 and/or disposed of 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.

Property for sale as follows:

- 2011 Ford Econoline Van F350 – White Vin#1FTSE3EL2BDA53549
- 2011 Ford Econoline Van F350 - White Vin#1FTSE3ELOBDA53551
- 2006 Komatsu Loader Model 320-5L W81W29-10890-045 3805-00-438-1463

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DiMartino						
Ditkoff						
Drennan						
Fardanesh						
Florio						
Masi						

I hereby certify that the above resolution was adopted by the Mayor and Council on June 2, 2022.

Joy C. Convertini, RMC
Municipal Clerk

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #97-22
June 2, 2022

Chief Financial Officer'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:

- | | | | |
|--------------------------------|----------------------|-----------------|------------|
| 1. Orin & Robin Portnoy | 5 Hillcrest Drive - | Blk 1107 Lot 13 | \$4,000.00 |
| 2. Michael & Crystal Van Cleef | 28 Sleepy Hollow Rd. | Blk. 213 Lot 2 | \$4,000.00 |
| 3. Frank & Deborah Barker | 33 Holly Drive | Blk. 710 Lot 21 | \$5,000.00 |

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DiMartino						
Ditkoff						
Drennan						
Fardanesh						
Florio						
Masi						

I hereby certify that the above resolution was adopted by the Mayor and Council on June 2, 2022.

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

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #98-22
June 2, 2022

RENEWAL OF ALCOHOLIC BEVERAGE POCKET LICENSE
EAST CRESCENT DEVELOPMENT GROUP

WHEREAS, application for renewal of an alcoholic beverage pocket license has been filed with the Division of Alcoholic Beverage Control Commission by East Crescent Development Group LLC, 1000 Wyckoff Avenue, Mahwah, New Jersey 07430 and proper fees have been filed with State and local authorities; and

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage pocket license be renewed effective July 1, 2022-June 30, 2023, based upon the representations set forth in the petitioner's notarized letter and is subject to review and/or modification should the factual circumstances warrant:

License #0263-33-004-009

A Plenary Retail Consumption License is hereby issued to East Crescent Development Group LLC, (mailing address) 1000 Wyckoff Avenue, Mahwah, New Jersey.

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DiMartino						
Ditkoff						
Drennan						
Fardanesh						
Florio						
Masi						

I hereby certify that the above resolution was adopted by the Mayor and Council on June 2, 2022.

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

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #99-22
June 2, 2022

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 2022-2023.

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage pocket license be renewed effective July 1, 2022 - June 30, 2023, 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
DiMartino						
Ditkoff						
Drennan						
Fardanesh						
Florio						
Masi						

I hereby certify that the above resolution was adopted by the Mayor and Council on June 2, 2022.

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

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #100-22
June 2, 2022**

**RENEWAL OF ALCOHOLIC BEVERAGE PLENARY RETAIL DISTRIBUTION
LICENSE – UPPER SADDLE RIVER LIQUORS LLC**

WHEREAS, application for renewal of an alcoholic beverage license has been filed with the Division of Alcoholic Beverage Control Commission by UPPER SR LIQUORS, LLC, 380 Route 17 N, Upper Saddle River, NJ 07458 d/b/a Bottle King Discount Wines & Spirits, and proper fees have been filed with State and local authorities;

WHEREAS, pursuant to the New Jersey Division of Alcoholic Beverage Control Commission has granted Special Ruling N.J.S.A.33:1-12.39 for License Terms 2021-2022 and 2022-2023;

NOW, THEREFORE, BE IT RESOLVED, that the following alcoholic beverage license be renewed effective July 1, 2022 to June 30, 2023:

License #0263-44-002-004

A Plenary Retail Distribution License is hereby issued to UPPER SR LIQUORS, LLC, 380 Route 17 N, Upper Saddle River, NJ 07458, d/b/a Bottle King Discount Wines & Spirits.

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DiMartino						
Ditkoff						
Drennan						
Fardanesh						
Florio						
Masi						

I hereby certify that the above resolution was adopted by the Mayor and Council on June 2, 2022.

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

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION # 101-22
June 2, 2022**

Professional Service Agreement to Michael Burke, Esq. of Hodges, Walsh & Burke, LLP for Professional Services Pertaining to Environmental Issues/Land Acquisition

WHEREAS, the Mayor and Council of the Borough of Upper Saddle River requires professional legal services pertaining to the following matters:

1. Environmental issues relating to properties in Rockland County, New York proximate to the Upper Saddle River boundary.
2. Acquisition of property

WHEREAS, the Borough Administrator has recommended that the Borough retain the services of Michael Burke, Esq. ("Attorney") of Hodges, Walsh & Burke, LLP as special counsel in connection with these matters.

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

1. The Borough hereby retains the services of Attorney in accordance with an a letter of agreement and the hourly rate contained therein.
2. The contract for services constitutes professional services under *N.J.S.A. 40A:11-5* and may be awarded without public advertising for bids. In addition, this contract is awarded to Attorney based upon the merits and professional abilities and was not awarded through a "fair and open process" pursuant to *N.J.S.A 19:44A-20.4, et. seq.* and the Professional Services Agreement will include a provision that Attorney has complied with the provisions of *N.J.S.A 19:44A-8* or *N.J.S.A. 19:44A-16*.
3. The Chief Financial Officer has certified that funds are available for such purpose.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River that it does hereby award a contract for the aforesaid work to the Attorney; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute the aforesaid Professional Service Agreement for such services; and

BE IT FURTHER RESOLVED that a notice of the award of the Contract shall be published once in the Official newspaper of the Borough as required pursuant to *N.J.S.A 40A:11-5(1)(a)(i)*.

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DiMartino						
Ditkoff						
Drennan						
Fardanesh						
Florio						
Masi						

I hereby certify that the above resolution was adopted by the Mayor and Council on June 2, 2022.

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

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION # 102-22
June 2, 2022

RESOLUTION TO CANCEL UNCOLLECTABLE TAXES

WHEREAS, N.J.S.A.54:4-91.2 requires the collector to submit to the governing body on or before May 1st annually a list of uncollectable taxes for the current year for cancellation.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of Borough of Upper Saddle River, County of Bergen, State of New Jersey, that the tax collector is hereby authorized and directed to cancel the following current year taxes:

<u>Name</u>	<u>Block/Lot</u>	<u>Type</u>	<u>Amount</u>	<u>Reason</u>
Moscowitz	506-9	Tax	59.88	No lot 9 Part of 506-18

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DiMartino						
Ditkoff						
Drennan						
Fardanesh						
Florio						
Masi						

I hereby certify that the above resolution was adopted by the Mayor and Council on June 2, 2022

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

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #103-22
June 2, 2022

Approval to Submit NJDOT Municipal Aid Application for
Carlough Road Improvements

WHEREAS, the Borough wishes to apply for a New Jersey Department of Transportation (NJDOT) grant for improvements to Carlough Road; and

WHEREAS, Boswell Engineering seeks authorization to prepare and submit FY 2023 MA Application for this project for a fee not to exceed \$2000.00.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Upper Saddle River formally approves the submission of a grant application for the above stated project.

BE IT FURTHER RESOLVED that Boswell Engineering are hereby authorized to submit an electronic grant application for the improvements to Carlough Road to the NJDOT on behalf of Borough of Upper Saddle River.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Upper Saddle River, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DiMartino						
Ditkoff						
Drennan						
Fardanesh						
Florio						
Masi						

I hereby certify that the above resolution was adopted by the Mayor and Council on
June 2, 2022

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

**BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #104-22
June 2, 2022**

AUTHORIZATION OF EMERGENCY APPROPRIATION

WHEREAS, an emergency has arisen with respect to the funding of the required Down Payment for Various Public Improvements, and no adequate provision was made in the 2022 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of emergency appropriation created, including this appropriation to be created by this resolution is \$140,000 and three percent (3%) of the total operating appropriations in the budget for 2022 is \$365,163.66; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2022.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, (by not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation be for the required Down Payment for Various Public Improvements – Other Expenses in the amount of \$140,000
2. That said emergency appropriation shall be provided in full in the 2023 budget, and is requested to be excluded from CAPS, pursuant to N.J.S.A. 40A:4-53.3c(1)
3. That funds for the appropriation shall be provided from surplus funds on hand.
4. That two (2) certified copies of this resolution be filed with the Director of Local Government Services.

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DiMartino						
Ditkoff						
Drennan						
Fardanesh						
Florio						
Masi						

I hereby certify that the above resolution was adopted by the Mayor and Council on
June 2, 2022

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

BOROUGH OF UPPER SADDLE RIVER
RESOLUTION #105-22
June 2, 2022

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

WHEREAS, the Borough of Upper Saddle River has adopted its calendar year 2022 budget, and the Bergen County Board of Taxation is unable to certify the Borough's tax rate at this time, and the Borough of Upper Saddle River Tax Collector may be unable to mail the Borough's 2022 3rd and 4th quarter tax bills on a timely basis; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, State of New Jersey on this 2nd day of June, 2022, as follows:

1. The Borough of Upper Saddle River Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2022 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by P.L. 1993, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2022 is hereby set at \$56,289.194
3. In accordance with law, the third installment of 2022 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Councilperson	Moved	Second	Ayes	Nays	Absent	Abstain
DiMartino						
Ditkoff						
Drennan						
Fardanesh						
Florio						
Masi						

I hereby certify that the above resolution was adopted by the Mayor and Council on
June 2, 2022.

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

BOROUGH OF UPPER SADDLE RIVER
County of Bergen, New Jersey

Calculation of Proposed 2022 Estimated Tax Levies and Rates

ACTUAL TAX LEVIES AND RATES - 2022

Net Valuations Taxable \$ 2,255,109,300.00

<u>Purpose</u>	<u>Levy</u>	<u>Rate</u>
County	\$ 6,543,177.73	0.291
County Open Space	271,801.18	0.013
District School	23,579,080.00	1.046
Regional School	14,498,184.00	0.642
Library	900,633.00	0.427
Municipal	9,630,727.00	0.427
	<u>\$ 55,423,602.91</u>	<u>2.846</u>

ESTIMATED RANGES - 2021

<u>Purpose</u>	<u>95.00%</u>	<u>105.00%</u>
County	\$ 6,216,018.84	\$ 6,870,336.62
County Open Space	258,211.12	285,391.24
Local School	22,400,126.00	24,758,034.00
Regional School	13,773,274.80	15,223,093.20
Library	855,601.35	945,664.65
Municipal	9,149,190.65	10,112,263.35
	<u>\$ 52,652,422.76</u>	<u>\$ 58,194,783.06</u>

ESTIMATED TAX LEVIES AND RATES - 2022

Net Valuations Taxable \$ 2,277,637,802.00

<u>Purpose</u>	<u>Levy</u>	<u>Rate</u>
County	\$ 6,674,041	0.293
County Open Space	277,237	0.012
District School	23,921,752	1.050
Regional School	14,730,590	0.647
Library	924,595	0.041
Municipal	9,760,979	0.429
	<u>\$ 56,289,194</u>	<u>2.471</u>

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

Levy Percentage Increase 1.56%

Certified by:

Celina Checo, Tax Collector

James A. Mangin, Chief Financial Officer

BOROUGH OF UPPER SADDLE RIVER

ORDINANCE #03-22

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

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

Section 1.

Chapter 98 of the Code of the Borough of Upper Saddle River, Parks and Playgrounds, §98-4, Prohibited Acts, Paragraph D, be and is hereby amended to add the following subparagraph:

(14) No person shall use tobacco products related to smoking, including cigarettes, cigars and pipe tobacco, or cannabis, marijuana, hashish, or any paraphernalia associated therewith within any public park or playground, playing field or any area therein. In addition, the use of vaping products, juul, and electronic smoking devices shall also be prohibited within such areas.

Section 2.

Chapter 98 of the Code of the Borough of Upper Saddle River, Parks and Playgrounds, §98-7, Recreational Activities Restricted, be and is hereby amended to add the following paragraph:

E. Barbecuing and grilling. The use of barbeques and barbecuing-related equipment and equipment for grilling shall be prohibited unless a permit has been issued for a Borough or community-approved event by the Recreation Director and Fire Official. The use of barbeque equipment shall require the approval of the Department of Health. Any person receiving a permit for the use of such equipment shall be required to remove coals, ashes and the remnants resulting from the barbeque and grilling equipment from the park and all public areas.

Section 3. Fines and Penalties.

Any person found guilty of violating the provisions of this Ordinance shall be subject to such fines and penalties as set forth in §1-15 of the Borough Code.

Section 4. Severability.

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

Section 5. Inconsistent Ordinances Repealed.

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

Section 6. Effective Date.

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

JOANNE L. MINICHETTI, Mayor

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

**Introduced:
Adopted:
Approved:**

BOROUGH OF UPPER SADDLE RIVER

ORDINANCE #04-22

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF A PORTION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 1016, LOT 5 TO BE KNOWN AS LOT 5.02 IN FURTHERANCE OF THE BOROUGH'S ADOPTED AND APPROVED HOUSING ELEMENT AND FAIR SHARE PLAN.

WHEREAS, the Borough of Upper Saddle River has adopted a Housing Element and Fair Share Plan ("HE/FSP") and entered into a Settlement Agreement with Fair Share Housing Center ("FSHC") which details the various mechanisms to address the Borough's affordable housing obligation in accordance with the Mt. Laurel doctrine; and

WHEREAS, the HE/FSP was approved by Final Judgment of Compliance and Repose entered by the Honorable Christine A. Farrington, J.S.C. dated February 16, 2021; and

WHEREAS, the Settlement Agreement with FSHC and the HE/FSP provide for twenty-five (25) affordable rental units to be constructed on premises known as 160-168 East Crescent Avenue designated as Block 1016, Lots 4 and 6 on the Borough's tax map; and

WHEREAS, a portion of Lot 5 in Block 1016 ("the Property") adjoins Lots 4 and 6 and adding this additional land area for the construction of the affordable units will be consistent with appropriate planning principles and will reduce the density of the development; and

WHEREAS, the Governing Body has determined that the purposes of the HE/FSP will be advanced and promoted by acquiring this land area; and

WHEREAS, the Borough has negotiated the purchase price for the acquisition of the portion of Lot 5 with the property owner.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of

Upper Saddle River, in the County of Bergen, and State of New Jersey as follows:

Section 1. Findings.

The Governing Body does hereby determine that the acquisition of the portion of Lot 5 in Block 1016, being more particularly described on Schedule A attached hereto, will permit the providing of affordable housing in accordance with the adopted and approved HE/FSP. Such acquisition constitutes a public purpose which will permit the Borough to satisfy in part its constitutional obligation to provide its fair share of the region's need for low and moderate income housing.

Section 2. Authorization of Acquisition.

The Borough does hereby authorize the acquisition of the Property, being a portion of Lot 5 in Block 1016 and as more particularly described on Schedule A attached hereto, for the purpose as set forth in Section 1 of this Ordinance.

Section 3. Purchase Price.

Pursuant to an appraisal prepared on behalf of the Borough, the fair market value of the Property is \$350,000.00. The Governing Body does hereby authorize the acquisition of the Property for such price.

Section 4. Authorization To Execute Contract and Closing Documents.

The Mayor, or her designee, and the Borough Clerk be and are hereby authorized to execute a contract for the acquisition of the Property and in addition are further authorized to execute such other documents as are necessary to acquire the Property. In addition, the Borough authorizes Borough officials to file an application with the Borough Planning Board for minor subdivision approval to subdivide the Property from the remainder of Lot 5.

Section 5. Severability.

If any section, sentence or any other part of this Ordinance is adjudged

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

Section 6. Inconsistent Ordinances Repealed.

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

Section 7. Effective Date.

This Ordinance shall take effect after publication thereof and final

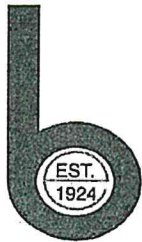
passage as required by law.

JOANNE L. MINICHETTI, Mayor

JOY C. CONVERTINI, Borough Clerk

Introduced:
Adopted:
Approved:

SCHEDULE A



BOSWELL ENGINEERING

ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS

330 Phillips Avenue • P.O. Box 3152 • South Hackensack, N.J. 07606-1722 • (201) 641-0770 • Fax (201) 641-1831

DESCRIPTION OF PROPOSED

BLOCK 1016 LOT 5.02

UPPER SADDLE RIVER BOROUGH BERGEN COUNTY

Commencing on the southerly sideline of Industrial Avenue (60 foot right-of-way) where the same is intersected by the municipal division line between the Borough of Saddle River and the Borough of Ramsey as shown on a certain map prepared by Boswell Engineering titled "Minor Subdivision, Tax Map Lots 5 and 8 Block 1016" dated April 21, 2022, as drawing number USR-222-MSD, then running the following four (4) courses to the true point and place of beginning;

a) along said right-of-way and leaving said municipal line on a curve to the right, said curve having a radius of 100.00 feet, a central angle of 90 degrees 00 minutes 00 seconds, an arc length of 157.08 feet, a chord bearing of North 16 degrees 29 minutes 58 seconds West, and a chord length of 141.42 feet to a point of tangency; thence,

b) continuing along same North 28 degrees 30 minutes 02 seconds East a distance of 50.00 feet; thence,

c) leaving said right-of-way and running along the existing division line of Block 1016 Lots 7 and 8 North 61 degrees 29 minutes 58 seconds West a distance of 140.00 feet to the existing division line between Block 1016 Lots 8 and 6; thence,

d) along said division line and continuing along the existing division line of Block 1016 Lots 6 and 5 North 28 degrees 30 minutes 02 seconds East a distance of 116.78 feet to the true point and place of beginning; thence,

1) Along the same North 88 degrees 13 minutes 08 seconds West a distance of 284.20 feet to a point on the easterly right-of-way of East Crescent Avenue; thence,

2) Along said right-of-way North 01 degree 54 minutes 52 seconds East a distance of 50.00 feet to the division line of the existing Block 1016 Lots 5 and 4; thence,

3) Along said division line parallel to and 50.00 feet at right angles from the first course above South 88 degrees 13 minutes 08 seconds East a distance of 265.67 feet; thence,

6) Cutting through the existing Lot 5 South 18 degrees 26 minutes 10 seconds East a distance of 53.28 feet to the point and place of beginning.

Containing 13,747 square feet (0.3156 acres), more or less.



Frank M. Krupinski

Professional Land Surveyor

N.J. License 24GS03719700

May 18, 2022

Job No. USR-222

BOROUGH OF UPPER SADDLE RIVER
ORDINANCE # 05-22

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF UPPER SADDLE RIVER, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,933,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

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

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds

authorized and the down payment appropriated by this ordinance. It is anticipated that the Borough of Saddler River ("Saddle River") will contribute \$145,000 to the cost of the acquisition of the street sweeper described in Section 4.B hereof. Any of said Saddle River contribution received shall be applied as set forth in Section 12 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

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

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

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Supplemental funding for the undertaking of the One Lake Street Park Athletic Complex Project. It is hereby determined and stated that the Borough has heretofore appropriated the sum of \$5,500,000 for such improvement pursuant to Ord. No. 03-21 adopted on April 1, 2021.

Appropriation and Estimated Cost	\$2,225,000
Down Payment Appropriated	\$ 106,000
Bonds and Notes Authorized	\$2,119,000
Period of Usefulness	15 years

B. Acquisition of new additional or replacement equipment and machinery consisting of a street sweeper for the use of the Department of Public Works to be jointly used by Saddle River pursuant to a shared services agreement (with Upper Saddle River as the lead agency).

Appropriation and Estimated Cost	\$ 290,000
Down Payment Appropriated	\$ 14,000
Bonds and Notes Authorized	\$ 276,000
Period of Usefulness	15 years

C. Undertaking of the 2022 Road Improvement Program at various locations in the Borough, as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the list referred to in the preceding sentence. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, the "Local Bond Law").

Appropriation and Estimated Cost	\$ 418,000
Down Payment Appropriated	\$ 20,000

Bonds and Notes Authorized	\$ 398,000
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$2,933,000
Aggregate Down Payment Appropriated	\$ 140,000
Aggregate Amount of Bonds and Notes Authorized	\$2,793,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$300,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$140,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough or heretofore appropriated for down payments or for the capital improvement fund by an emergency appropriation, are now available to finance said purposes. The sum of \$140,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$2,793,000 are hereby authorized to be issued pursuant to the

Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$2,793,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

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

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

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 14.28 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the

Local Bond Law, is increased by this ordinance by \$2,793,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

Section 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the

Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

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

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