

MINUTES

Mayor and Council Regular Meeting

Monday, June 8, 2020

7:00 P.M.

Meeting held electronically via ZOOM

CALL TO ORDER –

Mayor Papaleo called the meeting to order at 7:00 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER – FLAG SALUTE

Mayor Papaleo called for a moment of silent prayer and reflection especially for George Floyd and those who suffer injustice.

Mayor Papaleo called for a moment of reflection and asked Councilwoman Kinsella to lead the salute to the flag.

STATEMENT –

Statement of Compliance with Open Public Meeting Act: This meeting complies with the Open Public Meeting Act by notification on December 20th of this location, date and time to the Ridgewood News and the Record and by posting of same on the municipal bulletin board and Borough Web Site and filing a notice of the same with the Municipal Clerk.

ROLL CALL –

Councilwoman Busted, Councilman Chinigo, Councilman Gautier, Councilwoman Kaufman, Councilwoman Kinsella, Councilwoman Montisano-Koen and Mayor Papaleo were present.

APPROVAL OF MINUTES –

On motion by Councilwoman Montisano-Koen, seconded by Councilwoman Kaufman the minutes of the Mayor and Council Regular Meeting of May 26, 2020 were unanimously approved.

PROCLAMATIONS & AWARDS –

Mayor Papaleo read the Proclamation Declaring the Month of June 2020 as LGBTQ Pride Month as follows:

PROCLAMATION

WHEREAS, the struggle for dignity and equality for lesbian, gay, bisexual, transgender and questioning (LGBTQ) people is reflected in the tireless dedication of advocates and allies who strive to forge a more inclusive society; and

WHEREAS, President Bill Clinton, on June 2, 2000, declared June “Gay & Lesbian Pride Month” to commemorate the June 1969 Stonewall Uprising in Lower Manhattan and on June 1, 2009, President Barack Obama expanded the commemoration further by declaring June to be Lesbian, Gay, Bisexual and Transgender Pride Month; and

WHEREAS, June 28, 2019 marked the 50th Anniversary of the Stonewall Uprising which broke out following a police raid on the Stonewall Inn, targeting LGBTQ+ patrons and other marginalized people, in violation of their civil rights, leading to the birth of the “Gay Rights Movement”; and

WHEREAS, LGBTQ Americans, including those who live in our local communities, face discrimination simply for being who they are and for who they love and there remains much work to do to extend the promise of our country to every person; and

WHEREAS, the landmark Supreme Court decision of 2015 guaranteeing marriage equality in all 50 states was a historic victory for LGBTQ Americans and continues to affirm our belief that we are all more free when we are treated as equals.

NOW, THEREFORE, BE IT RESOLVED that I, Thomas Papaleo, Mayor of the Borough of River Edge, in recognition thereof, do hereby proclaim:

The Month of June 2020

as

LGBTQ Pride Month

and encourage all River Edge residents to eliminate prejudice wherever it exists and to celebrate our great diversity by taking part in community events throughout the month of June which focus on and celebrate our LGBTQ neighbors.

Mayor Thomas Papaleo

Dated: June 8, 2020

Kate Murray accepted the proclamation on behalf of the Cultural Committee and said that this is an incredible step forward for our community and thanked the Mayor and Council.

Mayor Papaleo read the Proclamation Declaring the month of June 2020 as National Gun Violence Awareness Month as follows:

P R O C L A M A T I O N

WHEREAS, every day, 93 Americans are killed by gun violence and more than 200 have sustained non-fatal firearm injuries over the last 5 years; and

WHEREAS, Americans are 25 times more likely to be murdered with guns than people in other developed countries; and

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

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

WHEREAS, anyone can join this campaign by pledging to **Wear Orange** on June 2nd to help raise awareness about gun violence; and

WHEREAS, by wearing **orange** on June 2nd, Americans will raise awareness about gun violence and honor the lives and lost human potential of Americans stolen by gun violence; 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, I, Thomas Papaleo, Mayor of the Borough of River Edge, do hereby proclaim:

The Month June, 2020

as

National Gun Violence Awareness Month

in the Borough of River Edge, and 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.

FURTHER, we honor and remember all victims and survivors of gun violence and declare that we as a country must do more to reduce gun violence.

Thomas Papaleo, Mayor

Dated: June 8, 2020

Claudia Calderon accepted the proclamation and thanked the Mayor and Council for continuing to honor this movement and the effects that it has on all survivors to those who have passed.

Mayor Papaleo read the proclamation celebrating Mary Karpowich's 100th birthday as follows:

PROCLAMATION

WHEREAS, Mary Karpowich will attain the age of 100 on June 12, 2020; and;

WHEREAS, Mary Karpowich enlisted in the U.S. Army, Women's Army Corps in 1942 to 1945 and was stationed in Fort Knox Kentucky; and

WHEREAS, Mary Karpowich received an honorable discharge with full veteran status in 1992; and

WHEREAS, Mary Karpowich lived in River Edge from 1956 to 1992 where she and her husband raised their seven children; and

WHEREAS, Mary Karpowich has 15 grandchildren and 11 great-grandchildren and has been living at the Senior Residence in River Edge since 2018; and

WHEREAS, Mary Karpowich is an avid writer and reader and enjoys watching the Yankees and college basketball; and

WHEREAS, Mary Karpowich has earned the respect of her family, fellow neighbors and residents and has been an asset to this community.

*NOW, THEREFORE, BE IT RESOLVED that I, Thomas Papaleo, as Mayor of River Edge, am proud to issue this proclamation to **Mary Karpowich** to honor her at such an important milestone in her life and wish her all the happiness and continued good health and join with her family and friends in making this a special day for her.*

Mayor Thomas Papaleo

Dated: June 12, 2020

Council President Chinigo read resolution #20-136 into the record. Council members read the names of the 2020 graduates into the record.

On motion by Councilman Chinigo, seconded by Councilwoman Busted to approve resolution #20-136 was unanimously approved.

#20-136 Resolution Honoring and Recognizing 2020 Graduates

WHEREAS, the world has faced and is still facing a national pandemic due to the COVID-19 virus; and

WHEREAS, this has disrupted educational plans for elementary, middle and high schools as well as colleges; and

WHEREAS, this has created a challenging environment for students, teachers, parents, guardians and school district leadership teams; and

WHEREAS, remote/virtual learning has become the new norm as we social distance from each other; and

WHEREAS, the students, teachers, parents, guardians and school districts of River Edge and River Dell have risen to meet this challenge head on; and

WHEREAS, based on public safety concerns, the Governor has limited traditional graduation ceremonies; and

WHEREAS, social distancing affects goes beyond the learning world and affects the Borough of River Edge as a whole.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of River Edge would like to commend all of the students, teachers, parents, guardians and school district leadership teams, but especially all of the graduates of the Class of 2020 whether they be from

kindergarten, elementary school, middle school, high school or college for their extraordinary efforts and wish them the best of luck in their future endeavors. They should be proud of their accomplishments!

Cherry Hill School Class of 2020!

Alijah	Abraham
Art	Burgija
James	Cannon
Camryn	Cariaga
Cerenna	Choe
Noah	Cole
Cassidy	Collins
Madeline	Connor
Colton	Crane
Andrei	David
Abdullah	Elzawawy
Samuel	Friedman
Matthew	Gandolfo
Tyler	Gastman
Hanna	Gilmour
Juliet	Gioffre
Rishab	Gulati
Deborah	Hwang
Adrian	Irizarry
Julia	Jodlowski
Michael	Julien
Michael	Kelly
Rory	Kepple
Joon	Kim
Joshua	Kim
Daniel	Kwon
Angela	Lee
Colin	Lee
Dylan	Lee
Elisha	Lee
Jua	Lee
Kayla	Lee
Vincent	Lee
Spencer	Leopold
Grace	Love
Jayden	Lyness
Nia	Madnani
Riley	Magat
Erica	Mancia
Kira	Marachlian
Shani	Maroth
Jack	Maschio
Edward	Mathews
Morgan	Murray
Ailee	Na
Jayden	Na
Michael	Nader
Zachary	Neben
Athanasios	Ntarlagiannis
Orestis	Ntarlagiannis
Emma	O'Donnell
Brian	O'Leary
Deniz	Ozcan
Sean	Paleewong-Stoltz
Gabriella	Parente
Ethan	Perkins
Francesco	Petrosino
Christopher	Porco
Michael	Porco

Henry	Porter
Marcus	Quijano
Thomas	Raskin
Alissa	Reyes
Nicolle	Ruiz Cortes
Hanna	Sawtelle
Avery	Sobong
Elva	Song
Justin	Spano
Marcus	Valcarcel
Matthew	Valencia
Lucca	Vasquez Alvarez
Hammel	Veintimilla
Victoria	Wei
Hillary	Xie
Hailey	Yihm
Daniel	Yu
Aaron	Yun
Hannah	Yun
Vincent	Zou

Roosevelt School Class of 2020!

Agerup	Jenna
Avcioğlu	Aytunc
Barber	Amaya
Barth	Samara
Baxter	Christopher
Baxter	Sean
Blackman	Scarlett
Brignola	London
Budiyono	Clyde
Busteed	Claire
Cabanlit	Michaela
Campanelli	James
Cardenas	Hailey
Caughlan	Andrew
Cha	Kayla
Chape	Mario
Cheley	Alexander
Cho	Stacy
Choflet	Evan
Choi	Yeseo
Compa	Jonathan
Darmochwal	Joseph
Doo	Maxx
Dumitru	Edward
Estrin	Jase
Fortini	Mikayla
Gallo	Sebastian
Gawrylo	Nicholas
Gutierrez-Biggar	Ava
Hernandez	Alex
Hwang	Kyle
Hwang	Michelle
Jackson	Atiya
Jeong	Da Yoon
Kim	Abigail
Kim	Annette
Kim	Ian
Kim	Jayden
Kim	Katelyn
Koenig	Caroline
Kreutzer	Madison
Kristan	Delaney

Lanza	Cain
Lee	Hannah
Lee	Logan
Lee	Nicholas Jayden
Lee	Shiloh
Lehmann	Connor
Martin	Owen
McElroy	John
Mei	Marisa
Miller	Noah
Mirmira	Neel
Ng	Charles
Ng	Justin
Pak	Sean
Park	Jeffrey
Pfleging-Howes	Thomas
Qureshi	Hanaah
Ra	Daniella
Saladin	Gabriella
Salazar	Juslyn
Sanchez	Sadira
Schlegel	Cecilia
Schlegel	Sawyer
Shi	Angela
Shim	Gina
Staines	Leana
Thota	Parnika
Tietjen	Julia
Trujillo	Aidan
Turschmann	Kaitlyn
Van Wettering	Bria
Vesey	William
Visconti	Valerie
Walsh	Kenneth
Weinkauf	Thijs
Yoon	Zion
Zhao	Yewen

River Dell High School Class of 2020! – River Edge

Agresta, Emily Rose
 Akdemir, Peter Jeremy
 Alter, Justin Morgan
 Armen, Mia Josie
 Babington, Anabelle Elizabeth
 Baek, SuMin
 Baker, Andrew
 Balgahoom, Sannia
 Bartnicki, Craig
 Blasco, Juliana
 Bonardi, Briana
 Bougades, Genevieve
 Boyd, Lyndsey Kathleen
 Boyle, Shane Aloysius
 Brignola, Aidan Matthew
 Brodersen, Holden Maxwell
 Brown, Justin Robert
 Brunner, Jack
 Calem, Justin
 Cartelli, Caesar C.
 Castro Fuentes, Paola Andrea
 Chamberlain, Danielle
 Chan, James Baldwin
 Chan, Nicholas Evan

Cho, Kenneth
Choe, Sarah
Chung, Yuna
Compa, Lindsay Brooke
Conlin, Ryan Thomas
Cortes, Melissa
Courain, Mary Elisabeth
DeLorenzo, Alyssa Taylor
Demitriou, Jillian Taylor
Diamond, Steven
Dobak, James
Dunleavy, Olivia Hui Qing
Ehalt, Russell Cole
Fairchild, Harrison Carlos
Fernandez, Brianna
Forster, Christopher Robert
Garcia, Scott Patrick
Goldstein, Ryan Lawrence
Grande, Kevin
Grisham, Robert Alexander
Grupenhof, Gabrielle Ann
Gu, Steven
Herity, Thomas Patrick
Holzli, David Lawrence
Hronic, Juliana
Hua, Jeffrey Jason
Huffman, Matthew T.
Iyonsi, Joshua Toritseju
Javier, Nadine Christina Sidhom
Jennings, Caroline Rose
Kang, Justin Sahn
Kavan, Loren Kate
Kim, Andrew
Kim, Hyeonseok
Kim, Yung Hwee Charles
Kohli, Harmehar Singh
Kossuth, Lauren Michelle
Lanza, Gianna Rose
Lee, Elizabeth Sharhang
Lee, Kaitlyn Goeun
Leopold, Tyler
Licata, Anthony
Liggio, Anthony Michael Jr
Lisica, Lauren Marcella
Liu, Chenchen
Locke, Connor Thomas
Lubkemeier, Jared Austin
Manzelli, Jayne Elisabeth
Matonti, Madeline Sage
Mazzoni, Breckin Mathieu
McCarthy, Aydon Daniel
McCusker, Ryan Joseph
McGinley, Daniel Michael
Mellett, Joseph Dennis
Miceli, Ryan Gerard
Montes, Simone
Morone, Jed
Munoz, Sarah
Nastasi, Jack Ronald Jude
Newman, Amanda
Ortiz, Jean Paul
Owens, Denecia Alliyah
Pak, Kaylee
Paley, Michelle Valerie
Palladino, Justin
Park, Chae Yeon
Park, Christopher

Park, Jaewoo
Park, Kevin Chanyoung
Park, Serin
Paul, Charley Anne
Perez Herrera, Oscar
Rabinowitz, Jake Spencer
Reyes, Lila Infinity
Rhee, Justin
Rincon, Daniel
Rodriguez, Jaydah Nikkole
Rodriguez, Lucas
Rovinsky, Gregory Jacob
Sanford, Theodore
Santana, Aria Nicole
Seo, Yejun
Sheinman, Zachary Jordan
Shin, Jinee
Silane, Carter Catherine
Simon, Isabella Rose
Skific, Nina
Skinner, Gabriela
Smith, Michael F.
Soiferman, Tyler William
Song, Joanna Injoo
Spano, Carly Lynn
Spelda, Katrina Marie
Speller, Zoe
Stein, Isaac Ross
Suarez, Emely
Surian, Olivia Marie
Svevar, Owen
Svevar, Sage
Tarifa, Allyson G
Thomas, Ryan William Mastrolia
Torres, Lucas Alberto
Troncoso, Trinity
Vanderbeck, Lilly Breanne
Vazquez Rey, Willie Jose
Vesey, Chloe Elizabeth
Villalba, Kayla Marie
Wagreich, Jared Mitchell
Walker, Rachel Alexandra
Walliser, Kelly Nicole
Wechsler, Julia Charlotte
Wilhelm, Kaitlyn Patricia Rose
Yoon, Steven HyunJun
Zamsky, Rebecca Megan
Zhang, Cathleen
Zhang, Jeffrey

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to forward a copy of this resolution to River Dell Superintendent of Schools, Patrick Fletcher and River Edge Superintendent of Schools, Dr. Tova Ben Dov.

June 8, 2020

PUBLIC COMMENTS ON ANY ITEM ON THIS AGENDA –

On motion by Councilman Gautier, seconded by Councilwoman Kaufman to open public comments on any item on the agenda was unanimously approved.

George Siderias-thanked the Mayor and Council for all their efforts and he wanted them to know that their efforts haven't gone unnoticed and are very much appreciated.

Mayor Papaleo-thanked Mr. Siderias and the River Edge Diner for being a pillar in our community as they always open their doors to our residents in need.

On motion by Councilwoman Kaufman, seconded by Councilman Chinigo to close public comments on any item on the agenda was unanimously approved.

RESOLUTIONS - By Consent

On motion by Councilman Gautier, seconded by Councilwoman Busted, resolution #20-137 through #20-155 were unanimously approved.

#20-137 Enter Into Agreement with Robert Costa, Borough Engineer for Professional Engineering Services Related to the 2020 Riverside Cooperative Road Resurfacing Program Oversight & Inspection

WHEREAS, there exists a need for expert professional engineering services related to the 2020 Riverside Cooperative Road Resurfacing Program; and

WHEREAS, Robert Costa submitted a proposal to the Borough at a cost based upon following payment schedule:

Phase 1	Surveying	\$ -0-
Phase 2	Design & Drawings	\$ -0-
Phase 3	Bid Documents & Services	\$ -0-
Phase 4	Project Management & Inspection	\$10,000.00
Phase 5	Preliminary Special Assessment Curb/Sidewalk/Apron	\$ -0-
	Total	\$10,000.00

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service will exceed \$17,500; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-061 of the Capital Fund in the amount of \$10,000.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

WHEREAS, funds shall be available for the stated purpose in the 2020 municipal budget subject to adoption of the 2020 budget.

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$10,000.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

June 8, 2020

#20-138 Enter Into Agreement with Robert Costa, Borough Engineer for Professional Engineering Services Related to ADA Ramps at Millbrook Avenue & Adams Avenue and Elm Avenue and Tenney Avenue

WHEREAS, there exists a need for expert professional engineering services related to ADA Ramps at Millbrook Avenue & Adams Avenue and Elm Avenue and Tenney Avenue; and

WHEREAS, Robert Costa submitted a proposal to the Borough at a cost based upon following payment schedule:

Phase 1	Surveying	\$ 2,025.00
Phase 2	Design & Drawings	\$ 3,975.00
Phase 3	Bid Documents & Services	\$ 1,000.00
Phase 4	Project Management & Inspection	\$ 4,200.00
Phase 5	Preliminary Special Assessment Curb/Sidewalk/Apron	\$ -0-
	Total	\$11,200.00

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service will exceed \$17,500; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-083 of the Capital Fund in the amount of \$11,200.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

WHEREAS, funds shall be available for the stated purpose in the 2020 municipal budget subject to adoption of the 2020 budget.

NOW, THEREFORE, BE IT RESOLVED that Governing Body hereby awards Phases 1, 2, 3 & 4 of the project.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$11,200.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

June 8, 2020

#20-139 Enter Into Agreement with Robert Costa, Borough Engineer for Professional Engineering Services Related to the Bogert Road Section 5 Project

WHEREAS, there exists a need for expert professional engineering services related to the Bogert Road Section 5 project; and

WHEREAS, Robert Costa submitted a proposal to the Borough at a cost based upon following payment schedule:

Phase 1	Surveying	\$ 6,375.00
Phase 2	Design & Drawings	\$14,875.00
Phase 3	Bid Documents & Services	\$ 4,250.00
Phase 4	Project Management & Inspection	\$17,000.00
Phase 5	Preliminary Special Assessment Curb/Sidewalk/Apron	\$ -0-
	Total	\$42,500.00

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service will exceed \$17,500; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-068 of the Capital Fund in the amount of \$42,500.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

WHEREAS, funds shall be available for the stated purpose in the 2020 municipal budget subject to adoption of the 2020 budget.

NOW, THEREFORE, BE IT RESOLVED that Governing Body hereby awards Phases 1, 2, 3 & 4 of the project.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$42,500.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

June 8, 2020

#20-140 Enter Into Agreement with Robert Costa, Borough Engineer for Professional Engineering Services Related to ADA Ramps at Manchester Road & Fifth Avenue

WHEREAS, there exists a need for expert professional engineering services related to ADA Ramps at Manchester Road & Fifth Avenue; and

WHEREAS, Robert Costa submitted a proposal to the Borough at a cost based upon following payment schedule:

Phase 1	Surveying	\$ 2,100.00
Phase 2	Design & Drawings	\$ 4,200.00
Phase 3	Bid Documents & Services	\$ 525.00
Phase 4	Project Management & Inspection	\$ 3,675.00
Phase 5	Preliminary Special Assessment Curb/Sidewalk/Apron	\$ -0-
	Total	\$10,500.00

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service will exceed \$17,500; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-082 of the Capital Fund in the amount of \$ 10,500.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

WHEREAS, funds shall be available for the stated purpose in the 2020 municipal budget subject to adoption of the 2020 budget.

NOW, THEREFORE, BE IT RESOLVED that Governing Body hereby awards Phases 1, 2, 3 & 4 of the project.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$10,500.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

June 8, 2020

#20-141 Award Contract to American Asphalt & Milling Services, LLC, 96 Midland Avenue, Kearny, New Jersey 07032 for the 2020 Riverside Cooperative Road Resurfacing Program

WHEREAS, N.J.S.A. 40A:11-10(1) authorizes contracting units to enter into cooperative pricing agreements; and

WHEREAS, the Borough of Northvale has volunteered to act as "Lead Agency" for the purchase of work, materials and supplies for the Riverside Cooperative for the year 2020; and

WHEREAS, the Borough of Northvale received seven (7) bids on April 30, 2020 for the 2020 Riverside Cooperative Road Resurfacing Program on the behalf of the Boroughs of Alpine, Demarest, Englewood Cliffs, Harrington Park, Haworth, New Milford, Northvale, River Edge, and Tenafly; and

WHEREAS, seven (7) bids were received, the lowest from American Asphalt & Milling Services, LLC; and

WHEREAS, the Borough of Northvale is the Lead Agency for the Riverside Cooperative, awarded the bid on May 13, 2020, via resolution #2020-77; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-061 of the Capital Fund in an amount not to exceed \$366,163.82.

WHEREAS, this contact is awarded on a unit price basis and may be considered an "Open Ended Contract" under N.J.A.C. 5:34-5.3, in which case certification of funds is not required until such time as the services are ordered and prior to incurring the liability by placing the order, certification of availability of funds will be made by the Chief Financial Offer, and it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds from the Chief Financial Officer as appropriate.

NOW, THEREFORE, BE IT RESOLVED that the bid is hereby awarded to American Asphalt & Milling Services, LLC in the amount \$366,163.82 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

June 8, 2020

#20-142 Purchase of Two Police Vehicles Through State Contract

WHEREAS, the Borough of River Edge desires to purchase one (2) 2020 Interceptor Utility All Wheel Drive Vehicles, from Cherry Hill-Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey; and

WHEREAS, the vendor, Cherry Hill-Winner Ford, is an approved State Contract participant, bearing the State Contract #A88728; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-0111 of the Capital Fund in the amount not to exceed \$63,820.00; and

WHEREAS, N.J.A.C. 5:34-1.2 requires that any local contracting unit purchasing pursuant to N.J.S.A. 40A:11-12, must award the contract by a resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is authorized to accept the State Contact bid on one (2) police vehicles as per the State's specifications in an amount not to exceed \$63,820.00.

June 8, 2020

#20-143 Resolution in Support of Proposed Bylaw Amendment

WHEREAS, the Borough of River Edge is a member of the Bergen County Municipal Joint Insurance Fund, hereinafter the "FUND"; and

WHEREAS, recent changes were made to the FUND'S bylaws; and

WHEREAS, after a public hearing conducted on March 19, 2020, the Executive Committee of the FUND distributed the proposed bylaw amendment to the membership for their consideration; and

WHEREAS, these revised bylaws must be ratified by at least three fourth of the member towns before they can become effective.

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of River Edge that the revised bylaws are hereby ratified.

June 8, 2020

#20-144 Award of Contract for Cleaning Services to North Jersey Friendship House Inc., 125 Atlantic Street, Hackensack, New Jersey 07601

WHEREAS, there exists a need for cleaning services for the Borough Hall and Public Safety Building, Recreation Buildings, and Fire House Company 1 in the Borough of River Edge for the balance of the year (7 months); and

WHEREAS, North Jersey Friendship House Inc., 125 Atlantic Street, Hackensack, NJ 07601, can provide these services under N.J.S.A. 40:A11-5,

WHEREAS, any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of governing body if: (n) the doing of any work by handicapped persons employed by a sheltered workshop; and

WHEREAS, the Chief Financial Officer has certified the fund from the Current Account 0-01-26-310-187 (NTE), in the amount not to exceed \$33,400.00 for 2020.

NOW, THEREFORE BE IT RESOLVED the Mayor and Borough Clerk are authorized to execute a contract with North Jersey Friendship House, Inc., 125 Atlantic Street, Hackensack, New Jersey 07601 for cleaning services for the Borough Hall, Public Safety Building, Recreation Bathrooms, and other Borough Facilities for the next 7 months.

BE IT RESOLVED that that the following departments will receive a copy of this resolution: Clerk's Office, Finance, Police, Fire, Public Works, and Recreation.

June 8, 2020

#20-145 Purchase of Ford F350 4 x 4 Pick-Up Truck Through State Contract

WHEREAS, the Borough of River Edge desires to purchase a Ford F350 4 x 4 Pick-Up Truck from Route 23 Automall, 1301 Route 23, Butler, New Jersey 07405; and

WHEREAS, the vendor, Route 23 Automall is an approved State Contract participant, bearing the State Contract #T-2959; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-102 of the Capital Fund in the amount not to exceed \$48,445.52; and

WHEREAS, N.J.A.C. 5:34-1.2 requires that any local contracting unit purchasing pursuant to N.J.S.A. 40A:11-12, must award the contract by a resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is authorized to accept the State Contract bid on the purchase of a Ford F350 4 x 4 Pick-up Truck as per the State's specifications in an amount not to exceed \$48,445.52.

June 8, 2020

#20-146 Purchase of Ford Mason Dump Truck Through State Contract

WHEREAS, the Borough of River Edge desires to purchase a Ford Mason Dump Truck from Route 23 Automall, 1301 Route 23, Butler, New Jersey 07405; and

WHEREAS, the vendor, Route 23 Automall is an approved State Contract participant, bearing the State Contract #T-3063; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-100 of the Capital Fund in the amount not to exceed \$67,276.00; and

WHEREAS, N.J.A.C. 5:34-1.2 requires that any local contracting unit purchasing pursuant to N.J.S.A. 40A:11-12, must award the contract by a resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is authorized to accept the State Contract bid on the purchase of a Ford Mason Dump Truck as per the State's specifications in an amount not to exceed \$67,276.00.

June 8, 2020

#20-147 Award Contract for Roof Repairs in Various Parks to Layne Roofing, Inc.

WHEREAS, there is a need for roof repairs in various parks in the Borough of River Edge; and

WHEREAS, the Borough of River Edge has solicited three (3) quotations, the lowest received from Layne Roofing, Inc., 251 Main Street, New Milford, NJ 07646 in the amount of \$15,700.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-050-103 of the Capital Fund in an amount not to exceed \$15,700.00.

NOW, THEREFORE, BE IT RESOLVED that the contract is hereby awarded to Layne Roofing, Inc. the amount not to exceed \$15,700.00.

June 8, 2020

#20-148 Appointment of Representatives to the Community Regional Committee

WHEREAS, the Borough of River Edge has entered into a three year cooperative agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40a:8A-1 et seq. and Title I of the Housing and Community Development Act of 1994; and

WHEREAS, said Agreement requires that one municipal representative and alternate be appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1st through June 30th, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby appoints

Raymond Poerio as the representative to participate on the Community Development Regional Committee and Robert Costa as Alternate #2.

June 8, 2020

#20-149 Appointment of Representative to the Open Space Trust Regional Committee

WHEREAS, the Borough of River Edge has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:8A-1 et seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic Trust Fund; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Open Space Trust Regional Committee for the term of one year coinciding with the fiscal year July 1, 2020 through June 30, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Governing body of the Borough of River Edge hereby appoints Raymond Poerio and Robert Costa as Alternate #1 as its representatives to participate on the Open Space Trust Regional Committee.

June 8, 2020

#20-150 Enter into Agreement with Robert Costa, Borough Engineer for Professional Engineering Services Related to 2020 ADA Ramps at Various Locations

WHEREAS, there exists a need for expert professional engineering services related to 2020 ADA Ramps at Various Locations; and

WHEREAS, Robert Costa submitted a proposal to the Borough at a cost based upon following payment schedule:

Phase 1	Surveying	\$ 5,000.00
Phase 2	Design & Drawings	\$ 7,500.00
Phase 3	Bid Documents & Services	\$ 2,500.00
Phase 4	Project Management & Inspection	\$10,000.00
Phase 5	Preliminary Special Assessment Curb/Sidewalk/Apron	\$ -0-
	Total	\$25,000.00

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service will exceed \$17,500; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-061 of the Capital Fund in the amount of \$25,000.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

WHEREAS, funds shall be available for the stated purpose in the 2020 municipal budget subject to adoption of the 2020 budget.

NOW, THEREFORE, BE IT RESOLVED that Governing Body hereby awards Phases 1, 2, 3 & 4 of the project.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$25,000.00; and
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file

with this resolution; and

3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

June 8, 2020

#20-151 Purchase of Patrol Car Computers with Mount for Two Police Vehicles

WHEREAS, the Borough of River Edge desires to purchase patrol car computers with mount for two police vehicles from Cherry Hill-Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey; and

WHEREAS, the vendor, Cherry Hill-Winner Ford is an approved State Contract participant, bearing the State Contract #T1786; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-111 of the Capital Fund in the amount not to exceed \$11,274.37; and

WHEREAS, N.J.A.C. 5:34-1.2 requires that any local contracting unit purchasing pursuant to N.J.S.A. 40A:11-12, must award the contract by a resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is authorized to accept the State Contract bid on the purchase of patrol car computers with mount for two police vehicles as per the State's specifications in an amount not to exceed \$11,274.37.

June 8, 2020

#20-152 Purchase of Interior/Exterior Vehicle Equipment for Two Police Vehicles

WHEREAS, the Borough of River Edge desires to purchase interior/exterior vehicle equipment for two police vehicles from General Sales Administration t/a Major Police Supply, 47 N. Dell Avenue, Kenil, New Jersey 07847; and

WHEREAS, the vendor, General Sales Administration is an approved State Contract participant, bearing the State Contract #17-FLEET-00760; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-111 of the Capital Fund in the amount not to exceed \$19,105.48; and

WHEREAS, N.J.A.C. 5:34-1.2 requires that any local contracting unit purchasing pursuant to N.J.S.A. 40A:11-12, must award the contract by a resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is authorized to accept the State Contract bid on the purchase of interior/exterior vehicle equipment for two police vehicles as per the State's specifications in an amount not to exceed \$19,105.48.

June 8, 2020

#20-153 Authorize Refund from Recreation Dedicated and Trust Other Account

WHEREAS, residents had signed up for Spring Tennis Lessons and Park Reservations; and

WHEREAS, these programs and reservations have been cancelled due to the COVID-19 pandemic; and

WHEREAS, the residents had paid in full for the programs and reservations; and

WHEREAS, a refund will be made to the following:

Pat Cochran
712 Fifth Avenue

\$ 50.00

Danielle Trancucci 99 Kenwood Road	\$ 50.00
Kelly Zemaites 799 Fifth Avenue	\$ 50.00
Terri Spiniello 246 Webb Avenue	\$ 50.00
Turat Murzakmat 162 Bogert Road	\$180.00
Jooin Um 70 Eastbrook Drive	\$180.00

NOW, THEREFORE, BE IT RESOLVED that a total of \$360.00 be refunded from the Recreation Dedicated Account and \$200.00 from the Trust Other Account to the above listed residents.

June 8, 2020

#20-154 Enter Into Agreement with Robert Costa, Borough Engineer for Professional Engineering Services Related to the Rectangular Rapid Flashing Beacons at Manchester & Fifth Avenue and Elm and Continental Avenue

WHEREAS, there exists a need for expert professional engineering services related to the Rectangular Rapid Flashing Beacons at Manchester & Fifth Avenue and Elm and Continental Avenue; and

WHEREAS, Robert Costa submitted a proposal to the Borough at a cost based upon following payment schedule:

Phase 1	Surveying	\$ -0-
Phase 2	Design & Drawings	\$ -0-
Phase 3	Bid Documents & Services	\$ 8,000.00
Phase 4	Project Management & Inspection	\$ 8,000.00
Phase 5	Preliminary Special Assessment Curb/Sidewalk/Apron	\$
	Total	\$16,000.00

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service will exceed \$17,500; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #C-04-20-060-081 of the Capital Fund in the amount of \$16,000.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Robert Costa from making any reportable contributions through the term of the contract; and

WHEREAS, funds shall be available for the stated purpose in the 2020 municipal budget subject to adoption of the 2020 budget.

NOW, THEREFORE, BE IT RESOLVED that Governing Body hereby awards Phases 3 & 4 of the project.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of River Edge as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with

Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$16,000.00; and

2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.

4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

June 8, 2020

#20-155 Installation of Various Computer/Radio Equipment for Police Vehicles Through State Contract

WHEREAS, the Borough of River Edge desires to install various computer/radio equipment for police vehicles from Wireless Communications & Electronics, 153 Cooper Road, West Berlin, New Jersey 08091; and

WHEREAS, the vendor, Wireless Communications & Electronics is an approved State Contract participant, bearing the State Contract #20-TELE-00910 and #89980; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account # #C-04-20-060-111 of the Capital Fund in the amount not to exceed \$8,968.00; and

WHEREAS, N.J.A.C. 5:34-1.2 requires that any local contracting unit purchasing pursuant to N.J.S.A. 40A:11-12, must award the contract by a resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is authorized to accept the State Contract bid on the installation of various computer/radio equipment for police vehicles as per the State's specifications in an amount not to exceed \$8,968.00.

June 8, 2020

Councilwoman Kaufman read resolution #20-156 into the record.

On motion by Councilwoman Kaufman, seconded by Councilman Gautier resolution #20-156 was unanimously approved.

#20-156 Payment of Bills

At a Regular Meeting of the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, held on June 8, 2020.

BE IT RESOLVED that the Mayor and Council of the Borough of River Edge approve the following expenditures.

CURRENT FUND ACCOUNT	\$224,540.58
CAPITAL FUND ACCOUNT	\$ 700.00
ANIMAL CONTROL ACCOUNT	\$ 10.20
TRUST OTHER ACCOUNT	\$ 3,032.00
PAYROLL ACCOUNT	\$ 9,213.60
DEVELOPER'S ESCROW ACCOUNT	\$ 3,657.50
RECREATION ACCOUNT	\$ 419.00

June 8, 2020

On motion by Councilwoman Montisano-Koen, seconded by Councilman Gautier to approve resolution #20-163 as modified and amended was unanimously approved.

Mayor Papaleo-said that the Mayor and Council are proud to do this for the businesses and thanked all of our professionals and Ray Poerio, our Borough Administrator for working on this. He asked that it be posted on our website and also on the Mayor's Facebook page.

Ray Poerio-thanked all of our professionals, members of the Council and the COVID Committee for working together and said that it was truly a team effort.

#20-163 A RESOLUTION OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, TEMPORARILY MODIFYING CERTAIN OUTDOOR DINING REQUIREMENTS TO ENABLE LOCAL RESTAURANTS TO IMPLEMENT SOCIAL DISTANCING AND FACILITATE SMALL BUSINESS RECOVERY IN LIGHT OF THE COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, a worldwide pandemic has occurred involving a novel Coronavirus more commonly known as COVID-19; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several "social distancing" regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurants/bars and entertainment businesses; and

WHEREAS, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

WHEREAS, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or country parks, and beaches and boardwalks; and

WHEREAS, Executive Order 107 specifically regulates the continued operation of Bars/Restaurants and provides, in part, that "All restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;" and

WHEREAS, on June 3, 2020, Governor Murphy issued Executive Order 150 which allows outdoor dining at food or beverage establishments in New Jersey starting on Monday, June 15, 2020, provided that establishments follow a number of COVID-19 health and safety protocols issued by the New Jersey Department of Health, including a limit of eight customers per table, requirements of at least six feet of distance between parties, and a prohibition on smoking in any outdoor areas designated for the consumption of food and/or beverages; and

WHEREAS, Executive Order 150 further notes that Municipal Governments are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks; and

WHEREAS, in consideration of the above and the great hardship and uncertainty the COVID-19 public health emergency has caused to the businesses of River Edge, the Governing Body desires to support the economic recovery of local restaurants and businesses by temporarily modifying certain outdoor dining restrictions so that restaurants are able to serve customers while satisfying social distancing requirements; and

WHEREAS, the Borough Attorney, Engineer and Planner and Land Use Board Attorney have reviewed same and found the temporary modification satisfactory; and

WHEREAS, the Governing Body finds it in the best interest of the Borough to temporarily modify certain restrictions.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge, in the County of Bergen and State of New Jersey, as follows:

Outdoor dining shall be temporarily permitted as an accessory use to all restaurant uses, including food service establishments as defined in the Borough Code at §348-1 as well as bars and taverns.

Temporary outdoor dining as permitted by this Resolution shall not require the filing of a Site Plan Application with the Borough Land Use Board.

A Temporary Outdoor Dining Application attached hereto as Exhibit A must be obtained and approved by the Borough Administrator or Zoning Officer prior to the creation or expansion of any outdoor dining area. A drawing of the proposed outdoor dining area must accompany the Zoning Permit Application. This drawing shall show the location, size and quantities of all proposed table and chairs and distances to other tables and chairs and distances from any other structures. All distance separations shall comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions, and/or limitations in any applicable Executive Orders, including but not limited to the New Jersey Department of Health Executive Directive on Outdoor Dining and those established by the State Division of Alcohol Beverage Control.

The Borough shall waive the filing fee for a Temporary Outdoor Dining Application, and the Borough shall expedite the review of all such Temporary Outdoor Dining Applications.

The regulations pertaining to “sidewalk cafes” set forth at §348 of the Borough Code shall be temporarily suspended and replaced with the following standards which shall be applicable to temporary outdoor dining:

The number of seats permitted in the outdoor dining area may not exceed 50% of the total seating capacity previously approved for the eating and/or drinking establishment.

Outdoor dining areas may be located on patios, walkways, plazas and courtyards in a manner that does not impair pedestrian circulation. Outdoor dining areas may also be located, at the discretion of the Zoning Officer, on public sidewalks and private lawn areas and parking lots, provided that pedestrian and vehicular circulation is not impaired and further provided, in the case of parking lots, that outdoor dining shall not occupy more than 35% of the minimum number of required spaces for the totality of the site’s uses as set forth in Chapters 416 and 350 of the Borough Code.

Where outdoor dining is proposed within a parking lot, driveway or roadways, bollards or other protective structures approved shall be erected along the perimeter of the outdoor dining area in order to ensure public safety at the discretion of the Borough Engineer.

If the outdoor dining area is proposed to be utilized after dark, temporary lighting shall be required. However, such lighting shall be installed to minimize impact to surrounding residential properties and public roadways at the discretion of the Borough Zoning Officer, Engineer or Chief of Police.

Landscaping and landscape planters around and/or within the outdoor dining area shall be permitted and are encouraged but are not required.

Awnings, umbrellas, canopies attached to a building wall, and heating units shall be permitted within outdoor dining areas; however, tents are permitted with no side walls.

Eating and drinking establishments may display one temporary sign per street frontage, each not to exceed 16 square feet to notify the public of in-house, take-out, and/or outdoor dining options and any restrictions in place due to the COVID-19 public health emergency. Such temporary signs shall be non-illuminated.

All outdoor dining areas must be closed with lighting turned off Thursday, Friday, Saturday by 11pm and Sunday -Wednesday by 10pm. Outdoor dining area shall be subject to the Borough’s noise and nuisance requirements. The Borough shall have the discretion to enforce measures to mitigate or eliminate nuisances including the revocation of a temporary outdoor dining permit.

An applicant for a proposed temporary outdoor dining area must have previously secured site plan approval from the Borough Zoning Board of Adjustment or Planning Board and must be in compliance with its existing site plan approval.

Temporary outdoor dining facilities shall provide access to restrooms for patrons as may be required by the State and/or Borough Health Department. Such facilities shall be cleaned and maintained accordingly.

The Borough Zoning Officer shall have the discretion to create additional standards for a particular property and to enforce such conditions as may be necessary to further the purposes of Chapters 416 and 350 of the Borough Code, as well as the goals and objectives of the Borough Master Plan and to ensure public health, safety and welfare.

In addition to the above, outdoor dining areas must comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions, and/or limitations in any applicable Executive Orders, including but not limited to the New Jersey Department of Health Executive Directive on Outdoor Dining. Eating and drinking establishments shall also continue to follow all rules and regulations of the Health Department and Division of Alcoholic Beverage Control, as well as all applicable local, State and federal laws.

The Borough Zoning Officer, Chief of Police, Fire Official, Construction Official, Engineer and Administrator reserve the right to put in place specific requirements or restrictions in order to protect the health, safety and welfare of the general public. Appeals of such requirements may be filed with the Borough Council.

This Resolution shall be effective beginning June 15, 2020 pursuant to the Governor's Executive Order 150.

This Resolution shall remain in effect through the end of 2020 unless this Resolution is otherwise amended or vacated by the Borough Council.

This Resolution does not permit the construction of or alternation to any building or structure. No changes may be made that alter the existing character of any building or structure.

This Resolution applies only to establishments already approved to operate as an eating or drinking establishment as of this Resolution's date of adoption.

Except for the relaxation of requirements as specifically authorized by this Resolution, all provisions of Chapter 230 of the Township Code remain in full effect.

Smoking shall be prohibited within 50 feet of all outdoor dining areas.

This Resolution shall take effect immediately.

Dated: June 8, 2020

Attest:

BOROUGH OF RIVER EDGE

Stephanie Evans, Borough Clerk

Thomas Papaleo, Mayor

NEW BUSINESS –

Ray Poerio, Borough Administrator- explained that the business owner is looking for a franchise/license agreement. This has gone before the Land Use Board and now before the Council for final approval. He has listed a number of documents on the agenda which he had previously asked the professionals to review and approve.

Proposed Licensing Agreement/Presentation on Sonny T -

1. Petition for Franchise Ordinance
2. Proposed Franchise Ordinance
3. Site Plan Showing Proposed Franchise Area
4. Metes and Bounds Description of Proposed Franchise Area (Encroachment)
5. Location Survey of Property

Perry Florio, P.C. - explained that the portico protrudes on an angle 1.5 feet into the right of way. He explained that right now all of the bathrooms are on the second floor and they do not have handicapped accessibility. His client desires to put a lift in as part of the expansion proposition. He explained that they've looked at other prospective locations for the lift but this seemed to be the best. He said encroachment is nowhere near the road and offered to put up the drawings for the Council to look at.

Ray Poerio-said that he invited Ezio Altamura, our Risk Consultant and Robert Costa, the Borough Engineer to answer any questions the Council may have so that they're more comfortable making a decision.

Ezio Altamura-said that he has reviewed the proposed ordinance and recommended a commercial umbrella policy of \$5,000,000, \$1,000,000 general liability naming the Borough as additional insured. They proposed 2,000,000 general liability.

Ray Poerio-asked Mr. Florio if his client would be okay with the umbrella policy?

Mr. Florio-said that a \$5,000,000 umbrella policy would be quite substantial and said that they have already offered \$2,000,000 general liability. He said that he would have to speak with his client.

Ray Poerio-said that the requirement for insurance must be met as requested by our Risk Consultant.

Mr. Florio-offered to provide them with details on the lift itself which may alleviate some of the concerns.

Tom Behrens, Borough Planner-suggested that Mr. Florio give an overview of the setback encroachment. The Land Use Board approved the application for the restaurant but did not have the jurisdiction over this application so it's before the Mayor and Council for a decision. He feels that Mr. Florio needs to explain the need, why this is the best location and the other options that they've looked into. After the review, the Mayor and Council will have to decide whether to approve it.

Robert Costa, Borough Engineer-concurred with Mr. Behrens and felt that as long as all of the insurance requirements are met, it will be up to the Council to approve it.

Mayor Papaleo-asked Mr. Florio to put the drawings up.

Mr. Florio-put up the site plan and explained the footprint.

Tom Behrens-feels that they have given good testimony and have given good reasons for the location of the lift.

Mayor Papaleo-said that there's a 2 foot wall that is currently encroaching and feels that it should be removed.

Mr. Florio-explained that it would be very expensive for his client because it would involve landscaping, excavating and backfilling. He said that the wall has been there quite a while and won't serve any purpose to take it down. He said if anything, it provides additional protection for outdoor dining patrons. He said that his client has put out a lot of money already and throwing landscaping on top may break the bank.

Tom Behrens-feels that the Mayor's request seems fair.

Mr. Florio-said that he will abide by whatever the Council decides but it could involve over 100 linear feet of excavating that isn't warranted.

Robert Costa, Borough Engineer-said that the Land Use Board required that the sidewalk be replaced and feels that the wall may be damaged during sidewalk replacement but they won't know until the work starts.

Councilwoman Kaufman-asked Ezio if he needs a promise of an umbrella policy?

Ezio Altamura-feels that layers of insurance get cheaper as you go higher but he is willing to revisit the amounts with the Mayor and Council and attorney approval.

Councilwoman Kaufman-would like to see Ezio's requirements met.

Tom Sarlo, Borough Attorney-said that the Council can introduce the ordinance this evening and continue further discussions on outstanding issues before the next meeting on June 22nd. At that meeting they can adopt as amended as long as there aren't substantial changes.

Ezio Altamura-said that he requested those amounts because we're dealing with handicapped exposure.

Councilman Chinigo-feels that you can never have enough insurance and doesn't think it will be too expensive. He tends to side with Ezio to make sure we're protected. He will go along with whatever Ezio decides.

Mr. Florio-said he will reach out to Ezio and provide for data on the elevator.

Ray Poerio-said that he will be the main contact for all of the conversations.

ORDINANCES – 1ST READING

Stephanie Evans, Borough Clerk read the title of Ordinance #20-8 into the record.

Ordinance #20-8 A FRANCHISE ORDINANCE GRANTING PERMISSION TO PATDOM, LLC, ITS TENANTS, SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO AND EXCLUSIVELY UTILIZE A PORTION OF LANDS WITHIN THE AREA OF THE JOHNSON AVENUE PUBLIC RIGHTOF-WAY LOCATED ADJACENT TO 259 JOHNSON AVENUE, RIVER EDGE, NEW JERSEY

On motion by Councilman Chinigo, seconded by Councilwoman Busted the first reading of Ordinance #20-08 was unanimously approved as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #20-8

A FRANCHISE ORDINANCE GRANTING PERMISSION TO PATDOM, LLC, ITS TENANTS, SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO AND EXCLUSIVELY UTILIZE A PORTION OF LANDS WITHIN THE AREA OF THE JOHNSON AVENUE PUBLIC RIGHT-OF-WAY LOCATED ADJACENT TO 259 JOHNSON AVENUE, RIVER EDGE, NEW JERSEY

WHEREAS, PatDom, LLC (“Petitioner”) having an address c/o Briarwood Development 431 Mantoloking Road, Brick Township, New Jersey 08723, is the lessee of the property located at Block 1417, Lot 3 (a/k/a 259 Johnson Avenue), on the current tax map of the Borough of River Edge and desires to make site improvements to a portion of lands located within the public right-of-way for Johnson Avenue within the franchise area identified “Encroachment Detail” in the within site plan (“Franchise Area”); and

WHEREAS, The proposed improvement of the property is an expansion of the existing building portico which would include within the interior portion of same, a handicap access lift in the Franchise Area resulting in a minor encroachment into the right-of- for the exclusive use by the PatDom, LLC and its affiliated entity and sub-lessee, Sonny T, LLC (collectively “Franchisee”) and their successors, assigns, invitees and licensees for the purpose of providing handicapped access to the business operations at the property which are currently not handicapped accessible; and

WHEREAS, Franchisee has filed a petition for relief and represented to the Municipal Council of the Borough of River Edge that the passage of this Ordinance is essential to meet the exigencies of the operation of activities at the property; and

WHEREAS, presently the Franchise Area is/will be used exclusively by Franchisee's employees, invitees and licensees; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Franchisee to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. Modify the existing portico of the building to extend same along an irregular areas to provide an enclosed area for the installation of a handicap access lift. The proposed modification to the portico will result in a 7.10 square foot encroachment (the “Franchise Area”) into the public right-of-way of Johnson Avenue, on the private property side of the existing sidewalk. The purpose of the Franchise Easement is to provide a handicap lift for patrons of the property’s restaurant operation which is currently not handicap accessible.
2. All costs associated with these improvements will be incurred by the Petitioner.

WHEREAS, a franchise ordinance is required to permit the construction of the private improvements within the public right-of-ways and limit the use of the Franchise Area; and

WHEREAS, by reason of the character of the development of the area within which this property is situated the area requested for the franchise is minimal, and the said improvements will assist the Franchisee and will not result in a detriment to adjoining property owners, the general public or the Borough; and

WHEREAS, the public interest will be served by said improvements, which will be of benefit to the furtherance of commerce in River Edge and the rights of the public will not be injuriously or adversely affected by the requested relief;

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Borough of River Edge, that:

SECTION I. Permission be, and is hereby granted to Franchisee, its successors and assigns, to make private improvements to and to exclusively utilize a portion of lands located on Johnson Avenue, in the Borough of River Edge, said areas being more particularly described as follows and on the plan attached hereto as **Exhibit A** (survey, site plan and metes and bounds description).

1. The contemplated improvements will modify the existing portico of the building to extend same and provide an enclosed area for the installation of a handicap access lift. The proposed modification to the portico will result in an encroachment into the Franchise Area provide a handicap lift for the purpose of providing for the exclusive use by the Franchisee and

Franchisee's employees, invitees and licensees to meet the exigencies of the operation of activities on the property; and

2. The Franchisee is granted the rights to exclude persons from the Franchise Area; and
3. The contemplated improvements will be constructed consistent with plans approved by the Borough and there will remain sufficient area in the right-of-way roadway for the passage of vehicles and pedestrians; and
4. All costs associated with these improvements will be incurred by the Petitioner.

SECTION II. All the work herein authorized shall be done under the supervision of the proper department or departments of the Borough of River Edge. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the Borough Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. Franchisee, and its successors and assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the Borough.

SECTION III. This Ordinance shall remain in full force and effect for a period of seventy-eight (78) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the Borough reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioners one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by Franchisee.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, Franchisee, its successors and assigns hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the Borough of River Edge harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the Borough or its officers, employees or agents) for the term of this Ordinance. Franchisee, its successor and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the Borough of River Edge, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$2,000,000.00 in General Liability insurance, or in such amount and type as the Borough may reasonably require from time to time, in a form deemed acceptable by the Borough, shall be delivered to the Borough before use or occupancy of the premises subject to this Franchise Ordinance.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Franchisee-Petitioner with the Borough Clerk. In the event, that the Franchisee-Petitioner shall not file with the Borough Clerk its acceptance in writing of the provisions of this Ordinance within thirty (30) days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. Only with prior written consent and approval by the Borough Council of the Borough of River Edge, which consent and approval shall not be unreasonably withheld, shall Franchisee-Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the Borough of River Edge and all public utility companies including any cable television company as defined in the "Cable Television Act", P. L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

SECTION IX. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the Borough of Jersey Borough the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

SECTION X.

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be a part of the Borough of River Edge Code as though codified and fully set forth therein. The Borough Clerk shall have this Ordinance certified and incorporated in the official copies of the Borough of River Edge Code.
- C. The Borough Clerk and Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

SECTION XI

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

Thomas R. Papaleo, Mayor

Attest:

Stephanie Evans, Borough Clerk

COAH OBLIGATIONS –

Ray Poerio-said that they've been talking about COAH since 2013. He's heard from multiple attorneys and planners regarding our obligations. He said that Tom Behrens will lead the conversation and Anthony Suarez, Esq. will follow. He reminded the Council that the resolutions and ordinances are not a choice but mandates.

Tom Behrens-explained that we are in the 3rd round of the compliant phase and we have to implement a housing plan and ordinances. He explained in detail the list of compliance requirements.

Anthony Suarez, Esq.-said that he's been working on this since 2015 and at that time the Borough was not in good standing as far as COAH. Since then they've made a lot of progress and has been in contact with Tom Behrens and has reviewed the information and feels that all is in order. He said that the next hearing date is July 21st and if all goes well that will immunize us until 2025.

Councilman Chinigo-thanked the professionals for handling this difficult litigation especially since we came from a bad position.

Councilman Gautier-echoed Councilman Chinigo's sentiments.

Mayor Papaleo-again thanked Ray Poerio, and all of our professionals for their hard work in getting this accomplished.

On motion by Councilman Chinigo, seconded by Councilwoman Kaufman, resolution #20-157 through #20-162 were unanimously approved.

#20-157 Resolution Appointing Municipal Housing Liaison

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

WHEREAS, the Borough of River Edge’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 River Edge, in the County of Bergen, and the State of New Jersey, that Raymond Poerio, is hereby appointed by the Governing Body of the Borough of River Edge as the Municipal Housing Liaison for the administration of the Borough’s affordable housing program.

June 8, 2020

#20-158 Resolution Appointing Affordable Housing Administrative Agent

WHEREAS, The Borough of River Edge’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 River Edge in the County of Bergen, and the State of New Jersey that Community Grants, Planning and Housing is hereby appointed by the Governing Body of the Borough of River Edge as the Administrative Agent for the administration of the affordable housing program.

June 8, 2020

#20-159 Resolution Adopting Affirmative Marketing Plan for the Borough of River Edge

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 River Edge 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 River Edge, County of Bergen, Docket No. BER-L-6292-15, 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 River Edge 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 River Edge; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge, 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 River Edge 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 River Edge 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 River Edge. 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 Star Ledger.
 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(1). 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.

June 8, 2020

#20-160 Resolution of the Council of the Borough of River Edge Approving the Borough's Spending Plan for It's Affordable Housing Trust Fund in Accordance with the Borough's Third Round Affordable Housing Obligations

WHEREAS, the Borough of River Edge established an affordable housing trust fund in 2009 and will adopt a development fee ordinance to generate revenues for this fund as required by the Council on Affordable Housing's ("COAH") Second Round Rules N.J.C. 5:93 and in accordance with the Borough's June 24, 2019 Settlement Agreement with Fair Share Housing Center; and

WHEREAS, the Borough's affordable housing trust fund is required to support the Borough's various affordable housing programs, including its Third Round rehabilitation obligation, as set forth in the Borough's Housing Element and Fair Share Plan; and

WHEREAS, a municipality with an affordable housing trust fund should receive approval of a Spending Plan by COAH or the Court prior to making any expenditures from its affordable housing trust fund; and

WHEREAS, the Borough of River Edge has prepared a Spending Plan consistent with P.L. 2008, c. 46, COAH regulations and the Settlement Agreement entered into between the Borough and Fair Share Housing on June 24, 2019.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey as follows:

1. It approves the Spending Plan that is attached hereto as Exhibit A, and requests that the Court review and approve the Borough's Spending Plan so that it can expend funds in its affordable housing trust fund.
2. The Mayor and all other officials of the Borough of River Edge are hereby directed and authorized to take any and all necessary and appropriate actions to carry out the subject and intent of this Resolution.
3. This Resolution shall take effect immediately upon passage and publication in accordance with law, if required.

June 8, 2020

#20-161 Resolution of the Borough of River Edge Council Adopting a Rehabilitation Program

Manual

WHEREAS, the Mayor and Council of the Borough of River Edge 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 River Edge, County of Bergen, Docket No. BER-L-6292-15 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 River Edge 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 River Edge, County of Bergen, State of New Jersey, hereby adopts the Rehabilitation Program Manual dated June 1, 2020.

June 8, 2020

#20-162 Resolution of Intent to Bond in the Event of a Funding Shortfall

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 River Edge 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 River Edge, County of Bergen, Docket No. BER-L-6292-15, 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 River Edge is required to adopt a resolution with intent to bond to ensure funding necessary to implement its affordable housing program; and

WHEREAS, the Borough of River Edge has adopted a Spending Plan that allocates funds for housing rehabilitation, affordability assistance to low and very-low income families and administrative costs; and

WHEREAS, the Borough of River Edge anticipates that funding will come from its affordable housing trust fund; and

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in the Borough of River Edge's Housing Element and Fair Share Plan, the Borough shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, that the Mayor and Council does hereby agree to authorize a bond in the appropriate amount to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason.

June 8, 2020

ORDINANCES-1ST READING

Stephanie Evans, Borough Clerk read the title of Ordinance #20-09 into the record.

Ordinance #20-09 AN ORDINANCE TO CREATE CHAPTER 50, ENTITLED "AFFORDABLE HOUSING REGULATIONS" TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

On motion by Councilwoman Kinsella, seconded by Councilwoman Busteded the first reading of Ordinance #20-9 was unanimously approved as follows:

NOW, THEREFORE, be it ordained by the Borough Council of the Borough of River Edge, Bergen County, New Jersey, as follows:

SECTION 1. Chapter 50, entitled "Affordable Housing Regulations," of the Code of the Borough of River Edge is hereby created to read as follows:

ARTICLE I AFFORDABLE HOUSING REGULATIONS

§ 50.1 Purpose.

This Chapter is intended to assure that very-low, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that only qualified low- and moderate-income households shall occupy these units consistent with N.J.A.C. 5:93-1 et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Chapter shall apply except where inconsistent with applicable law.

§ 50.2 Applicability.

- A. The provisions of this Chapter shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of River Edge pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- B. This Chapter shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

§50.3 Monitoring and Reporting Requirements.

The Borough of River Edge shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- A. Trust fund activity. Beginning one year after the entry of the Borough's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 2025, the Borough agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- B. Affordable housing activity. Beginning one year after the entry of the Borough's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 2025, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH, or any other forms endorsed by the Court Appointed Special Master and FSHC.
- C. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during its ten-year repose period. The Borough will comply with those provisions as follows:
 - 1. For the midpoint realistic opportunity review due on July 2, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Borough, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
 - 2. For the review of very-low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Borough's Judgment of Compliance and Repose, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit

comments to the Borough and Fair Share Housing Center on the issue of whether the Borough has complied with its very low income housing obligation under the terms of this settlement.

3. In addition to the foregoing postings, the Borough may also elect to file copies of its reports with COAH or its successor agency at the State level.

§50.4 Definitions.

The following terms when used in this Chapter shall have the meanings given in this Chapter:

“Accessory apartment” shall mean a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“Act” shall mean the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” shall mean constructed in compliance with the technical design standards of the Barrier Free Sub code, N.J.A.C. 5:23-7.

“Administrative agent” shall mean the entity responsible for the administration of affordable units in accordance with this Article, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” shall mean a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” shall mean the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” shall mean, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” shall mean a housing development all or a portion of which consists of restricted units.

“Affordable housing development” shall mean a development included in the "Housing Plan Element and Fair Share Plan", and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100%) percent affordable development.

“Affordable housing program(s)” shall mean any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” shall mean a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” shall mean the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” shall mean a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are sixty-two (62) years or older; or 2) at least eighty (80%) percent of the units are occupied by one person that is fifty-five (55) years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” shall mean a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four (4) or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one (1) unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” shall mean a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” shall mean the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” shall mean the State of New Jersey Department of Community Affairs.

“Deficient housing unit” shall mean a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” shall mean any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” shall mean the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” shall mean a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” shall mean a household with a total gross annual household income equal to fifty (50%) percent or less of the median household income.

“Low-income unit” shall mean a restricted unit that is affordable to a low-income household.

“Major system” shall mean the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” shall mean housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” shall mean the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” shall mean a household with a total gross annual household income in excess of fifty (50%) percent but less than eighty (80%) percent of the median household income.

“Moderate-income unit” shall mean a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” shall mean any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” shall mean a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” shall mean the maximum housing value in each housing region affordable to a four-person household with an income at eighty (80%) percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

“Rehabilitation” shall mean the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Sub code, N.J.A.C. 5:23-6.

“Rent” shall mean the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” shall mean a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” shall mean the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” shall mean a household with a total gross annual household income equal to thirty (30%) percent or less of the median household income.

“Very low-income unit” shall mean a restricted unit that is affordable to a very low-income household.

“Weatherization” shall mean building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

§50.5 Rehabilitation Program.

A. The Borough of River Edge and Fair Share Housing Center have agreed that the Borough’s Round 3 (1999-2025) indigenous need Rehabilitation Obligation is six (6) units. The Borough will work with Bergen County or hire a separate entity to rehabilitate units in the Borough to address the Borough’s Rehabilitation Obligation. Any such rehabilitation programs will update and renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.

1. All rehabilitated rental and owner-occupied units shall remain affordable to low and moderate-income households for a period of ten (10) years (the control period). For owner-occupied units, the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
2. The Borough of River Edge shall dedicate an average of at least eighteen thousand dollars (\$18,000) for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
3. Units in the rehabilitation programs shall be exempt from N.J.A.C. 5:93-9 and UHAC requirements, but shall be administered in accordance with the following:
 - a. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93-9 and UHAC.
 - b. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:93-9 and UHAC.
 - c. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9 or the standards issued by a New Jersey administrative agency with proper authority to issue such standards.
 - d. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

§ 50.6 Phasing Schedule for Inclusionary Development.

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

§ 50.7 New Construction.

A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low income units shall be counted as part of the

required number of low income units within the development. At least 50 percent of the very low income units must be available to families.

2. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families.
3. A maximum of 25 percent of the Borough's obligation may be met with age-restricted units. At least half of all affordable units in the Borough's Fair Share Plan shall be available to families.
4. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.
5. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - a. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - b. At least 30 percent of all low- and moderate-income units shall be two-bedroom units;
 - c. At least 20 percent of all low- and moderate-income units shall be three-bedroom units; and
 - d. The remaining units may be allocated among two and three-bedroom units at the discretion of the developer.
6. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub Code, N.J.A.C. 5:23-7.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - a. An adaptable toilet and bathing facility on the first floor; and
 - b. An adaptable kitchen on the first floor; and
 - c. An interior accessible route of travel on the first floor; and
 - d. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - e. If all of the foregoing requirements in 2.(a) through 2.(d) cannot be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2.(a) through 2.(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - f. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Sub Code, N.J.A.C. 5:23-7, or evidence that River Edge has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

- (2) To this end, the builder of restricted units shall deposit funds within the Borough of River Edge's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - (3) The funds deposited under paragraph f (2) above shall be used by the Borough of River Edge for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (4) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of River Edge for the conversion of adaptable to accessible entrances.
 - (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Sub Code, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- g. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Sub Code, N.J.A.C. 5:23-7.

C. Design:

1. In inclusionary developments, low- and moderate-income units shall be integrated with the market units to the extent possible.
2. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices:

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;

- c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
- a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
- a. The income limit for a moderate-income unit for a household of four shall be 80 percent of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the HUD determination of the median income for COAH Region 1 for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than the previous year.
 - b. The income limits are based on carrying out the process in paragraph (a) based on HUD determination of median income for the current Fiscal Year and shall be utilized by the Borough until new income limits are available.
10. In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by the Council:
- a. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to paragraph (9). In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
 - b. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northern New Jersey Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed

pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

§ 50.8 Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by the NJDCA for its Section 8 program.

§ 50.9 Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

§ 5.10 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 265, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until the Borough of River Edge takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 5.11 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.
- B. The Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers, unless the master deed for the inclusionary project was executed prior to the enactment of UHAC.
- D. The owners of restricted ownership units may apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§ 5.12 Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

§ 5.13 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, in accordance with N.J.A.C. 5:80-26.6(b).

§ 5-14 Capital Improvements To Ownership Units.

- A. The owners of restricted ownership units may apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale.

provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer. Unless otherwise approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 5-15 Control Periods for Restricted Rental Units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until the Borough of River Edge takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the Borough's Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
1. Sublease or assignment of the lease of the unit;
 2. Sale or other voluntary transfer of the ownership of the unit; or
 3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§ 5-16 Rent Restrictions for Rental Units; Leases.

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.
- C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Developer and Landlord or to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer. If the fees are paid to the Borough's Administrative Agent or an Administrative Agent appointed by a particular developer, they are to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§ 5-17 Tenant Income Eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.

2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.
3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.

B. The Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
3. The household is currently in substandard or overcrowded living conditions;
4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in a.1. through b.5. above with the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, who shall counsel the household on budgeting.

ARTICLE II MUNICIPAL HOUSING LIAISON.

§ 5-18 Municipal Housing Liaison

A. The position of Municipal Housing Liaison (MHL) for the Borough of River Edge is established by this ordinance. The Borough shall make the actual appointment of the MHL by means of a resolution.

1. The MHL must be either a full-time or part-time employee of River Edge.
2. The person appointed as the MHL must be reported to the Court and thereafter posted on the Borough's website.
3. The MHL must meet all the requirements for qualifications, including initial and periodic training, if such training is made available by COAH or the DCA.
4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of River Edge, including the following responsibilities which may not be contracted out to the Administrative Agent, or the Administrative Agent appointed by a specific developer:
 - a. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - b. The implementation of the Affirmative Marketing Plan and affordability controls;
 - c. When applicable, supervising any contracting Administrative Agent;
 - d. Monitoring the status of all restricted units in the Borough's Fair Share Plan;

- e. Compiling, verifying and submitting annual reports as required;
- f. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
- g. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.

B. Subject to the approval of the Court, the Borough of River Edge shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and may be subject to approval of the Court appointed Special Master or the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

ARTICLE III ADMINSTRATIVE AGENT

§ 5-19 Administrative Agent.

An Administrative Agent may be either an independent entity serving under contract to and reporting to the Borough or reporting to a specific individual developer. ***The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.*** The Borough Administrative Agent shall monitor and work with any individual Administrative Agents appointed by individual developers. The Administrative Agent(s) shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

A. Affirmative Marketing:

1. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of River Edge and the provisions of N.J.A.C. 5:80-26.15; and
2. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household Certification:

1. Soliciting, scheduling, conducting and following up on interviews with interested households;
2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
3. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
4. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;

6. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of River Edge when referring households for certification to affordable units; and
7. Notifying the following entities of the availability of affordable housing units in the Borough of River Edge: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Branch of the NAACP, Senior Citizens United Community Services (S.C.U.C.S.), and the Supportive Housing Association.

C. Affordability Controls:

1. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or Bergen County Clerk's office after the termination of the affordability controls for each restricted unit;
4. Communicating with lenders regarding foreclosures; and
5. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and Re-rentals:

1. Instituting and maintaining an effective means of communicating information between owners and the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, regarding the availability of restricted units for resale or re-rental; and
2. Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing Requests from Unit Owners:

1. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
2. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
3. Notifying the municipality of an owner's intent to sell a restricted unit; and
4. Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

1. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer;
3. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Borough's

Administrative Agent, or any Administrative Agent appointed by a specific developer, where complaints of excess rent or other charges can be made;

4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
5. Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and
6. Creating and publishing a written operating manual for each affordable housing program administered by the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

1. The Borough's Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
2. The Borough's Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance. The Borough's Administrative Agent will be responsible for collecting monitoring information from any Administrative Agents appointed by specific developers.
3. The Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

ARTICLE IV AFFIRMATIVE MARKETING REQUIREMENTS

§ 5-20 Affirmative Marketing Program.

- A. The Borough of River Edge shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. 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 affordable housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan also is 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 COAH Housing Region 1 and covers the period of deed restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 1 comprised of Bergen, Passaic and Hudson Counties.
- D. The Administrative Agent designated by the Borough of River Edge shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, shall consider the use of language translations where appropriate.

- G. The affirmative marketing process for available affordable units shall begin at least four (4) months prior to the expected date of occupancy.
- H. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by River Edge Borough.

ARTICLE V ENFORCEMENT OF AFFORDABLE HOUSING REGULATIONS

§ 5-21 Enforcement

- A. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - a. A fine of not more than \$2,000.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - b. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Oradell Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - c. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 2. The Borough may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
 - a. The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum

period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- c. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- e. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- f. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

ARTICLE VI AFFORDABLE HOUSING DEVELOPMENT FEES.

§ 5-22 Purpose.

- A. In Holmdel Builder's Ass'n v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council On Affordable Housing's ("COAH's") adoption of rules.
- B. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- C. The purpose of this section is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules and in accordance with P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this section shall be used for the sole purpose of providing "low" and "moderate" income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

§ 5-23 When Effective, Authority to Spend Fees.

- A. Pursuant to N.J.A.C. 5:96-5.1, the ability to impose, collect and spend development fees is predicated on the Borough of River Edge's participation in COAH's substantive certification process or as approved by the courts.

- B. The Borough of River Edge shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96- 5.3.

§ 5-24 Definitions.

The following terms, as used in this Article, shall have the following meanings:

“*Affordable housing development*” shall mean a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100%) percent affordable development.

“*COAH*” or the “*Council*” shall mean the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

“*Development fee*” shall mean money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

“*Developer*” shall mean the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“*Equalized assessed value*” shall mean the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

“*Green building strategies*” shall mean those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§ 5-25 Residential Development Fees.

A. Imposed Fees:

1. In accordance with N.J.A.C. 5:97-8.3 (c) of COAH's "Substantive Rules," all new development of principal and accessory residential buildings within the Borough of River Edge, not exempt from the collection of development fees in accordance with the provisions specified in Subsection 23-74.4c. of this ordinance hereinbelow, shall pay a fee to River Edge Borough equal to one and one-half (1.5%) percent of the equalized assessed value of the residential construction, provided no increased density is permitted.
2. Notwithstanding the provisions of subsection 23-74.4a. hereinabove, if a "d" variance is granted pursuant to N.J.S.A. 40:55D-70 d.(5) for more residential units than otherwise permitted by right under the existing zoning, then the additional residential units realized as a result of the "d" variance approval shall pay a bonus development fee to River Edge Borough equal to six (6.0%) percent of the equalized assessed value of the residential development, rather than the one and one-half (1.5%) percent development fee otherwise required for the residential units permitted by right.
 - a. However, if the zoning of a site has changed during the immediate two (2) years prior to the filing of the "d" variance application, then the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two (2) year time period. . Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units, and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development.

1. All affordable housing developments and developments where the developer has made a payment in lieu of constructing affordable units shall be exempt from paying development fees. All other forms of new construction shall be subject to development fees.

2. Developments that have received preliminary or final site plan approval prior to the adoption of a development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or construction permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that building permits are issued.
3. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded to add one or more additional dwelling units, if the expansion is not otherwise exempt from the development fee requirement. It is the intention of this Chapter that expansions to residential structures which do not add dwelling units are exempt from development fees. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
4. No development fee shall be collected for a demolition and replacement of a residential building resulting from a natural disaster and LEED certified green buildings shall be exempt from paying a development fee.
5. No development fee shall be collected for the construction of an "accessory structure" which is not a "building" as these terms are defined in the River Edge Borough "Land Development" Ordinance.

§ 5-26 Nonresidential Development.

A. Imposed Fees:

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees also shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half (2 1/2%) percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final Certificate of Occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero (0).

B. Eligible Exactions, Ineligible Exactions and Exemptions for Nonresidential Development.

1. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half (2.5%) percent development fee, unless otherwise exempted below.
2. The two and one-half (2.5%) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form and listed below. Any exemption claimed by a developer shall be substantiated by that developer.
 - a. All nonresidential construction of buildings or structures on property used by houses of worship, and property used for educational purposes which is tax-exempt pursuant to R.S.54:4-3.6, provided that the property continues to maintain its tax-exempt status under that statute for a period of at least three (3) years from the date of the Certificate of Occupancy;

- b. Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a nonresidential development or as a stand-alone non-residential development;
 - c. Any nonresidential development which is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers and senior centers as defined in section 35 of P.L.2008, c.46 (C.40:55D-8.4), which are developed in conjunction with or funded by a non-residential developer;
 - d. Projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the New Jersey State Department of Transportation; and
4. A developer of a nonresidential development exempted from the nonresidential development fee above shall be subject to it at such time the basis for the exemption set forth in this subsection no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three (3) years after that event or after the issuance of the final Certificate of Occupancy of the nonresidential development, whichever is later.
5. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within forty-five (45) days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of River Edge as a lien against the real property of the owner.

§ 5-27 Collection Procedures.

The Borough of River Edge shall collect development fees for affordable housing in accordance with the following:

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction Official or designated municipal official responsible for the issuance of a building permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption", to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Borough Construction Official responsible for the issuance of a building permit shall notify the Borough Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within ninety (90) days of receipt of that notice, the Borough Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development. The equalized assessed value and the required development fee shall be estimated by the Borough Tax Assessor prior to the issuance of the construction permit, with the understanding that the estimate of the equalized assessed value is not intended to establish the equalized assessed value for tax purposes.
- E. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Borough of River Edge fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may

estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).

- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for payment the difference between the fee calculated at building permit and that determined as issuance of certificate of occupancy.
- I. Developers shall pay the remainder of the development fee to River Edge Borough at the time of the issuance of a Certificate of Occupancy.
- J. Upon tender of the remaining development fee, provided the developer is in full compliance with all other applicable laws, the Borough shall issue a final Certificate of Occupancy for the subject property.
- K. Regardless of the time of collection of the development fee, the fee shall be based upon the percentage that applies on the date that the construction permit is issued.
- L. The Construction Code Official shall forward all collected development fees to River Edge Borough's Chief Financial Officer who shall deposit such fees into the established Housing Trust Fund.
- M. Appeal of development fees.
 - 1. A developer may challenge the development fees imposed by filing a challenge with the Director of the Division of Taxation for nonresidential development and with the County Board of Taxation for residential development. Pending a review and determination by the Director or Board, as the case may be, which shall be made within forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough. Appeals from a determination of the Director or Board, as the case may be, may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Accrued interest earned on escrowed amounts to be returned shall also be returned to the developer.
 - 2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of River Edge. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 5-28 Affordable Housing Trust Fund.

- A. All collected development fees and any proceeds from the sale of units with extinguished controls shall be deposited by the Chief Financial Officer of the Borough of River Edge ~~in a~~ separate designated interest-bearing Housing Trust Fund, which shall be maintained by the Borough Chief Financial Officer.
 - 1. No money shall be expended from the Housing Trust Fund unless the expenditure conforms to the spending plan which has been approved by COAH or courts.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. Recapture funds;
 - 2. Proceeds from the sale of affordable units;
 - 3. Rental income from municipally operated units;
 - 4. Payments in lieu of on-site construction of affordable units;
 - 5. Affordable housing enforcement fines and application fees;

6. Developer contributed funds for barrier free affordable housing pursuant to N.J.A.C. 5:97-8.5;
 7. Repayments from affordable housing program loans; and
 8. Any other funds collected in connection with the Borough's affordable housing program.
- C. Within seven (7) days from the opening of the trust fund account, the Borough of River Edge shall provide COAH or court with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH or court to permit COAH or the court to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- D. All interest accrued in the Housing Trust Fund shall only be used on eligible affordable housing activities approved by COAH.

§ 5-29 Use of Funds.

- A. Funds deposited in the Housing Trust Fund may be used for any housing activity as itemized in the spending plan and approved by COAH to address the Borough's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to:
1. A rehabilitation program;
 2. New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
 3. Accessory apartment, market to affordable, or regional affordable housing partnership programs;
 4. Financial assistance designed to increase affordability;
 5. Conversion of existing nonresidential buildings to create new affordable units;
 6. Acquisition and/or improvement of land to be used for affordable housing;
 7. Purchase of existing market rate or affordable housing for the purpose of maintaining or implementing affordability controls, such as in the event of a foreclosure;
 8. Extensions or improvements of roads and infrastructure directly serving affordable housing sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development;
 9. Green building strategies designed to be cost-saving for low and moderate income households, either for new construction that is not funded by other sources, or as part of necessary maintenance or repair of existing units, in accordance with accepted Federal or State standards or such guidance as may be provided by the New Jersey State Department of Community Affairs or the New Jersey Housing and Mortgage Finance Agency;
 10. Maintenance and repair of affordable housing units;
 11. Repayment of municipal bonds issued to finance low and moderate income housing activity;
 12. To defray the costs of structural parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
 13. Administration necessary for implementation of the Housing Plan Element and Fair Share Plan, in accordance with subsection 23-74.8g. below; and
 14. Any other activity as specified in the approved spending plan and as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9.

- B. The Borough also may request authorization for expenditure of Housing Trust Funds on emergent affordable housing mechanisms not included in the Borough's Fair Share Plan in the form of an amendment to the spending plan. In addition to the amendment to the spending plan, the Borough shall submit the following:
1. A resolution to COAH or court that includes a certification that the affordable housing opportunity addresses COAH's or court's criteria set forth in N.J.A.C. 5:97-6 and information regarding the proposed mechanism in a format to be provided by COAH or court; and
 2. An amendment to its Fair Share Plan to include the mechanism at the earlier of two (2) years after COAH's or court's approval of the spending plan amendment or the next planned amendment to the Fair Share Plan resulting from the plan evaluation review pursuant to N.J.A.C. 5:96-10.
- C. Funds shall not be expended to reimburse the Borough of River Edge for past housing activities.
- D. Payments in lieu of constructing affordable housing units on residential and mixed-use sites shall only be used to fund eligible affordable housing activities within the Borough.
- E. At least thirty (30%) percent of all development fees collected and interest earned shall be devoted to providing affordability assistance to low and moderate income households in affordable units included in the Housing Element and Fair Share Plan, provided and in accordance with the following:
1. One-third (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to very low income households.
 2. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, and assistance with emergency repairs.
 3. Affordability assistance for very low income households may include buying down the cost of low or moderate income units in the third round Borough's Fair Share Plan to make them affordable to very low income households (earning thirty (30%) percent or less of median income). The use of development fees in this manner may entitle the Borough to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 4. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- F. The Borough of River Edge may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18, subject to COAH's approval.
- G. No more than twenty (20%) percent of development fee revenues collected in any given year from the development fees may be expended on administration, including, but not limited to, the salaries and benefits for River Edge Borough employees or consultant fees necessary to develop or implement a new affordable housing program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program.
1. In the case of a rehabilitation program, no more than twenty (20%) percent of the revenues collected from development fees shall be expended for such administrative expenses.
 2. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with COAH's monitoring requirements.
 3. Legal or other fees related to litigation opposing affordable housing sites or objecting to COAH's regulations and/or action are not eligible uses of the Housing Trust Fund.

§ 5-30 Monitoring.

- A. The Borough of River Edge Municipal Housing Liaison shall coordinate with the appropriate municipal officials the completion and return to COAH of all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines and application fees, and any other funds collected in connection with the Borough's housing program, and the expenditure of revenues and implementation of the plan certified by COAH.
- B. At minimum, the monitoring shall include an accounting of any Housing Trust Fund activity, identifying the source and amount of funds collected, the amount and purpose for which any funds have been expended, and the status of the spending plan regarding the remaining balance pursuant to N.J.A.C. 5:97-8.10(a)8.
- C. All monitoring reports shall be completed on forms designed by COAH.

§ 5-31 Ongoing Collection of Development Fees and Expiration of Section.

- A. The ability for the Borough of River Edge to impose, collect and expend development fees shall expire with its Substantive Certification unless River Edge Borough has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for Substantive Certification, and has received COAH's approval of its Development Fee Ordinance.
- B. If the Borough of River Edge fails to renew its ability to impose and collect development fees prior to the date of expiration of Substantive Certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund.
- C. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (C.52:27D-320).
- D. The Borough of River Edge shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Substantive Certification, or judgment of compliance, nor shall the Borough of River Edge retroactively impose a development fee on such a development.
- E. The Borough of River Edge shall not expend development fees after the expiration of its Substantive Certification or judgment of compliance.

§ 50-32 Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Superior Court or other agency as provided for by law.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of River Edge, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of River Edge are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

SECTION 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of River Edge for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

SECTION 6. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16.

ATTEST:

Stephanie Evans, Borough Clerk

Stephanie Evans, Borough Clerk read the title of Ordinance #20-10 into the record.

Ordinance #20-10 AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE VIII, CONDITIONAL USES, PLANNED RESIDENTIAL DEVELOPMENTS, OF CHAPTER 416, ZONING, OF THE BOROUGH OF RIVER EDGE, BERGEN COUNTY, NEW JERSEY, TO ESTABLISH A NEW BRIDGE ROAD AFFORDABLE HOUSING (AH-1) OVERLAY ZONE

On motion by Councilman Gautier, seconded by Councilman Chinigo the first reading of Ordinance #20-10 was approved unanimously as follows:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, Bergen County, New Jersey, that amendments set forth below are made to Chapter 416, "Zoning," of the Code of the Borough of River Edge as follows:

Section 1. Section 416-5 of Chapter 416, Zoning, of the Code of the Borough of River Edge entitled "District Designations" is hereby amended to include the following new zone district:

AH-1 New Bridge Road Affordable Housing Overlay Zone

Section 2. The Zoning Map of the Borough of River Edge, as referenced in Section 416-6, Zoning Map, and Chapter 416, Zoning, attachment 416d, Zoning Map, are hereby amended to include a new AH-1 New Bridge Road Affordable Housing Overlay Zone encompassing Block 1303 Lots 3, 4 and 5, and which shall retain the underlying C-1 Commercial zoning designation of those parcels as shown on the accompanying map.

Section 3. Article VIII, Chapter 416 of the Code of the Borough of River Edge entitled "Conditional Uses; Planned Residential Developments" is hereby renamed "Conditional Uses, Overlay Zones and Planned Residential Developments." Article VIII shall be amended to include a new Section 416-36.2 entitled "AH-1 New Bridge Road Affordable Housing Overlay Zone." The new Section 416-36.2 shall read as follows:

416-36.2. AH-1 New Bridge Road Affordable Housing Overlay Zone.

A. **Purpose.** The purpose of the AH-1 New Bridge Road Affordable Housing Overlay Zone is to create a realistic opportunity for the construction of low and moderate-income housing in a suitable location of the Borough of River Edge, and address a portion of the Borough's fair share affordable housing obligation in accordance with the Fair Housing Act ("FHA"), applicable Council on Affordable Housing ("COAH") regulations, Settlement Agreement entered into between the Borough and Fair Share Housing Center on June 24, 2019, the Borough's Housing Element and Fair Share Plan, and any applicable order of the Court, including a Judgement of Compliance and Repose Order. Developers shall have the option of developing in accordance with the underlying zone standards.

In addition, it is the intent and purpose of the AH-1 Zone to achieve the following:

1. Minimize impacts to the local school district by encouraging a greater proportion of studio and 1-bedroom dwelling units, except as required for the bedroom distribution of affordable housing units in accordance with the applicable affordable housing regulations.
2. Promote quality site and building design that recognizes the AH-1 Overlay Zone as a gateway to the community and is harmonious with the New Bridge Landing Historical Site located across New Bridge Road.

B. **Principal uses.** The following principal uses shall be permitted in the AH-1 Overlay Zone:

1. Inclusionary multifamily development.
2. Mixed-use development consisting of principal uses permitted in the C-1 Zone located on the ground level and inclusionary multifamily development only above the first floor.

3. C-1 Zone Principal Permitted Uses in accordance with Attachment 416b, Zoning District Use Regulations.

C. **Accessory uses.** The following accessory uses shall be permitted in the AH-1 Overlay Zone:

1. Private indoor recreation and community rooms and facilities to be used exclusively by the residents of the development.
2. Private indoor recreation
3. Leasing/management office exclusively for the residential component of the development.
4. Roof mounted solar panels and equipment. Ground mounted solar panels shall be prohibited.
5. Green roofs.
6. Rooftop amenities to be used exclusively by the residents of the development.
7. Electric vehicle (EV) charging equipment.
8. Signs.
9. Fences and Walls.
10. Trash and recycling facilities.
11. Accessory uses customarily incidental to multifamily development.
12. Accessory uses customarily incidental to uses permitted in the C-1 Zone when such uses are proposed.

D. **Affordable housing requirements.**

1. All development constructed in accordance with the AH-1 Zone standards shall be required to provide a minimum affordable housing set-aside of 20%, regardless of whether units are for sale or for rent. When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.
2. All affordable units to be produced pursuant to this section shall comply with Chapter 50, Affordable Housing Regulations, of the Borough Code, as may be amended and supplemented, the Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26.1 et seq.) or any successor regulation, the Borough’s Housing Element and Fair Share Plan, as may be amended from time to time, and any applicable order of the Court, including a Judgment of Compliance and Repose Order. These requirements include, but are not limited to the following:
 - a. **Low/Moderate Income Split:** A maximum of fifty percent (50%) of the affordable units shall be moderate-income units and a minimum of fifty percent (50%) of the affordable units shall be low-income units. At least thirteen percent (13%) of all restricted rental units shall be very low-income units, which shall be counted as part of the required number of low-income units within the development.
 - b. **Bedroom Distribution:** The following bedroom mix shall apply to affordable units:
 - (1) The combined number of efficiency and one-bedroom units shall be no greater than twenty percent (20%) of the total low- and moderate-income units;
 - (2) At least thirty percent (30%) of all low- and moderate-income units shall be two-bedroom units;
 - (3) At least twenty percent (20%) of all low- and moderate-income units shall be three-bedroom units; and
 - (4) The remaining units may be allocated among two and three-bedroom units at the discretion of the developer.
 - c. **Deed Restriction Period:** All affordable units shall be deed restricted for a period of at least thirty (30) years from the date of the initial occupancy of each affordable unit (the “Deed-Restriction Period”). The affordability controls shall expire only after they are properly released by the Borough and/or the Borough’s Administrative Agent at the Borough’s sole option in accordance with N.J.A.C. 5:80-26.11 for rental units or N.J.A.C. 5:80-26.5 regulating for-sale units.

- d. Administrative Agent: All affordable units shall be administered by a qualified Administrative Agent paid for by the developer, which may or may not be the Borough's Administrative Agent.
- e. Other Affordable Housing Unit Requirements: Developers shall also comply with all of the other requirements of Chapter 50, Affordable Housing Regulations, of the Borough code including, but not limited to, provisions for (1) affirmative marketing requirements; (2) candidate qualification and screening requirements; (3) integrating the affordable units amongst the market rate units; and (4) unit phasing requirements. In any case where more than one principal building is developed, the affordable units shall be dispersed between all of the buildings on site. The exact locations and dimensions for each affordable unit shall be specified at the time of site plan application.

E. **Area and bulk requirements.** The area and bulk requirements for development built in accordance with the AH-1 Overlay Zone standards are set forth below. All other development shall comply with the underlying zone's area and bulk regulations, which shall remain in full force and effect.

- 1. Minimum tract area: 2 acres
- 2. Maximum density: 20 units/acre
- 3. Minimum dwelling unit size: 700 square feet
- 4. Minimum front yard setback: 30 feet

Front yard setbacks shall be measured from any road widening easements.

- 5. Minimum side yard setback (each): 50 feet
- 6. Minimum rear yard setback**:

In the AH-1 Overlay Zone, for purposes of calculating the rear yard setback, including corner lots, the rear lot line shall be determined as the lot line opposite and parallel to New Bridge Road, which is also directly adjacent to the N.J. Transit rail corridor. All other lot lines not directly fronting a public right of way shall be considered side lot lines.

- 7. Maximum building coverage: 40%
- 8. Maximum improved lot coverage: 85%
- 9. Maximum building height: 4 stories/45 feet

Appurtenances attached to the principal building including, but not limited to, antennas, chimneys, bulkheads, mechanical equipment, penthouses (not for human occupancy) and similar type features shall not exceed 12 feet in height and shall not occupy more than 15% of the total roof area. Pergolas for rooftop amenity spaces shall not exceed 10 feet in height. All roof mounted appurtenances shall have a minimum 10-foot setback from the parapet. Flat roofs shall have parapets of not less than 42 inches and not more than 48 inches or as may otherwise be required.

- 10. Landscape Buffers:
 - Minimum Side Landscape Buffer: 15 feet
 - Minimum Rear Landscape Buffer: 10 feet

Landscape buffers shall minimally consist of a 6-foot high solid fence or wall, year-round screening consisting of a mix of evergreen and deciduous shrubs, and ornamental and/or shade trees planted at regular intervals not to exceed 50 feet on center. Landscape buffers may be interrupted where driveway access is provided between Lots 4 and 5, pedestrian access is provided along the northerly boundary of Lot 3 and for any proposed or required easements.

F. **Design Requirements.**

1. When developed as a mixed-use project, residential units shall only be permitted above the ground floor, except that ground floor areas used for access to such uses shall be permitted.
2. Parking
 - A. The minimum number of off-street parking spaces shall be provided in accordance with Residential Site Improvement Standards for multifamily uses and Section 350-25 of the Borough Code for non-residential uses.
 - B. Parking shall be prohibited in the front yard(s), except when retail or service uses permitted in the C-1 Zone are incorporated in the development.
 - C. Surface parking outside of the principal building footprint shall have year-round screening with landscaping of minimally 3 feet in height where visible from the public right-of-way.
 - D. Parking areas within the principal building footprint shall have screening and architectural treatment consistent with the front building façade on all sides.
 - E. Loading spaces shall be provided in accordance with Section 350-26 of the Borough Code.
3. Building Design
 - A. Buildings with expansive blank walls are prohibited.
 - B. Side and rear building elevations shall receive architectural treatments comparable to front building facades.
 - C. Each façade shall be designed to have a delineated floor line between the street level and upper floors.
 - D. Each building façade facing a public right-of-way shall have elements of vertical articulation no greater than 50 feet apart minimally 1 foot deep. Such features may project a maximum of 18 inches into any required yard setback having a width not to exceed 10 feet.
 - E. Balconies above the first floor are encouraged and may extend a maximum of 4 feet into any required yard setback.
 - F. Flat roof area not occupied by appurtenances or amenity space shall be constructed as a “cool roof” with solar reflectivity of 50% or greater as certified by the Cool Roof Rating Council.
 - G. Fire escapes are prohibited on front building facades, except where required by the Borough Fire Official.
 - H. Primary building entrances for multifamily and commercial uses, when applicable, shall be oriented facing a public right-of-way. Rear entrances may also be provided.
 - I. Awnings and canopies are encouraged at the ground floor level.
4. Trash and Recycling
 - A. Trash and recycling shall be stored in a designated location within the principal building or enclosed accessory structure. Dumpster enclosures shall be prohibited in front yards and shall be screened with minimally 6-foot high solid fencing and/or walls with materials and colors that are consistent with the principal building.
5. Equipment

- A. All roof mounted equipment such as HVAC, air conditioning and ventilation units shall be screened from public view.
- B. Any ground mounted equipment shall be enclosed with fencing and/or landscaping to provide year-round screening. All equipment shall be prohibited in the front yard except as may be required by a utility.

6. Landscaping and Streetscape

- A. Foundation plantings and landscape beds shall be installed around the principal building.
- B. Shade trees shall be installed at regular intervals in the front yard with a maximum spacing of 50 feet on center to function as “street trees”.
- C. A landscape plan shall be provided including a mix of ornamental, shade and/or evergreen trees, shrubs, perennials, grasses, perennials and annuals.
- D. Native and deer resistant plant species are encouraged where appropriate.
- E. Streetscape improvements including paving, lighting and tree installation shall be provided in accordance with Borough standards at the discretion of the Borough Engineer.

7. Lighting

- A. Site lighting shall be provided in accordance with Section 350-28 and all other applicable sections of the Borough Code.
- B. Lighting shall include shielding to minimize glare from surrounding residential uses and public rights-of-way.

8. Signs

- A. Signs shall be permitted in accordance with Article X, Signs and Signage, of Chapter 416, Zoning.

F. **Easements.**

- 1. The existing drainage easement on Lot 3 shall be maintained.
- 2. Development shall adhere to any existing or required road widening easements.
- 3. A minimum 10-foot wide public access easement shall be provided along the entire side lot line shared between Block 1303 Lots 1 and 3 providing access to the adjacent Bergen County owned property.

Section 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 5. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of River Edge, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Code of the Borough of River Edge are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 6. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 7. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of River Edge for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 8. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 9. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Thomas Papaleo, Mayor

ATTEST:

Stephanie Evans, Borough Clerk

PUBLIC COMMENTS –

On motion by Councilwoman Kinsella, seconded by Councilman Chinigo to open public comments was unanimously approved.

Lou Grasso-172 Lozier Terrace-stated with regard to the restaurant application that was discussed previously, he feels that if they lowered the general liability amount from \$2,000,000 to \$1,000,000 and got a \$5,000,000 umbrella policy it may be less expensive.

On motion by Councilwoman Montisano-Koen, seconded by Councilwoman Kaufman to close public comments was unanimously approved.

COUNCIL COMMENTS -

Councilwoman Kaufman-thanked all first responders, healthcare workers and essential employees and wished a quick return to health to anyone who has had COVID-19. She thanked the River Edge Police Department for pointing out a statement from the New Jersey State Police Benevolent Association's President Patrick Colligan who said we must all fight against anything that would serve to drive a wedge between people of all races, nationalities and religions who wish to live in a lawful society. Most importantly, we would like to send our thought and condolences to the Floyd family, his loved ones and everyone who has been impacted by this terrible tragedy.

Councilwoman Montisano-Koen-echoed Councilwoman Kaufman's sentiments and also thanked our professionals and Ray Poerio for their efforts to help us meet COAH requirements. She congratulated all of the graduates from Cherry Hill School, Roosevelt School and River Dell High School Class of 2020.

Councilwoman Kinsella-congratulated the graduates of 2020 and thanked the residents of River Edge for their continued cooperation during COVID. She is proud to celebrate Pride Month with a proclamation this evening. She thanked Councilwoman Busted for organizing the demonstration on Saturday. She updated everyone on the 2020 Census and reported that although we've surpassed the 2010 response, we are still in the 80% percentile. She has spoken with Mayor Papaleo about focusing on areas of town that have had a lower response by possibly sending mailers, reminders and repositioning signs to areas that may have been neglected.

Councilman Gautier-echoed everyone's sentiments and extended condolences to the Floyd family. He hopes that his death was not in vain and leads to positive change. He reminded individuals that as they exercise their right through protesting, that they stay as safe as possible because we're still in the midst of a pandemic. He thanked all first responders and healthcare workers and congratulated all of the graduates of the Class of 2020.

Councilwoman Busted-said that through collective efforts we have slowed the spread of COVID-19. She thanked everyone for their patience as we are all eager to enter into Phase 2 in River Edge. This evening our professionals answered the call to provide framework for outdoor dining that will support our residents while keeping patrons and employees safe. She reported that our Recreation Director has been working closely with peers in the area to develop plans for safe recreation opportunities for adults and children. She thanked everyone for their patience as we try to provide some type of recreation activities for our residents this summer. She congratulated all of the Class of 2020 graduates especially her daughter Claire who graduated from Roosevelt School. She thanked Claudia Calderon for accepting the proclamation on Gun Violence. Claudia has served on our Citizen's Budget Committee as well as the Traffic & Safety Committee. She is a leading and effective voice for gun violence advocacy and has been working with our local Mom's Demand Action League. She also thanked Kate Murray for accepting the LGBTQ Pride Proclamation as

well as the committee who organized the first Chalk to Sidewalk virtual community celebration of pride. Councilwoman Busted said that it's been two weeks since George Floyd was murdered in Minneapolis. In those two weeks we have witnessed terrible violence. But we have also witnessed compassion for one another, a commitment to speak out and speak up and have important although sometimes uncomfortable conversations. We must raise our voice when there is injustice. Listen to and amplify voices of color and learn from what is being shared. She said that she is listening and knows that she can do better. Last Saturday she joined friends and neighbors on Continental Avenue to stand in peaceful unity against racism and police brutality. They were met with honking horns of support but were not spared from an uncomfortable conversation with a passerby. Racism is not new. Racial bias is not new but the time to avoid hard work to eradicate it must be in the past. Councilman Chinigo-thanked Councilwoman Busted for her comments and said he concurs. He wished a happy birthday to Mrs. Karpowich. He congratulated the graduates of Cherry Hill School, Roosevelt School and River Dell High School as well as those stepping up from Middle School to High School. He stated that we're still dealing with COVID and even though the weather is getting nicer and people want to get together, he hopes that people do their best to stick to social distance guidelines so hopefully we can get the economy up and running again We won't be able to do that if we see a spike so let's all do our part because it will be worth it in the long run. Mayor Papaleo- concurs with everyone's comments. He gave a strong and hearty congratulations to Olivia Dunleavy and Madeline Matoni for achieving the Gold Award which is the highest achievement in Girl Scouts. The Mayor thanked all of our professionals for their hard work. The Mayor said that his heart goes out to the Floyd family and all those who experience injustices. He again thanked everyone for their hard work.

ADJOURNMENT – 9:03 P.M.

On motion by Councilman Gautier, seconded by Councilwoman Montisano-Koen to adjourn the meeting at 9:00 p.m. was unanimously approved.

Mayor Thomas Papaleo

Attest:

Stephanie Evans, Borough Clerk
Dated: