

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:30 PM on Tuesday, June 12, 2018, in the Council Chamber, Borough of Hillsdale, New Jersey.

The meeting was called to order by Mayor Ruocco who also led the Salute to the Flag.

OPEN PUBLIC MEETING STATEMENT:

This is a meeting of the Hillsdale Borough Council on this 12th day of June, 2018. Notice of the time and place of this meeting has been provided to The Ridgewood News and The Record; a copy was posted on the bulletin board outside of this meeting room and provided to any interested parties.

Please notify the Municipal Clerk for any disability requirements necessary for attendance at Mayor and Council meetings. The fire exits are located through the double doors to your left. Please silence all cell phones.

ROLL CALL:

Council Members DeRosa, Horvath, Karcich, Lundy, Segalas, Council President Pizzella (Attorney Madaio, CMFO DeJoseph, Borough Clerk Kohan). Absent: Council Member Segalas.

PROMOTIONS/PROCLAMATIONS/RECOGNITIONS

[Hillsdale Fire Department – Anthony Maalouf](#)

Fire Chief Patrick Doody

Mayor Ruocco said this is a Proclamation from the Office of the Mayor recognizing Anthony Maalouf.

WHEREAS, Anthony Maalouf joined the Hillsdale Hose Company No. 1 as an Associate Member on December 1, 1987; and

WHEREAS, Anthony became a regular member of the Hillsdale Fire Department on October 29, 1988; and

WHEREAS, Anthony became an exempt fireman on June 19, 1996; and

WHEREAS, Anthony served as a Mechanic, Lieutenant and Member of the Swift Water Team; and

WHEREAS, Anthony completed Fire Fighter One, Two and Three totaling 168 hours of firefighting training and continued his annual training over his 30 years of service;

NOW, THEREFORE, BE IT RESOLVED that I, Mayor John Ruocco, Mayor of the Borough of Hillsdale commend you Anthony Maalouf for your 30 years of dedication, tenacity and hard work and ensure that the citizens of Hillsdale are well served.

OATH OF OFFICE/APPOINTMENTS: Presented by Fire Chief Patrick Doody

[Hillsdale Fire Department – Nolan Shields](#)
[Hillsdale Fire Department – Gregory Winsick-Soluri](#)
[Hillsdale Fire Department Cadet– Matthew Kalil](#)
[Hillsdale Fire Department Cadet – Chase Rickert](#)
[Hillsdale Fire Department Cadet – Nick Cascio](#)
[Hillsdale Fire Department Cadet – Justin LaFrance](#)
[Hillsdale Fire Department Cadet – Angel Lopez](#)

Mayor Ruocco administered the Oath of Office to Nolan Shields and Gregory Winsick-Soluri as members of the Hillsdale Fire Department.

Mayor Ruocco administered the Oath of Office to Matthew Kalil, Chase Rickert, Nick Cascio, Justin LaFrance and Angel Lopez as Cadet Members of the Hillsdale Fire Department.

Mayor Ruocco thanked the Volunteers and Cadets and said it is a big undertaking and a lot of responsibility and the senior fire officers in the Department will guide you as you move forward and he said you will perform to the best of your ability.

PRESENTATIONS: NONE

PUBLIC HEARING – ORDINANCE 18-14:

PUBLIC HEARING ON THE BOND ORDINANCE (18-14) TO AUTHORIZE THE POLICE COMMUNICATIONS DESK UPGRADE PROJECT IN, BY AND FOR THE BOROUGH OF HILLSDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$320,000.00 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS - @ 8:00 pm as advertised

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

Section 1. The Borough of Hillsdale, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake the Police Communications Desk Upgrade Project in, by and for the Borough. Said improvement shall include all equipment, work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$320,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$320,000, and (4) \$100,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes hereinafter authorized necessary to be issued for said purpose is \$220,000, and (6) the cost of such purpose, as hereinbefore stated, does not include any amount to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$100,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$100,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$220,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$220,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief

Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$220,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

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

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Motion to open public hearing on Ordinance 18-14 by Council Member DeRosa, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members Horvath, Karcich, Lundy, Segalas, DeRosa, Council President Pizzella,

Nays: None

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 18-14, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing no one, I entertain a motion that the public hearing on Ordinance No. 18-14 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 18-14 by Council Member DeRosa, Second by Council Member Karcich.

Roll Call Vote:

Ayes: Council Members Lundy, Segalas, DeRosa, Horvath, Karcich, Council President Pizzella

Nays: None

Motion to adopt Ordinance No. 18-14 by Council Member Karcich, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members Karcich, Lundy, Segalas, DeRosa, Horvath, Council President Pizzella

Nays: None

PUBLIC HEARING – ORDINANCE 18-15:

PUBLIC HEARING ON THE CAPITAL ORDINANCE (18-15) OF THE BOROUGH OF HILLSDALE, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$1,298,650 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT AND FROM THE BOROUGH'S CAPITAL IMPROVEMENT FUND - @ 8:00 pm as advertised.

BE IT ORDAINED by the Borough Council of the Borough of Hillsdale, in the County of Bergen, New Jersey, as follows:

Section 1. The Borough of Hillsdale, in the County of Bergen, New Jersey (the "Borough") is hereby authorized to undertake the following public improvements and acquisitions in, by and for the Borough, including all work, materials and appurtenances necessary and suitable therefor:

(A) Administration

(i) Acquisition of computer equipment for the use of various Borough departments, offices and agencies and (ii) undertaking of the following improvements: (a) replacement of the lower roof on the Fire House, (b) 2018 Road, Curb, Sidewalk, Culvert, Sewer and Drainage Improvement Program at various locations, (c) various open space improvements, (d) construction or reconstruction of sidewalks on portions of Piermont Avenue and (e) environmental testing and monitoring (including acquisition and installation of related equipment) at Centennial Field.

Estimated Cost: \$1,014,650

(B) Police Department

(i) Undertaking of various renovations and improvements to Police Headquarters and (ii) acquisition of the following: (a) radio communications upgrade equipment (also for the use of other emergency services), (b) an air conditioning unit for the computer closet, (c) a computer server and (d) an SUV.

Estimated Cost: \$135,000

(C) Department of Public Works

Acquisition of the following: (i) garbage truck attachment for hook lift, (ii) a tire balancing machine and (iii) a mason dump truck with plow.

Estimated Cost: \$134,000

(D) Fire Department

Acquisition of turnout gear.

Estimated Cost: \$15,000

Section 2. The sum of \$1,298,650 is hereby appropriated to the payment of the cost of the improvements and acquisitions authorized and described in Section 1 hereof (hereinafter referred to as the "improvements"). Said appropriation shall be raised from a New Jersey Department of Transportation ("NJDOT") grant and from the Borough's Capital Improvement Fund, as hereinafter provided. The sum of \$199,650 received or to be received from the NJDOT is hereby appropriated to the payment of the cost of the sidewalk improvements on Piermont Avenue. The sum of \$1,099,000 is hereby appropriated from the Borough's Capital Improvement Fund to the payment of the cost of the improvements.

Section 3. Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

Motion to open public hearing on Ordinance 18-15 by Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Horvath, Karcich, Lundy, Segalas, DeRosa, Council President Pizzella

Nays: None

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 18-15, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing no one, I entertain a motion that the public hearing on Ordinance No. 18-15 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 18-15 by Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Lundy, Segalas, DeRosa, Horvath, Karcich, Council President Pizzella

Nays: None

Motion to adopt Ordinance No. 18-15 by Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Karcich, Lundy, Segalas, DeRosa, Horvath, Council President Pizzella,

Nays: None

PUBLIC HEARING ON THE BERGEN COUNTY OPEN SPACE TRUST FUND – MUNICIPAL PARK IMPROVEMENT PROGRAM @8:30 p.m. as advertised

I will now open the meeting to the public. If anyone desires to be heard regarding the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund – Memorial Park Improvement Program, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Motion to open public hearing on the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund Memorial Field.

Motion by Council Member Karcich, Second by Council Member DeRosa.

Council President Pizzella had a question while the motion is on the floor. This application that we are putting through is it only for trails.

Mayor Ruocco said he thinks he has the answer but he is going to let Borough Engineer reply.

Borough Engineer said one is for a small playground and No. 2 is a walking path of some sort and No. 3 is some sort of barrier or natural between the motor vehicle areas where they park than the fields themselves. We are applying for \$80,000 and you have to match \$80,000. These funds could be diverted to fix fields.

Mayor Ruocco said he needs reassurance that if we go ahead with this and if we come up with another plan we are not locked in to producing the walkway or the playground. It has to stay within Memorial Field if you make a capital expenditure to reconstruct the field. Mr. Statile and Mr. DeJoseph said that was correct.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Karcich, Horvath, Lundy, Segalas, Council President Pizzella

Nays: None

Seeing no one, I entertain a motion that the public hearing on the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund - Memorial Park Improvement Program be closed and that it be resolved that a copy of the Letter of Intent was available to the public at Borough Hall

Motion to close public hearing on Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund Memorial Park

Motion by Council Member Karcich, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Segalas, Karcich, Lundy, Horvath, Council President Pizzella

Nays: None

[R18136](#) Resolution Authorizing the Mayor to Approve Application for the 2018 Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund – Memorial Park Improvements

WHEREAS, Bergen County has announced the availability of funds under the Trust Fund Municipal Program for Park Improvements; and

WHEREAS, The Bergen County Trust Fund Municipal Park Improvement Program will award matching grants to Bergen County municipal governments for proposed Municipal park improvements; and

WHEREAS, a Declaration of Interest was submitted prior to the deadline of April 24, 2018; and

WHEREAS, The Borough of Hillsdale Council desires to authorize the Mayor to approve such application and the Borough Administrator to submit for said grant and to assure its participation in this program.

NOW, THEREFOR BE IT RESOLVED, the Borough of Hillsdale Council hereby authorizes and confirms the application for the 2018 Bergen County Open Space Trust Fund Program for Park Improvements, and all appropriate Borough Professionals are hereby authorized and directed to take any and all steps necessary to assist in the application.

Motion to Adopt R18136 Motion by Council Member Karcich, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Councilmembers Horvath, DeRosa, Karcich, Segalas, Lundy, Council President Pizzella

Nays: None

INITIAL PUBLIC COMMENT (Time limited, new topics only, one topic per speaker):

Mayor Ruocco opened the Initial Public Comment at this time.

Tom Cahill, 96 Maple Avenue –

He lives by the park at Maple Avenue and Beech Street and there are so many accidents, somebody is going to get killed. There are many roll overs, kids have been hit, and his wife almost got hit. People just go straight through Beech and don't stop at the stop sign. The tree covers it, they haven't painted the line for 20 years since he has lived there and there is nothing to see and all of the sudden there is a stop sign. They come flying down the road and a month ago a local fireman was hit and experienced a roll over. This has to be looked at, perhaps put the word "stop" there hopefully to prevent this. He feels one day there will be a fatality there.

He said he is in the flood zone and there is a new flood map and has been told he is in a high danger flood zone. He contacted FEMA who told him to come to the town; he spoke to Mr. Statile who told him to contact FEMA. He did not know who to go to because he is designated as being in this high danger zone. He has never flooded before; he didn't know where all of these numbers came from. He does not have a basement; on Oak Street, not one house is in the flood zone, they all flood and they are lower than I am. The insurance premium is high, it affects the value of his house.

Mayor Ruocco said in October we posted notice and he as Mayor would take all the objections.

Mr. Cahill asked FEMA where they got all of these numbers; it is a little stream, it is not a brook.

Mayor Ruocco said he can't defend how FEMA did their process. It is still a proposal and he did not know if he still had the ability to object as the deadline was around February 10. He felt it would be difficult for a resident to object to FEMA because of the conditions FEMA is putting forth They have to be scientifically based. He said one resident wrote to him and we passed it on to FEMA.

Mr. Cahill said residents on Oak Street all flooded, he didn't. Water runs downhill, I am above hill.

Mayor Ruocco said FEMA is the only one that can adjust the maps.

Engineer Statile said if you want to object to FEMA you could use the actual study. If you do that you have to show that there is a mistake in the analysis that was conducted. That requires you to run the actual program and try to find the mistake. You have to download it on your computer and try to get yourself out. That is about a \$20,000 task. You have to show them the error.

Mr. Cahill said the map shows that the brook is in the middle of his house.

Borough Attorney Madaio said he should consult an engineer and the engineer could figure out all of the details. Perhaps the Borough Engineer can give you some direction.

Jay Weinstein –

He is a member of Hillsdale Softball and Baseball Board and he was at the Rec meeting last week when we discussed improvements to the field. He wanted to emphasize with the Town Council what a big issue this has become. He recently played at Memorial Field with his son and every ball bounced, it was dangerous and he had to stop. Any ball to hit third base is problematic; if you go to the outfield it looks fine but for people who walk the field it is pot marked, uneven and has been neglected for decades. The town put money into Corra which has been flooded for many years and this has been a particular bad year. There are other issues with respect to the DPW in allowing coaches and parents to remedy the field but even with all those issues being fixed, you hired a new DPW Superintendent, you trained the parents, coaches and you put clay on each of the fields, the fact is these fields are in terrible disrepair. We need fields to play on; in this town we honor the people who make sacrifices and we build monuments to them. We have walking areas in the parks and plenty of benches but it means taking some of the money the taxpayers pay and we are talking about baseball, football, softball, Lacrosse, thousands of people. They are entitled to have some of their tax revenue for fields that their children play on, decent fields. After decades of neglect and it may cost a significant amount of money to improve these fields and after not paying anything to keep up the fields it is going to cost a capital expenditure to make the fields playable. There are thousands of people affected by these fields and many people came to the Rec meeting and he believed someone could run on a platform on this and win. He wanted to know where the Councilmembers stand on this issue. There are a significant amount of people in Hillsdale who want our fields improved. Last year he went to a Rec meeting with the proposal to lease out the kitchen at Memorial Field with a modest \$1000 or \$1500 month rent. That could be \$18,000 a year that could be earmarked toward field maintenance and improvements. We can get creative; we have a new supermarket, Wegmans, and every year the HSBA has been running a charity tournament and food donations from Wegmans; we could have them play a larger role and perhaps they could help us improve the field for the tournament, charity tournament, and that is an idea in order to raise money to improve our fields. We need a commitment from the Council and we need to know where you stand in terms of improving these fields. Let the voters know if you are in favor of investing in our fields to make them playable; if you are not, that is o.k.

Mayor Ruocco said we were made aware that some of the parents were not happy with the condition of the fields and those Council people discussed it and we attended a Rec meeting two weeks ago; we are aware of the issue and we are going to be addressing it. We will be addressing it in stages and see how we will develop the finances to do it. The fields do need to be invested in and we will move in that direction.

Mr. Weinstein said two years ago we had a tournament here and according to Council Member Lundy they netted \$17,000 for the HSBA Tournament. He believed HSBA would be happy to divert some of that money toward field improvement; if you improve the fields you can have a tournament every year. We have people who are willing to put in manpower to make these things happen.

DPW Superintendent said our fields are never not playable and that is an issue the Rec Commission needs to address because the fields only get rest in the winter.

Mr. Weinstein said if you had a plan we could make arrangements, go to other towns.

Council Member DeRosa said Rec is working on that

APPROVAL OF MINUTES:

Closed Session Minutes May 1, 2018

Closed Session Minutes May 8, 2018

Council Meeting Minutes April 3, 2018

Council Meeting Minutes April 10, 2018

Council Meeting Minutes May 1, 2018

Council Meeting Minutes May 8, 2018

Motion by Council Member Lundy, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Horvath, Karcich, Lundy, DeRosa

Nays: None

Abstain: Council President Pizzella and Council Member Segalas

PROFESSIONALS REPORT/MONTHLY DEPARTMENT HEAD REPORTS:

(The following correspondence on file in Borough Clerks Office)

Hillsdale Police Department – May 2018

Police Chief Robert Francaviglia

Police Chief Francaviglia said during the month of May we had 93 dispatching shifts and we had three open shifts where he reassigned working officers to cover the desk so it didn't cost us any overtime. We had 278 motor vehicle stops which resulted in 83 summonses and 16 criminal arrests. Captain Smith and I transported a medical student to school who won the ride for committing a good deed. That is Councilman DeRosa's program which we will continue to do. The DARE Program concluded this past month and DARE Officers Sayers and Camporale had taken the students to a movie and a pizza party after for completing the program successfully. The Cops and Bobbers program went extremely well this year with over 50 families; he thanked the Department of Environmental Protection and Fishing and Wild Life for attending this event as well as Officer Norton who put everything together for a second year in a row. This past month my staff and I met with parents of the Police Academy and explained what the expectations are; during this meeting, officers completed physical assessments of the students attending the Academy and the Academy commences on June 25 and concludes on June 29. He thanked Officers Sayers, Considine and Camporale for making this event happen. The Department completed the mandatory active shooter training with the entire department this past month; my staff assisted with the evacuation of drills at George White School, Meadowbrook and Smith Schools and everything went as it was supposed to happen. He thanked Officer Sayers for organizing the Special Olympics Torch Run; the event raised approximately \$5000 for the Special Olympics fund, he did this in junction with the DARE Program where students went out and raised money and they got to participate in the run themselves. He thanked Sgt. Tom Smith and Jim Solda for putting together a great crash program. This shows students the danger of drinking and driving and that evening they had their prom. He thanked Council Member Horvath for photographing all of these events. On Tuesday, August 7, at 6:00 PM the Police Department will be hosting their fourth National Night Out. He said how proud of his entire department for the outreach programs these men do.

Hillsdale Fire Department – April 2018
Department of Public Works - May 2018
Borough Engineer Report – May 2018

Fire Chief Patrick Doody
DPW Superintendent William Haffler
Christopher Statile

Borough Engineer Statile said paving is within our estimate and we will be paving 2.4 miles of roadway this year. Asphalt is up 6% over last year; we took bids at adjacent towns and they are \$5.00 a ton more. We have a pre-construction meeting scheduled with the contractor for Friday morning and he will be starting in July. Piermont Avenue sidewalks for safe route to schools, we have our mapping done and our plans are ready and he and the Borough Administrator will be meeting with some of the property owners on the strategy of getting this project constructed and some of the restoration work will be done on private properties. Most of the work is in the public right-of-way; this includes curbing as well as sidewalks and aprons and as soon as we get that resolved and satisfactory with the residents we will begin. The Firehouse sanitary sewer, the Administrator has been getting bids and he waiting for a third bid so we can get that project going. Public Service has a crane set up and they are erecting their 50 ft. high substation building which has been framed right now. The building will have shape within the next few weeks. We have taken our second quarter checks at Centennial Field for air quality and methane gas. We have detected no methane gas at the surface of the landfill and the results came in within compliance for our requirements. He and the Administrator will have a meeting with the environmental consultants to talk about reductions with the DEP and we should be able to ask for that. He and the Administrator will prepare a strategy and see where we can go in asking them in terms of giving us the reductions we are asking for. Currently we are working on the band shell that has been cleaned up by the DPW and the contractors will work under our Open Space Grant with the County. Masonry work will be cleaned up on the building and the DPW will come in later on and paint the building. In terms of the Veterans Park Memorial downtown we put together a map of the park. The Recreation Child Grants Program, the Administrator answered a questionnaire they sent us with regard to the grant and it was sent to the DEP; there are three towns involved with that, Woodcliff Lake and Park Ridge, we all applied for the same grant. At this point he would engage Holly Schepisi and ask what is going on with the grants working on behalf of the three towns in the district. At this point it is two years since the grant was submitted. On the questionnaire, they asked us a few questions and provided a federal

assistance questionnaire and is a multi-page document which the Administrator filled out. I guess they want to see if the people still want the grant since it has been so long.

Mayor Ruocco said two things are going on; one is the grant and the review which is underway by the State Watershed Commission. He has been asked by the press but he doesn't have any information other than it is not on their agenda for the entire summer. The earliest it appears that they get to it is September.

Engineer Statile said he can reach out to United Water to find out where that is and any information he has, he will inform the Council. We are sending out an application for 2019 Municipal Open Space Program with the county and it is a grant request that we would have to match with an equal amount of money for upgrades to Memorial Field. It provides for some type of barrier between the parking areas from the areas where the children and parents participate; provide a walking path on portions of the field as well and providing a playground for the children. We can move some of the money around within the park itself. We have stepped up the amount of grant requests this year. There are two grant programs out right now for 2019, TAP Program, Transportation Alternatives; those grants range from \$300,000 to \$1,000,000. He would go back to Patterson Street again and you are looking into a redevelopment plan with a consultant and somebody has to get the money. It doesn't hurt to seek an application and filing it; they are due August 23.

Mayor Ruocco asked if we could go for this in addition to what we have now.

Engineer Statile said this is a federal grant application and is different from Bergen County Open Space and money from a different source.

Mayor Ruocco asked that he work with the Council in terms of historic preservation.

Engineer Statile said he would; in the past they have renovated houses at the shore as well as transportation so those are possibilities. The Safe Routes to Schools grant is also open and that is similar to the money we have on Piermont Avenue. We can apply again for more money and suggested that this be considered as well and see what we can get from the state. He reminded the Council that they have to take tutorial on line with the DEP after July 1st and you spend 45 minutes on line and have it done by July 4. If you need another month he did not think it would be a problem; in 2019 he is going to certify to the state that all Boards, governing body have all taken the course in 2018; he has to track it. He explained some of the work being done on the band shell.

Council Member Karcich said the grant for Memorial Field will be submitted on the 18th for 2019. The municipal open space grant was submitted in 2017 and we are still waiting on that.

Administrator DeJoseph said the hearing is June 14.

Council Member Karcich said the recreational trails, the reservoir trail, was submitted in 2016.

Engineer Statile said if the Council has any questions on grants, please email the engineer or the Borough Administrator; he has been doing this for many years and it is confusing.

Mayor Ruocco said there are 13 things on your (Statile's) report, 11 are discretionary, two are mandatory with PSE&G.

COMMITTEE REPORTS:

Councilman - Anthony DeRosa

Councilman – Zoltan Horvath

Councilman - Scott Karcich

Councilwoman - Abby Lundy

Councilman – Steven Segalas

Council President – Frank Pizzella

Councilman DeRosa said the Regional Board of Education met on the 7th and there were many awards given out; many foreign language students, Eagle Scouts, J. Jasper 1000's wins and a vote on N.J. Teacher of the Year were presented. He will address the referendum regarding Woodcliff Lake. The Local Board of Education meets this coming Monday. The Rec Commission met last week and that was what Mr. Weinstein was referring to. The Rec season has ended last week and it has been extremely frustrating; many games have been cancelled and everyone agreed this season was awful, we had snow a week before opening day. Surrounding towns allowed us to play. There is an agreement that the weather was poor and it wasn't the DPW's fault and it is pointing more to the condition of the fields. There were about a dozen parents at that meeting and they expressed their discontent. Several sports associations were represented as well; there were some concessions

made as far as communications go and the associations will have a direct line to the DPW Superintendent to check on last minute field use. The associations promised to produce a schedule what fields will be used. Rakes will be given out so that parents can volunteer to fix the fields. The sports associations are seeking a commitment to do something with the fields. Rec will reach out to the sports associations for the top things needed and they intend to compile one list and reach the Mayor and Council with their suggestions. It is apparent that it is not a regular DPW maintenance issue; it is more that we have neglected our fields for a long time. The fields are an asset to the community and we need to make investments into them. We might discuss not just using grant money but to invest into our fields. We are waiting for the Rec Commission to do some homework with further discussions on our part. He thanked everyone who participated in the Memorial Day Parade. The Naming Committee met and we decided who we would like to recognize and hopes to come to the July meeting with the Council providing an individual and how we would like to recognize that person.

Councilman Horvath said a meeting of the 50+ Club takes place on the second and fourth Thursday of each month and the next meeting is this Thursday at 11:00 AM as well as an ice cream social on the 28th at the Stonybrook Swim Club. He said anyone considering joining will be warmly welcomed. The DPW did a great job on Memorial Day. He attending a meeting last week at the Bergen County Division of Local Development sponsored by the Mayor of Westwood and the meeting was to introduce Bergen for Business.com. All the businesses in town and this town would take advantage of knowing your competition and identify the companies in your district, see where they are located and compare annual sales to yours, analyze your customers buying habits, how much money households spend in Bergen County, size up new suppliers, explore who is making more, find towns locally and comparing your town with surrounding communities, be aware of how much employers earn; how you can advance your business if you are a real estate company; they also talked about Bergen Community College who would train employees of small businesses, grant money available, and a good opportunity for businesses to take advantage in this town. The next Historic Preservation Committee will be taking place on June 20 at 6:30 PM.

Councilman Karcich said the Police Department has many programs or enrichment and outreach to promote safety and security and commended the Police Chief,; he is one of the few who does a great job with getting other towns involved, getting our guys prepared and is very proud of that fact.

Council Member Lundy gave an update of the Library Link situation; an organization that provides services to New Jersey Library Network and the largest services is delivery between other libraries. All libraries have been advised that Library Link is in a financial crisis and if they can't secure funding they are proposing that it be dissolved and cease operation by the end of next year; June 2019. They are funded by the state and delivery costs have increased, budget has not been increased. If they are dissolved, there will be no service and the cost shifted to local libraries. BCCLES would have to develop their own delivery service or cease delivery between libraries. BCCLES is currently developing a plan to continue delivery and would cost each library between \$6000 and \$7000. In 2017, Hillsdale sent out 14,737 items to other libraries. Currently there are two budget resolutions in Trenton to propose providing additional library funding. Library patrons can contact their legislators to urge them to pass the resolution. The contact will be on the website. Upcoming events at the library are Yoga and on June 19 there will be a car program instructing students on car maintenance. At Stonybrook, there are 976 memberships totaling \$609,532, their budget is \$675,000. Numbers are slightly down this year but can be attributed to the weather. Two open houses produced new members.

Councilman Karcich said we send out 14,000 books and get 9,000 back.

Council Member Lundy said we are receiving 14,000, materials are being exchanged between libraries. It is a critical function that the library performs for us and BCCLES is thinking about instituting their own plan. You can get something from another library without going there.

Councilman Segalas said the ordinance review committee has received data and once we have had a chance to go through it we will make appropriate recommendations. The ordinances have been presented to the Zoning Board for their comments in February and we received those comments on June 8. We have other issues we may be discussing which include CCO ordinance, corrections to zoning on the south side of Hillsdale Avenue between Pascack and Yesler and some recommendations which ultimately could impact the Master Plan. They have to be addressed by the committee first. The Fire Department continues to work on accruing membership and serve our community as well as others. They have aging equipment which they have desired to donate to other departments which will require permission from the Council. They are compiling a list of proposed items. Shared Services has a meeting and the Police Committee has a meeting Friday, June 15 and hopes to have some positive recommendations.

Council President Pizzella said the Economic Development Committee reviewed the proposal received for the architect to work pursuant to the grant regarding the roof repair at the train station and we would like to recommend DMR Architects and would like to have them formally retained at the next meeting. The

application for the second grant to help with the train station will cover some soft costs as well as the developer's restoration plan; it was signed by Transit and submitted thanks to the efforts of the Administrator and DMR Architects and that is why we strongly recommend them; they also are our planners of the development. He wanted to check on the letter to N.J. Transit, he wanted to make sure that we have a meeting with Transit after we hire the architect but before we do anything to make sure they were o.k. with what was wrong.

Attorney Madaio said he has spoken to the Borough Administrator and that will go out tomorrow.

Council President Pizzella said DMR has an excellent relationship with the people we want to meet with and we may want to include them in those discussions and they could get an agreement to a meeting faster than us. He reminded everyone we have a joint meeting on the 19th when DMR will introduce itself to us and the Planning Board and will be available for general questions regarding redevelopment and redevelopment process. He said the meeting is at 6:00 PM. He reminded business owners that received a letter in the industrial zone on June 27 between 3:00 and 7:00 PM TMR Architects as well as Economic Committee members will hold an open house at Borough Hall to take questions regarding the investigation and the process. We are doing that specifically for the business owners in the industrial zone and they are directly impacted by the investigation. There will be other meetings for residents in general. He encouraged all residents to look at the Economic Development on the web page for additional information. We are still waiting to hear on the water shed board regarding the Woodcliff Lake trail as well as some other grants. With regard to Waste Management, papers are due in August regarding our appeal and we do not expect a response from the court until October and to keep Waste Management out of town. Access to All committee met last Monday and thanked everyone who signed up for this. What are we doing with the committee, what do we want and a group suggested what are we going to do first, the needs of Hillsdale through the use of a form that the Police use and the Police use this form to determine if there is anyone in the house who needs a special type of help and we want to tailor this form and ask specific questions about the possibility of a disabled person in a home and what type of disability. It would allow us to figure out what are some of the more important needs some people in Hillsdale require. Perhaps we should focus on the blind or the people with autism. We want to use this questionnaire and from there we will fund raise and have some programming for that need. We are also creating a tab for the web page so the committee is coming together. The Environmental Commission would like to make a presentation at the next meeting regarding the natural resource tool, a very important tool towns can use for making many different things. We have an opportunity to have this tool completed free by very capable people that can do it for us for what we would pay up to \$10,000 to get it done. The presentation should take 15 minutes and questions 15 minutes. He thanked the Bible Church for all the hard work regarding clean up and maintenance of Beechwood Park. We have a plaque that we want to present to the Bible Church at a Sunday Service. The Planning Board planner has completed their review of the ordinances and he forwarded the report to Councilman Segalas. The committee has some serious issues with it and when complete we will adopt with the Town Council.

NEW BUSINESS:

CORRESPONDENCE:

- [Letter received from Sydney Pleasic in regards to Waste Management Transfer Station](#)

Motion to receipt and file: Motion by Council President Pizzella, Second by Council Member Lundy, and unanimously carried.

- [Letter from The Friends of the Pascack Brook thanking the Mayor & Council for a successful event](#)

Motion to receipt and file: Motion by Council Member DeRosa, Second by Council Member Karcich, and unanimously carried.

[Letter dated May 31, 2018 from Joe Flanagan in regards to property issues](#)

Motion to receipt and file: Motion by Council Member Karcich, Second by Council Member Lundy, and unanimously carried.

DISCUSSION:

PUBLIC COMMENT:

Mayor Ruocco opened the meeting to the public.

Warren Mundhenk, 17 Hunters Court –

He read about Woodcliff Lake considering the marijuana problem and Montvale is to vote on it. He asked if Hillsdale is considering this.

Mayor Ruocco said this Council has not discussed a separate ordinance because the state hasn't acted at the moment. He has received inquiries from private investors who are interested in opening up marijuana-related businesses here in Hillsdale and he advised them we have to see what the legislative landscape is going to look like. The Police Department is generally not in favor of legalization. It is very controversial.

Mr. Mundhenk said he lives on Hunters Court before you go to the Parkway and drivers fly down that road. It is not just cars, it is big trucks such as landscape trucks and it has a 40 MPH speed limit. A truck coming down the hill at 40MPH is not going to be able to stop; on the east side of Hillsdale it is 25 MPH and when you are past Pascack Road it is 40 MPH. There is as much action there as the far east side of Pascack Road and he proposed bringing down the speed limit to 25 MPH, the same throughout the town. It is a blind spot.

Mayor Ruocco said we have a process to consider requests such as yours.

Police Chief Francaviglia said that is a county road; we could put up a speed count to get statistics and have some speed traps occasionally. We will put a camera there as well.

Mr. Mundhenk said the DPW is doing a great job.

Mayor Ruocco said seeing no one; he closed the public portion of the meeting.

ORDINANCES:

18-10 – (Adoption)

An Ordinance amending the Land Use Ordinance (§310) of the Borough of Hillsdale to Provide for the Collection of Development Fees in Support of Affordable Housing as Permitted by the New Jersey Fair Housing Act

WHEREAS, In Holmdel Builder's Association v. Holmdel Borough, 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 adoption of Rules by the Council on Affordable Housing (COAH); and.

WHEREAS, 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 was 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 were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain fees collected from non-residential and residential development;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Hillsdale, Bergen County, New Jersey, that the Code of the Borough of Hillsdale is hereby amended to include the following provisions regulating the collection and disposition of mandatory development fees to be used in connection with the Borough's affordable housing programs, as directed by the Superior Court and 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:

Section 1. Chapter 310 Land Use, Part 8 Affordable Housing, Article XXXIII General Provisions be amended to include the following:

ARTICLE XXXIV DEVELOPMENT FEE ORDINANCE

310-163 Purpose.

This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very-low, low and moderate income housing in accordance with a Court-approved Spending Plan.

310-164 Basic Requirements.

- A. This Ordinance shall not be effective until approved by the Court.
- B. The Borough of Hillsdale shall not spend development fees until the Court has approved a plan for spending such fees (Spending Plan).

310-165 Definitions.

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

AFFORDABLE HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough’s fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

COAH

The Council on Affordable Housing, as established by the New Jersey Fair Housing Act, or any successor agency charged with the administration of the Fair Housing Act.

COURT

The Superior Court of New Jersey, Law Division, Bergen County.

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as authorized by Holmdel Builder’s Association v. Holmdel Borough, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and regulated by applicable COAH Rules.

DEVELOPER

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

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

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.

310-166 Residential Development Fees.

A. Imposition of Fees.

- (1) Within the Borough of Hillsdale, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development provided no increased density is permitted.
- (2) When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

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

- (1) Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Borough of Hillsdale, shall be exempt from the payment of development fees.

(2) Developments that have received preliminary or final site plan approval prior to the adoption of this Ordinance shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a Zoning Permit and/or Construction Permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the Construction Permit is issued.

(3) Residential development fees shall not be imposed and collected when an existing structure is expanded or undergoes a change, except for the following: when there is the removal and replacement of 50% or more of the sum of the area of all floors of the existing building, excluding a basement or cellar area. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

(4) Developers of residential structures demolished and replaced in-kind as a result of a natural disaster shall be exempt from paying a development fee.

310-167 Non-Residential Development Fees.

A. Imposition of Fees.

(1) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, 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) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, 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 shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued. If the calculation required under this Section results in a negative number, the non-residential development fee shall be zero.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development.

(1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.

(2) The 2.5% development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.

(3) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/ Exemption". Any exemption claimed by a developer shall be substantiated by that developer.

(4) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.

(5) If a property which was exempted from the collection of a non-residential 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 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Hillsdale as a lien against the real property of the owner.

310-168 Collection Procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction 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 Construction Official responsible for the issuance of a Construction Permit shall notify the Borough Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- E. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Borough of Hillsdale 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 (C.40:55D-8.6).
- H. Except as provided in Section 167A.(3) hereinabove, 50% of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected at the time of issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.
- I. Appeal of Development Fees.
- (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Hillsdale. Appeals from a determination of the Board 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 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (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 Hillsdale. 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, R.S.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.

310-169 Affordable Housing Trust Fund.

- A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of Hillsdale for the purpose of depositing

development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

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) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Borough of Hillsdale;
- (2) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
- (3) Rental income from municipally operated units;
- (4) Repayments from affordable housing program loans;
- (5) Recapture funds;
- (6) Proceeds from the sale of affordable units; and
- (7) Any other funds collected in connection with Hillsdale's affordable housing program.

C. In the event of a failure by the Borough of Hillsdale to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs ("DCA"), Division of Local Government Services ("LGS"), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Hillsdale, or, if not practicable, then within the County.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by COAH or the Court.

310-170 Use of Funds.

A. The expenditure of all funds shall conform to a Spending Plan approved by the Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Borough of Hillsdale's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.

B. Funds shall not be expended to reimburse the Borough of Hillsdale for past housing activities.

C. At least 30% of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of the median income for Housing Region 1, in which Hillsdale is located.

(1) 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. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

(2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The specific programs to be used for very low-income affordability assistance shall be identified and described within the Spending Plan.

(3) Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Borough of Hillsdale, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. The Borough of Hillsdale may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.

E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.

(1) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of collected development fees that may be expended on administration.

(2) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the Court are not eligible uses of the Affordable Housing Trust Fund.

310-171 Monitoring.

The Borough of Hillsdale shall provide annual reporting of Affordable Housing Trust Fund activity to the New Jersey DCA, COAH, LGS, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey DCA, COAH or LGS. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended.

310-172 Ongoing Collection of Fees.

A. The ability for the Borough of Hillsdale to impose, collect and expend development fees shall be permitted through the expiration of the repose period covered by its Judgment of Compliance and shall continue thereafter so long as the Borough of Hillsdale has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.

B. If the Borough of Hillsdale is not pursuing authorization to impose and collect development fees after the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. 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).

C. After the expiration of the Judgment of Compliance, if the Borough does not pursue or obtain continued authorization, the Borough of Hillsdale shall not impose a residential development fee on a development that receives preliminary or final site plan approval, retroactively impose a development fee on such a development, or expend any of its collected development fees.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This Ordinance shall take effect upon passage and publication as provided by law.

Motion to open public hearing on Ordinance 18-10 by Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Horvath, Karcich, Lundy, Segalas, DeRosa, Council President Pizzella

Nays: None

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 18-10, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing no one, I entertain a motion that the public hearing on Ordinance No. 18-10 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 18-10 by Council Member Karcich, Second by Council Member Segalas.

Roll Call Vote:

Ayes: Council Members Lundy, DeRosa, Horvath, Karcich, Segalas, Council President Pizzella

Nays: None

Motion to adopt Ordinance No. 18-10 by Council Member Karcich, Second by Council Member Segalas.

Roll Call Vote:

Ayes: Council Members Segalas, Karcich, Lundy, DeRosa, Horvath, Council President Pizzella

Nays: None

18-11 – (Adoption)

An Ordinance Replacing the Entire Contents of the Existing Affordable Housing Ordinance of the Borough of Hillsdale (§310-137 Through §310-148) 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

WHEREAS, the Code of the Borough of Hillsdale is hereby replaced to include provisions addressing Hillsdale's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and 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 Ordinance is intended to provide assurances that low and moderate-income units ("affordable units") are created with controls on affordability over time and that low and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

WHEREAS, the Hillsdale Borough Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan have been endorsed by the governing body. This Ordinance implements and incorporates the adopted and endorsed

Housing Element and Fair Share Plan and addresses the requirements of 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.

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

Section 1. Chapter 310 Land Use, Part 8 Affordable Housing, Article XXXIII General Provisions be deleted in its entirety and replaced as follows:

ARTICLE XXXIII AFFORDABLE HOUSING REGULATIONS

310-173 Purpose.

The purpose of this ordinance is to provide for and regulate affordable housing in the Borough.

310-174 Monitoring Requirements.

- C. On the first anniversary of the Court’s approval of the Settlement Agreement, executed October 10, 2017, and every anniversary thereafter through July 1, 2025, the Borough shall 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 and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. Such forms shall be provided to the Borough prior to the Fairness Hearing. 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.
- D. On the first anniversary of the Court’s approval of the Settlement Agreement, executed October 10, 2017, and every anniversary thereafter through July 1, 2025, the Borough shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with copies provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Court-appointed Special Master and Fair Share Housing Center. Such forms shall be provided to the Borough prior to the Fairness Hearing.
- E. For the midpoint realistic opportunity review, due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough shall post on its municipal website, with copies 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 any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented.
- F. 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 Court’s approval of the Settlement Agreement, executed October 10, 2017, and every third year thereafter, the Borough will post on its municipal website, with copies 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 in the Settlement Agreement. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, on the issue of whether the municipality has complied with its very-low income housing obligation under the terms of the Settlement Agreement.

310-175 Definitions.

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

ACT

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

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING

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

The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, 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 HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

AGENCY

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

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 wherein the unit is situated are 62 years of age or older; or 2) at least 80% of the units are occupied by one person who is 55 years of age 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.

ALTERNATIVE LIVING ARRANGEMENTS

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE

A facility that is 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 or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD

A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

COAH

The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), or any successor agency charged with the administration of the Act.

COURT

The Superior Court of New Jersey, Law Division, Bergen County.

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that requires 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

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

DEVELOPMENT

The division of a parcel of land into two 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

A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

LOW INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

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 and load bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

MODERATE INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

MODERATE INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

MULTI-FAMILY UNIT

A structure containing five or more dwelling units.

NON-EXEMPT SALE

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

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

The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

REHABILITATION

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT

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

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHGRP or MONI.

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

VERY-LOW INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.

VERY-LOW INCOME UNIT

A restricted unit that is affordable to a very-low income household.

WEATHERIZATION

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 purposes of a rehabilitation program.

310-176 Applicability.

- A. The provisions of this Ordinance 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 Hillsdale pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- B. Moreover, this Ordinance 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.
- C. Any property in the Borough of Hillsdale that is currently zoned for non-residential uses and subsequently receives a zoning change or use variance or approval of a redevelopment or rehabilitation plan to permit multi-family residential development, or that is currently zoned for residential uses and receives a zoning change or density variance or approval of a redevelopment or rehabilitation plan to permit multi-family residential development, which multi-family residential development will yield 5 or more new dwelling units, shall provide a minimum affordable housing set-aside of 15% percent if the affordable units will be for rent and a minimum 20% percent if the affordable units will be for sale. This provision does not affect residential development on sites that are zoned for inclusionary residential development as part of the Borough's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Borough of Hillsdale to grant such rezoning, variance or other relief. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Article.

310-177 Rehabilitation Program.

- A. Hillsdale's rehabilitation program shall be designed to 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.
- B. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
- C. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 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.
- D. The Borough of Hillsdale shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program. The Borough will main sufficient funds in its affordable housing trust fund account to finance the rehabilitation program.
- E. The Borough of Hillsdale shall designate, subject to the approval of the Court, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:91 and N.J.A.C. 5:93. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Court. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- F. Units in a rehabilitation program shall be exempt from the Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - (1) 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 UHAC.
 - (2) 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 UHAC.
 - (3) Rents in rehabilitated units may increase annually based on the standards in UHAC.
 - (4) Applicant and/or tenant households shall be certified as income-eligible in accordance with UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

310-178 Alternative Living Arrangements.

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - (1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by COAH or the Court.
 - (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by COAH or the Court.
 - (1) The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

310-179 Inclusionary Zoning.

- A. To implement the fair share plan in a manner consistent with the terms of the October 10, 2017 Settlement Agreement, ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning shall be permitted on the following properties consistent with the provisions of the Borough of Hillsdale's Housing Plan Element and Fair Share Plan, and the terms of the settlement agreement:
 - (1) The Bank of America site, known as Block 1102, Lots 2, 3 and 4, shall be rezoned to permit mixed-use development with commercial uses on the first floor and residential units above with a maximum of 20 units to the acre.
 - (2) The Verizon site, known as Block 1201, Lot 11, shall be rezoned to permit mixed-use development

with commercial uses on the first floor and residential units above with a maximum of 20 units to the acre.

- (3) To the extent feasible, the previously approved Walsky (Block 1212, Lots 15 and 16) and Paterno (Block 1205, Lot 8) shall be consistent with the terms of the Settlement Agreement.
- (4) The Industrial Zone site, which is located off of Patterson Street. These parcels are known as Block 1207, Lots 8-11; Block 1208, Lots 1-5; Block 1209, Lots 2-6; Block 1210, Lots 6-11; Block 1211, Lots 1 and 2; Block 1212, Lot 13. The Borough will designate these sites as an area in need of redevelopment and subsequently prepare a Redevelopment Plan. The Redevelopment Plan will permit a variety of uses, including inclusionary housing at a maximum density of 28 units per acre within three years of the Court’s approval of the Settlement Agreement.

310-180 Phasing Schedule for Inclusionary Zoning.

A. 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

310-181 Fractional Units and Payments-in-Lieu.

- A. Inclusionary developments that result in an affordable housing obligation that is fractional shall pay a payment-in-lieu for the fraction.
- B. The payment-in-lieu for Hillsdale shall be \$195,000 for 2018. The payment-in-lieu shall increase by 3% each year. To calculate the payment-in-lieu the developer shall multiply the fraction by the payment. For example, a fraction of 0.6 triggered in 2018 would require a payment of \$117,000. The payment shall be made to the Borough’s Affordable Housing Trust Fund.

310-182 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% of all restricted rental units shall be very-low income units (affordable to a household earning 30% or less of median income). The very-low income units shall be counted as part of the required number of low income units within the development.
- (2) At least 25% of the obligation shall be met through rental units, including at least half in rental units available to families
- (3) A maximum of 25% of the Borough’s obligation may be met with age restricted units. At least half of all affordable units in the Borough’s Plan shall be non-restricted.
- (4) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be 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% of the total low and moderate income units;
 - (b) At least 30% of all low and moderate income units shall be two bedroom units;
 - (c) At least 20% 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. The Borough shall not be permitted to claim credit to satisfy its obligations under the Settlement Agreement for age-restricted units that exceed 25% of all units developed.

B. Accessibility Requirements

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multi-story buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7.
- (2) All restricted townhouse dwelling units and all restricted units in other multi-story 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 casing for the installation of a door, on the first floor; and
 - (e) If not all of the foregoing requirements in 2.(a) through 2.(d) can 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 SubCode, N.J.A.C. 5:23-7, or evidence that Hillsdale has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities 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 Hillsdale's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% 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 Hillsdale 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 Hillsdale 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 SubCode, 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 Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
 - [6] 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 SubCode, N.J.A.C. 5:23-7.

C. Design.

- (1) In inclusionary developments, to the extent possible, low and moderate income units shall be integrated with the market units.
- (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 regional income limits established by

COAH or a successor entity.

- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% 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% of all low and moderate income rental units shall be affordable to very-low income households, earning 30% or less of the regional median household income, with such very-low income units counted the low income housing requirement.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% 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 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% 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% 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% 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) 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. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- (10) The rent of low and moderate income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. 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.

310-183 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 HUD for its Section 8 program.

310-184 Occupancy Standards.

- A. 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:
 - (1) Provide an occupant for each bedroom;
 - (2) Provide children of different sexes with separate bedrooms;
 - (3) Provide separate bedrooms for parents and children; and
 - (4) Prevent more than two persons from occupying a single bedroom.

310-185 Control Periods for Restricted Ownership Units and Enforcement Measures.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.5, 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 Hillsdale takes action to release the unit from such requirements; prior to such action, a restricted ownership unit shall 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 Administrative Agent 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 Administrative Agent 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.

310-186 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

- A. 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:
 - (1) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
 - (2) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - (3) 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
 - (4) The owners of restricted ownership units may apply to the Administrative Agent 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. See Section 310-154.

310-187 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% of median income and moderate income ownership units shall be reserved for households with a gross household income less than 80% of median income.

- B. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate income purchasers to buy low income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low income purchasers to permit prompt occupancy of the units. All such low income units to be sold to moderate income households shall retain the required pricing and pricing restrictions for low income units.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. 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% of the household's eligible monthly income.

310-188 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 Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent 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% of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

310-189 Capital Improvements to Ownership Units.

- A. The owners of restricted ownership units may apply to the Administrative Agent 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 adds 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 Administrative Agent 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 Administrative Agent. Unless otherwise approved by the Administrative Agent, 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.

310-190 Control Periods for Restricted 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 Hillsdale takes action to release the unit from such requirements. Prior to such action, a restricted rental unit shall 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 Somerset. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very-low, low or moderate income unit. Neither the unit nor its affordability

designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the 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 of other voluntary transfer of the ownership of the unit; or
 - (3) The entry and enforcement of any judgement of foreclosure on the property containing the unit.

310-191 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 Administrative Agent.
- 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 Administrative Agent.
- 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 Administrative Agent 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% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

310-192 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% of median income.
 - (2) Low income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 - (3) Moderate income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent 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% (40% 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% (40% 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% (40% 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 Administrative Agent, who shall counsel the household on budgeting.

310-193 Municipal Housing Liaison.

- A. The Borough of Hillsdale shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. The Municipal Housing Liaison shall be appointed by the governing

body and may be a full or part time municipal employee.

- B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Hillsdale, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - (1) Serving as Hillsdale's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (2) Monitoring the status of all restricted units in Hillsdale's Fair Share Plan;
 - (3) Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- C. Subject to the approval of the Court, the Borough of Hillsdale shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. 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 subject to approval of 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 contracting Administrative Agent(s).
- D. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.

310-194 Administrative Agent.

- A. The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. For new sale and rental developments, all of 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. For resales, single family homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent 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 include:
 - (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Hillsdale 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; and
 - (6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Hillsdale when referring households for certification to affordable units.
- 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 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. Sales and Rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
- (2) Instituting and maintaining an effective means of communicating information to 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 Administrative Agent;
- (3) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent 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 municipality's Affordable Housing Trust Fund; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

- (1) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
- (3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

310-195 Affirmative Marketing Requirements.

- A. The Borough of Hillsdale shall adopt by resolution an Affirmative Marketing Plan, subject to the approval of the Court that is compliant with N.J.A.C. 5:80-25.15, 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 housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, as a result of the Settlement Agreement with FSHC, the Affirmative Marketing Plan shall require the notification of the New Jersey State Conference of the NAACP, FSHC, the Bergen County Chapter of the NAACP, the Latino Action Network and the Bergen Urban League of affordable housing opportunities. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- C. 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.
- D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Borough of Hillsdale shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- 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 Administrative Agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the Danforth Memorial Library, Johnson Free Public Library, Hudson County Library, Sussex County Main Library, Sussex County Administration Building, Hudson County Administration Building, Passaic County Administration Building, Bergen County Administration Building, Hillsdale Library, the Hillsdale Municipal Building and the developer's rental office. Pre-applications may be emailed to prospective applicants upon request. Otherwise, hard copies are available from the Municipal Housing Liaison.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

310-196 Enforcement of Affordable Housing Regulations.

- A. Upon the occurrence of a breach of any of the regulations governing the 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, recuperation 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 \$500.00 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. 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 Hillsdale Affordable Housing Trust Fund of the gross amount of rent illegally collected;

- (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 of an innocent tenant's reasonable relocation costs, as determined by the Court.
- (2) The municipality 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 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.

310-197 Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This Ordinance shall take effect upon passage and publication as provided by law.

Motion to open public hearing on Ordinance 18-11 by Council Member Karcich, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members Horvath, Karcich, DeRosa, Lundy, Segalas, Council President Pizzella

Nays: None

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 18-11, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing non one, I entertain a motion that the public hearing on Ordinance No. 18-11 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 18-11 by Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Karcich, Segalas, Lundy, DeRosa, Horvath, Council President Pizzella

Nays: None

Motion to adopt Ordinance No. 18-11 by Council Member Karcich, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members Segalas, Karcich, Lundy, DeRosa, Horvath, Council President Pizzella

Nays: None

18-12 – (Adoption)

An Ordinance of the Borough of Hillsdale Amending and Supplementing Chapter 310 of the Code to Establish a New MU-1 Mixed-Use 1 District, and to set Forth the Standards and Criteria Applicable Thereto

WHEREAS, the Borough Council of the Borough of Hillsdale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough Council has determined that certain lands are suited for rezoning, as follows:

Block 1201, Lot 11

WHEREAS, the Borough has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

WHEREAS, the location of the site proximate to the Hillsdale train station makes it an ideal location for mixed-use and inclusionary development within the Borough, with no expected impacts on the Borough or bordering municipalities.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Hillsdale in the County of Bergen and the State of New Jersey as follows:

Section 1. Chapter 310 of the Code of the Borough of Hillsdale, Section 310-4, "Definitions" is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

MIXED USE - A lot or structure containing more than one principal zoning use.

MULTI-FAMILY HOUSING — A building containing three or more dwelling units that share common horizontal and/or vertical separations.

Section 2. Chapter 310 of the Code of the Borough of Hillsdale, Section 310-48, "Districts" is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

MU-1 Mixed-Use 1

Section 3. Chapter 310 of the Code of the Borough of Hillsdale, Article XIII “Use Schedule” is hereby amended to create a new Section 310-53.1 “Mixed-Use 1 District” by adding the underlined text as follows:

310-53.1 Mixed-Use 1 District

- A. Principal permitted uses.
 - (1) Professional offices
 - (2) Retail businesses and personal service establishments in accordance with the Commercial (C) District
 - (3) Offices, banks, and fiduciary institutions
 - (4) Restaurants, except drive-in and drive-thru restaurants
 - (5) Medical and dental offices
 - (6) Multi-family housing above the ground floor
 - (7) Any combination of the above permitted uses

- B. Permitted accessory uses.
 - (1) Surface parking, limited to the rear of the building
 - (2) Signs
 - (3) Fences and walls
 - (4) Outdoor dining

- C. Bulk requirements.
 - (1) Building heights (maximum) - 3 stories and 40 feet
 - (2) Building Coverage (maximum) - 65%
 - (3) Lot Area (minimum) - 2 acres
 - (4) Front yard (minimum) - 10 feet
 - (5) Front yard (maximum) - 15 feet
 - (6) Side yard (minimum) - 25 feet
 - (7) Rear yard (minimum) - 25 feet
 - (8) Impervious coverage (maximum) - 80%
 - (9) Residential density (maximum) - 20 units per acre
 - (10) Retaining walls, sidewalks, walkways, fences, above-ground and underground utilities shall be permitted within the setbacks.

- D. Landscaping.
 - (1) Any areas not paved shall be landscaped with a mix of deciduous and evergreen trees and low ground cover.
 - (2) Parking areas with more than 20 spaces require one landscaped island for every 15 parking spaces, planted with trees and low ground cover.
 - (3) A landscaped buffer of dense evergreen plantings no less than six feet in height and five feet in depth, and/or a six-foot-tall board-on-board fence shall be required on all lot lines to adjacent residential uses or zones and shall be used to screen off-street parking.

- E. Lighting – Subject to §310-110. Lighting shall not exceed 0.2 footcandles at any property line.

- F. Refuse – Subject to §310-109. Refuse and recycling must be located either interior to a building in a designated refuse storage area, or located in a side or rear yard setback area, no closer than 10 feet to any adjacent lot line, enclosed on all four sides, and screened using wood fencing or other attractive material.

- G. Architectural Requirements.
 - (1) The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building facing a public street shall be architecturally designed to be consistent with regard to style, materials, colors and details.
 - (2) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
 - (3) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
 - (4) All rooftop mechanical equipment, inclusive of solar equipment, shall be screened from view from all vantage points at grade or below the roof.
 - (5) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets,

including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

- (6) The maximum spacing between building wall offsets shall be 50 feet.
- (7) The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
- (8) The maximum spacing between roof offsets shall be 50 feet.
- (9) All ground-level retail and service uses that face a public space shall have clear glass on at least 60% of their facades between two and eight feet above grade.

H. Multi-family residential standards.

- (1) Residential units shall have the following minimum unit sizes:
 - (a) One-bedroom – 700 square feet
 - (b) Two-bedroom – 850 square feet
 - (c) Three-bedroom – 1,100 square feet
- (2) A maximum of 20% of the market-rate units may be three-bedroom units.

I. Affordable housing requirements.

- (1) If the residential units are rental, 15% of the units shall be reserved for affordable households. If the units are for-sale, 20% of the units shall be reserved for affordable households.
- (2) The affordable units shall have a minimum 30-year deed restriction. Any such affordable units shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
- (3) The units shall meet the bedroom distribution required by the Uniform Housing Affordability Controls.
- (4) The units shall meet the low/moderate income split required by the Uniform Housing Affordability Controls and provide at least 13% of the units as very-low-income units as mandated by the Fair Housing Act.
- (5) The developer shall be responsible for retaining a qualified Administrative Agent at the developer's sole cost and expense for the lifetime of the deed restriction. This shall include the initial rental/sale of the unit and the ongoing compliance. The developer shall utilize the Borough's Administrative Agent or a Borough-approved equivalent.
- (6) The affordable units shall be family affordable units.
- (7) The developer shall be responsible for paying the required development fees as outlined by the Statewide Non-Residential Development Fee Act applicable to the non-residential portion of the development.
- (8) Development shall comply with Chapter 310, Article XXXIII Affordable Housing Regulations.

Section 4. Parking. Chapter 310 of the Code of the Borough of Hillsdale is hereby amended and supplemented by adding new Section 310-58.1 "Parking Areas in Mixed Use Districts" and amending Section 310-59 "Required off-street Parking Spaces" and amending Section 310-113 "Parking" with the underlined text as follows:

310-58.1 Off-street parking Mixed-Use Districts.

- A. No parking shall be permitted between a street right-of-way and the primary street-facing façade wall.
- B. All parking areas shall be well screened to a minimum height of four feet by the use of appropriate plantings of sufficient height and density so as to obscure the view of such parking areas from all streets and adjacent properties.
- C. Where a parking lot or area abuts a residential use or zone, no parking shall be located closer than 10 feet to said zone boundary.
- D. All required parking must be provided on-site.
- E. Parking shall be subject to additional requirements per §310-59.

310-59 Required Off-street Parking Spaces.

R. Multi-family housing: Residential Site Improvement Standards.

310-113 Parking.

E. Parking areas may be located in any yard space except where otherwise prohibited, but shall not be closer than 10 feet to any street line.

Section 5. Signage. Chapter 310 of the Code of the Borough of Hillsdale is hereby amended and supplemented with the underlined text by revising Section 310-65 “Signs Permitted in the Commercial District” as follows:

310-65 Signs Permitted in the Commercial and Mixed-Use Districts.

Section 6. The Official Zoning Map shall be changed for Block 1201, Lot 11 to create the MU-1 District.

Section 7. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 8. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

EFFECTIVE DATE. This Ordinance shall not take effect until approved by the Court.

Motion to open public hearing on Ordinance 18-12 by Council Member Karcich, Second by Council Member Segalas.

Roll Call Vote:

Ayes: Council Members Horvath, DeRosa, Lundy, Segalas, Karcich, Council President Pizzella

Nays: None

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 18-12, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record. Seeing no one, I entertain a motion that the public hearing on Ordinance No. 18-12 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 18-12 by Council Member Karcich, Second by Council Member Segalas.

Roll Call Vote:

Ayes: Council Members Karcich, Lundy, DeRosa, Horvath, Segalas, Council President Pizzella

Nays: None

Motion to adopt Ordinance No. 18-12 by Council Member Karcich, Second by Council Member Segalas.

Roll Call Vote:

Ayes: Council Members Segalas, Karcich, Lundy, Horvath, DeRosa, Council President Pizzella

Nays: None

18-13 – (Adoption)

An Ordinance of the Borough of Hillsdale Amending and Supplementing Chapter 310 of the Code to Establish a New MU-2 Mixed-Use 2 District, and to set Forth the Standards and Criteria Applicable Thereto

WHEREAS, the Borough Council of the Borough of Hillsdale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough Council has determined that certain lands are suited for rezoning, as follows:

Block 1102, Lot 2, 3, 4

WHEREAS, the Borough has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

WHEREAS, the location of the site proximate to the Hillsdale train station makes it an ideal for mixed use and inclusionary development within the Borough, with no expected impacts on the Borough or bordering municipalities.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Hillsdale in the County of Bergen and the State of New Jersey as follows:

Section 1. Chapter 310 of the Code of the Borough of Hillsdale, Section 310-48, "Districts" is hereby amended and supplemented by adding the underlined text alphabetically, as follows:

MU-2 Mixed-Use 2

Section 2. Chapter 310 of the Code of the Borough of Hillsdale, Article XIII "Use Schedule" is hereby amended to create a new Section 310-53.2 "Mixed-Use 2 District" by adding the underlined text as follows:

310-53.2 Mixed-Use 2 District.

A. Principal permitted uses.

- (1) Professional Offices
- (2) Retail businesses and personal service establishments in accordance with the Commercial (C) District.
- (3) Offices, banks, and fiduciary institutions
- (4) Restaurants, except drive-in and drive-thru restaurants
- (5) Medical and dental offices
- (6) Multi-family housing above the ground floor
- (7) Any combination of the above permitted uses

B. Permitted accessory uses.

- (1) Surface parking, limited to the rear of the building
- (2) Signs
- (3) Fences and walls
- (4) Outdoor dining

C. Bulk requirements.

- (1) Building heights (maximum) - 3 stories and 40 feet
- (2) Building Coverage (maximum) - 70%
- (3) Lot Area (minimum) - 30,000 square feet
- (4) Lot Frontage and width (minimum) - 100 feet
- (5) Front yard (minimum) - 5 feet
- (6) Front yard (maximum) - 15 feet
- (7) Side yard (minimum) - 5 feet
- (8) Rear yard (minimum) - 25 feet
- (9) Impervious coverage (maximum) - 90%
- (10) Residential density (maximum) - 20 units per acre
- (11) Retaining walls, sidewalks, walkways, fences, above-ground and underground utilities shall be permitted within the setbacks.

D. General requirements.

- (1) Multiple principle structures shall be permitted on a single site.
- (2) Buildings shall be at least 20 feet apart.
- (3) All street frontages, regardless of building orientation, shall be treated as front yards with regard to setback requirements and parking prohibitions.

E. Landscaping.

- (1) Any areas not paved shall be landscaped with a mix of deciduous and evergreen trees and low ground cover.
- (2) Parking areas with more than 20 spaces require one landscaped island for every 15 parking

spaces, planted with trees and low ground cover.

- (3) A landscaped buffer of dense evergreen plantings no less than six feet in height and five feet in depth, and/or a six-foot-tall board-on-board fence shall be required on all lot lines to adjacent residential uses or zones and shall be used to screen off-street parking.

F. Lighting – Subject to §310-110. Lighting shall not exceed 0.2 footcandles at any property line.

G. Refuse – Subject to §310-109. Refuse and recycling must be located either interior to a building in a designated refuse storage area, or located in a side or rear yard setback area, no closer than 10 feet to any adjacent lot line, enclosed on all four sides, and screened using wood fencing or other attractive material.

H. Parking.

- (1) No curb cuts shall be permitted from Broadway. All parking shall be accessed from driveways along either Orchard Street and/or Park Avenue.
- (2) In the absence of lot consolidation, permanent access easements for all parcels must be created for parking lot access.

I. Architectural requirements.

- (1) The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building facing a public street shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- (2) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- (3) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (4) All rooftop mechanical equipment, inclusive of solar equipment, shall be screened from view from all vantage points at grade or below the roof.
- (5) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, in the case of a pitched roof, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (6) The maximum spacing between building wall offsets shall be 50 feet.
- (7) The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
- (8) The maximum spacing between roof offsets shall be 50 feet.
- (9) All ground-level retail and service uses that face a public space shall have clear glass on at least 60% of their facades between two and eight feet above grade.

J. Multi-family residential standards.

- (1) Residential units shall have the following minimum unit sizes:
 - (a) One-bedroom – 700 square feet
 - (b) Two-bedroom – 850 square feet
 - (c) Three-bedroom – 1,100 square feet.
- (2) A maximum of 20% of the market-rate units may be three-bedroom units.

K. Affordable housing requirements.

- (1) If the residential units are rental, 15% of the units shall be reserved for affordable households. If the units are for-sale, 20% of the units shall be reserved for affordable households.
- (2) The affordable units shall have a minimum 30-year deed restriction. Any such affordable units shall comply with UHAC, applicable COAH affordable housing regulations, the Fair Housing Act, any applicable order of the Court, and other applicable laws.
- (3) The units shall meet the bedroom distribution required by the Uniform Housing Affordability Controls.
- (4) The units shall meet the low/moderate income split required by the Uniform Housing Affordability Controls and provide at least 13% of the units as very-low-income units as mandated by the Fair Housing Act.
- (5) The developer shall be responsible for retaining a qualified Administrative Agent at the developer's sole cost and expense for the lifetime of the deed restriction. This shall include the

initial rental/sale of the unit and the ongoing compliance. The developer shall utilize the Borough's Administrative Agent or a Borough-approved equivalent.

- (6) The affordable units shall be family affordable units.
- (7) The developer shall be responsible for paying the required development fees as outlined by the Statewide Non-Residential Development Fee Act applicable to the non-residential portion of the development.
- (8) Development shall comply with Chapter 310, Article XXXIII Affordable Housing Regulations.

Section 3. The Official Zoning Map shall be changed for Block 1102, Lot 2, 3, 4 to create the MU-2 District.

Section 4. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

EFFECTIVE DATE. This Ordinance shall not take effect until approved by the Court.

Motion to open public hearing on Ordinance 18-13 by Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Horvath, DeRosa, Lundy, Segalas, Karcich, Council President Pizzella

Nays: None

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 18-13, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing no one, I entertain a motion that the public hearing on Ordinance No. 18-13 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 18-13 Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Karcich, Lundy, DeRosa, Horvath, Segalas, Council President Pizzella

Nays: None

Motion to adopt Ordinance No. 18-13 by Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Segalas, Karcich, Lundy, Horvath, DeRosa, Council President Pizzella

Nays: None

18-16 – (Adoption)

AN ORDINANCE TO AMEND CHAPTER 310, PART 5 OF THE CODE OF THE BOROUGH OF HILLSDALE ENTITLED, "SUBDIVISION AND SITE PLAN REVIEW"

BE IT ORDAINED by the Mayor and Council of the Borough of Hillsdale, County of Bergen, State of New Jersey, as follows:

Chapter 310, Part 5 of the Code of the Borough of Hillsdale, Subdivision and Site Plan Review, Sections 310-119, 310-120, 310-121 and 310-122, be and are hereby repealed in their entirety and replaced by the following:

ARTICLE XXVII

Performance and Maintenance Guarantees.

§310-119. Developer's Agreement.

With respect to all applications for subdivision and site plan approval, the Borough of Hillsdale Planning Board shall condition any such approval upon the execution of a developer's agreement between the Borough of Hillsdale Planning Board (the "Board") and the applicant specifying, in part, off-site, on-tract or off-tract improvements, public improvements, bonding requirements, escrow requirements, other conditions imposed by the Borough and such other terms and conditions as the Borough deems appropriate. The Board may waive the requirement of a developer's agreement in appropriate circumstances. Unless so waived, no certificate of occupancy or building permit shall be issued respecting any application for development requiring subdivision or site plan approval unless the applicant has entered into a developer's agreement of a form specified herein.

§310-120. Furnishing of performance guarantees; improvements.

A. Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of Section 52 of P.L. 1975, c. 291 (C.40:55D-65), or as a condition of approval of a permit update under the State Uniform Construction Code for the purpose of updating the name and address of the owner of property on a construction permit, the Borough shall require and shall accept in accordance with the standards set forth hereinbelow and regulations adopted pursuant to Section 1 of P.L. 1999, c. 68 (C. 40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee as set forth in this Section.

- (1) The developer shall furnish a performance guarantee in favor of the Borough in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Borough Engineer, according to the method of calculation set forth in Section 15 of P.L. 1991, c. 256 (C. 40:55D-53.4), for the following improvements as shown on the approved plans or plat:
 - (a) Streets.
 - (b) Pavement.
 - (c) Gutters.
 - (d) Curbs.
 - (e) Sidewalks.
 - (f) Street lighting.
 - (g) Street trees.
 - (h) Surveyor's monuments, as shown on the final map and required by "the map filing law," P.L. 1960, c. 141 (C. 46:23-9.9 et seq.; repealed by Section 2 of P.L. 2011, C. 217) or N.J.S.A. 46:26B-1 through N.J.S.A. 46:26B-8.
 - (i) Water mains.
 - (j) Sanitary sewers.
 - (k) Community septic systems.
 - (l) Drainage structures.

- m) Public improvements of open space; and
 - (n) Any grading necessitated by the preceding improvements.
- (2) The developer shall also furnish a performance guarantee to include, within an approved phase or section of a development, privately-owned perimeter buffer landscaping, as required by the Borough Code or imposed as a condition of approval. At a developer's option, a separate performance guarantee may be posted for the privately-held perimeter buffer landscaping.
 - (3) The Borough Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

§310-120.1. Safety and Stabilization.

- A. The developer shall also furnish to the Borough a "safety and stabilization guarantee" in favor of the Borough. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the Borough solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:
- (1) Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure.
 - (2) Work has not recommenced within 30 days following the provision of written notice by the Borough to the developer of the Borough's intent to claim payment under the guarantee.
 - (3) The Borough shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Borough shall provide written notice to the developer by certified mail or other form of delivery providing evidence of receipt.
 - (4) The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.
 - (5) The amount of a "safety and stabilization bond guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:
 - (a) \$5,000 for the first \$100,000 of bonded improvement costs, plus
two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus
 - (b) One percent of bonded improvement costs in excess of \$1,000,000.
 - (6) The Borough shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.
 - (7) The Borough shall release a "safety and stabilization guarantee" upon the Borough Engineer's or other municipal official's (designated by ordinance) determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

§310-120.2. Temporary Certificate of Occupancy; Guarantee.

- A. In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the Borough in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee previously furnished by the developer which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the Borough Engineer or such other municipal official designated by ordinance. The "temporary certificate of occupancy guarantee" shall be released by the Borough Engineer or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

§310-120.3 Acceptance of Performance Guarantee from Successor Developer.

- A. The Borough may accept a performance guarantee in favor of the municipality from a successor developer as a replacement for a performance guarantee that was previously furnished, pursuant to section 41 of P.L. 1975, c.291 (C.40:55D-53), for the purpose of assuring the installation of improvements. The Borough shall not accept a replacement performance guarantee without securing:
 - (1) written confirmation from the new obligor that the intent of the new obligor is to furnish a replacement performance guarantee, relieving the predecessor obligor and surety, if any, of any obligation to install improvements, and
 - (2) written verification from the Borough engineer that the replacement performance guarantee is of an amount sufficient to cover the cost of the installation of improvements, but not to exceed 120% of the cost of the installation, which verification shall be determined consistent with section 41 of P.L. 1975, c.291 (C.40:55D-53).
- B. An approving authority shall notify the governing body whenever it accepts a replacement performance guarantee. Notice shall contain a copy of the written confirmation of the new obligor's intent to furnish a replacement performance guarantee and the municipal engineer's written verification of the sufficiency of the amount of that replacement performance guarantee.
- C. Within 30 days after receiving notice from the approving authority of its acceptance of a replacement performance guarantee, the governing body, by resolution, shall release the predecessor obligor from liability pursuant to its performance guarantee.

§310-121. Maintenance Guarantee.

- A. Prior to the release of a performance guarantee required pursuant to this Section, the developer shall post with the Borough a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.
 - (1) The developer shall post with the Borough, upon the inspection and issuance of final approval of the following private site improvements by the Borough Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4):
 - (a) Stormwater management basins;

- (b) In-flow and water quality structures within the basins; and
 - (c) The out-flow pipes and structures of the stormwater management system, if any.
- (2) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

§310-121.1. Other Agencies; Utilities.

In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Borough for such utilities or improvements.

§310-121.2. Regulations Concerning Performance Guarantees.

- A. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Borough Engineer according to the method of calculation set forth in section 15 of P.L. 1991, c. 256 (C. 40:55D-53.4) as of the time of the passage of the resolution.
- B. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Borough for the reasonable cost of the improvements not completed or corrected, and the Borough may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L. 1971, c. 198 (C. 40A:11-1 et seq.).
- C. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the Borough Clerk, that the Borough Engineer prepare, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to this Section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Borough Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Borough Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.
 - (1) The list prepared by the Borough Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Borough Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to subsection a. of this section.
 - (2) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Borough Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the

itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to this Section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Borough Engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

- (3) For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bond improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Borough may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of all bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Borough below 30 percent.
 - (4) If the Borough Engineer fails to send or provide the list and report as requested by the obligor pursuant to this Section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Borough Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
 - (5) If the governing body fails to approve or reject the bonded improvements determined by the Borough Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Borough Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to this Section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
 - (6) In the event that the obligor has made a cash deposit with the Borough or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the Borough may retain cash equal to the amount of the remaining "safety and stabilization guarantee."
- D. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this Section shall be followed.
- E. Nothing herein shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Borough Engineer.

§310-122. Regulations Concerning Inspection Fees.

- A. The obligor shall reimburse the Borough for reasonable inspection fees paid to the Borough Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth hereinbelow. The Borough shall require the developer to post the inspection fees in escrow in an amount:
- (1) Not to exceed, except for extraordinary circumstances, the greater \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under this Section; and
 - (2) Not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under this Section, which cost shall be determined pursuant to Section 15 of P.L. 1991, c. 256 (C. 40:55D-53.4).
- B. For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.
- C. For those developments for which the inspection fees are total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.
- D. If the Borough determines that the amount in escrow for the payment of inspection fees, as calculated hereinabove, is insufficient to cover the cost of additional required inspections, the developer shall deposit additional funds in escrow. In such instance, the Borough shall deliver to the developer a written inspection escrow deposit request, signed by the Borough Engineer, which informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

§310-122.1. Approved by Stages or Sections.

In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this Section shall be applied by stage or section.

§310-122.2. Dedication of Improvements to Borough.

To the extent that any of the improvements have been dedicated to the Borough on the subdivision plat or site plan, the governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Borough Engineer.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

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

This Ordinance shall take effect upon passage and publication as provided by Law.

Motion to open public hearing on Ordinance 18-16 by Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Horvath, DeRosa, Lundy, Segalas, Karcich, Council President Pizzella

Nays: None

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 18-16, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Seeing no one, I entertain a motion that the public hearing on Ordinance No. 18-16 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Borough Clerk is authorized to advertise the same according to law.

Motion to close public hearing on Ordinance 18-16 by Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Karcich, Lundy, DeRosa, Horvath, Segalas, Council President Pizzella

Nays: None

Motion to adopt Ordinance No. 18-16 by Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members Segalas, Karcich, Lundy, Horvath, DeRosa, Council President Pizzella

Nays: None

RESOLUTIONS:(Consent Agenda): R18137 through R18164:

[R18137](#) Resolution Adopting Affirmative Marketing Plan

WHEREAS, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, et seq., the Borough of Hillsdale is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created within the Borough of Hillsdale, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 1, the COAH Housing Region encompassing the Borough of Hillsdale.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, that the Borough Council does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Hillsdale shall be marketed in accordance with the provisions herein.
- B. The Borough of Hillsdale has a Prior Round Obligation and a Third Round Obligation covering the years from 1999-2025. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate-income units, including those that are part of the Borough's Prior Round Fair

Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.

- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Borough of Hillsdale. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Hillsdale, shall undertake, at the minimum, all of the following strategies:
1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
 2. At least one additional regional marketing strategy using one of the other sources listed in F.1. 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 the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Hillsdale is located in COAH Housing Region 1, consisting of Bergen, Hudson, Passaic and Sussex Counties.
- 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 applications for very-low, low and moderate-income units shall appear in the Star-Ledger, The Record, Jersey Journal, Herald News and New Jersey Herald.
 2. The primary marketing shall take the form of at least one press release and/or a paid display advertisement in the above newspapers once at the start of the affirmative marketing process. Additional press releases and/or advertising shall be on an "as needed" basis in all the papers except for the Star-Ledger. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 3. The advertisement shall include a description of the:
 - a. Address of the units;
 - b. Range of prices for the units;
 - c. Size, as measured in bedrooms, of units;
 - d. Maximum income permitted to qualify for the units;
 - e. Where to obtain applications;
 - f. Business hours when interested households may obtain an application; and

g. Application fees.

G. 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:

1. Danforth Memorial Library
2. Johnson Free Public Library
3. Hudson County Library
4. Sussex County Main Library
5. Sussex County Administration Building
6. Hudson County Administration Building
7. Bergen County Administration Building
8. Passaic County Administration Building
9. Hillsdale Borough Municipal Building
10. Hillsdale Library
11. Developer's Sales/Rental Offices

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(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 identified in Attachment A, Part III, Marketing, Section 3d of COAH's **Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 1** (attached to and hereby made part of this Resolution) as well as the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Chapter of the NAACP and the Bergen Urban League.

1. Once at the start of the affordable marketing process, a flyer and preliminary application shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.
2. In addition, specific notification of the availability of affordable housing units in Hillsdale shall be provided to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Chapter of the NAACP and the Bergen Urban League.

I. A random selection method to select occupants of very-low, low and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for very low, low and moderate-income households that live and/or work in COAH Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very-low, low and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.

J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to:

1. Income qualify very low, low and moderate-income households;
2. Place income eligible households in very low, low and moderate-income units upon initial occupancy;
3. Provide for the initial occupancy of very low, low and moderate-income units with income qualified households;

4. Continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls;
 5. Assist with outreach to very low, low and moderate-income households; and
 6. Enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, et seq.
- K.* 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.
- L.* 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.
- M.* 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 the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- N.* 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.

[R18138](#) Resolution of Intent to Bond in the Event that there is a Shortfall in Funding to Effectuate Certain Affordable Housing Mechanisms in its Housing Element and Fair Share Housing Plan

WHEREAS, the Borough Council of the Borough of Hillsdale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in *In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (201) ("Mt. Laurel IV")* seeking approval of a Housing Element and Fair Share Plan that satisfied the Borough's obligation to provide for its fair share of the regional need of low and moderate income housing; and

WHEREAS, after a Fairness Hearing held on February 9, 2018, by Order dated February 12, 2018, Hon. Christine Farrington, J.S.C. approved a settlement agreement between the Borough of Hillsdale and Fair Share Housing Center intended to establish the Borough's affordable housing obligations; and

WHEREAS, in accordance with the February 12, 2018 Order, the Hillsdale Planning Board has adopted a Housing Element and Fair Share Plan dated May 10, 2018 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of 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; and

WHEREAS, the Housing Element and Fair Share Plan provides for a municipally-sponsored Rehabilitation Program, in addition to other developer-funded mechanisms; and

WHEREAS, the Borough has adopted a Development Fee Ordinance in order to generate revenue for the Borough's Affordable Housing Trust Fund; and

WHEREAS, the Borough of Hillsdale anticipates that monies collected and deposited in the Affordable Housing Trust Fund, along with other permitted funding sources, will be sufficient to effectuate the above-referenced mechanism; and

WHEREAS, the Borough of Hillsdale is committed to securing judicial approval of its Housing Element and Fair Share Plan; and

WHEREAS, the Borough of Hillsdale acknowledges the COAH rules and regulations that provide that, although utilization of a mandatory development fee ordinance is an appropriate mechanism to raise money for

the purpose of off-setting the expenses incurred in connection with the Housing Element and Fair Share Plan, there must be an alternative funding source in the event that insufficient monies are derived from the mandatory development fee ordinance or other resources, or the funds are not received in a timely fashion, for the purpose of effectuating the municipally-sponsored Rehabilitation Program; and

WHEREAS, the Borough of Hillsdale wishes to express its commitment to cover such funding shortfalls and to fully implement the mechanisms set forth in its Housing Element and Fair Share Plan through bonding or other lawful means.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Hillsdale, that it does hereby confirm its intent that in the event that the projected funding from the mandatory development fee ordinance the Borough has adopted is insufficient to complete the aforementioned affordable housing mechanism, it is the intention of the Borough Council of the Borough of Hillsdale to adopt appropriate bond ordinances in order to provide the requisite funding in an appropriate time frame.

[R18139](#) Resolution Authorizing the Appointment of Gioia Cassidy as Municipal Housing Liaison for the Borough of Hillsdale

WHEREAS, the Borough of Hillsdale has petitioned the Superior Court of New Jersey for a Declaratory Judgment that its adopted 2018 Housing Element and Fair Share Plan is compliant with its constitution obligation to provide its fair share of the regional need for very-low, low and moderate-income housing; and

WHEREAS, the Borough's adopted 2018 Housing Element and Fair Share Plan will result in the creation of housing units affordable to and intended for occupancy solely by qualified very-low, low and moderate-income households; and

WHEREAS, the Borough needs a Municipal Housing Liaison for the Borough of Hillsdale; and,

WHEREAS, Gioia Cassidy wishes to serve in the position of Municipal Housing Liaison and to enter into an Employment Agreement to perform such duties with the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that Gioia Cassidy is hereby appointed Municipal Housing Liaison for the Borough of Hillsdale to fulfill the duties set forth in Ordinance 18-11, creating the position of Municipal Housing Liaison, at an annual rate of \$2,000.00 effective March 23, 2018, pro-rated monthly; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Borough wishes to enter into an Employment Agreement with Gioia Cassidy to serve as Municipal Housing Liaison.

[R18140](#) Resolution adopting the "Sales Operating Manual," "Rental Operating Manual" and "Rehabilitation Operating Manual" For the Borough of Hillsdale

WHEREAS, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Borough of Hillsdale is required to adopt all program operating manuals, which set forth the procedures for administering the program(s) and their associated affordability controls for affordable housing units created within the Borough of Hillsdale.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale, County of Bergen, that the Borough Council does hereby adopt the following attached operating manuals:

1. Sales Operating Manual
2. Rental Operating Manual
3. Rehabilitation Operating Manual

[R18141](#) Resolution Awarding Contract for the 2018 Road Program

WHEREAS, sealed bids were requested through advertisement pursuant to New Jersey Local Public Contracts Law for 2018 Borough Road Program; and

WHEREAS, nine (9) contractors returned the sealed bid documents on June 6, 2018; and

WHEREAS, D & L Paving, 681 Franklin Avenue, Nutley, New Jersey 07110, was the lowest responsible bidder in the base bid amount of Four Hundred Fifty-Four Thousand Six Hundred Forty Dollars and Twenty-Nine Cents (\$454,640.29); and

WHEREAS, the Borough Engineer recommends that the contract be awarded to the lowest responsible bidder; and

WHEREAS, the Borough Attorney has reviewed the bid package and found it to be in order; and

WHEREAS, the Borough Administrator concurs with the recommendation of the Engineer.

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

1. This award is made to D & L Paving, the lowest responsible bidder, in the base bid amount of \$454,640.29 with the services to be provided in accordance with the bid package and specifications prepared by the Borough Engineer's office which were used in the bidding process and are considered part of this award.
2. The Borough Attorney is hereby authorized to prepare contracts and/or other documents pursuant to the award of this contract.
3. The Mayor and Clerk are hereby authorized to execute contracts and/or documents pursuant to the award of this contract.

[R18142](#) Payment of Bills

BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the following bill in the sum of \$3,010,553.03 as authorized by the Department Head and approved by a Council member liaison, be paid; and that the Mayor, Clerk and Certified Municipal Financial Officer be and they are hereby authorized and directed to issue warrants in payment of same.

Summary of Payment of Bills for 6/12/2018

Payment of bills 5/09/2018 - 6/12/18 \$3,010,695.93

Void Checks & Additional Checks

Check	Date	Fund	Vendor	Amount	Reason	Total
1458	5/24/2015	ANIMAL	SNJ-Dept of Health	-22.90	Void	-22.90
28604	5/14/2018	Current	New Jersey Motor Vehicle	-120.00	Void	-120.00
Total adjustments						-142.90
Total Bill List for 05/08/2018						\$3,010,553.03

Range of Checking Accts: ANIMAL TRUST to ANIMAL TRUST Range of Check Ids: 1458 to 1458
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #	Description			Contract	
1458	05/08/18	SNJ01 SNJ-DEPT OF HEALTH		05/24/18 VOID	8668 (Void Reason: WRONG AMOUNT)
	18-00695	APRIL 2018 DOG LICENSE REPORT	22.90		
Report Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	0	1	0.00	22.90
	Direct Deposit:	0	0	0.00	0.00
	Total:	0	1	0.00	22.90

Range of Checking Accts: CURRENT to CURRENT Range of Check Ids: 27947 to 27947
Report Type: All Checks Report Format: Detail Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void	Ref Num
PO #	Item	Description				Contract	Ref Seq Acct
27947	09/12/17	MOR11 MORRISON MAHONEY, LLP		(Void Reason: LOST CHECK)		05/25/18 VOID	8501
17-01444	1	Professional Services	368.00	7-01-20-155-116	Budget		256 1
				Special Counsel - Tax Appeal Attorney			
17-01444	2	Professional Services	161.00	7-01-20-155-116	Budget		257 1
				Special Counsel - Tax Appeal Attorney			
			529.00				
Report Totals							
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
	Checks:	0	1	0.00	529.00		
	Direct Deposit:	0	0	0.00	0.00		
	Total:	0	1	0.00	529.00		

Range of Checking Accts: CURRENT to CURRENT Range of Check Ids: 27947 to 27947
Report Type: All Checks Report Format: Detail Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void	Ref Num
PO #	Item	Description				Contract	Ref Seq Acct
27947	09/12/17	MOR11 MORRISON MAHONEY, LLP					8501
17-01444	1	Professional Services	368.00	7-01-20-155-116	Budget		256 1
				Special Counsel - Tax Appeal Attorney			
17-01444	2	Professional Services	161.00	7-01-20-155-116	Budget		257 1
				Special Counsel - Tax Appeal Attorney			
			529.00				
Report Totals							
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
	Checks:	1	0	529.00	0.00		
	Direct Deposit:	0	0	0.00	0.00		
	Total:	1	0	529.00	0.00		

Range of Checking Accts: CURRENT to CURRENT Range of Check Ids: 28604 to 28604
Report Type: All Checks Report Format: Detail Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void	Ref Num
PO #	Item	Description				Contract	Ref Seq Acct
28604	03/28/18	NEW16		NEW JERSEY MOTOR VEHICLE COMM	(Void Reason: wrong amount)	05/14/18 VOID	8629
18-00430	1	Title Fee	60.00	8-01-26-315-325	Budget		1 1
				Road R&M - 2017 Bobcat S70 Loader L3			
18-00430	2	Title Fee	60.00	8-01-26-315-302	Budget		2 1
				Road - Vehicle Maintenance			
			<u>120.00</u>				

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	0	1	0.00	120.00
Direct Deposit:	0	0	0.00	0.00
Total:	0	1	0.00	120.00

Range of Checking Accts: First to Last Range of Check Dates: 05/09/18 to 06/12/18
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
ANIMAL TRUST	ANIMAL TRUST				
1460	05/24/18	SNJ01 SNJ-DEPT OF HEALTH	22.20		8671
1461	06/12/18	SNJ01 SNJ-DEPT OF HEALTH	14.40		8681
1462	06/12/18	TYC02 TYCO ANIMAL CONTROL	1,125.00		8681

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	3	0	1,161.60	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	3	0	1,161.60	0.00

CAPITAL	CAPITAL				
1977	06/12/18	WHI07 WHITE ROCK CORP.	148,300.00		8684

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	1	0	148,300.00	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	148,300.00	0.00

COAH COAH/HOUSING TRUST FUND

1085	06/12/18	GIT01	GITTLEMAN, MUHLSTOCK &	165.00	8688
1086	06/12/18	MAD05	MADAIO, MARK D, ESQ	294.50	8688

Checking Account Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	2	0	459.50	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	<u>2</u>	<u>0</u>	<u>459.50</u>	<u>0.00</u>

CURRENT	CURRENT				
28799	05/18/18	VER18	VERIZON	249.98	05/31/18 8670
28800	05/25/18	MOR11	MORRISON MAHONEY, LLP	529.00	8673
28801	05/30/18	DOM02	DOMANI GRILL, INC	500.00	8674
28802	06/01/18	USB07	US BANK CUST BV002 TRST/CRDTRS	110,878.47	06/01/18 VOID 8675 (Reason: CORRECTING ERROR)
28803	06/01/18	USB07	US BANK CUST BV002 TRST/CRDTRS	80,153.05	8676
28804	06/12/18	ACT07	ACTION DATA SERVICES, INC.	316.42	8678
28805	06/12/18	17ZIM	ZIMMERMAN, LIZ	405.91	8687
28806	06/12/18	ACT07	ACTION DATA SERVICES, INC.	2,637.58	8687
28807	06/12/18	AFF01	AFFORD. HOUSING PROFESSIONALS	160.00	8687
28808	06/12/18	AIR02	AIRGAS, INC	23.90	8687
28809	06/12/18	ALM02	ALMETEK	107.30	8687
28810	06/12/18	AME06	AMERICAN WEAR CORP	315.90	8687
28811	06/12/18	ATL06	ATLANTIC TACTICAL OF NJ, INC	307.90	8687
28812	06/12/18	BAN05	BANC OF AMERICA PUBLIC CAPITAL	4,371.58	8687
28813	06/12/18	BAR09	GLENN BARBI	300.00	8687
28814	06/12/18	BCM00	BCMCAA-SHERRI D'ALESSANDRO	30.00	8687
28815	06/12/18	BCP01	BCPWA	75.00	8687
28816	06/12/18	BER01	BERGEN MUNICIPAL EMP BNFT FUND	4,714.00	8687

28817	06/12/18	BER11	BERGEN COUNTY UTILITIES AUTH	20,684.53	8687
28818	06/12/18	BER26	BERGEN COUNTY GARDEN CTR, INC	7.15	8687
28819	06/12/18	BOR05	BOROUGH OF WESTWOOD	14,295.31	8687
28820	06/12/18	BOR06	BOROUGH OF HILLSDALE	1,199,000.00	8687
28821	06/12/18	BOR18	BOROUGH OF HILLSDALE AGENCY	114,858.42	8687

June 8, 2018
12:24 PM

Borough of Hillsdale
Check Register By Check Date

Page No: 2

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CURRENT	CURRENT				
					Continued
28822	06/12/18	BOR31	BOROUGH OF PARAMUS-DPW	14,500.00	8687
28823	06/12/18	BTS01	BT SPECIALTIES LLC/	262.50	8687
28824	06/12/18	CLI01	CLIFFSIDE BODY CORPORATION	646.56	8687
28825	06/12/18	DE01	D & E UNIFORMS	76.90	8687
28826	06/12/18	DEP01	NJ DEPT OF CORRECTIONS/DEPTCOR	405.00	8687
28827	06/12/18	DOW01	DOWNES TREE SERVICE, INC	12,127.50	8687
28828	06/12/18	DUR01	DURIE LAWN MOWER & EQUIP CORP	68.80	8687
28829	06/12/18	ELE03	ELEVATOR MAINTENANCE CORP.	280.00	8687

28830	06/12/18	ELI03	ELITE POWER SOLUTIONS LLC	2,675.00		8687
28831	06/12/18	EXC02	EXCELLENT BUILDING SERV CORP	4,382.00		8687
28832	06/12/18	FEN01	FENKART, DOUGLAS R, MD	300.00		8687
28833	06/12/18	FLO04	FLORIO PERRUCCI STEINHARDT	4,725.97		8687
28834	06/12/18	FRI01	FRIENDS OF PASCACK BROOK CORP	1,000.00		8687
28835	06/12/18	GAE01	GAETA RECYCLING CO, INC	82,500.00		8687
28836	06/12/18	GAL01	GALLS LLC	280.00		8687
28837	06/12/18	GAR01	GARBARINI & CO. P.C. (CORP)	10,000.00		8687
28838	06/12/18	GIT01	GITTLEMAN, MUHLSTOCK &	6,530.02		8687
28839	06/12/18	GOT02	GOTHAM ANALYTICS LLC	2,800.00		8687
28840	06/12/18	HAFD	HAFFLER, WILLIAM	97.78		8687
28841	06/12/18	HAR15	HARTMAN EXCAVATING, LLC	420.00		8687
28842	06/12/18	HIG01	HIGHWAY TRAFFIC SUPPLY INC.	63.00		8687
28843	06/12/18	HIG12	HIGH TECH LANDSCAPES, INC.	2,982.00		8687
28844	06/12/18	HIL09	HILLSDALE PUBLIC LIBRARY	5,583.93		8687
28845	06/12/18	HOF01	HOFFMAN FLOORS	425.00		8687
28846	06/12/18	INS01	INSERRA SUPERMARKETS	79.97		8687
28847	06/12/18	INS03	INSTITUTE FOR FORENSIC	975.00		8687
28848	06/12/18	JOH02	JOHN M HARTEL & CO., INC.	42.75		8687
28849	06/12/18	JOH23	JOHN LEWIS, LLC	300.00		8687
28850	06/12/18	KAT03	KATES, MEREDITH (HILLSDALE EC)	38.34		8687
28851	06/12/18	LAN08	LANGUAGE LINE SERVICES, INC	37.56		8687
28852	06/12/18	LEP01	LEPORES ITALIAN MARKET, LLC	480.00		8687
28853	06/12/18	LIF02	LIFESAVERS, INC	333.12		8687
28854	06/12/18	LOR03	LORCO PETROLEUM SERVICES	50.00		8687
28855	06/12/18	LOW01	LOWE'S	0.00	06/12/18 VOID	0
28856	06/12/18	LOW01	LOWE'S	1,909.55		8687
28857	06/12/18	MAD05	MADAIO, MARK D, ESQ	4,436.50		8687
28858	06/12/18	MAR01	MARSALA HARDWARE, INC.	0.00	06/12/18 VOID	0
28859	06/12/18	MAR01	MARSALA HARDWARE, INC.	238.59		8687
28860	06/12/18	MAS10	MASER CONSULTING PA CORP	19,059.84		8687
28861	06/12/18	MIC05	MICROSOFT CORPORATION	512.00		8687
28862	06/12/18	MON15	MONTAGUE TOOL & SUPPLY	28.08		8687
28863	06/12/18	MOR11	MORRISON MAHONEY, LLP	0.00	06/12/18 VOID	0
28864	06/12/18	MOR11	MORRISON MAHONEY, LLP	2,823.06		8687
28865	06/12/18	MRR02	MR. ROOTER	977.00		8687
28866	06/12/18	NAR02	NARITA MARAJ, LLC	185.61		8687
28867	06/12/18	NBS02	NATIONAL BENEFIT SERVICES	14.00		8687
28868	06/12/18	NEO01	NEOPOST USA CORP	465.60		8687
28869	06/12/18	NEW16	NEW JERSEY MOTOR VEHICLE COMM	120.00		8687
28870	06/12/18	NJ08	NJS LEAGUE OF MUNICIPALITIES	25.00		8687
28871	06/12/18	NJD02	NJ DIVISION OF ABC	21.00		8687
28872	06/12/18	NJM03	NJMMA	110.00		8687
28873	06/12/18	NOR05	NORTHWEST BERGEN REGIONAL	4,615.49		8687

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CURRENT	CURRENT		Continued			
28874	06/12/18	PA01	P&A AUTO PARTS CORP	0.00	06/12/18 VOID	0
28875	06/12/18	PA01	P&A AUTO PARTS CORP	1,170.99		8687
28876	06/12/18	PAS05	PASCACK VALLEY H.S. BAND	525.00		8687
28877	06/12/18	PAS07	PASCACK VALLEY REGIONAL HIGH	956,606.34		8687
28878	06/12/18	PHI02	PHILLIPS PREISS GRYGIEL	330.00		8687
28879	06/12/18	POS02	POSITIVE PROMOTIONS, INC	310.84		8687
28880	06/12/18	POS04	POSTMASTER PARAMUS	225.00		8687
28881	06/12/18	PUB02	PUBLIC WORKS ASSOCIATION OF NJ	75.00		8687
28882	06/12/18	RAC01	RACHLES/MICHELE'S OIL CO.	1,286.71		8687
28883	06/12/18	RET03	RE-TRON TECHNOLOGIES INC	425.52		8687
28884	06/12/18	RIC01	RICCIARDI BROTHERS INC	20.99		8687
28885	06/12/18	RIC09	RICOH USA INC	408.65		8687
28886	06/12/18	RIV01	RIVER VALE FLOWER SHOP, INC.	165.00		8687
28887	06/12/18	ROB06	ROBERT'S & SON, INC	190.45		8687
28888	06/12/18	SCA08	FRANK S. SCARPATI	60.00		8687
28889	06/12/18	SHE08	SHERWIN-WILLIAMS CORP	964.53		8687
28890	06/12/18	SIR01	SIRCHIE FINGERPRINT LAB. INC	47.04		8687
28891	06/12/18	STA10	STATILE, CHRISTOPHER, P.A. (ESC)	2,282.75		8687
28892	06/12/18	STE13	STEINFELD, ESQ. JEFFREY	2,163.51		8687
28893	06/12/18	STE14	STEWART & STEVENSON LLC	13.97		8687
28894	06/12/18	STO02	STONE INDUSTRIES INC	966.33		8687
28895	06/12/18	SUE01	SUEZ WATER NEW JERSEY (REG)	15,082.94		8687
28896	06/12/18	TRA07	TRANSAXLE OF NORTH JERSEY	1,764.02		8687
28897	06/12/18	TRU01	TRUGREEN CHEMLAWN, INC.	1,140.00		8687
28898	06/12/18	UNI08	UNIVERSAL ELECTRIC MOTOR	1,364.00		8687
28899	06/12/18	UNU01	UNUM LIFE INS CO OF AMERICA	147.00		8687
28900	06/12/18	USP02	U.S. POSTAL SERVICE-CMRS-FP	2,000.00		8687
28901	06/12/18	VAL16	VALLEY MEDICAL GROUP INC	153.00		8687
28902	06/12/18	WBM01	WB MASON CO., INC.	926.68		8687
28903	06/12/18	WIN01	WINDSOR SOIL COMPANY, INC.	1,106.50		8687
28904	06/12/18	WIS02	WISS & BOUREGY, P.C.	1,960.75		8687

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	101	5	2,628,936.46	110,878.47
Direct Deposit:	0	0	0.00	0.00
Total:	101	5	2,628,936.46	110,878.47

ESCROW	ESCROW					
3485	06/01/18	USB07	US BANK CUST BV002 TRST/CRDTRS	175,000.00		8677
3486	06/12/18	BEL15	BELL, MATT	342.50		8682
3487	06/12/18	BTS01	BT SPECIALTIES LLC/	56.00		8682
3488	06/12/18	CHI02	CHICKEN DELIGHT, INC	285.00		8682
3489	06/12/18	COU10	COUNTY OF BERGEN	250.00		8682
3490	06/12/18	GIT01	GITTLEMAN, MUHLSTOCK &	0.00	06/12/18 VOID	0
3491	06/12/18	GIT01	GITTLEMAN, MUHLSTOCK &	0.00	06/12/18 VOID	0
3492	06/12/18	GIT01	GITTLEMAN, MUHLSTOCK &	1,425.00		8682
3493	06/12/18	MUN06	MUNICIPAL RECORD SERVICE, INC.	357.00		8682
3494	06/12/18	OHA03	O'HARA, JOHN	7.50		8682
3495	06/12/18	ORI04	ORIOLO, DONALD	1,832.05		8682
3496	06/12/18	QRP01	QUICK RESPONSE PROMOTIONS	2,119.80		8682
3497	06/12/18	STA10	STATILE, CHRISTOPHER, P.A. (ESC)	225.60		8682

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
ESCROW					
ESCROW					
Checking Account Totals					
			<u>Paid</u>	<u>Void</u>	<u>Continued</u>
					<u>Amount Paid</u>
					<u>Amount Void</u>
		Checks:	11	2	181,900.45
		Direct Deposit:	0	0	0.00
		Total:	11	2	181,900.45
					0.00
					0.00
PUBLIC ASSIST2					
PUBLIC ASSISTANCE					
2834	06/01/18			1,150.00	8672
2835	06/01/18			210.00	8672
2836	06/01/18			147.00	8672
2837	06/01/18			210.00	8672
2838	06/01/18			210.00	8672
2839	06/01/18			210.00	8672
Checking Account Totals					
			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>
					<u>Amount Void</u>
		Checks:	6	0	2,137.00
		Direct Deposit:	0	0	0.00
		Total:	6	0	2,137.00
					0.00
RECREATION					
RECREATION TRUST					
3797	06/12/18	ACT07	ACTION DATA SERVICES, INC.	149.02	8680
3798	06/12/18	CAR30	CARTRIDGE WORLD	114.08	8685
3799	06/12/18	CRO03	CROWN TROPHY RIVER EDGE, INC	193.20	8685
3800	06/12/18	CUS04	CUSTOM SPECIALTEES	525.00	8685
3801	06/12/18	NAT03	NATIONAL TICKET COMPANY INC.	63.75	8685
3802	06/12/18	PLE02	PLEETER, BRIANA	850.00	8685
3803	06/12/18	SS02	S & S WORLDWIDE INC.	873.32	8685
3804	06/12/18	TEC04	TECKWANI, ANIL OR NEELUM	680.00	8685
3805	06/12/18	WEI09	WEISS, ITAI OR AVIVA AVIRAM	950.00	8685
Checking Account Totals					
			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>
					<u>Amount Void</u>
		Checks:	9	0	4,398.37
		Direct Deposit:	0	0	0.00
		Total:	9	0	4,398.37
					0.00
STONYBROOK					
STONYBROOK OPERATING					
5924	06/12/18	ACT07	ACTION DATA SERVICES, INC.	326.01	8679
5925	06/12/18	AME	AMERICAN TIME RECORDER, INC	219.75	8686
5926	06/12/18	AME24	AMERICAN PAPER & SUPPLY CO	764.98	8686
5927	06/12/18	BER01	BERGEN MUNICIPAL EMP BNFT FUND	30.00	8686
5928	06/12/18	BOR18	BOROUGH OF HILLSDALE AGENCY	988.43	8686
5929	06/12/18	BRE01	BREEN CANVAS	13,750.00	8686
5930	06/12/18	GAL13	DIANE GALASSO	278.00	8686
5931	06/12/18	GAR01	GARBARINI & CO. P.C. (CORP)	2,000.00	8686
5932	06/12/18	GRI09	GRIFFIN, MARY	1,031.00	8686
5933	06/12/18	HUG03	HUGHES, PATRICIA	50.99	8686
5934	06/12/18	INS01	INSERRA SUPERMARKETS	182.52	8686
5935	06/12/18	KAP06	KAPLAN LANDSCAPING LLC	750.00	8686
5936	06/12/18	NAT03	NATIONAL TICKET COMPANY INC.	102.25	8686

5937	06/12/18	OPT02	OPTIMUM	292.78	8686
5938	06/12/18	PAS28	PASCACK PRESS	898.00	8686
5939	06/12/18	QUI05	QUIKTEKS LLC	3,549.50	8686
5940	06/12/18	RAI02	RAINFLOW SPRINKLER SYSTEMS INC	260.00	8686

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Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
STONYBROOK STONYBROOK OPERATING Continued					
5941	06/12/18	SEN02 SENTINEL FIRE SAFETY CORP	135.75		8686
5942	06/12/18	TRI15 TRISTATE CONCRETE FLOORING LLC	11,550.00		8686
5943	06/12/18	TRU01 TRUGREEN CHEMLAWN, INC.	435.00		8686
5944	06/12/18	ULT01 ULTIMATE SWIM SHOP INC	3,752.00		8686
5945	06/12/18	UNU01 UNUM LIFE INS CO OF AMERICA	4.20		8686
5946	06/12/18	WIL02 WILD RIDGE SALES & PROMO INC	1,374.39		8686
Checking Account Totals					
		Paid	Void	Amount Paid	Amount Void
	checks:	23	0	42,725.55	0.00

Direct Deposit:	0	0	0.00	0.00
Total:	23	0	42,725.55	0.00

SWIM CAPITAL STONYBROOK CAPITAL					
187	06/12/18	MAD05 MADAIO, MARK D, ESQ	57.00		8683
188	06/12/18	STA10 STATILE, CHRISTOPHER, P.A. (ESC)	620.00		8683

Checking Account Totals					
		Paid	Void	Amount Paid	Amount Void
	Checks:	2	0	677.00	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	2	0	677.00	0.00

Report Totals					
		Paid	Void	Amount Paid	Amount Void
	Checks:	158	7	3,010,695.93	110,878.47
	Direct Deposit:	0	0	0.00	0.00
	Total:	158	7	3,010,695.93	110,878.47

R18143 Resolution Authorizing the Reduction in the Performance Guarantee for 23 Ruckman Road
PULLED UNTIL THE JULY 10, 2018 MEETING

[R18144](#) Resolution Endorsing the Submission of a Joint Grant Application with the Borough of Woodcliff Lake to NJ Transit 5310 for Operating Project Costs – Senior Van

WHEREAS, the Mayor and Council of the Borough of Hillsdale, County of Bergen, State of New Jersey, along with the Mayor and Council of the Borough of Woodcliff Lake wish to submit a joint application to NJ Transit for Operating Project through the 5310 program for a Senior Van; and,

WHEREAS, the governing body of the Borough of Hillsdale and the governing body of the Borough of Woodcliff Lake wish to utilize monies from the Grant Program to initiate funding the Transportation Assistance Program in the Borough of Hillsdale and the Borough of Woodcliff Lake; now,

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Hillsdale Mayor and Council, that the Borough Administrator is hereby authorized to submit a joint application with the Borough of Woodcliff Lake to the NJ Transit 5310 Grant Program for Operating Project for a Senior Van.

[R18145](#) Resolution Approving the Purchase of One (1) 2018 Ford Police Interceptor Utility All Wheel Drive Base Vehicle from the State of New Jersey Cooperative Purchasing Program N.J.S.A, 40A:11-12a

WHEREAS, the Borough of Hillsdale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program and other approved Cooperative Purchasing Programs for any State or Cooperative Purchasing contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury and/or by the approve the Cooperative Purchasing Program; and

WHEREAS, the Borough of Hillsdale is a member of the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the Borough will purchase one (1) 2018 Ford Police Interceptor Utility, All Wheel Drive Base Vehicle for the Police Department in the amount not to exceed \$26,797.60 through the State Cooperative Purchasing Program in 2018 on Contract #A88728; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Hillsdale approves the Purchase of one (1) 2018 Ford Police Interceptor Utility, All Wheel Drive Base Vehicle from Winner Ford, Cherry Hill, New Jersey, \$26,797,60 in accordance with the State of New Jersey Cooperative Purchasing Program, Contract # A88728 valid March 6, 2015 through March 15, 2019.

[R18146](#) Resolution Approving the Purchase of Police Car Lights from the State of New Jersey Cooperative Purchasing Program N.J.S.A. 40A:11-12a

WHEREAS, the Borough of Hillsdale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program and other approved Cooperative Purchasing Programs for any State or Cooperative Purchasing contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury and/or by the approve the Cooperative Purchasing Program; and

WHEREAS, the Borough of Hillsdale is a member of the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the Borough will purchase police car lights and accessories for police vehicles through the State Cooperative Purchasing Program in 2018 on Whelen NJ State Contract #A81336; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Hillsdale approves the Purchase of police car lights for police vehicles from East Coast Emergency Lighting, Inc, 200 Mecco Drive Millstone Twp, 08535, for a total not to exceed \$14,315.95 in accordance with the State of New Jersey Cooperative Purchasing Program, Whelen NJ State Contract # A81336 valid May 1, 2012 through July 26, 2018.

[R18147](#) Resolution Authorizing the Signing of the Agreement with the Hillsdale Board of Education for Security Camera System Access – **THIS WAS PULLED AND TABLED UNTIL THE JULY 10, 2018 MEETING**

WHEREAS, the Hillsdale Board of Education has installed a computerized security camera system in each of its schools, which provides, among other things, real-time video feed through each installed cameral along with the current ability to access video recordings; and

WHEREAS, the Computerized Security Camera System is installed to enhance the safety of the school environment for both staff and students, as well as to protect the School Board’s property; and

WHEREAS, the Hillsdale Board of Education recognizes that when investigating violations of school rules and/or crimes committed on school property, or in emergency situations threatening the health and safety of its students and/or staff members, it is advantageous and/or necessary to involve the Hillsdale Police Department in such investigations or emergencies, requiring access to video recordings and/or live video feed; and

WHEREAS, the parties have agreed, or shall agree, to the terms and have created an Agreement whereby the Hillsdale Police Department shall have access to the Computerized Security Camera System on an as-needed basis; and

WHEREAS, the term of this agreement shall commence on April 25, 2018 and end on June 30, 2019 with an understanding that this agreement may be extended upon the agreement of both parties, in writing no later than June 1, 2019 and shall commence on July 1, 2019 and terminate on June 30, 2020 or as agreed to by each party.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Hillsdale, County of Bergen, State of New Jersey, that upon final agreement, Mayor Ruocco is hereby authorized to sign said Agreement with the Hillsdale Board of Education, and all other appropriate Borough professionals are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of said document.

[R18148](#) Resolution to Approve a Contract with Eastern Alliance LLC for the Upgrading of the Police Department Radio Receiver Antennas (Non-Fair & Open)

WHEREAS, the Borough of Hillsdale has a need to upgrade the antennas for the radio receivers for the Borough from Eastern Alliance LLC through a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, three (3) companies were requested to provide quotes with Eastern Alliance being the lowest quote;and

WHEREAS, Eastern Alliance LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Eastern Alliance LLC. has not made any reportable contributions to a political or candidate committee in the Borough of Hillsdale in the previous one year, and that the contract will prohibit Eastern Alliance LLC. from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale authorizes the Borough of Hillsdale to enter into a contract with Eastern Alliance LLC as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value will be placed on file with this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Borough of Hillsdale hereby retains Eastern Alliance LLC of 500 West Main Street, Suite 4, Wyckoff, New Jersey 07481 in the amount not to exceed \$34,288.14 to provide the upgrading of Radio Receiver Antennas on for the Borough; and

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute any and all documents with Eastern Alliance LLC to carry out the provisions of this Resolution.

[R18149](#) Resolution Appointing Community Development Representatives

WHEREAS, The Borough of Hillsdale has entered into a 3-year Cooperative Agreement for the Fiscal Years 2018, 2019, 2020 with the County of Bergen, Community Development Block Grant; and

WHEREAS, under Section a-1.b of said Agreement, there is the establishment of Committees consisting of two representatives from each participating municipality; and

WHEREAS, the Governing Body and the Chief Executive of each participating agency shall make one appointment each for the term July 1, 2018 to June 30, 2019; and

WHEREAS, alternates may be appointed in the same manner as set forth above and shall have the same powers in the absence of the designated representatives;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor hereby appoints:

Administrator as Regular CD Committee Member; and

John Ruocco as Alternate CD Committee Member

BE IT FURTHER RESOLVED, THAT THE GOVERNING Body hereby appoints:

Frank Pizzella as Regular CD Committee Member; and

Steven Segalas as Alternate CD Committee Member;

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Hillsdale that a certified copy of this resolution be forwarded to the County of Bergen, Community Development, One Bergen County Plaza, 4th Floor, Hackensack, NJ 07601.

[R18150](#) Resolution Authorizing Hunterdon County Education Services Commission – Cooperative Purchasing System Bid #HCESC-SER-11H – Tuff Greens, LLC

WHEREAS, the Borough of Hillsdale is a member of the Hunterdon County Education Services Commission and desires to use the Co-Op for tree trimming, pruning and removal services; and

WHEREAS, the Hunterdon County Education Services Commission Contract #HCESC-SER-11H, awarded to Tuff Greens, LLC, 926 Route 46 Kenvil, New Jersey 07847 for tree trimming, tree removal; and

WHEREAS, the Contract Period is for a one (1) year period beginning November 2, 2017 and ending November 1, 2018; and

NOW THEREFORE, BE IT RESOLVED, that the Borough of Hillsdale authorizes the services for as needed tree trimming, pruning and removal services through Tuff Greens, LLC, under the Hunterdon County Education Services Commission Contract #HCESC-SER-11H, in the contract amount not to exceed \$42,000.00.

[R18151](#) Resolution Approving the Purchase of One (1) 2019 Ford F450 4WD Reg Cab 145” WB Dump Truck from The State of New Jersey Cooperative Purchasing Program N.J.S.A. 40A:11-12a

WHEREAS, the Borough of Hillsdale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program and other approved Cooperative Purchasing Programs for any State or Cooperative Purchasing contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury and/or by the approve the Cooperative Purchasing Program; and

WHEREAS, the Borough of Hillsdale is a member of the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the Borough will purchase one (1) 2019 Ford F450 4WD Reg Cab 145” WB Dump Truck for the Department of Public Works through the State Cooperative Purchasing Program in 2018 on Contract #A88214; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Hillsdale approves the Purchase of one (1) 2019 Ford F450 4WD Reg Cab 145” WB Dump Truck from Beyer Ford, 170 Ridgedale Avenue, Morristown, New Jersey, in an amount not to exceed \$39,573.50 in accordance with the State of New Jersey Cooperative Purchasing Program, Contract # A88214 valid December 12, 2014 through December 11, 2018.

[R18152](#) Resolution Appointing Per Diem Code Compliance Inspector

WHEREAS, the Borough of Hillsdale has a need for a per diem Code Compliance Inspector; and

WHEREAS, Vincent Corrado has met all the requirements for the position of Per Diem Code Compliance Inspector for the Borough of Hillsdale; and

WHEREAS, the Borough desire to appoint Vincent Corrado to the position of Per Diem Per Diem Code Compliance Inspector at the Per Diem amount of \$20.00 per hour, effective June 19, 2018

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Hillsdale, County of Bergen, State of New Jersey, that Vincent Corrado, is hereby appointed as the per diem Code Compliance Inspector for the Borough of Hillsdale.

[R18153](#) Resolution to Authorize the Borough Clerk to Advertise for Sidewalk Improvements Along Piermont Avenue

WHEREAS, the Governing Body sees a need for sidewalk improvements along Piermont Avenue; and

WHEREAS, the Borough Administrator is hereby authorized to prepare bid specifications based on that need: and

BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale authorizes the Borough Clerk to advertise for Sidewalk Improvements along Piermont Avenue in the Borough of Hillsdale.

[R18154](#) Resolution to Approve the Plenary Retail Distribution License Renewal for Domani Grill (D/B/A Bensi of Hillsdale) For 2018-2019

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Distribution License Renewal Application for renewal approval for the license renewal term of 2018-2019;

Lic# 0227-33-001-007 Domani Grill 387 Washington Avenue
(D/B/A Bensi Hillsdale)

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

[R18155](#) Resolution to Approve the Plenary Retail Distribution License Renewal for Hillsdale Bottle King (T/A Bottle King Discount Liquors) For 2018-2019

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Distribution License Renewal Application for renewal approval for the license renewal term of 2018-2019;

Lic# 0227-44-003-006 Hillsdale Bottle King, Inc. 377 Washington Avenue
t/a Bottle King Discount Liquors

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

[R18156](#) Resolution to Approve the Plenary Retail Distribution License Renewal for Dynasty Chinese Restaurant Corp (T/A Golden Dynasty) For 2018-2019

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Distribution License Renewal Application for renewal approval for the license renewal term of 2018-2019;

Lic# 0227-33-002-004 Dynasty Chinese Restaurant 295 Kinderkamack Road

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

[R18157](#) Resolution to Approve the Plenary Retail Distribution License Renewal for Palisades Park Bar Liquor & Delicatessen Inc. (A/K/A Lou's Tavern) for 2017-2018

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Distribution License Renewal Application for renewal approval for the license renewal term of 2018-2019;

Lic# 0227-33-008-002 Palisades Park Bar Liquor & Delicatessen Inc. 74 Broadway
(A/K/A Lou's Tavern)

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

[R18158](#) Resolution to Approve the Plenary Retail Distribution License Renewal for Osso Buco LLC For 2018-2019

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Distribution License Renewal Application for renewal approval for the license renewal term of 2018-2019;

Lic# 0227-33-009-007 Osso Buco LLC 343 Broadway

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

[R18159](#) Resolution to Approve the Plenary Retail Distribution License Renewal for Shop Rite Liquors of Hillsdale for 2018-2019

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Distribution License Renewal Application for renewal approval for the license renewal term of 2018-2019;

Lic# 0227-44-005-008 Shop Rite Liquors of Hillsdale 371 Broadway

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

[R18160](#) Resolution to Approve the Plenary Retail Distribution License Renewal for 4 Palms LLC. (A/K/A The Cornerstone) of Hillsdale for 2018-2019

WHEREAS, The Municipal Clerk is submitting the following Plenary Retail Distribution License Renewal Application for renewal approval for the license renewal term of 2018-2019;

Lic# 0227-33-007-014 4 Palms LLC 84-88 Broadway

WHEREAS, The Mayor and Council of the Borough of Hillsdale, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk is hereby authorized to sign and deliver said license on behalf of the Borough of Hillsdale.

[R18161](#) Resolution Appointing an Animal Control Officer for the Borough of Hillsdale

WHEREAS, the Borough of Hillsdale is in need of an individual to perform the services of Animal Control Officer and Cruelty Investigator for the Borough of Hillsdale; and

WHEREAS, the Borough of Hillsdale has recommended the appointment of Police Officer Brian Considine as the Borough’s Animal Control Officer and Animal Cruelty Investigator; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hillsdale, County of Bergen and State of New Jersey that Police Officer Brian Considine is hereby appointed as the Animal Control Officer and Animal Cruelty Investigator for the Borough of Hillsdale for a period of one year commencing on June 12, 2018 and ending June 11, 2018.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Police Department for their records.

[R18162](#) Authorize the Borough Clerk to Advertise for Shade Tree and Stump Removal Services for Borough Property and Stonybrook Swim Club

WHEREAS, the Governing Body sees a need for Tree and Stump Removal Services for Borough Property and Stonybrook Swim Club; and

WHEREAS, the Borough Administrator is hereby authorized to prepare bid specifications based on that need: and

BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale authorizes the Borough Clerk to advertise for Tree and Stump Removal Services for the Borough of Hillsdale

[R18163](#) Resolution to Authorize the Borough of Hillsdale to Acquire and Accept Delivery of Equipment using the GSA (General Services Administration) Surplus Equipment Program

WHEREAS, the Federal Surplus Program allows certain nonfederal organizations to acquire surplus personal property from the federal government, free of charge, with paying only shipping and related costs; and

WHEREAS, in order for the Borough to participate, an application must be submitted to the Federal Surplus Property Program for eligibility; and

THEREFORE, BE IT RESOLVED that the Borough of Hillsdale Council authorize the Mayor to sign the application for eligibility in the Federal Surplus Property Program.

[R18164](#) Approval of Change Order # 3 – Final 2013 Central Avenue and Cross Street Improvements

WHEREAS, the Borough of Hillsdale has heretofore entered into a contract with J.J. Sinisi Asphalt Paving, for 2013 Central Avenue and Cross Street Improvements Program authorized by Capital Ordinance #13-05, contract awarded by R13079 and

WHEREAS, the special project engineer has recommended approval of the following change order:

Change Order No. 3	Final As-Built Quantities	-\$2,804.00
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NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Hillsdale, that the above-cited Change Order No. 3-Final decreasing the amount of the payment required under said contract by the sum of -\$2,804.00 to meet the Final Contract Amount of \$184,410.13, shall be and hereby is approved, and the Mayor is hereby authorized and directed to execute the same for and on behalf of the Borough of Hillsdale.

Borough Attorney stated that we are pulling Resolution 18143.

Council Member Segalas asked for R18147 and R18161 be pulled for separate vote.

Council President Pizzella asked for removal R18137 and R18152 for separate vote.

Borough Attorney said we could carry Resolution 18143 to the next meeting. He and the engineer are working out some final numbers and one has not been submitted.

Mayor Ruocco said he pulled 18137, R18147, R18152 and R18161 in addition to R18143. We will vote on all the others.

Motion by Council Member DeRosa, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members Lundy, Segalas, DeRosa, Horvath, Karcich, Council President Pizzella

Nays: None

R18137 Council President Pizzella said this is fine, he wanted another Resolution pulled. He asked that this be explained for the residents.

Mayor Ruocco said this is a resolution that is required under the agreement that we have with the Fair Share Housing Group where we state what our techniques will be to advertise and market our affordable housing opportunities.

Borough Attorney Madaio said it is a required part of our affordable housing settlement and have to not just create a reasonable opportunity for the construction of housing but we also should be attempting to be sure that housing is fairly marketed.

Council President Pizzella said when we are out there marketing Hillsdale as a place for affordable housing that they understand that it is a requirement of the state.

Motion to approve R18137 was made by Council Member Karcich, Second by Council President Pizzella.

Roll Call Vote:

Ayes: Council Members Segalas, Karcich, Lundy, DeRosa, Horvath, Council President Pizzella

Nays: None

R18147 Council Member Segalas asked that this be pulled and he will make a motion to table it and address this to the Council in Closed Session in terms of the agreement from his reading of it and wanted conversation before we adopt it and that our Borough Attorney review it very carefully.

Borough Attorney Madaio said he would be very happy to do so. We can discuss this in Closed tonight and the next meeting as well.

Council Member Segalas said he would like this discussed at the July meeting.

Borough Attorney Madaio said to table the Resolution would be fine and to carry it to the next Agenda.

Mayor Ruocco said this will be deferred to the next meeting.

R18152 Council President Pizzella said he pulled this to be sure he understands it. This individual is going to work part-time and per diem. Who is going to contact him when we need him?

Borough Administrator DeJoseph said he will but this will probably be Tuesday and Thursday when the Official is here.

Council President Pizzella said Hillsdale truly needs this.

Mayor Ruocco said we talked about this in the January Re-Org.meeting.(State of Borough Address)

Council President Pizzella said it is costly but he understands.

Mayor Ruocco said a cost is associated with this but you have to weight that with the greater compliance in town.

Motion to approve R18152 was made by Council President Pizzella, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members DeRosa, Horvath, Karcich, Lundy, Segalas, Council President Pizzella

Nays: None

R18161 Council Member Segalas said we have only had this in our possession for a few days and he would like to understand it better. We pay Tyco almost \$1500 per month and he wanted to understand the services provided.

Police Chief Francaviglia said Tyco picks up dead animals for enforcement of animal cruelty and the Bergen County Prosecutor's Office recommends a police officer be designated to this position for enforcement of that. There shouldn't be any cost. Each municipality has its own officer and needs to report back to the Prosecutor's Office annually.

Council Member Segalas said he withdraws the request that this Resolution be removed and moved for approval, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Council Members DeRosa, Horvath, Karcich, Lundy, Segalas, Council President Pizzella

Nays: None

OFF-CONSENT:

[R18165](#) Resolution Against the Referendum to Permit Woodcliff Lake to Withdraw from the Pascack Valley Regional High School District and Impose an Additional Tax Burden Upon the Tax Payers of Hillsdale

WHEREAS the Borough of Hillsdale, Township of River Vale, Borough of Montvale and Borough of Woodcliff Lake are the constituent municipalities of the Pascack Valley Regional High School District ("PVRHS") as a result of a referendum passed by the voters of those towns in 1951 to form a regional high school district; and,

WHEREAS the PVRHS is recognized as one of the best high school districts in the United States and State of New Jersey due to its comprehensive and academically challenging educational program; and,

WHEREAS the PVRHS exemplifies the benefit of regionalization and shared services by local government entities; and,

WHEREAS the PVRHS is funded by the four constituent municipalities pursuant to a tax apportionment formula established by statute that provides the regional school district shall be funded according to equalized property values; and,

WHEREAS Woodcliff Lake seeks to withdraw from the PVRHS, and the question will be presented to the voters on October 2, 2018; and,

WHEREAS if Woodcliff Lake is permitted to withdraw from PVRHS, it would have a destructive impact upon the academic and extracurricular offerings provided to the students of PVRHS, as well as a loss of staffing/teachers to address the decrease of funding; and,

WHEREAS if Woodcliff Lake is permitted to withdraw from PVRHS, it would result in an increase of taxes to the residents of Hillsdale, Montvale and River Vale and any disruption to the District could impact property values in the constituent districts; and,

WHEREAS the Borough of Hillsdale and the Township of River Vale have pursued all legal remedies to prevent any disruption to PVRHS; and,

WHEREAS a date for a special election has been set for October 2, 2018 to permit the voters of Hillsdale, River Vale, Montvale and Woodcliff Lake to decide whether Woodcliff Lake should be permitted to withdraw from PVRHS;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council for the Borough of Hillsdale oppose any and all efforts by the Borough of Woodcliff Lake to withdraw from PVRHS because it would cause a significant disruption to the PVRHS, result in a reduction of educational offerings and extracurricular activities and impose a tax burden upon the taxpayers of Hillsdale.

BE IT FURTHER RESOLVED that the appropriate remedy would be a change in law regarding the statutory funding formula for regional school districts rather than attempting to withdraw from the school district and shift the financial burden to the taxpayers of the remaining constituent districts.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to the Mayor and Council in River Vale, Woodcliff Lake and Montvale, as well as the Boards of Education in Hillsdale, River Vale, Woodcliff Lake, Montvale and PVRHS.

Motion to adopt by Council Member DeRosa, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Council Members DeRosa, Horvath, Karcich, Lundy, Segalas, Council President Pizzella

Nays: None

[R18166](#) Resolution Approving the Mayor to sign the Developers Agreement with John C. Paterno in regards to Block 1205 Lot 8 – 273 Broadway

WHEREAS, the Hillsdale Planning Board, on May 11, 2017 approved the application presented by John C. Paterno with respect to Block 1205, Lot 8; and

WHEREAS, pursuant to that approval the applicant shall enter into a Developer's Agreement as prepared by the Planning Board Attorney with the Borough of Hillsdale to ensure compliance with the terms and conditions of the Planning Board Resolution; and

WHEREAS, the form of the Developer's Agreement is satisfactory to the Mayor and Council for consideration; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is authorized to execute this agreement on behalf of the Borough.

Mayor Ruocco said he would like to table this until he can ascertain that the Planning Board has passed this. There is no signature on the document and he is the first to sign.

Attorney Madaio said the Developers Agreement has been prepared and he believes it is acceptable to the Board. You don't have to sign, you can be the last person to sign but he said this property has received some activity and to see this move along, we should be in the position to sign it.

Council President asked if we could pass it with the understanding that the Mayor has to be determined that it has been approved.

Borough Attorney Madaio said we are signing the Developers Agreement, we don't necessarily care who the developer is and we can't favor one person over another; we don't necessarily have to sign it but it would be nice if you have the ability to sign it in this long stretch of time.

Engineer Statile said he did not believe the Developers Agreement was signed, it was discussed but he does not recall that it has been executed.

Attorney Madaio was not sure the Planning Board agenda matters to us. The Planning Board Counsel prepared the Developers Agreement and all this Resolution does is authorize the Mayor to sign it in the normal course of business and that includes waiting until we get Planning Board's signature, that is fine.

Mayor Ruocco said that he has not received previously any Developers Agreement to sign. He withdrew his objections.

Motion to adopt by Council Member DeRosa, Second by Council President Pizzella.

Roll Call Vote:

Ayes: Council Members Segalas, DeRosa, Horvath, Karcich, Lundy, Council President Pizzella

Nays: None

COUNCIL COMMENTARIES:

Council Member Lundy congratulated Anthony Maalouf on his retirement and the Cadets who keep our community safe. She attended the award ceremony on June 7 and there were over 200 awards given out to 120 seniors and shows how good our community is.

Council Member Segalas seconded Council Member Lundy's comments.

Council President Pizzella congratulated Mr. Maalouf and thanked the Cadets and all employees and volunteers. He thanked everyone who worked on the Memorial Day Parade. He sat on the Finance Committee meeting a few times and he feels it is the worst job. He works for a trust and they don't use their own money, they use other people's money. He doesn't have to make difficult decisions that the people on the Finance Committee have to make for this town dealing with \$12 or \$13 million dollars. It was beyond difficult to create a budget to keep a tax increase at a minimum. We have Woodcliff Lake looking to leave the district and that is going to be a major hit. Our infrastructure is falling apart, our services are more and more expensive, property values are down, fields in horrible condition, garbage trucks are back, the down town looks shabby and all the towns around us are moving forward. He encouraged the residents complaining about the fields to get informed about Waste Management. There is no sense in fixing fields if we are going to be a garbage dump for the rest of Pascack Valley. The best way is to get areas that are underutilized and increase town's assets by revitalization. The only way to redevelop an opportunity in Hillsdale is to get rid of Waste Management. If we don't get them out of our town we won't be able to afford anything. We have to borrow in a smart way and we have to have a payback plan and how can we pay back when we have the same amount of income. If you live in this town get informed why we are looking to get rid of Waste Management and start to write our legislators because they are the ones who could possibly help us. Your voice needs to be heard at the BCUA and the DEP. He asked the residents to help us in our efforts with Waste Management as well as keeping Woodcliff Lake in the District.

Council Member DeRosa agreed with Council President Pizzella that the economic development plan does carry our best chance for increased revenue and decreased taxes. He thanked Tony Maalouf for his service to the Borough and was thankful for the crash program presented at the high school. Hopefully it impacted our high schoolers to make good choices. The withdrawal of Woodcliff Lake impacts all residents because it impacts our quality of life and our property values as well. It is not the quality of the education but the cost they have to pay. Woodcliff Lake was granted their petition to withdraw from the regional district. There will be a vote on October 2 between the hours of 2PM and 8PM. We believe Woodcliff Lake's intent is very short sighted; our school systems are one of the biggest reasons come here to settle and keeps our property values high. If Woodcliff Lake leaves the district, we will have a destabilizing effect on one of the best school systems in the region. Voter turnout is going to be very important and we want raise awareness of the issue.

Council Member Horvath commended Council President Pizzella or the statements he made and also with Council Member DeRosa.

Council Member Karcich thanked Anthony Maalouf; he was very instrumental in getting PSE&G to train in the building before it was ripped apart. It was a great training period. He thanked the Cadets and was happy that we have the Code Compliance Inspector.

Mayor Ruocco said he appreciates Tony Maalouf's effort that he has put in over the years and welcomed the new Cadets and thanked them for their willingness to volunteer. He agreed with Council President Pizzella on Waste Management and with Council Member DeRosa. This also applies to the behind the scenes we are working on relating to Woodcliff Lake (withdrawing from PVRHS District) with our attorneys. He thanked everyone who helped organize the Memorial Day Parade. He expressed his sorrow at the passing of Mrs. Beverly Rosenstein.

ADJOURN TO CLOSED SESSION:

[R18167](#)

To provide for a meeting not open to the public in accordance with the provisions of the New

WHEREAS, the Borough Council of the Borough of Hillsdale is subject to certain requirements of the Open Public Meetings Act N.J.S.A. 10:4-6 et seq; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Borough Council of the Borough of Hillsdale to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12(b) and designated below:

(1) Matters required by law to be confidential.

(2) Matters where the release of information would impair the right to receive funds.

(3) Matters involving individual privacy –

(4) Matters relating to collective bargaining - *Personnel*

(5) Matters relating to the purchase, lease or acquisition of real property or the investment of public funds.

(6) Matters relating to public safety and property.

(7) Matters relating to litigation, negotiations and the attorney-client privilege – *Solid Waste Contract,*

Demarest Farms, Habitat for Humanity, Waste Management, Library, PVRHS/Woodcliff Lake, Shared Services

(8) Matters relating to the employment relationship – *Personnel*

(9) Matters relating to the potential imposition of a penalty.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Hillsdale assembled in public session this date that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

Motion by Council Member DeRosa, Second by Council Member Lundy, and unanimously carried.

RECONVENE REGULAR MEETING:

Motion to reconvene by Council Member Karcich, Second by Council Member DeRosa, and unanimously carried.

[18-19 – \(Introduction\)](#)

PROPERTY DONATION TO HABITAT FOR HUMANITY

WHEREAS, Block 717, Lot 7 on Hillsdale’s Tax Maps, commonly known as 2 Chestnut Street (“the Property”) is a vacant parcel of land owned by the Borough of Hillsdale; and

WHEREAS, the there is no intent on the part of the Borough to develop the Property; and

WHEREAS, the Borough of Hillsdale is of the opinion that the Property is not necessary for public use and public interest will best be served by donating the Property, and releasing and extinguishing any and all public rights which the Borough of Hillsdale may have in the Property; and

WHEREAS, the Borough wishes to donate the Property to Habitat for Humanity, Bergen County, a non-governmental, and nonprofit organization, whose mission is to provide decent, affordable homes for hard-working Bergen County families; and

WHEREAS, Habitat For Humanity of Bergen County wishes to accept said donation.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Hillsdale, County of Bergen, State of New Jersey, as follows:

1. The donation of Block 717, Lot 7, also known as 2 Chestnut Street, to Habitat for Humanity of Bergen County is hereby authorized pursuant to N.J.S.A. 40A:17-71, et seq.

2. The Mayor and Clerk are hereby authorized and directed to execute any and all documents necessary and proper to effectuate the donation of said property, as may be reviewed and approved by the Office of the Borough Attorney.

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

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

This Ordinance shall take effect upon passage and publication as provided by Law.

BE IT RESOLVED, that Ordinance No. 18-19 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillsdale Avenue, Hillsdale, New Jersey, on July 10, 2018 and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Ridgewood News once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Motion by Council Member DeRosa, Second by Council Member Karcich.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Lundy, Karcich, Segalas, Horvath, Council President Pizzella

Nays: None

[R18168](#) Resolution Authorizing the Borough Clerk to Advertise for Bids to Provide a Non-Exclusive Lease to Permit Parking in the Borough Owned “West Lot” (Block 1105 Lot 2) on Saturdays and Sundays during the months of September and October 2018

WHEREAS, the Borough of Hillsdale maintains a parking lot within the Borough which is more commonly known as the “West Lot” for public parking purposes: and

WHEREAS, The Governing Body desires to Lease the “West Lot” to persons interested in securing parking on Saturdays and Sundays in the months of September and October, 2018;

WHEREAS, any such Lease will require public bidding and full compliance with the Local Public Contract’s Law (NJSA 40A:11-1, et seq.)

NOW THEREFORE, BE IT RESOLVED, the Borough Clerk is authorized to prepare bid documents and advertise for bids for the non-exclusive use of the Borough owned “West Lot” located at 425 Hillsdale Avenue; Block 1105 Lot 2 for parking on Saturdays and Sundays only during the months of September and October, 2018.

NOW THEREFORE, BE IT RESOLVED, that all such bid documents shall specify that there is Two-Hundred (\$200.00) minimum bid price per day, but other conditions that in the determination of the Borough Staff and Professionals is required.

Motion by Council Member DeRosa, Second by Council Member Lundy,

Roll Call Vote:

Ayes: Councilmembers DeRosa, Lundy, Karcich, Segalas, Horvath, Council President Pizzella

Nays: None

[R18169](#) Resolution Authorizing the Borough Clerk to Advertise Bids Regarding the Collection of Solid Waste and Recycling Services

WHEREAS, the Borough of Hillsdale sought public bids for the Collection of Solid Waste and Recycling Services on December 1, 2017; and

WHEREAS, two responsive bids were received from Buldo Sanitation and Gaeta Recycling and said bids were publicly opened on February 6, 2018, in compliance with the Open Public Contracts Law, and

WHEREAS, Buldo Sanitation submitted the lowest responsible bid and was awarded the contract for Solid Waste and Recycling Services on February 13, 2018; and

WHEREAS, Gaeta Recycling appealed said contract award to the Superior Court of New Jersey; and

WHEREAS, the Court determined that the Borough should re-undertake the bid process for the collection of the Borough's solid waste and recycling services; and

WHEREAS, there is a need to publicly re-advertise for bidders for these services and to re-undertake the bidding process in its entirety.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Hillsdale, County of Bergen, State of New Jersey, that the Borough Clerk is hereby authorized to advertise for Bids regarding the collection of solid waste and recycling services.

Motion by Council Member Karcich, Second by Council Member Lundy.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Lundy, Karcich, Segalas, Horvath, Council President Pizzella

Nays: None

[R18170](#) Resolution Extending Emergency Solid Waste contract to December 2018 with Gaeta Recycling

WHEREAS, the Borough of Hillsdale sought public bids for the collection and disposal of Garbage, Recycling and Refuse commencing on April 1, 2018; and

WHEREAS, the Borough received two bids for said services from Gaeta Recycling Services, Co., Inc. ("Gaeta"), and Buldo Container Services, Inc. ("Buldo"); and

WHEREAS, upon review it was determined that Buldo was the lowest responsible bidder and the contract for the collection and disposal of municipal Solid Waste was awarded to Buldo; and

WHEREAS, Gaeta has filed an action in the Superior Court of New Jersey challenging the aforesaid award of the contract to Buldo, which matter may take some period of time prior to the Court rendering a determination in the matter; and

WHEREAS, Gaeta held the current contract for the collection and disposal of municipal Solid Waste which expired on March 31, 2018; and

WHEREAS, Gaeta had extended their services to the Borough of Hillsdale at a rate of \$42,500.00 per month, which includes vegetative services, for the months of June, 2018, July, 2018 and August 2018; and

WHEREAS, Gaeta is willing to extend their services to the Borough of Hillsdale at the rate of \$42,500.00 per month, which includes vegetative services, for the months of September, 2018, October, 2018 and at the rate of \$40,000.00 for November 2018; and

WHEREAS, Borough of Hillsdale desires to sign an Agreement with Gaeta accepting the proposal, as outline above, not to exceed \$125,000.00; and

WHEREAS, the Borough makes the within Resolution on an emergent basis in order to assure the public health, safety and welfare; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale, County of Bergen, State of New Jersey hereby authorizes Mayor John Ruocco to sign; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale, Bergen County, New Jersey, that Mayor John Ruocco is hereby authorized to sign said Agreement for emergency services with Gaeta Recycling Co., Inc.

Motion by Council Member Karcich, Second by Council Member DeRosa.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Lundy, Karcich, Segalas, Horvath, Council President Pizzella

Nays: None

[R18171](#) Resolution Authorizing the Mayor to Response to a Grievance

WHEREAS, a Grievance dated May 25, 2018 was filed by Hillsdale PBA Local #207 (“Grievance”); and

WHEREAS, the Grievance commenced to Step 3 of the Grievance process; and

WHEREAS, at Step 3 or the process, the Grievance was provided to the Governing Body in order to respond to said Grievance; and

WHEREAS, the Mayor and Council wish to respond to the Grievance at Step 3 of the Grievance process and to ratify the actions of the Mayor in denying the Grievance as submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale that the actions of the Mayor on behalf of the Borough in responding to and denying the Grievance at Step 3 be and are hereby ratified and approved; and

BE IT FURTHER RESOLVED that the Mayor, the Borough Administrator, and the Labor Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Motion by Council Member DeRosa, Second by Council Member Karcich.

Roll Call Vote:

Ayes: Councilmembers DeRosa, Lundy, Karcich, Segalas, Horvath, Council President Pizzella

Nays: None

ADJOURNMENT:

Motion to adjourn by Council Member Horvath, Second by Council Member Lundy, and unanimously carried.

THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE

June 19, 2018 6:00 pm

Denise Kohan, Municipal Clerk

APPROVED AS PRESENTED

Denise Kohan, Municipal Clerk