

MINUTES
Council Meeting
Monday, May 24, 2010
8:00pm

CALL THE MEETING TO ORDER

Council President Jasionowski called the meeting to order at 8:00pm in the Council Chambers located at 406 Rivervale Road, River Vale, New Jersey 07675.

SALUTE TO FLAG

Council President Jasionowski asked all in attendance to rise and join him in a Salute to the Flag.

SUNSHINE LAW STATEMENT

Council President Jasionowski read the Sunshine Statement into the record, as follows:

“In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the Municipal Office.”

ROLL CALL

Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski were present. Councilman Matos was absent.

Also present: Robert Gallione, Business Administrator, Holly Schepisi, Township Attorney, Gennaro Rotella, CFO, Christopher Statile, Engineer, and Karen Padva, Township Clerk.

TOWNSHIP COMMUNICATION

1. Council Comments

Councilman de Stefan commented that he walked through the new shopping center and it's very nice and there's plenty of parking.

Councilwoman Sieg reminded everyone of the Memorial Day Parade and thanked Council President Jasionowski for originally coming up with the idea to have an EMS Park. Councilwoman Sieg also thanked the Administration, Mayor, the Engineer and the head of the DPW for their support during this project. She added that the second part of the park should be completed by the beginning of the fall. The Parade is going to be outstanding and she is very appreciative of the Towns' support and generous donations. Councilwoman Sieg also reported that she recently had the pleasure of meeting Mr. Deer, a resident, who is donating trees and other plants from his yard for both the Giordano Playground and EMS Park.

Councilman Bromberg has been watching the Park develop and is looking forward to the seeing the finished product at the Memorial Day Parade. Councilman Bromberg added that the Park is a great addition to River Vale.

*****Mayor Blundo Arrived at 8:05pm*****

Council President Jasionowski commented that he very pleased to see a park for our EMS. He has seen Rich, Chris, Denise and Bob all pulling together to make this park beautiful as it is now and for future generations. The Council President especially thanked Denise for making this idea better than it ever could have been.

Council President Jasionowski also reported that this past Saturday was the 100th Anniversary Firemen's Parade in Allendale. Fire Departments from New York and New Jersey compete; and River Vale did very well. The Tower Ladder 59 placed 1st, the Ladies Auxiliary placed 1st, the Cadets and Juniors finished in 1st place, and our Fire Fighters marching in uniform placed in 1st. In addition the Fire Chief's car placed in 2nd and for best overall department River Vale came in 3rd place. Great job!

2. Mayor’s Comments

The Mayor reported that we are monitoring what happens at the golf course very carefully to make sure it is never built on. He wanted to reassure the public that it stays a golf course.

Mayor Blundo also reported on several active fires, one in Hillsdale, where River Vale provided mutual aide. The Mayor added that you can really appreciate the equipment and training of our Fire Department.

Council President Jasionowski introduced Francesca Puleo, the owner of Francesca’s Pizza. Mayor Blundo then presented Mrs. Puleo with a “Life Saving Award” for when she administered the Heimlich maneuver that saved a child’s life who was choking.

COMMENDATION

FRANCESCA PULEO

“Life Saving Award”

May 24, 2010

Francesca Puleo has distinguished herself and her family for her quick response and timely application of the life saving technique called the Heimlich maneuver that resulted in the saving of 2 year old Karen Navas’s life.

Mrs. Puleo commented that the responding officer did a wonderful job and demonstrated such compassion to the child and family; it was a testimony to both him and the Police Department. Council President Jasionowski reported that the responding officer was Chris Bulger.

Business Administrator’s Report

Mr. Gallione reported that there is new collection of artwork in the Town Hall from resident Mrs. Herat Sommerhoff. Ms. Sommerhoff is also offering her time and talent to do a presentation for the children in the summer camp program. He also reported that the County Department of Health is offering Hepatitis B vaccinations. Mr. Gallione concluded by reading through the schedule of events on Memorial Day.

Township Engineer’s Report

Mr. Statile reported that the interim planting, mulching and sod at the EMS Park is close to completion. He is recommending rejecting and re-bidding the Bike Path bids. Regarding the Rivervale Road stability project; the County is moving forward with the restoration of the embankment. Mr. Statile concluded with comments on Alexander Field; it has come a long way and will be ready for ball play.

HEARING OF THE PUBLIC

Motion by Councilman Bromberg; seconded by Councilman de Stefan to open the meeting to the public.

Council President Jasionowski read the following statement into the record.

“Each person wishing to address the Council shall step up to the microphone, shall give his or her name in an audible tone for the record. All member of the public are expected to conduct themselves in a proper manner. Any derogatory, abusive or threatening statements will

not be permitted. The Chair will immediately rule such conduct out of order and terminate any further comments.”

Paul Greco – 243 Collignon Way – requested permission for a sidewalk sale to be held on July 17th. All proceeds will be donated to the resident receiving the liver transplant. The Mayor asked Mr. Greco if he had spoken to the Police Department. Mr. Greco answered that he wanted to speak to the Council first. There were also questions regarding insurance.

Mr. Greco explained that there would be flea market vendors who would be charged \$50.00 a spot. The Council unanimously supports the idea; Mr. Greco added that no food vendors were coming in.

Jim Hanna – 381 Sunset – thanked the administration for the donation of the old fire sirens which were given to a town in Massachusetts. Mr. Hanna also commented on the way Rockland County paves their roads; these methods are less expensive.

Joe Massin – 68 Holiday Court – Mr. Massin requested an update the Pascack Valley Hospital, the breakup of the high school district and the possibility of building up the berms for the trees on Piermont.

Rich Campanelli answered the County will not do anything regarding the trees. Mayor Blundo answered that there is no change with regard to the hospital; even though Governor Christie did make a campaign promise. The Mayor also answered that the Regional Board of Education is placing a question on the ballot asking if you want to change the funding formula. Mayor Blundo stressed that people need to get out and vote.

There being no questions or comments from the public; motion by Councilman Bromberg; seconded by Councilwoman Sieg to close the meeting to the public.

The Council then discussed the Stackpole residence and their proposed retaining wall. The Council had no concerns; Mr. Statile stated that he is concerned about the Township’s liability. Holly Schepisi will look into this as well and the Mayor requested that Chris Statile does the same.

RESOLUTIONS

Motion by Councilman Bromberg; seconded by Councilwoman Sieg to approve Resolution #2010-160 as follows:

Resolution #2010-160

RESOLUTION APPROVING THE MINUTES OF THE April 26, 2010 COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the April 26, 2010 Council meeting are hereby approved.

ROLL CALL VOTE

Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman de Stefan abstained and Councilman Matos was absent.

Motion by Councilman de Stefan; seconded by Councilwoman Sieg to approve Resolutions #2010-161 through #2010-176 on Consent Agenda, as follows:

Resolution #2010-161

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH PASCACK MENTAL HEALTH CENTER

WHEREAS, the Township of River Vale is desirous to enter into an agreement with the Pascack Mental Health Center, with offices located at 114 Kinderkamack Road, Park Ridge, New Jersey;

WHEREAS, the Pascack Mental Health Center is a non-profit, community supported facility that offers a broad range of services for individuals with emotional difficulties;

WHEREAS, the terms and conditions of the agreement are on file in the Clerk's office;

WHEREAS, said agreement has been approved by the Township Attorney;

NOW THEREFORE BE IT RESOLVED that they Mayor is hereby authorized to sign an agreement with the Pascack Mental Health Center.

Resolution #2010-162

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE COUNTY OF BERGEN FOR EMERGENCY SERVICES NOTIFICATION SYSTEM

WHEREAS, there exists a need for the County of Bergen, Office of Emergency Management, Department of Public Safety to provide an automated telephone alerting system service (hereinafter called "system) to be available 24 hours a day; seven (7) days a week, and all days per year to seventy (70) Municipalities comprising the County of Bergen; and

WHEREAS, the Bergen County Board of Chosen Freeholders adopted Resolution No. 506 on April 7, 2010, authorizing the County to award a purchase contract to C3: Citizen Communication Center, 548 Franklin Avenue, Nutley, New Jersey 07110 (hereinafter known as the "service provider") to provide the above referenced system to those municipalities so desiring; and

WHEREAS, the Municipality wishes to utilize such a system for the benefit of its citizens; and

WHEREAS, an agreement is necessary to delineate the respective responsibilities of the parties in connection therewith; and

WHEREAS, the County shall pay 100% of the cost of initial installation, testing, and training of the system and 100% of the cost of the annual maintenance, testing and training of the system, 100% of the call fees for emergency calls using municipally-provided lists; and

NOW, THEREFORE, BE IT RESOLVED, that the municipality be and is hereby authorized to enter into an Agreement with the County of Bergen to utilize an automated telephone alerting system service at any time during the County's contract period with the service provider (April 7, 2010 through April 6, 2010) with an option for one (1) additional year; and

BE IT FURTHER RESOLVED, that the Mayor of the municipality be and is hereby authorized to execute said Agreement in a form to be approved by the municipal attorney.

Resolution #2010-163

RESOLUTION AUTHORIZING THE MAYOR TO SIGN SEWER EXTENSION PERMIT FOR BLUE HILL ESTATES (ABBE COURT SUBDIVISION)

WHEREAS, Blue Hill Estates is required to obtain municipal consent of the Mayor and Council for a sewer extension permit for the Abbe Court Subdivision; and

WHEREAS, the Township Engineer has reviewed and approved said permit;

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the sewer extension permit for the Blue Hill Estates Abbe Court Subdivision.

Resolution #2010-164

RESOLUTION TO REJECT AND RE-ADVERTISE BIDS FOR THE BIKE PATH IMPROVEMENTS PROJECT

WHEREAS, the Township received bids for the Bike Path Improvements Project on May 13, 2010; and

WHEREAS, the Township Engineer has determined that there needs to be a change in the Scope of Work for this project;

NOW THEREFORE BE IT RESOLVED, that the bids for the Bike Path Improvements project are hereby rejected.

BE IT FURTHER RESOLVED, that the Township Clerk is hereby authorized to re-advertise for the receipt of bids for the above mentioned project.

Resolution #2010-165

RESOLUTION AUTHORIZING NOT TO EXCEED LIMITATIONS TO THE ENGINEERING FIRM OF CHRISTOPHER P. STATILE FOR THE DESIGN AND CONSTRUCTION MONITORING INSPECTION SERVICES FOR THE EMERGENCY SERVICES PARK IMPROVMENTS PROJECT—PHASE II

BE IT RESOLVED, by the Township Council of the Township of River Vale that limitations in an amount not to exceed \$12,100.00 be authorized for design services of the engineering firm of Christopher P. Statile for the Emergency Services Park Improvements Phase II; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that limitations not to exceed \$6,750.00 be authorized for the part-time construction monitoring inspection services of the engineering firm of Christopher P. Statile for the above mentioned project are hereby approved.

Resolution #2010-166

RESOLUTION APPROVING ESTABLISHING OF A GREEN TEAM

WHEREAS, the Township Council of the Township of River Vale wishes to build a model government which benefits our residents now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, in an attempt to focus attention on “Green” issues, the Township Council wishes to establish a Green Team Advisory Committee (GTA); and

WHEREAS, the Township Council of the township of River Vale wants to begin the process of focusing on “Green” issues by starting with audits of municipality facilities and operations first.

WHEREAS, the Township Council of the Township of River Vale has appropriated “seed money” in their 2011 budget to begin the process of making its operation greener, and more environmentally friendly beginning with energy audits of the Township’s facilities to pinpoint the most effective ways to reduce energy consumption; and

WHEREAS, solar power, changes to fleet purchasing and maintenance, water quality improvements, and operational changes will be considered as the Township moves to do their share to lessen the environmental impact of its operations.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of River Vale that we do hereby establish a Green Team Advisory Committee consisting of eight members who shall be residents or employees of the Township of River Vale, appointed annually, but whose term shall be through December 31, 2010.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that the Mission, Goals and Objectives for the GTA through December 31, 2011 are established as follows:

Mission

The Township of River Vale Green Team Advisory Committee will advise the Township Council on ways to improve municipal operations with “Green” initiatives which are economically and environmentally sound through research and evaluation.

Goals

Submit a report and recommendations to the Township Council by January 1, 2011 to include:

1. An audit of municipal facilities
2. An evaluation of municipal fleet vehicles
3. A report of suggested best practices for “greener” municipal operations

Objectives

- 1 Collaborate with Township employees, services providers and other governmental agencies to share information and ideas consistent with the Mission of the GTA
2. Encourage participation of all employees to solicit ideas on green initiatives.
3. Research and analyze green initiatives which make practical environmental and financial sense.
4. Develop strategies for sustainable green initiatives in municipal operations.

NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Council of the Township of River Vale that the following persons are hereby appointed to the GTA for the remainder of 2010:

<u>Name</u>	<u>Position</u>	<u>Representative</u>
Maria Blundo	Regular Member	Environmental Committee
Rich Campanelli	Regular Member	Superintendent of Public Works
Mark Ericksen	Regular Member	Environmental Committee
Robert J. Gallione, Jr.	Regular Member	Administrator
Ron Manke	Regular Member	Environmental Committee
Joseph Massin	Regular Member	Environmental Committee
Gennaro Rotella	Regular Member	Chief Financial Officer
Ada Vassallo	Regular Member	Citizen Representative

Resolution #2010-167

RESOLUTION AUTHORIZING THE MAYOR TO SIGN COUNTY SNOW PLOWING AGREEMENT FOR 2010-2012

WHEREAS, the Board of Chosen Freeholders of the County of Bergen is authorized by N.J.S.A. 27:16-33, to cause snow to be plowed from the County owned or County controlled roads; and

WHEREAS, it is the desired plan of the County to employ the services of the Township of River Vale for snow plowing operations on County roads located within the Township of River Vale;

NOW THEREFORE BE IT RESOLVED by the Council of the Township of River that the Mayor is hereby authorized to sign the above mentioned agreement.

Resolution #2010-168

RESOLUTION AUTHORIZING THE MAYOR TO SIGN DEVELOPER’S AGREEMENT WITH 7-ELEVEN, INC.

BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign Developer’s Agreement with 7-Eleven, Inc.

Resolution #2010-169

RESOLUTION APPROVING THE AMENDED RAFFLE LICENSE FOR VALLEY HOSPITAL AUXILIARY—50/50 ON PREMISES RAFFLE

BE IT HEREBY RESOLVED, that the following license to conduct an on premises raffle be issued to:

NAME: Valley Hospital Auxiliary
223 N. Van Dien Avenue
Ridgewood, NJ 07450

LOCATION OF RAFFLE: Valley Brook Golf Club
15 Rivervale Road
River Vale, NJ 07675

DATE OF RAFFLE: June 9, 2010 6:00pm

I.D. #: 420-4-00375

RAFFLE LICENSE: RL A-333

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Resolution #2010-170

RESOLUTION APPROVING THE AMENDED RAFFLE LICENSE FOR VALLEY HOSPITAL AUXILIARY—TRICKY TRAY

BE IT HEREBY RESOLVED, that the following license to conduct an on premises raffle be issued to:

NAME: Valley Hospital Auxiliary
223 N. Van Dien Avenue
Ridgewood, NJ 07450

LOCATION OF RAFFLE: Valley Brook Golf Club
15 Rivervale Road
River Vale, NJ 07675

DATE OF RAFFLE: June 9, 2010 12:00pm 10:00pm

I.D. #: 420-4-00375

RAFFLE LICENSE: RL A-334

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Resolution #2010-171

REFUND OF TAX OVERPAYMENTS

WHEREAS, tax overpayments have been received for the second (2nd) quarter of 2010, and the property owners have requested a refund of said tax overpayments;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale, that the Chief Financial Officer is hereby authorized to issue a municipal checks as follows:

1. Block 407, Lot 8
805 Winding Way
\$2,559.62

3. Block 606, Lot 13
679 Handweg Drive
\$4,588.25

First American Real Estate Tax Services
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887

First American Real Estate Tax Services
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887

2. Block 511, Lot 13
581 Dorchester Dr
\$3,359.99

4. Block 1301, Lot 12
577 Piermont
\$710.59

First American Real Estate Tax Services
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887

First American Real Estate Tax Services
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887

5. Block 302, Lot 30
3 Hoiem Court
\$1,020.15

10. Block 504, Lot 1
769 Drake Lane
\$218.29

Oritani Savings & Loan Assoc.
370 Pascack Road
Township of Washington, NJ 07676

Wendy Girard
769 Drake Lane
River Vale, NJ 07675

6. Block 1709, Lot 26
544 Central Avenue
\$ 2,458.30

11. Block 807, Lot, 3
568 Thurnau Drive
\$2,697.23

Bogota Savings Bank
619 Teaneck Road
Teaneck, NJ 07666

Makrem & Saloua Boumlouka
568 Thurnau Drive
River Vale, NJ 07675

7. Block 406, Lot 6
571 Stellman Dr
\$1,967.58

BAC Tax Services
1757 Tapo Canyon, Ste 300
Simi Valley, CA 93063
ATTN: Cash Management

8. Block 2004, Lot 13
70 Hoffman Ct
\$598.28

Anthony & Mary Yorrio
70 Hoffman Ct
River Vale, NJ 07675

9. Block 801, Lot 12.11
611 Peterson Farm Ct
\$270.00

Joseph S & Janet N Sison
611 Peterson Farm Ct
River Vale, NJ 07675

Resolution #2010-172

**RESOLUTION OF SUPPORT FROM THE TOWNSHIP COUNCIL
AUTHORIZING THE SUSTAINABLE JERSEY GRANT BY WAL-MART**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of River Vale strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of River Vale is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart;

THEREFORE, the Township Council of the Township of River Vale has determined that the Township of River Vale should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Township Council of the Township of River Vale, State of New Jersey, authorizes the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart.

Resolution #2010-173

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN DEVELOPER’S
AGREEMENT WITH PASCACK HILLS PROPERTIES V, LLC**

BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign Developer’s Agreement with Pascack Hills Properties V, LLC

Resolution #2010-174

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN SALES AGREEMENT
AND MAINTENANCE AGREEMENT WITH STEWART BUSINESS SYSTEMS
AND LEASE WITH OPTION TO PURCHASE AGREEMENT WITH
MUNICIPAL CAPITAL CORPORATION**

BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the above mentioned agreement.

Resolution #2010-175

RESOLUTION FOR PAYMENT OF BILLS

BE IT RESOLVED by the Township Council of the Township of River Vale, County of Bergen, State of New Jersey, that the Business Administrator be, and hereby is authorized to pay the following claims:

CURRENT ACCOUNT claims in the amount of:	\$ 105,777.73
TRUST ACCOUNT claims in the amount of:	\$ 134.36
ANIMAL TRUST ACCOUNT claims in the amount of:	\$ 19.80
RESERVE CURRENT ACCOUNT claims in the amount of:	\$ 4,150.11
RESERVE OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$ 717.96
APPROPRIATION RESERVE ACCOUNT claims in the amount of:	\$ 2,696.00
PRIVATE DUTY ESCROW ACCOUNT claims in the amount of:	\$ 13,000.70
HOUSING TRUST ACCOUNT claims in the amount of:	\$ 4,479.46
OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$ 7,801.38
RECREATION TRUST ACCOUNT claims in the amount of:	\$ 2,898.90
CAPITAL ACCOUNT claims in the amount of:	\$ 42,900.44
PLANNING BOARD TRUST ACCOUNT claims in the amount of:	\$ 892.29
SPECIAL TRUST ACCOUNT claims in the amount of:	\$ 529.50
ZONING BOARD TRUST ACCOUNT claims in the amount of:	\$ 0.00
TOTAL CLAIMS TO BE PAID	<u>\$ 185,998.63</u>

BE IT FURTHER RESOLVED by the Township Council of the Township of River Vale that the following claims have been paid by the Business Administrator prior to the Bill List Resolution in the following amounts:

APPROPRIATED RESERVE ACCOUNT claims in the amount of:	\$ 0.00
CURRENT claims in the amount of:	\$3,604,448.69
CAPITAL ACCOUNT claims in the amount of:	\$ 94.00
TRUST ACCOUNT claims in the amount of:	\$ 0.00
RECREATION TRUST ACCOUNT claims in the amount of:	\$ 525.00
PLANNING BOARD TRUST ACCOUNT claims in the amount of:	\$ 0.00
SPECIAL TRUST ACCOUNT claims in the amount of:	\$ 359.00
UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:	\$ 1,752.54
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:	\$ 0.00
STATUTORY ACCOUNT claims in the amount of:	\$ 393,744.96
HOUSING TRUST ACCOUNT claims in the amount of:	\$ 1,800.00
OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$ 0.00
TOTAL CLAIMS PAID	<u>\$ 4,002,724.19</u>
TOTAL BILL LIST RESOLUTION	<u>\$ 4,188,722.82</u>

**MANUAL DISBURSEMENTS
BILL LIST FOR MAY 24, 2010**

04/30/2010 – Transfer Payroll	\$ 197,328.74
05/15/2010 – Transfer Payroll	\$ 196,416.22
TOTAL STATUTORY ACCOUNT DISTRIBUTIONS	<u>\$ 393,744.</u>

Resolution #2010-176

RESOLUTION

TAX LIEN REDEMPTION

WHEREAS, the property located at 608 Thurnau Drive (Block 813, Lot 9) has been redeemed. The Tax Collector has received two (2) checks in the amounts of \$ 25,139.80 for payment of the lien (Certificate No. 09-03) held by US Bank Corporate Trust Services and \$26,000.00 for the premium; and

WHEREAS, the Chief Financial Officer has deposited said checks in the Township’s Current Account.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of River Vale that the Chief Financial Officer is hereby by authorized to issue municipal checks in the amounts of \$ 25,139.80 and \$26,000.00 respectively payable to as follows:

U.S. Bank Corporate Trust Services
2 Liberty Pl., 50 S. 16th Street
Philadelphia, PA 19102

ROLL CALL VOTE

Councilman Stefan, Councilwoman Sieg, Councilman Bromberg and Council President Jasionowski voted yes. Councilman Matos was absent.

ORDINANCES 1st READING

There were no ordinances for 1st reading this evening.

ORDINANCES 2nd READING

ORDINANCE # 233-2010

Motion by Councilman Bromberg; seconded by Councilman de Stefan to open the public hearing on Ordinance #233-2010.

There being no questions or comments from the public motion by Councilman Bromberg; seconded by Councilman de Stefan to close the public hearing on Ordinance #233-2010.

Motion to Adopt: Councilman de Stefan

Seconded: Councilman Bromberg

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 212 OF THE CODE ENTITLED STORMWATER MANAGEMENT ADDING A SECTION ENTITLED “PRIVATE STORM DRAIN INLET RETROFITTING”

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 212 of the Code of the Township of River Vale is hereby amended as follows:

SECTION I. Purpose:

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of River Vale so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Township of River Vale or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen),

reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. **Already meets the design standard below to control passage of solid and floatable materials; or**
2. **Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.**

SECTION V. Design Standard:

Storm drain inlets identified in Section IV above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
 - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
 - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
 - d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION V. Enforcement:

This ordinance shall be enforced by the Superintendent of Public Works of the Township of River Vale.

SECTION VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000 for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ROLL CALL VOTE

Councilman Stefan, Councilwoman Sieg, Councilman Bromberg and Council President Jasionowski voted yes. Councilman Matos was absent.

ORDINANCE # 234-2010

Motion by Councilman Bromberg; seconded by Councilwoman Sieg to open the public hearing on Ordinance #234-2010.

There being no questions or comments from the public motion by Councilman Bromberg; seconded by Councilwoman Sieg to close the public hearing on Ordinance #234-2010.

Motion to Adopt: Councilman Bromberg

Seconded: Councilwoman Sieg

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 212 OF THE CODE ENTITLED STORMWATER MANAGEMENT ADDING A SECTION ENTITLED “REFUSE CONTAINERS AND DUMPSTERS”

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 212 of the Code of the Township of River Vale is hereby amended as follows:

SECTION I. Purpose:

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of River Vale and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Township of River Vale or other public body, and is designed and used for collecting and

conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”

- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of River Vale.

SECTION IV. Exceptions to Prohibition:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

SECTION V. Enforcement:

This ordinance shall be enforced by the Superintendent of Public Works of the Township of River Vale.

SECTION VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ROLL CALL VOTE

Councilman Stefan, Councilwoman Sieg, Councilman Bromberg and Council President Jasionowski voted yes. Councilman Matos was absent.

ORDINANCE # 235-2010

Motion by Councilman Bromberg; seconded by Councilman de Stefan to open the public hearing on Ordinance #235-2010.

There being no questions or comments from the public motion by Councilman Bromberg; seconded by Councilman de Stefan to close the public hearing on Ordinance #235-2010.

Council Comments

Councilman de Stefan thanked the attorney and administration for being very proactive and protecting the Township. Both Councilwoman Sieg and Councilman Bromberg stated they were confident with the ordinance. Council President Jasionowski stated that this administration has done everything COAH has asked of them for the past several years. Our attorney has worked diligently with COAH and the County to put together a developer's agreement to build affordable housing despite roadblocks.

Motion to Adopt: Councilman de Stefan

Seconded: Councilman Bromberg

ORDINANCE # 235-2010

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, COUNTY OF BERGEN, NEW JERSEY, AMENDING ORDINANCE #231-2010 TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Township Council of the Township of River Vale adopted Ordinance #231-2010 on April 26, 2010 to address the requirements of the Council on Affordable Housing (COAH) regarding compliance with the Municipality's Prior Round and Third Round Affordable Housing Obligations;

WHEREAS, copies of such Ordinance were previously circulated to the members of the Township Council of the Township of River Vale on several occasions, including as part of the Township of River Vale's certification process;

WHEREAS, the Township Council believed in good faith that they were adopting Ordinance 231-2010 in its entirety, including the provisions set forth below, which had been previously circulated to the members of the Township Council;

WHEREAS, it has come to the attention of the Township of River Vale that due to a clerical error, the portions of Ordinance 231-2010 set forth below were inadvertently omitted from the public notice prior to the meeting;

WHEREAS, the Township Council wishes to immediately correct such omission and amend Ordinance 231-2010 to include the provisions which were inadvertently omitted;

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 43 of the Code of the Township of River Vale is hereby amended as follows:

Section 8. New Construction

The following general guidelines apply to all newly constructed developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (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.

2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
4. 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. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
 - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - vi. 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 and N.J.A.C. 5:97-3.14, or evidence that the Township of River Vale has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - B. To this end, the builder of restricted units shall deposit funds within the Township of River Vale's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - C. The funds deposited under paragraph B. above shall be used by the Township of River Vale for the sole purpose of making the adaptable entrance of any 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.
 - D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible

entrances to the Construction Official of the Township of River Vale.

- E. 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 N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of River Vale's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- F. 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 and N.J.A.C. 5:97-3.14.

(c) 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 and in COAH, utilizing the regional income limits established by COAH.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and

- iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- 7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- 8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size 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 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.
- 11. **Utilities.** Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

The following general guidelines 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.

Section 9. Affirmative Marketing Requirements

- (a) The Township of River Vale shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner 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 COAH Housing Region 1 and covers the period of deed restriction.
- (c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 1 comprised of Bergen, Passaic, Hudson and Sussex Counties.
- (d) The Administrative Agent designated by the Township of River Vale shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.

- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of River Vale.

Section 10. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 1. Provide an occupant for each bedroom;
 2. Provide children of different sex with separate bedrooms; and
 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 11. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Township of River Vale elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (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.
- (d) At the time of the first sale of the unit, the 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 requirements of 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 that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 12. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

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

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) 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. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 13. Buyer Income Eligibility

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

Section 14. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

Section 15. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township of River Vale elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 1. Sublease or assignment of the lease of the unit;
 2. Sale or other voluntary transfer of the ownership of the unit; or
 3. The entry and enforcement of any judgment of foreclosure.

Section 16. Price Restrictions for Rental Units; Leases

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, 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.

Section 17. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents proposed 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 (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 18. Administration

- (a) The position of Municipal Housing Liaison (MHL) for the Township of River Vale is established by this ordinance. The Township of River Vale governing body shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of the Township of River Vale.
 2. The person appointed as the MHL must be reported to COAH for approval.
 3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of River Vale, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the Township of River Vale's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by COAH;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The Township of River Vale shall designate by resolution of the governing body, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 2. Affirmative Marketing;
 2. Household Certification;
 3. Affordability Controls;
 4. Records retention;
 5. Resale and re-rental;
 6. Processing requests from unit owners; and
 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 8. The Administrative Agent shall have authority to take all actions

necessary and appropriate to carry out its responsibilities, hereunder.

Section 19. 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, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the 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 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 found 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:
 - i. A fine of not more than \$1,000 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of River Vale Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an Owner who has rented his or her 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, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any 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- and moderate-income unit.
- (c) Such 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 the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (d) 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 and to the 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.

- (e) 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.
- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 20. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

REPEALER

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

SEVERABILITY

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.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

ROLL CALL VOTE

Councilman Stefan, Councilwoman Sieg, Councilman Bromberg and Council President Jasionowski voted yes. Councilman Matos was absent.

HEARING OF THE PUBLIC

Motion by Councilman Bromberg; seconded by Councilman de Stefan to open the meeting to the public.

There being no questions or comments from the public; motion by Councilman de Stefan; seconded by Councilwoman Sieg to close the meeting to the public.

RESOLUTION

Motion by Councilman Bromberg; seconded by Councilwoman Sieg to approve Resolution #2010-177 as follows:

RESOLUTION AUTHORIZING THE COUNCIL TO ENTER INTO CLOSED SESSION

BE IT RESOLVED by the Township Council of the Township of River Vale that the Council will enter into closed session to discuss contract negotiations regarding Open Space and litigation matters pertaining to COAH is hereby approved.

Council President Jasionowski added that no action will be taken.

ROLL CALL VOTE

Councilman Stefan, Councilwoman Sieg, Councilman Bromberg and Council President Jasionowski voted yes. Councilman Matos was absent.

REOPEN THE MEETING

Motion by Councilman Bromberg; Seconded by Councilwoman Sieg to reopen the meeting.

ADJOURNMENT

Motion by Councilman Bromberg; seconded by Councilwoman Sieg to adjourn the meeting at 10:25pm.

ATTEST:
Karen Padva
Township Clerk

Council President
Glen Jasionowski