

MINUTES
Council Meeting
Monday, December 15, 2008

CALL THE MEETING TO ORDER

Council President Jasionowski called the meeting to order at 8:20PM in the Town Hall 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 Matos, Councilman Bromberg, Councilwoman Sieg, and Council President Jasionowski were present.

Also present: Mayor Joseph Blundo, Holly Schepisi, Township Attorney, Robert Gallione, Business Administrator, Dennis Harrington, Township Engineer, Gennaro Rotella, CFO, Michael Kauker, Township COAH Planner and Karen Padva, Township Clerk.

Mayor’s Comments

Mayor Blundo’s only comment was that the Planning unanimously approved the adoption of the COAH Housing Element Fair Share Plan at their meeting earlier this evening.

Council Comments

Councilman de Stefan commented that he enjoyed Chief Back’s retirement party.

Councilman Matos appreciated all the hard work that went into the COAH plan. Councilman Matos felt that the revisions made were good and the plan overall was a good plan.

Councilwoman Sieg had no comments this evening.

Council President Jasionowski thanked everyone involved in the preparation of the COAH plan. In addition, Council President Jasionowski thanked the DPW for doing a great job maintaining the fields during the fall sports season. He also thanked the DPW for the very timely pick up of the leaves this season. Lastly, Council President thanked Bob Gallione for the Nets tickets.

Business Administrator’s Report

Mr. Gallione announced that the DPW has a new electronics recycling initiative for residents’ old televisions and other electronics. The drop box for these items is at the DPW Building. The other new initiative by the DPW is the recycling of concrete and asphalt through the issuance of Building permits.

Mayor Blundo added that the Bergen County Freeholders will be voting on December 17th regarding the granting of the *Certificate of Need* for the reopening of Pascack Valley Hospital. The Mayor added that nothing is guaranteed about the hospital opening and there is still a great need for public support.

Mr. Gallione concluded his report that the Menorah Lighting will be held on Monday, December 22nd.

Holly Schepisi added additional comments regarding the granting of the *Certificate of Need* and that the decision is not based on the economy or lost jobs. Mayor Blundo added that there is a good chance that the Emergency Room will not remain open in the event the *Certificate of Need* is not granted.

Township Engineer's Report

Mr. Harrington reported that the flooding of the Police Department parking lot has been resolved and the stripping of the lot will be done shortly. The 2009 Road Program is being prepared and the Township will be utilizing the Cooperative Program again this year. Mayor Blundo briefly commented on the renovation of the Holdrum Field. Council President Jasionowski suggested that at the January 12th meeting the Council discuss the field renovations.

The Mayor reported that some people have approached him and suggested the possibility of privately funding a turf field at the Mark Lane Complex. The Mayor also gave his authorization to move forward on the rehabilitation of the Holdrum fields and hold off on the Roberge field renovations.

HEARING OF 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."

Motion by Councilman Bromberg; seconded by Councilwoman Sieg to open the meeting to the public.

Eileen Telesca – 607 Poplar Road – asked for a definition of the low income housing and why so much of the COAH housing obligation is being built on the area of Poplar Road.

Debbie Lurie – 557 Gruman Court – expressed her concerns that the COAH housing being built on Cedar Lane is for seniors and will have no burden on the Roberge School; whereas, Woodside School will be impacted from the developments on both Poplar and the Meskers site.

John Kalagian – 616 John Street— questioned why the 14 to 24 units being built on at the Meskers site can't be senior housing. He also questioned if these units could ever be converted to fair market value homes.

Mayor Blundo answered that the reason the unit have to be for families is because the Township has met its senior housing requirements. Ms. Schepisi added that the units are deed restricted and therefore cannot be converted.

Effie Thomopoulos – 633 Haring Farm Court – Expressed her concern over the possible over crowding at Woodside School. Ms. Thomopoulos also suggested the building of COAH units over store fronts in the commercial district. She added that this was done in Closter.

Councilman Bromberg stressed the deadline of December 31st that the Township must meet for the COAH plan submission. He also added the benefits of the Township owning the property; that would allow for all the units to be COAH. The Township owns both the Cedar Lane and Meskers sites.

Council President Jasionowski requested more detail on Closter's COAH obligation with regard to building over the stores. Mayor Blundo added that the plan submitted on December 31st can be amended after submission. The Township will continue to look for other options and all amendments must be approved by COAH.

Lorraine Stanley – 410 Cedar Lane – Mrs. Stanley questioned what Smart Growth Credits are?

Michael Kauker answered that River Vale has achieved all the bonus credits it can through senior housing and rental units. Mr. Kauker also noted that the COAH Plan could be amended after submission.

Rosanna Pansolena – 618 Haring Farm Court – commented on the impact of the COAH housing on the local schools and the demographic of the residents in these units.

Mayor Blundo offered a detailed explanation of the Township’s COAH obligation and the prior history.

Jim Smollen – 604 Peterson Farm Court – questioned how the split between the two (2) properties was determined and expressed his concerns regarding the impact on Woodside School.

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

RESOLUTIONS

COUNCIL PRESIDENT JASIONOWSKI PULLED RESOLUTION #2008-254

Resolution #2008-254

RESOLUTION APPROVING MINUTES–November 10, 2008

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the November 10, 2008 Regular Meeting of the Township Council are hereby approved.

Motion by Councilman Matos; seconded by Councilman de Stefan to approve Resolutions #2008-255 and #2008-256; as follows:

Resolution #2008-255

RESOLUTION APPROVING RAFFLE LICENSE FOR RESIDENTS FOR A BETTERER RIVER VALE – 50/50 RAFFLE ON PREMISES RAFFLE

BE IT HEREBY RESOLVED, that the following license to conduct a Raffle be issued to:

- NAME: Residents for a Better River Vale
744 Westwood Avenue
River Vale, NJ 07675
- LOCATION OF RAFFLE: 97 Rivervale Road
River Vale, NJ 07675
- DATE OF RAFFLE: January 30, 2009 7:00pm to 1:30am
- I.D. #: 123-8-33288
- RAFFLE LICENSE: RL 303

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 #2008-256

RESOLUTION APPROVING RAFFLE LICENSE FOR RESIDENTS FOR A BETTER RIVER VALE—CASINO NIGHT

BE IT HEREBY RESOLVED, that the following license to conduct a Raffle be issued to:

NAME: Residents for a Better River Vale
744 Westwood Avenue
River Vale, NJ 07675

LOCATION OF RAFFLE: 97 Rivervale Road
River Vale, NJ 07675

DATE OF RAFFLE: January 30, 2009 7:00pm to 1:30am

I.D. #: 123-8-33288

RAFFLE LICENSE: RL 304

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.

ROLL CALL VOTE

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

Motion by Councilman Bromberg; seconded by Councilman Matos to approve Resolution #2008-257; as follows:

Resolution #2008-257

RESOLUTION APPROVING RAFFLE LICENSE FOR THE NOVA HOPE FOR HAITI—50/50 OFF PREMISES RAFFLE

BE IT HEREBY RESOLVED, that the following license to conduct a Raffle be issued to:

NAME: NOVA Hope for Haiti
176 Palisade Avenue
Emerson, New Jersey 07630

LOCATION OF RAFFLE: 97 Rivervale Road
River Vale, NJ 07675

DATE OF RAFFLE: March 26, 2009 6:30pm to 11:00pm

I.D. #: 131-4-37189

RAFFLE LICENSE: RL 305

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.

ROLL CALL VOTE

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

Motion by Councilman Matos; seconded by Councilman de Stefan to approve Resolutions #2008-258; as follows:

Resolution #2008-258

RESOLUTION AUTHORIZING THE MAYOR TO SIGN PBA CONTRACT

BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the PBA Contract.

ROLL CALL VOTE

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

Motion by Councilman Bromberg; seconded by Councilman de Stefan to approve Resolution #2008-259; as follows:

Resolution #2008-259

RESOLUTION AUTHORIZING THE MAYOR TO SIGN ACTING CHIEF MICHAEL McCANN’S EMPLOYMENT CONTRACT

BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign Acting Chief Michael McCann’s employment contract.

ROLL CALL VOTE

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

Motion by Councilman Bromberg; seconded by Councilman Matos to adjourn for a brief recess at 10:10pm.

The meeting reconvened at 10:23pm.

ROLL CALL

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

Motion by Councilman de Stefan; seconded by Councilwoman Sieg to approve Resolution #2008-260; as follows:

Resolution #2008-260

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE REVISED PURCHASE AGREEMENT FOR CEDAR LANE PROPERTY

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

ROLL CALL VOTE

Councilman de Stefan, Councilman Bromberg, and Councilwoman Sieg voted yes Council President Jasionowski abstained. Councilman Matos voted no.

Motion by Councilman de Stefan; seconded by Councilwoman Sieg to approve Resolution #2008-261; as follows:

Resolution #2008-261

RESOLUTION AUTHORIZING NOT TO EXCEED LIMITATIONS FOR – PHASE I ENVIRONMENTAL SURVERY – CEDAR LANE PROPERTY

BE IT RESOLVED, by the Township Council of the Township of River Vale that limitations in an amount not to exceed \$ 2,600.00 be authorized for services to the firm of Environmental Technologies Groups, Inc. for environmental survey work in connection with the purchase of the Cedar Lane Properties (Block 1301 Lot 38, 39, 39, & 40).

ROLL CALL VOTE

Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos voted no.

Motion by Councilman de Stefan; seconded by Councilman Bromberg to approve Resolution #2008-262; as follows:

Resolution #2008-262

RESOLUTION AUTHORIZING NOT TO EXCEED LIMITATIONS FOR PAUL A. HOELSCHER REAL ESTATE APPRAISALS–REAL ESTATE APPRAISAL CEDAR LANE PROPERTY

BE IT RESOLVED, by the Township Council of the Township of River Vale that limitations in an amount not to exceed \$ 1,000.00 be authorized to Paul A. Hoelscher Real Estate Appraisals for services in connection with the purchase of the Cedar Lane Properties (Block 1301 Lot 38, 39, 39, & 40).

ROLL CALL VOTE

Councilman de Stefan, Councilman Bromberg, and Councilwoman Sieg voted yes Council President Jasionowski abstained. Councilman Matos voted no.

Motion by Councilman Matos; seconded by Councilman de Stefan to approve Resolution #2008-263; as follows:

Resolution #2008-263

RESOLUTION AUTHORIZING NOT TO EXCEED LIMITATIONS FOR ROBERT McNERNEY & ASSOCIATES–REAL ESTATE APPRAISAL RIVER VALE COUNTRY CLUB

BE IT RESOLVED, by the Township Council of the Township of River Vale that limitations in an amount not to exceed \$ 15,000.00 be authorized for services to the firm of McNerney & Associates for the real estate appraisal of the River Vale Country Club in connection with the tax appeal litigation.

ROLL CALL VOTE

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

Motion by Councilman Bromberg; seconded by Councilman de Stefan to approve Resolution #2008-264; as follows:

Resolution #2008-264

RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE DEFINITIVE AGREEMENTS IN ACCORDANCE WITH THE TERMS OF THE APPROVED AND EXECUTED TERMS OF PROPOSAL PURCHASE AGREEMENT BETWEEN THE TOWNSHIP OF RIVER VALE AND CHEMITEK 2006 LLC (DATED MARCH 3, 2008)

BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to negotiate and execute the above mentioned agreements.

ROLL CALL VOTE

Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos voted no.

Motion by Councilman de Stefan; seconded by Councilman Matos to approve Resolutions #2008-265 through #2008-270 on Consent Agenda; as follows:

Resolution #2008-265

RESOLUTION

REFUND OF TAX OVERPAYMENT

WHEREAS, a tax overpayment have been received for the fourth quarter of 2007, and the property owner has requested a refund of said tax overpayment;

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 check as follows:

<u>Name</u>	<u>Address</u>	<u>Amount</u>
Rubenstein, Meyerson, Fox, Mancinelli & Conte, P.A.	659 Russell Snow Drive (Block 801, Lot 21)	\$ 2,854.65
George & Monica Gundersen	634 Badlwin Drive (Block 203 Lot 1)	\$ 341.96
Evan & Julia Geffner	557 Barr Court (Block 517 Lot 5)	\$ 1,942.50
Frederick & Wilhelmena Penza	852 Teller Lane (Block 305 Lot 10)	\$ 492.50

Oritani Bank	48 Holiday Court (Block 1301 Lot 2 Qual. CT048)	\$ 6,147.50
Uk & Jung Woo Choi	425 Margiasso Court (Block 402 Lot 116.01) *****	\$ 3,481.61

Resolution #2008-266

RESOLUTION

T.T.L. REDEMPTION

WHEREAS, the Debra Nicole Tate property located at 560 Brook Avenue (Block 1501.05 Lot 2) has been redeemed. The Tax Collector has received a check in the amount of \$ 35,702.37 for payment of the lien (Certificate No. 08-01) held by U.S. Bank Corporate Trust Services, and the Chief Financial Officer has deposited said check 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 hereby by authorized to issue a municipal check in the amount of \$ 35,702.37 payable to U.S. Bank Corporate Trust Services.

Resolution #2008-267

RESOLUTION
(TRANSFERS)

WHEREAS, there exists a need to make transfers in the 2008 Budget Appropriations, and there exists balances from which to make said transfers,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the Chief Financial Officer hereby be authorized to make the following transfers to the 2008 Budget Appropriations.

Inside CAP:
To:

Township Clerk S&W	\$ 500.00
Zoning Enforcement S&W	\$ 3,750.00
Chiefs Office S&W	\$ 29,500.00
DPW Streets and Roads Overtime S&W	\$ 8,000.00
Garage Division S&W	\$ 1,750.00

Total \$ 43,500.00

Inside CAP:
From:

General Admin Outside Consultants OE	\$ 5,000.00
Miscellaneous Insurance OE	\$ 8,000.00
Group Health Insurance OE	\$ 5,500.00
Police Overtime S&W	\$ 25,000.00

Total \$ 43,500.00

Resolution #2008-268

RESOLUTION APPROVING CHANGE ORDER #2 FOR THE DPW COMPLEX BUILDING PROJECT

WHEREAS, there were various changes necessary during the construction of the River Vale DPW Complex in the Township of River Vale; and

WHEREAS, two of these changes have been approved by the Township Engineer and detailed in a letter from the contractor, Oradell Construction Company, Inc., dated December 5, 2008, which letter can be found on file in the Clerk's office;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that change Order #2 for the above mentioned project be approved as follows:

DECREASES

See attached Engineer's Change order supplement for details

Original Contract Sum was	\$ 1,039,000.00
Net Change by Previous Orders	\$ 6,693.00
Contract Sum Decrease	\$ <u>(17,520.07)</u>
New Contract Sum	\$ 1,028,172.93

Resolution #2008-269

RESOLUTION
(Release of Performance Bond)

WHEREAS, the Jewish Home Assisted Living Facility, located at 685 Westwood Avenue has posted a Performance Bond as requested by the Planning Board; and

WHEREAS, the Planning Board has determined that said project is complete;

NOW, THEREFOR, BE IT RESOLVED, by the Township Council of the Township of River Vale that the cash portion of the Performance Bond be released;

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that the Chief Financial Officer be directed to issue a Township check to the Jewish Home Assisted Living Facility in the amount of \$ 104,178.36 for the cash portion of the performance bond.

Resolution #2008-270

RESOLUTION AWARDING THE 2008 MOBILE ELECTRO-HYDRAULIC JACKING SYSTEM

WHEREAS, the Township received bids for the for the 2008 Mobil Electro-Hydraulic Jacking System; and

WHEREAS, one bid was received the from First Choice Auto Equipment Inc., P.O. Box 2276, Flemington, New Jersey 08822 and said bid has been reviewed and approved and is hereby accepted as the lowest bidder at the price of

**Base Bid
\$29,899.00**

WHEREAS, the Chief Financial Officer has certified that funds are available in an amount not to exceed \$29,899.00 in the Capital Account;

NOW THEREFORE BE IT RESOLVED THAT the bid of First Choice Auto Equipment, Inc. is accepted as the lowest responsible bidder. The Mayor and Township Clerk are here by authorized and requested to execute a Contract on behalf of the Township of River Vale for the services described in the Specifications for the Electro-Hydraulic Jacking System.

ROLL CALL VOTE

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

Motion by Councilman de Stefan; seconded by Councilman Bromberg to approve Resolution #2008-271; as follows:

Resolution #2008-271

RESOLUTION ADOPTING HOUSING ELEMENT FAIR SHARE PLAN

WHEREAS, the Planning Board of the Township of River Vale, Bergen County, State of New Jersey, adopted the Housing Element of the Master Plan on December 15, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on December 15, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Township of River Vale, Bergen County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Township of River Vale Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of the Township of River Vale, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan, including the names and addresses of any objectors, has been included with the re-petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing’s Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Township of River Vale municipal clerk’s office located at 406 River Vale Road, during regular business hours on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

ROLL CALL VOTE

Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos voted no.

Motion by Councilman de Stefan; seconded by Councilman Bromberg to approve Resolution #2008-272; as follows:

Resolution #2008-272

RESOLUTION REQUESTING A REVIEW AND APPROVAL OF DEVELOPMENT FEE ORDINANCE

WHEREAS, the Governing Body of the Township of River Vale, Bergen County petitioned the Council on Affordable Housing (COAH) for substantive certification on December 16, 2008; and

WHEREAS, 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), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject 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), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, River Vale has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Township of River Vale, Bergen County requests that COAH review and approve River Vale's development fee ordinance.

ROLL CALL VOTE

Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos voted no.

Motion by Councilman de Stefan; seconded by Councilman Bromberg to approve Resolution #2008-273; as follows:

Resolution #2008-273

RESOLUTION REQUESTING REVIEW AND APPROVAL OF MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the Governing Body of the Township of River Vale, Bergen County petitioned the Council on Affordable Housing (COAH) for substantive certification on December 16, 2008; and

WHEREAS, River Vale received approval from COAH on December 15, 2008 of its

development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, River Vale has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Township of River Vale, Bergen County requests that COAH review and approve River Vale's spending plan.

ROLL CALL VOTE

Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos voted no.

Motion by Councilman de Stefan; seconded by Councilman Bromberg to approve Resolution #2008-274; as follows:

Resolution #2008-274

RESOLUTION OF INTENT TO APPROPRIATE FUNDS OR BOND IN THE EVENT OF A FUNDING SHORTFALL

WHEREAS, the Township of River Vale, Bergen County has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to COAH allocates funds for:

- 1. The acquisition of property, which will be used for affordable housing;

WHEREAS, River Vale anticipates that funding will come from the following sources to satisfy these obligations:

- 1. To be determined

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in River Vale’s COAH-certified Housing Element and Fair Share Plan, River Vale shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of River Vale, Bergen County, State of New Jersey, that the Governing Body does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, upon written notification by COAH after a finding that inadequate funding exists to complete the affordable housing programs included in River Vale’s COAH-certified Housing Element and Fair Share Plan, River Vale agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by COAH; and

BE IT FURTHER RESOLVED that River Vale may repay debt through future collections of development fees, as such funds become available.

ROLL CALL VOTE

Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos voted no.

Motion by Councilman Bromberg; seconded by Councilman Matos to approve Resolution #2008-275; as follows:

Resolution #2008-275

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:

RESERVE CURRENT ACCOUNT claims in the amount of:	\$ 0.00
CURRENT ACCOUNT claims in the amount of:	\$ 232,208.26
TRUST ACCOUNT claims in the amount of:	\$ 0.00
CAPITAL ACCOUNT claims in the amount of:	\$ 158,357.45
PLANNING BOARD TRUST ACCOUNT claims in the amount of:	\$ 7,643.31
ZONING BOARD TRUST ACCOUNT claims in the amount of:	\$ 1,630.00
DOG TRUST ACCOUNT claims in the amount of:	\$ 0.00
PRIVATE DUTY ESCROW ACCOUNT claims in the amount of:	\$ 17,309.00
RECREATION TRUST ACCOUNT claims in the amount of:	\$ 1,857.00
OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$ 0.00
SPECIAL TRUST ACCOUNT claims in the amount of:	\$ 2,239.99
HOUSING TRUST ACCOUNT claims in the amount of:	\$ 20,127.45
TOTAL CLAIMS TO BE PAID	<u>\$ 441,691.24</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:

RESERVE CURRENT ACCOUNT claims in the amount of:	\$ 2,466.20
CURRENT claims in the amount of:	\$ 1,500,694.88
CAPITAL ACCOUNT claims in the amount of:	\$ 103,314.11
STATUTORY ACCOUNT claims in the amount of:	\$ 403,338.14
PUBLIC ASSISTANCE TRUST ACCOUNT claims in the amount of:	\$ 1,118.63
ANIMAL TRUST ACCOUNT claims in the amount of:	\$ 16,316.11
TOTAL CLAIMS PAID	<u>\$ 2,027,248.07</u>

TOTAL BILL LIST RESOLUTION

\$ 2,468,939.31

**MANUAL DISBURSEMENTS
BILL LIST FOR DECEMBER 15, 2008**

11/30/2008 – Transfer Payroll
12/15/2008 – Transfer Payroll

\$ 186,274.40
\$ 217,063.74

TOTAL STATUTORY ACCOUNT DISTRIBUTIONS

\$ 403,338.14

ROLL CALL VOTE

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

There were no ORDINANCES for 1st or 2nd Reading

HEARING OF THE PUBLIC

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

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

ADJOURNMENT

Motion by Councilman Matos; seconded by Councilman Bromberg to adjourn meeting at 10:45 pm

Glen Jasionowski
Council President

ATTEST:
Karen Padva
Township Clerk