

**MINUTES OF THE REGULAR MEETING OF THE MAYOR &
COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON OCTOBER 3, 2016 AT
BOROUGH HALL, 26 ROCKLEIGH RD., ROCKLEIGH NJ AT 8 PM**

Mayor Robert Schaffer called the meeting to order at 8:02 p.m. and led the meeting with a flag salute.

OPENING STATEMENT:

Mayor Schaffer announced that the meeting of this date is being held in compliance with the Open Public Meetings Act of the State of New Jersey and that adequate notice of same was given in writing to *The Record*, and that notice of same was also posted on the Borough Hall bulletin board as required.

The Borough Clerk called the Roll Call of the Mayor and Council:

Present: Mayor Schaffer, Councilwoman Bresnak, Councilwoman Ewald, Councilman Johnsen, and Councilman Cumiskey,

Also Present: Robert T. Regan, Esq., Borough Attorney; Marcella Giampiccolo, Borough Clerk, William J. McGuire, Administrator and Kunjesh Trivedi, CFO.

Absent: Councilman Mender and Councilman Pontone

MINUTE APPROVAL:

Minutes from the September 7, 2016 Regular and Closed Session Meetings were presented for approval. A Motion was offered by Councilwoman Bresnak, seconded by Councilman Johnsen to accept the September 7, 2016 Regular and Closed Session Minutes as presented. All Councilmembers present voted in the affirmative, except Councilwoman Ewald, who abstained from the vote, to accept the Regular and Closed Session Minutes as presented. The Motion passed.

COMMITTEE REPORTS:

As a follow-up to comments made at the last Mayor & Council meeting, Councilwoman Bresnak reported on her meeting with the vendor who did the crack seal work on Rose Haven Lane. She appreciated the contractor returning to Rose Haven Lane reviewing the street for some additional repairs to potholes and his complete explanation as to why certain cracks could not be repaired at this time. The Council agreed the crack seal work was very well done. Councilman Johnsen commented that the County should be contacted to look at the shoulder on Piermont Road. In addition, it was noted that Trees, Inc., who is trimming the trees along Piermont Road for Rockland Electric is leaving an excessive amount of logs on the road. The Council asked that the Borough Administrator contract Trees, Inc. about their removal. The Mayor commented that the State is to vote this coming Wednesday on the gas tax which will impact the NJDOT grant. Depending on when the NJDOT funds are released, it may be necessary for the Borough Engineer to seek an extension of time from the State. The Mayor also commented that the bridge near the Stover property (15 Rockleigh Road) was inspected by the County and determined that it is being undermined by water. Some discussion took place regarding the location of this bridge, which was repaired about five or six years ago; however, it is in need of repair. The Borough Engineer has issued an estimate to the Borough of what to budget for in next year's municipal budget which can go as high as \$40,000.

OLD BUSINESS:

No Old Business was listed on the agenda.

NEW BUSINESS:

The Mayor announced an Introduction and First Reading of Ordinance 2016-5, entitled, "An Ordinance to Amend Chapter VII of the Code of the Borough of Rockleigh Entitled, "Traffic".

**BOROUGH OF ROCKLEIGH
ORDINANCE NO. 2016-5**

AN ORDINANCE TO AMEND CHAPTER VII OF THE CODE OF THE BOROUGH OF ROCKLEIGH ENTITLED, "TRAFFIC".

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

SECTION 1.

Chapter VII of the Code of the Borough of Rockleigh, Traffic, §7-21, Multi-Way Stop Intersections, be and is hereby amended to read as follows:

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections herein described are designated as Multi-Way stop intersections. Stop signs shall be installed as provided herein.

<i>Intersection</i>	<i>Stop sign(s) on</i>
Rockleigh Road and Willow Avenue	Southbound Rockleigh Road approach
Rockleigh Road and Willow Avenue	Northbound Rockleigh Road approach
Willow Avenue and Rockleigh Road	Eastbound Willow Avenue approach

SECTION 2. Severability.

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

SECTION 3. Inconsistent Ordinances Repealed.

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

SECTION 4. Effective Date.

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

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Motion offered by Councilman Johnsen, seconded by Councilman Cumiskey to approve the Introduction of Ordinance 2016-5. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Cumiskey

NAYS: None

ABSENT: Mender, Pontone

ABSTAIN: None

The Motion passed.

The Public Hearing and Adoption of Ordinance 2016-5 will be on November 7, 2016.

Municipal Court fines were acknowledged for August, 2016.

At this time a Motion was offered by Councilman Cumiskey, seconded by Councilwoman Bresnak to open the meeting to the public. All Councilmembers present voted in the affirmative. The Motion passed. Katie Jacobson, 49 Piermont Road, came forward to ask permission to put a fence on the Borough owned property along the Northside of her property line to the 8 King Road existing fence to help curb trespassing and prevent further littering on her property. Discussion took place between the Jacobson's and the Governing Body. Mr. Regan concluded that the Jacobson's would need to obtain a metes and bounds survey in recordable form and put up escrow prior to any documentation being reviewed by the Borough Professionals. No other public came forward. Motion offered by Councilman Cumiskey, seconded by Councilwoman Bresnak to close the meeting to the public. All Councilmembers present voted in the affirmative. The Motion closed.

FINANCIAL BUSINESS/PAYMENT OF CLAIMS:

The CFO presented the CY 2016/SFY 2017 Best Practices Inventory checklist to the Governing Body. Brief discussion took place including the revised response to question number 30, which is a "yes" response. The final score the Borough received is 87%. Some discussion took place regarding question number five (5). At the end of that discussion the Mayor commented he would contact Mike Malhame to look into this question regarding the National Flood Insurance Rating System Program and if it is designed for Rockleigh. The Mayor stated he would research this for the next meeting.

Following that discussion, the Bill List dated October 3, 2016 was presented for approval. Some discussion took place regarding several line item entries associated to the payroll listed on the Bill List. The CFO reported that a coding error was to blame for the discrepancies from last month's Bill List; however, the total amount of payroll to be paid was correct. He will review all of the coding entries for payroll going back to the beginning of 2016. Following that discussion,

a Motion was offered by Councilwoman Ewald, seconded by Councilman Cumiskey, to approve the Bill List dated October 3, 2016, with the understanding that the CFO will review all of the payroll coding to be correct, in addition noting the total claims and accounts amounting to \$57,632.66 is paid, and that checks be issued therefore, in accordance with established procedure, upon confirmation from the Borough Treasurer/CFO that sufficient monies are available to pay said obligations. No further discussion took place. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Cumiskey,

NAYS: None

ABSENT: Mender, Pontone

ABSTAIN: None

The Motion passed.

Mayor Schaffer announced that the Governing Body was entering into Closed Session. Mr. Regan read aloud the following resolution into the Record:

RESOLUTION TO ENTER INTO CLOSED SESSION

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss item relating to ***Borough of Rockleigh Docket No. BER-L-5761-15.***

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that at **8:40 p.m.** on **Monday, October 3, 2016** the Governing Body determined to exclude members of the public to discuss the aforesaid items; and

BE IT FURTHER RESOLVED that the proceedings relative to the Closed Session may be made public as such time as the Governing Body determines the Borough's interests may not be adversely affected.

* * * * *

Motion offered by Councilman Cumiskey, seconded by Councilman Johnsen to approve the Closed Session. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Cumiskey

NAYS: None

ABSENT: Mender, Pontone

ABSTAIN: None

The Motion passed.

Upon returning to the Regular Session of the meeting Mr. McGuire commented that the Borough Hall building was repainted with 2 coats at no charge by the contractor (G.T.K.). The painters suggested relocating the boxwood plants along the bottom of the building may allow for better air movement. Mr. McGuire solicited a proposal from the Slevin Group for \$1,500 to move the boxwoods and mulch that property and grade and reseed the area along the Borough building. Some discussion took place regarding weeping holes. It was determined that weeping holes would not alleviate the water seepage problem and although moving the boxwoods might be a solution, it was suggested there might be a larger issue that should be investigated next year. At this time a Motion was offered by Councilwoman Ewald, seconded by Councilman Johnsen to approve the \$1,500 proposal by the Slevin Group. The line item where funds would be appropriated from is buildings/grounds – OE. The Roll call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Cumiskey

NAYS: None

ABSENT: Mender, Pontone

ABSTAIN: None

The Motion passed.

There being no further business to come before the Governing Body, a Motion was offered by Councilman Cumiskey, seconded by Councilwoman Bresnak to adjourn the meeting. All Councilmembers present voted in the affirmative and the meeting was adjourned. The Motion passed.

Respectfully submitted,



Marcella Giampiccolo,
Borough Clerk

**MINUTES OF THE REGULAR MEETING OF THE MAYOR &
COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON NOVEMBER 7, 2016 AT
BOROUGH HALL, 26 ROCKLEIGH RD., ROCKLEIGH NJ AT 8 PM**

Mayor Robert Schaffer called the meeting to order at 8:02 p.m. and led the meeting with a flag salute.

OPENING STATEMENT:

Mayor Schaffer announced that the meeting of this date is being held in compliance with the Open Public Meetings Act of the State of New Jersey and that adequate notice of same was given in writing to *The Record*, and that notice of same was also posted on the Borough Hall bulletin board as required.

The Borough Clerk called the Roll Call of the Mayor and Council:

Present: Mayor Schaffer, Councilwoman Ewald, Councilman Johnsen, and Councilman Pontone

Also Present: Robert T. Regan, Esq., Borough Attorney; Marcella Giampiccolo, Borough Clerk, William J. McGuire, Administrator and Kunjesh Trivedi, CFO and Gregory Polyniak, Borough Engineer.

Absent: Councilman Cumiskey and Councilwoman Bresnak

MINUTE APPROVAL:

Minutes from the October 3, 2016 Regular and Closed Session Meetings were tabled until the next meeting of the Mayor and Council due to lack of voting quorum.

COMMITTEE REPORTS:

No committee reports were provided.

OLD BUSINESS:

The Mayor announced the Second Reading and Public Hearing of Ordinance 2016-5, entitled, "An Ordinance to Amend Chapter VII of the Code of the Borough of Rockleigh Entitled, "Traffic".

**BOROUGH OF ROCKLEIGH
ORDINANCE NO. 2016-5**

**AN ORDINANCE TO AMEND CHAPTER VII OF THE CODE OF THE BOROUGH OF
ROCKLEIGH ENTITLED, "TRAFFIC".**

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

SECTION 1.

Chapter VII of the Code of the Borough of Rockleigh, Traffic, §7-21, Multi-Way Stop Intersections, be and is hereby amended to read as follows:

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections herein described are designated as Multi-Way stop intersections. Stop signs shall be installed as provided herein.

<i>Intersection</i>	<i>Stop sign(s) on</i>
Rockleigh Road and Willow Avenue	Southbound Rockleigh Road approach
Rockleigh Road and Willow Avenue	Northbound Rockleigh Road approach
Willow Avenue and Rockleigh Road	Eastbound Willow Avenue approach

SECTION 2. Severability.

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

SECTION 3. Inconsistent Ordinances Repealed.

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

SECTION 4. Effective Date.

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

Motion offered by Councilman Pontone, seconded by Councilwoman Ewald to open the meeting to the public as to Ordinance 2016-5. All Councilmembers present voted in the affirmative. The Motion passed. No public came forward. Motion offered by Councilman Pontone, seconded by Councilwoman Ewald to close the meeting to the public as to Ordinance 2016-5. All Councilmembers present voted in the affirmative. The Motion passed. Motion offered by Councilman Johnsen seconded by Councilwoman Ewald to adopt Ordinance 2016-5. The Roll Call vote was recorded as follows:

AYES: Ewald, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Bresnak, Cumiskey

ABSTAIN: None

The Motion passed.

NEW BUSINESS:

Discussion regarding Rockleigh Road Safety Improvement Project ensued. The Borough Engineer, Gregory Polyniak, addressed the Governing Body and reviewed the proposed Phase I and Phase II of the project. Discussion took place as to various options for bidding. At the conclusion of that discussion, the Governing Body authorized the Borough Engineer to finalize the scope of work for the December Mayor and Council meeting. The contract for Award of Bid would need to happen by the March or April 2017 Mayor and Council meeting. The CFO confirmed the bond ordinance would ready for introduction at the Re-Organization meeting in January and final approval of the bond ordinance at the February 2017 Mayor and Council meeting. At this time the Mayor called for a motion to authorize the Borough Engineer to commence work on the specifications agreed upon this evening, specifically to prepare the Base Bid and Alternate Bid "A" for the first phase of the project. If Alternate Bid "A" does not fit within the confines of the monies awarded, it can be re-applied for during a possible phase II of the project in 2017. Motion offered by Councilman Pontone, seconded by Councilwoman Ewald to authorize Gregory Polyniak to prepare the specifications for the Bid for the Rockleigh Road Safety Project. Discussion took place regarding the Belgium block locations in phase I versus phase II of the project. The Roll Call vote was recorded as follows:

AYES: Ewald, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Bresnak, Cumiskey

ABSTAIN: None

The Motion passed.

The Mayor announced the grouping of the following resolutions and read aloud each of the titles into the record:

MOTION:

SECOND:

**BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey**

Re: RESOLUTION (2016-54) APPROVING SETTLEMENT AGREEMENT BETWEEN THE BOROUGH AND FAIR SHARE HOUSING CENTER RELATING TO THE BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN.

WHEREAS, there is presently pending in the Superior Court of New Jersey a matter entitled, "In the Matter of the Application of the Borough of Rockleigh, a Municipal Corporation of the State of New Jersey, Docket No. BER-L-5761-15" which seeks approval of the Borough's Housing Element and Fair Share Plan ("HE/FSP") pursuant to the **Mount Laurel** doctrine and the Fair Housing Act of 1985, N.J.S.A. 53:27B-301, *et seq.*; and

WHEREAS, pursuant to the Supreme Court decision in *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015), Fair Share Housing Center ("FSHC") is permitted to review a municipality's HE/FSP and opine as to whether the plan permits a municipality to meet its constitutional obligation to provide its fair share regional need for affordable housing; and

WHEREAS, an Agreement has been prepared which would memorialize a settlement between the Borough and FSHC in connection with the Borough's HE/FSP.

NOW THEREFORE BE IT RESOLVED that Mayor Robert R. Schaffer be and is hereby authorized to execute the aforesaid Settlement Agreement with FSHC.

Dated: November 7, 2016

MOTION:

SECOND:

BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey

Re: RESOLUTION (2016-47) ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN DATED SEPTEMBER 28, 2016 AS ADOPTED BY THE ROCKLEIGH PLANNING BOARD.

WHEREAS, the Planning Board of the Borough of Rockleigh adopted the Housing Element and Fair Share Plan ("the Housing Element") of the Master Plan by resolution dated October 24, 2016; 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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that it does hereby endorse the Housing Element as adopted by the Borough of Rockleigh Planning Board; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Rockleigh hereby requests approval of the Housing Element and a Final Judgment of Compliance and Repose from the Superior Court of New Jersey pursuant to the decision in *In Re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council On Affordable Housing*, 221 N.J. 1 (2015); and

BE IT FURTHER RESOLVED that notice that the Borough of Rockleigh is applying for approval of the Housing Element from the Superior Court of New Jersey shall be provided upon the scheduling of a hearing by the Court to consider the entry

of a Final Judgment of Compliance and Repose in favor of the Borough based upon a proposed Settlement Agreement entered into with Fair Share Housing Center, Inc. ("FSHC") and the Housing Element which has been submitted to the Court in the Matter of the Application of the Borough of Rockleigh, Docket No. BER-L-5761-15; and

BE IT FURTHER RESOLVED that a copy of this resolution, the adopted Housing Element, and all supporting information shall be available for inspection at the Municipal Clerk's Office at the Rockleigh Borough Hall, 26 Rockleigh Road, Rockleigh, New Jersey during normal business hours.

Dated: November 7, 2016

MOTION:

SECOND:

BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey

Re: RESOLUTION (2016-48) APPROVING THE AFFORDABLE HOUSING SPENDING PLAN.

WHEREAS, the Planning Board of the Borough of Rockleigh on October 24, 2016 adopted a Housing Element and Fair Share Plan ("HEFSP"); and

WHEREAS, the HEFSP proposes the providing of funding for an accessory apartment program in the Borough as is more particularly detailed in the HEFSP; and

WHEREAS, the Borough is in the process of adopting a Development Fee Ordinance as a dedicated revenue source for affordable housing; and

WHEREAS, in connection with the funds to be realized from the Development Fee Ordinance, the Borough has prepared a Spending Plan dated November 2, 2016.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that it does hereby approve the aforesaid Spending Plan; and

BE IT FURTHER RESOLVED that a copy of the within resolution shall be provided to the court-appointed Master Shirley Bishop appointed by the Superior Court of New Jersey in connection with the Borough's declaratory judgment action entitled, "In the Matter of the Application of the Borough of Rockleigh, a Municipal Corporation of the State of New Jersey, For Substantive Certification, Docket No. BER-L-5761-15".

Dated: November 7, 2016

MOTION:

SECOND:

BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey

Re: RESOLUTION (2016-49) OF INTENT TO BOND FOR ANY SHORTFALL FOR THE ACCESSORY APARTMENT PROGRAM AS SET FORTH IN THE BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN.

WHEREAS, the Borough has filed in the Superior Court of New Jersey a matter entitled, "In The Matter of the Application of the Borough of Rockleigh, a Municipal Corporation of the State of New Jersey, For Substantive Certification, Docket No. BER-L-5761-15" ("Declaratory Judgment Action"); and

WHEREAS, in conjunction with the Declaratory Judgment Action the Borough has prepared a revised Housing Element and Fair Share Plan ("HE/FSP") dated September 28, 2016 which was prepared by Gregory J. Polyniak, P.E., P.P.; and

WHEREAS, the Borough's HE/FSP provides for an Accessory Apartment Program in partial satisfaction of the Borough's constitutional obligation to provide its fair share of affordable housing; and

WHEREAS, the HE/FSP provides that the Accessory Apartment Program will be comprised of one (1) very low income unit and four (4) moderate income units; and

WHEREAS, the Borough is required to subsidize the creation of the accessory apartment units in the amount of \$35,000.00 for a very low income unit (one unit) and \$20,000.00 for each moderate income unit, or a total of five (5) units.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that it does hereby commit to issue bonds or notes for any required funding or to address any shortfall in the subsidizing of the Accessory Apartment Program; and

BE IT FURTHER RESOLVED that the Mayor and Borough Attorney be and are hereby authorized to execute any other Statement of Intent in connection with the providing of such funding as may be determined to be necessary by the Special Master appointed in the Declaratory Judgment Action or by the Superior Court of New Jersey.

Dated: November 7, 2016

MOTION:

SECOND:

**BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey**

Re: RESOLUTION (2016-56) APPROVING THE ACCESSORY APARTMENT OPERATING MANUAL.

WHEREAS, the Planning Board of the Borough of Rockleigh has adopted a Housing Element and Fair Share Plan ("HE/FSP") which has been endorsed by the Mayor and Council; and

WHEREAS, the HE/FSP provides for, among other things, an accessory apartment plan consisting of five (5) units which would be partially subsidized by the Borough; and

WHEREAS, an Accessory Apartment Operating Manual has been required to be prepared which will govern the creation of accessory apartments and determine the eligibility of occupants thereof, implement an affordable marketing plan, and address other issues; and

WHEREAS, the Accessory Apartment Operating Manual has been approved by Special Master Shirley M. Bishop and Fair Share Housing Center ("FSHC") which, pursuant to the Supreme Court decision in ***In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing***, 221 N.J. 1 (2015), is required to approve the various documents that are part of the Borough's overall housing plan.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Rockleigh does hereby approve the Accessory Apartment Operating Manual dated October 3, 2016.

Dated: November 7, 2016

MOTION offered by Councilman Mender, seconded by Councilwoman Ewald to approve Resolutions (2016-54, 2016-47, 2016-48, 2016-49 and 2016-56). The Roll Call vote was recorded as follows:

AYES: Ewald, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Bresnak, Cumiskey

ABSTAIN: None

The Motion passed.

At this time the Mayor announced the First Reading and Introduction of Ordinance 2016-6:

BOROUGH OF ROCKLEIGH

ORDINANCE NO. 2016-6

AN ORDINANCE TO AMEND CHAPTER XXXIV OF THE CODE OF THE BOROUGH OF ROCKLEIGH ENTITLED, "ZONING".

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

SECTION 1.

Chapter XXXIV of the Code of the Borough of Rockleigh, Zoning, §34-23.8, Accessory Apartments on One-Family Parcels, be and is hereby amended to read as follows:

§34-23.8 Accessory Apartments on One-Family Parcels.

a. *Purpose.* It is the specific purpose and intent of this section to allow accessory apartments on one-family parcels of minimum size of two (2) acres to provide the opportunity for persons of moderate and very low income and in compliance with the Housing Element and Fair Share Plan adopted by the Planning Board. When approvals have been issued for a total of five (5) accessory apartments, no new approvals will be granted. To help achieve these goals and to promote the other objectives of the Housing Element and Fair Share Plan, the following specific standards and limitations are set forth for such accessory apartment use.

b. Standards and Limitations.

1. Occupancy.

- (a) The owner(s) of the one-family lot upon which the accessory apartment is to be located shall occupy and maintain as his or her legal full-time residence in one (1) of the dwelling units on the lot.

2. Location and Number of Units.

- (a) An accessory apartment may be located in the principal dwelling building or in a permitted accessory building, such as a barn or garage, and may include existing, new or expanded structure construction.
- (b) There shall be no more than one (1) accessory apartment permitted per one-family building lot.
- (c) An accessory apartment is not permitted on any single lot where more than one (1) dwelling unit already exists, regardless of whether the additional dwelling is a prior nonconforming dwelling unit or not.

3. Size.

- (a) The minimum floor area for an accessory apartment located within a principal dwelling building shall be six hundred (600) square feet, but in no case shall it exceed the gross floor area of the existing principal dwelling on the lot.
- (b) For an accessory apartment located in an existing accessory building, the minimum floor area shall also be six hundred (600) square feet.
- (c) To the extent practical, an accessory apartment shall have either two (2) or three (3) bedrooms.

4. Other Requirements.

- (a) Exterior appearance. Principal buildings containing an accessory apartment shall have only one (1) front or principal entry to the building, and the accessory apartment shall be located, designed, constructed, and landscaped so as to preserve the appearance of the principal building as a single-family residence to the maximum extent feasible and further to enhance and not detract from the single-family character of the principal building

and the surrounding neighborhood. An accessory apartment shall have a separate, distinct entry which does not detract from the single-family character of the principal building.

(b) Off-street parking. Off-street parking requirements shall be that two (2) off-street parking spaces must be provided for each dwelling unit on the property of the applicant. Additional parking areas shall be paved only when proven necessary and shall be screened and buffered from adjacent properties to the extent possible.

(c) Approval of utilities. Prior to the issuance of a building permit for the establishment of an accessory apartment in a principal dwelling or the conversion of an existing accessory building to an accessory apartment use, all septic systems and wells must be approved by the governing agency.

(d) The occupant must meet the established income limitations for moderate and very low-income households as specified by the rules and regulations of COAH or any successor agency or tribunal.

SECTION 2. Severability.

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

SECTION 3. Inconsistent Ordinances Repealed.

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

SECTION 4. Effective Date.

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

ROBERT R. SCHAFFER, Mayor

**MARCELLA GIAMPICCOLO,
Borough Clerk**

MOTION offered by Councilman Pontone, seconded by Councilwoman Ewald to approve the First Reading and Introduction of Ordinance 2016-6. The Roll Call vote was recorded as follows:

AYES: Ewald, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Bresnak, Cumiskey

ABSTAIN: None

The Motion passed.

Second Reading and Public Hearing will be December 5, 2016.

The Mayor stated Ordinance 2016-7 was to have its First Reading and Introduction:

BOROUGH OF ROCKLEIGH

ORDINANCE NO. 2016-7

AN ORDINANCE TO AMEND CHAPTER XXXVI OF THE CODE OF THE BOROUGH OF ROCKLEIGH ENTITLED, "AFFORDABLE HOUSING".

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

SECTION 1.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.2, Definitions, be and is hereby amended to add the following new term and to read as follows:

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

SECTION 2.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.3, Affordable Housing Programs, Paragraph a.1(a), Accessory Apartment Program, be and is hereby amended to read as follows:

(a) Accessory apartments are permitted by the Zoning Ordinance for various zoning districts, provided the units are affordable to very low- and moderate-income households.

SECTION 3.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.3, Affordable Housing Programs, Paragraphs a.1.(c), (d) and (g), Accessory Apartment Program, be and are hereby amended to read as follows:

(c) At the time of initial occupancy of the unit and for ten (10) years thereafter pursuant to *N.J.A.C. 5:97-6.8c(1)*, the accessory apartment shall be rented only to a household which is either a very low or moderate-income household.

(d) Rents of accessory apartments shall be affordable to very low or moderate-income households as per COAH and UHAC regulations, or such other regulations as may be in force and in effect under applicable law.

(g) The Borough of Rockleigh accessory apartment program shall not restrict the number of bedrooms in any accessory apartment. In addition the Borough shall strive and use its best efforts so that an accessory apartment shall have either two (2) or three (3) bedrooms.

SECTION 4.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.3, Affordable Housing Programs, Paragraph a.2, Accessory Apartment Program, be and is hereby amended to read as follows:

2. The maximum number of creditable accessory apartments shall be five (5) units as may be approved by the Superior Court of New Jersey in a Judgment of Repose.

SECTION 5.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.3, Affordable Housing Programs, Paragraph 3, Subparagraph (c), shall be amended to read as follows:

(c) In accordance with COAH requirements, or any successor agency or entity, the Borough of Rockleigh shall provide at least thirty-five thousand (\$35,000.00) dollars per unit to subsidize the creation of very-low income accessory apartment or twenty thousand (\$20,000.00) dollars per unit to subsidize the creation of each moderate-income accessory apartment.

SECTION 6.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.4, New Construction, Paragraph c, Maximum Rents and Sales Prices, Subparagraph 1, shall be amended to read as follows:

1. In estimating rents and sales prices of affordable units, the administrative agent shall follow the procedures set forth in UHAC or any successor agency or entity, utilizing the regional income limits establishing by COAH or any successor agency.

SECTION 7.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.4, New Construction, Paragraph c, Maximum Rents and Sales Prices, Subparagraph 3(a), shall be amended to read as follows:

- (a) At least thirteen (13%) percent of all low- and moderate-income rental units shall be affordable to households earning no more than thirty (30%) percent of median income.

SECTION 8.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.5, Affirmative Marketing Requirements, Subparagraph c, shall be amended to read as follows:

- c. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region I comprised of Bergen, Hudson, Passaic and Sussex.

SECTION 9.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.14, Administration, Subparagraphs 4(e) and (g), shall be amended to read as follows:

- (e) Compiling, verifying and submitting annual reports as required by the Court;
- (g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Court.

SECTION 10.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.14, Administration, Subparagraph c, shall be amended to read as follows:

- 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 the Court. 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).

SECTION 11.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.14, Administration, be and is hereby amended to add the following paragraph and subparagraphs:

e. The Borough of Rockleigh has adopted a Housing Element and Fair Share Plan which has been endorsed by the Mayor and Council. The following reporting shall be required by the Borough in connection with the issuance of a Final Judgment of Compliance and Repose:

1. On the first anniversary of the entry of the Order granting Rockleigh a Final Judgment of Compliance and Repose in In the Matter of the Application of the Borough of Rockleigh, a Municipal Corporation of the State of New Jersey, Docket No. BER—5761-15, and every anniversary thereafter through the end of the Repose period, the Borough shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council On Affordable Housing or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council On Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

2. On the first anniversary of the entry of the Order granting Rockleigh a Final Judgment of Compliance and Repose in In the Matter of the Application of the Borough of Rockleigh, a Municipal Corporation of the State of New Jersey, Docket No. BER—5761-15, and every anniversary thereafter through the end of the Repose period, the Borough shall provide annual reporting of the status of all affordable housing activity within the Borough through posting on the municipal website, with copies provided to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, and the Bergen County Chapter of the NAACP. Such reporting shall be by using forms previously developed for this purpose by the Council On Affordable Housing or any other forms endorsed by the Court-Appointed Special Master and Fair Share Housing Center.

3. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to *N.J.S.A. 52:27D-313*, the Borough shall post on its municipal website, with copies provided to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, and the Bergen County Chapter of the NAACP, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to the above named groups and organizations, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

4. For the review of very low income housing requirements required by *N.J.S.A. 52:27D-329.1*, within 30 days of the third anniversary of the entry of the Order granting Rockleigh a Final Judgment of Compliance and Repose in In the Matter of the Application of the Borough of Rockleigh, a Municipal Corporation of the State of New Jersey, Docket No. BER—5761-15, and every third year thereafter, the Borough will post on its municipal website, with copies provided to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, and the Bergen County Chapter of the NAACP, a status report as to its satisfaction of its very low income requirement, including the family very low income requirement referenced in the Housing Element and Fair Share Plan. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to the above named groups and organizations, on the issue of whether the municipality has complied with its very low income housing obligation.

SECTION 12.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-1.16, Appeals, be and is hereby amended to read as follows:

§36-1-16 Appeals.

Appeals from all decisions of an Administrative Agent designated pursuant to this section shall be filed in writing with the appropriate agency or party having jurisdiction.

SECTION 13.

Chapter XXXVI of the Code of the Borough of Rockleigh, Affordable Housing, §36-2.3, Establishment of Municipal Liaison Position and Compensation: Powers and Duties, be and is hereby amended to read as follows:

- a. No change.
- b. Subject to the approval of the Court, the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full- or part-time municipal employee.
- c. No change.
 1. No change.
 2. No change.
 3. Compiling, verifying, and submitting annual reports as required by the Court.
 4. No change.
 5. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Court or any approved party or agency.
 6. No change.
- d. Subject to approval by the Court, Rockleigh may contract with or authorize a consultant, authority, government or any agency charged by the Council, which entity shall have the responsibility of administering the affordable housing program of Rockleigh, except for those responsibilities which may not be contracted out pursuant to paragraph c. above. If Rockleigh contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- e. No change.
- f. No change.

SECTION 14. Severability.

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

SECTION 15. Inconsistent Ordinances Repealed.

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

SECTION 16. Effective Date.

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

ROBERT R. SCHAFFER, Mayor

**MARCELLA GIAMPICCOLO,
Borough Clerk**

MOTION offered by Councilman Mender, seconded by Councilman Johnsen to approve the First Reading and Introduction of Ordinance 2016-7. The Roll Call vote was recorded as follows:

AYES: Ewald, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Bresnak, Cumiskey

ABSTAIN: None

The Motion passed.

Second Reading and Public Hearing will be December 5, 2016.

The Mayor announced Ordinance 2016-8 was to have its First Reading and Introduction:

BOROUGH OF ROCKLEIGH

ORDINANCE NO. 2016-8

AN ORDINANCE TO AMEND CHAPTER XXXIV OF THE CODE OF THE BOROUGH OF ROCKLEIGH ENTITLED, "ZONING".

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

SECTION 1.

Chapter XXXIV of the Code of the Borough of Rockleigh, Zoning, Article XI, Affordable Housing, be and is hereby repealed in its entirety and the following Sections and Subsections are added to this Article as hereinafter set forth:

**Article XI
Affordable Housing Development Fees**

34-42 DEVELOPMENT FEE REQUIREMENTS.

34-42.1 Purpose.

- a. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., and the New Jersey Constitution.
- b. Pursuant to N.J.S.A. 52:27D-329.2 and the Statewide Nonresidential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7 inclusive, municipalities are authorized to adopt and promulgate regulations for the collection, maintenance and expenditure of development fees intended to be used for the sole purpose of providing low and moderate income housing.
- c. This Ordinance establishes standards for the collection, maintenance and expenditure of development fees pursuant to the aforementioned statutory provisions.

34-42.2 Approval Required.

This Ordinance shall not be effective until the Superior Court of New Jersey or such agency or tribunal having

jurisdiction approves a plan for spending such development fees and the Borough has received Third Round Substantive Certification and a Judgment of Compliance from the Superior Court of New Jersey.

34-42.3 Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

Affordable Housing Development shall mean a development included in the Housing Element and Fair Share Plan adopted by the Planning Board, which includes but is not limited to accessory apartment units for very low and moderate income persons. Such a development may also include a special needs housing inclusive development or a one-hundred-percent-affordable development.

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

Development Fee shall mean money paid by a developer for the improvement of property as permitted by applicable law.

Equalized Assessed Value shall mean the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (N.J.S.A. 54:1-35a through 54:1-35c).

34-42.4 Nonresidential Development Fees.

a. Imposed Fees.

1. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% percent of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.

2. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% percent shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

b. Eligible Exactions, Ineligible Exactions and Exemptions For Residential Development.

1. The nonresidential portion of mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5% percent, unless otherwise exempted below.
2. The fee of 2.5% percent shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption form. Any exemption claimed by a developer shall be substantiated by that developer.

4. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c.46, shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

5. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section with 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Rockleigh as a lien against the real property of the owner.

34-42.5 Collection Procedures.

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official or designated municipal official responsible for the issuance of a building permit.

- b. The developer shall also be provided with a copy of Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and

prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- c. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d. Within 90 days of receipt of that notice, the municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should Rockleigh fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c.46 (N.J.S.A. 40:55D-8.6).
- h. The payment of the nonresidential development fee shall be made prior to the issuance of a certificate of occupancy for such development. A final certificate of occupancy shall not be issued until such time as the fee imposed pursuant to this section has been paid by the developer.
- i. Appeal of development fees.
 - 1. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and

determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Rockleigh. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

34-42.6 Affordable Housing Trust Fund.

- a. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from nonresidential developers.
- b. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities permitted by applicable law.

34-42.7 Use of Funds.

- a. The expenditure of all funds shall conform to a spending plan approved by the Superior Court of New Jersey or by such other agency or tribunal having jurisdiction. Funds deposited in the housing trust fund may be used for any activity approved by the applicable tribunal or agency to address Rockleigh's fair share obligation and may be set up as a grant or revolving loan program. Such activities may include, but are not limited to, providing subsidies to homeowners who make available accessory apartment units consistent with the Borough's Housing Element and Fair Share Plan.
- b. The Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan consistent with applicable regulations.
- c. No more than 20% percent of all revenues collected from development fees may be expended on administration, including but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. Administrative funds may

be used for income qualification of households, monitoring the turnover of units, and compliance with applicable monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

34-42.8 Monitoring.

The Borough shall complete and return to such designated agency or tribunal all required monitoring forms related to the collection of development fees from nonresidential developers.

34-42.9 Ongoing Collection of Fees.

The ability of Rockleigh to impose, collect and expend development fees shall expire with its substantive certification unless Rockleigh has prepared an adopted Housing Element and Fair Share Plan and has petitioned for substantive certification and for approval of its Development Fee Ordinance. If the Borough fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to Section 20 of P.L. 1985, c.222 (N.J.S.A. 52:27D-320). Rockleigh shall not impose a nonresidential development fee on a development that received preliminary or final site plan approval after the expiration of its substantive certification or Judgment of Compliance, nor shall Rockleigh retroactively impose a development fee on such a development. Rockleigh shall not expend development fees after the expiration of its substantive certification or Judgment of Compliance.

SECTION 2. Severability.

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

SECTION 3. Inconsistent Ordinances Repealed.

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

SECTION 4. Effective Date.

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

ROBERT R. SCHAFFER, Mayor

**MARCELLA GIAMPICCOLO,
Borough Clerk**

MOTION offered by Councilman Johnsen, seconded by Councilman Pontone to approve the First Reading and Introduction of Ordinance 2016-8. The Roll Call vote was recorded as follows:

AYES: Ewald, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Bresnak, Cumiskey

ABSTAIN: None

The Motion passed.

Second Reading and Public Hearing will be December 5, 2016.

Resolution 2016-50 was presented as follows:

MOTION:

SECOND:

**BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey**

Re: RESOLUTION (2016-50) APPROVING AGREEMENT WITH THE BOROUGH OF NORTHVALE FOR THE PROVIDING OF SANDING, SALTING AND SNOW PLOWING.

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. governs shared service agreements between municipalities; and

WHEREAS, the Borough of Rockleigh desires to enter into an Agreement with the Borough of Northvale for the providing of sanding, salting and snow plowing of streets located within the Borough at the prevailing County rate; and

WHEREAS, an Agreement has been prepared to encompass the months of November and December 2016 and January through April, inclusive, of 2017.

WHEREAS, the Chief Financial Officer has certified that funds are available for such purpose, and are provided for in Streets & Roads/OE, Account No.01-2010-26-2902-01.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that Mayor Robert R. Schaffer and Borough Clerk Marcella Giampiccolo be and are hereby authorized to execute the aforesaid Agreement on behalf of the Borough.

Dated: _____, 2016

MOTION:

SECOND:

Re: RESOLUTION (2016-51) AUTHORIZING THE EXECUTION OF THE AGREEMENT WITH THE BOROUGH OF NORTHVALE FOR THE PROVIDING OF PUBLIC WORKS SERVICES BY SAID BOROUGH

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. permits a municipality to enter into an agreement with another municipality to receive any services which the respective parties are empowered to provide or receive; and

WHEREAS, an Agreement has been prepared whereby the Borough of Northvale would provide the Borough of Rockleigh with certain services to be performed by the Department of Public Works of Northvale, including maintaining and replacing street signs, brush chipping, lawn maintenance of municipal property, and pot hole repair on streets, all within the Borough of Rockleigh; and

WHEREAS, the Agreement has been reviewed by the Mayor and Council and found to be acceptable.

WHEREAS, the Chief Financial Officer has certified that funds are available for such purpose, and are provided for in Streets & Roads/OE, Account No. 01-2010-26-2902-01.

NOW THEREFORE BE IT RESOLVED that Mayor Robert Schaffer and Borough Clerk Marcella Giampiccolo be and are hereby authorized to execute the aforesaid Agreement; and

BE IT FURTHER RESOLVED that a copy of the Agreement, once executed by the respective municipalities, shall be filed with the Division of Local Government Services in the Department of Community Affairs pursuant to N.J.S.A. 40A:65-4b; and

BE IT FURTHER RESOLVED that a copy of said Agreement shall be available for inspection at the Office of the Rockleigh Borough Clerk pursuant to N.J.S.A. 40A:65-5b.

Discussion took place regarding the DPW Shared Services Agreement regarding the confirmation of the price of the agreement, which is \$20,000 for the year. It is unchanged from prior year. Without further discussion a MOTION was offered by Councilman Mender, seconded by Councilman Johnsen to approve Resolutions 2016-50 and 2016-51. The Roll Call vote was recorded as follows:

AYES: Ewald, Johnsen, Mender, Pontone

NAYS: None

ABENT: Bresnak, Cumiskey

ABSTAIN: None

The Motions passed.

Resolution 2016-52 was presented for approval:

MOTION:

SECOND:

BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey

Re: RESOLUTION (2016-52) AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF BERGEN RELATING TO COUNTY ROAD RESURFACES

WHEREAS, the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1*, *et seq.*, permits a municipality or governmental unit to enter into an agreement with another municipality or governmental unit to receive any services which the respective parties are empowered to provide or receive; and

WHEREAS, an Agreement has been prepared whereby the County of Bergen will provide certain services relating to the design of curb ramps and cross walk locations as well as the restriping of roadways, installation of traffic markings and replacement of crosswalks; and

WHEREAS, the Agreement details certain responsibility of both the County and Borough in connection with such road projects; and

WHEREAS, the Agreement has been reviewed by the Mayor and Council, and entering into same has been found to be the best interest of the Borough; and

NOW THEREFORE BE IT RESOLVED that Mayor Robert Schaeffer and Borough Clerk Marcella Giampiccolo be and hereby authorized to execute the aforesaid Agreement; and

BE IT FURTHER RESOLVED that a copy of the within Resolution, together with the executed Chair Services Agreement be forwarded to the appropriate Officials of the County of Bergen.

BE IT FURTHER RESOLVED that a copy of said Agreement shall be available for inspection at the Office of the Rockleigh Clerk pursuant to *N.J.S.A. 40A:65-5b*.

Dated: November 7, 2016

MOTION offered by Councilman Pontone, seconded by Councilman Mender to approve Resolution 2016-52. The Roll Call vote was recorded as follows:

AYES: Ewald, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Bresnak, Cumiskey

ABSTAIN: None

The Motion passed

Discussion ensued regarding the appointment of and Administrative Agent (Affordable Housing). Mr. Regan addressed the Governing Body regarding the necessity of hiring an Administrative Agent as it relates to the Borough's Settlement Agreement with Fair Share Housing. A proposal was presented to the Mayor and Council on behalf of Piazza & Associates. Mr. Regan also stated that a Fairness Hearing is scheduled on December 20, 2016 with Judge Toskos. Discussion took place regarding the pricing of the Administrative Agent. There is a one-time fee and a yearly maintenance fee thereafter. If the proposal is acceptable, Mr. Regan will prepare a resolution for the December meeting. The Council was in agreement for a resolution to be prepared for the December meeting.

At this time, Mr. David Altman (30 Rockleigh Road) arrived to the meeting to comment on the Rockleigh Road Safety project. The meeting was not opened to the public by Motion; however, the Mayor updated Mr. Altman on the status of the project. At this time Mr. Altman exited the meeting.

Municipal Court fines were acknowledged for September 2016. No discussion took place.

FINANCIAL BUSINESS/PAYMENT OF CLAIMS:

The CFO presented Resolution 2016-55 regarding a budget transfer. A MOTION was offered by Councilwoman Ewald, seconded by Councilman Mender to approve Resolution 2016-55 for the budget transfer:

MOTION:

SECOND:

**BOROUGH OF ROCKLEIGH
COUNTY OF BERGEN
STATE OF NEW JERSEY**

RESOLUTION (2016-55)

RE: BUDGET TRANSFERS

BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that upon the recommendation of the Chief Financial Officer, the following transfers be made at this time between 2016 Budget line items.

From	
01-2010-25-2682-01 (Fire OE)	\$2,000.00
To	\$2,000.00
01-2010-25-2672-01 (Fire Clothing Allowance)	

From	
01-2010-20-1502-01 (Tax Assessment OE)	\$9,000.00
To	
01-2010-20-1802-01 (Planning Board OE)	\$9,000.00

The Roll Call vote was recorded as follows:
 AYES: Ewald, Johnsen, Mender
 NAYS: None
 ABSENT: Bresnak, Cumiskey
 ABSTAIN: Pontone
 The Motion passed.

Following that discussion, the Bill List dated November 7, 2016 was presented for approval. Councilman Pontone will abstain from voting on Fire Department line item payable to himself for the 2016 Fire Department Clothing Allowance. Motion was offered by Councilman Johnsen, seconded by Councilman Mender, to approve the Bill List dated November 7, 2016, with the understanding that the CFO will review all of the payroll coding to be correct, in addition noting the total claims and accounts amounting to \$472,821.32 is paid, and that checks be issued therefore, in accordance with established procedure, upon confirmation from the Borough Treasurer/CFO that sufficient monies are available to pay said obligations. No further discussion took place. The Roll Call vote was recorded as follows:

AYES: Ewald, Johnsen, Mender, Pontone* (abstaining from vote as to FIRE/OE item)
 NAYS: None
 ABSENT: Bresnak, Cumiskey
 ABSTAIN: *Pontone
 The Motion passed.

The Mayor addressed the items of Correspondence with the Council. The Mayor has asked Mr. Malhame to attend the December 5, 2016 meeting to address the status of the Borough's insurance for 2017, the three (3) year renewal and competitive quotes.

The State of New Jersey issued correspondence on October 17, 2016 announcing the lifting of the Governor's Executive Order no. 210 regarding the funds of the NJDOT.

The Mayor stated that Mike Malhame looked into the question presented at the last Council meeting regarding the Best Practices Checklist and flood insurance and it was determined not to be cost effective at a cost of \$6,700 per year and the appointment of a coordinator.

The Mayor announced as a FYI to the Council that the Rockleigh Equestrian Center has applied to the County to become a designated farm and noted this application has nothing to do with the current taxes the Equestrian Center pays to the town. The Borough needs to take no action and is not involved in this matter. Some discussion took place. The meeting before the County Agricultural Board is set for November 21, 2016.

There being no further business to come before the Governing Body, a Motion was offered by Councilman Pontone seconded by Councilman Mender to adjourn the meeting. All Councilmembers present voted in the affirmative and the meeting was adjourned. The Motion passed.

Respectfully submitted,



Marcella Giampiccolo,
Borough Clerk