



## Borough of River Edge

Mayor and Council  
Agenda September 21, 2020

**Regular Meeting**

Borough Hall  
705 Kinderkamack Road

**7:00 P.M.**

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1. Call to Order –
  2. Silent Prayer – Flag Salute
  3. Statement of Compliance with Open Public Meeting Act: This meeting complies with the Open Public Meeting Act by notification on December 20<sup>th</sup> of this location, date and time to the Ridgewood News and the Record and by posting of same on the municipal bulletin board and Borough Web Site and filing a notice of the same with the Municipal Clerk.
  4. Roll Call –
  5. Minutes
    - a. Approval of the minutes of the Mayor and Council Regular Meeting of September 8, 2020.
  6. Proclamations & Awards –
    - a. Certificates of Recognition for the Little League U10 Championship Team
  7. Public Comments on any item on this agenda –
  8. Appointments & Personnel Changes –
    - a. Approve the salary increase of Joseph Zemaite, Police Officer from an annual salary of \$126,578.14 to \$129,012.33 due to an increase in longevity from 4% to 6% effective September 16, 2020.
  9. Monthly Reports –
    - a. Library Board - September 2020
    - b. Land Use Board - September 2, 2020
  10. First Reading on Ordinances –
    - a. Ordinance #20-18 – An Ordinance Repealing and Replacing Chapter 362, Article III Entitled “Street Excavations” of the Revised General Ordinances of the Borough of River Edge, County of Bergen and State of New Jersey
    - b. Ordinance #20-19 – An Ordinance Amending and Supplementing the Code of the Borough of River Edge (1998) Chapter 206 – “Fees”
  11. Second Reading & Hearing on Ordinances –
    - a. Ordinance #20-13 – Ordinance Amending Chapter 71, Article III of the Code of the Borough of River Edge Entitled “Police Department” Establishing Promotion

- Procedures for the Rank of Lieutenant
- b. Ordinance #20-14 - Ordinance Amending Chapter 71, Article III of the Code of the Borough of River Edge Entitled "Police Department" Establishing Promotion Procedures for the Rank of Sergeant
- c. Ordinance #20-15 – An Ordinance to Adopt a Redevelopment Plan for the New Bridge Landing Station Redevelopment Area
- d. Ordinance #20-16 – An Ordinance to Adopt a Redevelopment Plan for the Kinderkamack Road Redevelopment Area
- e. Ordinance #20-17 – An Ordinance Amending Chapter 50, Entitled "Affordable Housing Regulations" to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough's Affordable Housing Obligations

12. RESOLUTIONS - By Consent

- a. **#20-214** Approve Renewal of Liquor License
- b. **#20-215** Authorize the Tax Collector to Refund 2019 Taxes Due to a NJ Tax Court Judgment
- c. **#20-216** Authorize the Tax Collector to Refund 2019 Taxes Due to a NJ Tax Court Judgment
- d. **#20-217** Authorize Account Supervisor to Refund Duplicate Easement Payment for 3<sup>rd</sup> Quarter 2020
- e. **#20-218** Resolution Combining Several Authorizations of Bonds into a Single Issue and Prescribing the Details and Bond Form Thereof for \$5,605,000 General Improvement Bonds Dated October 15, 2020
- f. **#20-219** Resolution Authorizing the Publication, Printing and Distribution of a Notice of Sale and the Publication of a Summary Notice of Sale and Prescribing the Forms Thereof for \$5,605,000 General Improvement Bonds, Dated October 15, 2020, Approving the Preparation, Distribution and Execution of a Preliminary and Final Official Statement for Such Bonds, Undertaking to Provide Continuing Disclosure of Financial Information, Covenanting to Comply with the Internal Revenue Code of 1986, as Amended, Designating Such Bonds as "Qualified Tax-Exempt Obligations" for Purposes of the Internal Revenue Code of 1986, as Amended, and Authorizing Various Matters in Connection with Electronic Bidding for the Bonds
- g. **#20-220** Resolution of the Borough of River Edge, County of Bergen and State of New Jersey Appointing Jason Milito as the Primary Designated Employer Representative and Richard Stephen as the Secondary Designated Employer Representative for the Borough of River Edge
- h. **#20-221** Approve the Hire of Part-time Office Clerk for the Department of Public Works

13. **#20-222** Payment of Bills

14. New Business –

- a. Repair of Storm Damaged Sidewalks
- b. Waive Police Outside Duty Rate for Resident
- c. SCORE/Senior Bus

15. Public Comments

16. Council Comments

17. Adjournment

## **Agenda**

### **Library Board Meeting – September 1<sup>st</sup>, 2020**

1. Roll Call
2. Meeting Notification Statement

*In accordance with the provisions of the Open Public Meetings Act, the River Edge Public Library has caused notice of this meeting to be published by having the date, time, and place thereof posted on the bulletin board in the vestibule of the Library, mailed to the Bergen Record and the Ridgewood News and filed with the Borough Clerk. Zoom information has been posted on Library website and Borough website.*

3. Public Comment
4. Correspondence
5. Approval of the Minutes of the July 7<sup>th</sup>, 2020 meeting
6. Old Business
  - Homebound service
7. Director's Report
8. Treasurer's Report
  - QuickBooks 2020 setup and training
  - Audit report
9. New Business
  - Saturday hours
  - Public PC, photocopier and fax services
  - Holidays 2021
10. Personnel
  - Travel ban policy
  - Staff member quarantine due to Covid
  - Retirements
11. Adjournment

**Next Meeting – Tuesday, October 6<sup>th</sup> at 7:00 PM**



**Board of Trustees  
River Edge Free Public Library  
Secretary's Report – July 7th, 2020**

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The regular meeting of the Board of Trustees of the River Edge Free Public Library was held via Zoom on July 7th, 2020 coming to order at 7:06 pm.

**Roll Call**

Present: Juliet Forte, Maxine Rumsby, Lucy DiMauro, Julie Rabinowitz, Daragh O'Connor, Linda Smith, Alice Sheinman and Shawn Kucharski. Absent: Councilwoman Koen. Resident Alice Melone and staff members Nancy Kennedy, Pat Cali, Dolores Kane, Margaret Churley, and Rosemarie Garcia were also present.

**Meeting Notification Statement**

As required, the meeting notification statement of date, time and location was published in local papers, and placed on the Library bulletin board, as well as on Constant Contact, social media, the REPL website and filed with the Borough clerk.

**Public Comment**

Rosemarie Garcia stated that the Doorside Pickup service has been going very well at the library and that patrons have been very pleased with the current services.

**Correspondence**

The library received 2 returned letters regarding the fundraising effort to match grant.

**Approval of the Minutes**

Alice Sheinman motioned to accept the minutes to the June 2, 2020 board meeting. Juliet Forte seconded.

**Old Business**

Donation Tree. The subcommittee met and decided upon a tree design. They also determined that the cost of each leaf will be \$100, which would amount to just over \$9000 in profit if 200 leaves were sold. The sale of rocks would add more to the profit.

ADA Circulation Desk. Alice Sheinman spoke to the Mayor about funding for the circulation desk. The mayor stated that he saw no reason why he would not cover the cost of the desk.

**Director's Report**

Doorside Pickup Service. Doorside pickup was launched on June 24, following the re-opening of the book drops on June 17. The library is currently open from 10 am to 6:30 pm. All returned items are quarantined for 72 hours, and there is a loan limit of 10 items per card. Patrons are thrilled with these new services. However, the Doorside pickup is very labor intensive.

About 700 new books have been added to the library's collection in the last 2 weeks.

BCCLS. BCCLS is hoping to implement a MeeScan program beginning in August, which would allow patrons to check out their materials using their phone or a kiosk. This program would help patrons and staff maintain safe physical distances. Daragh is hoping to submit the expense for this equipment to FEMA for reimbursement.

All staff members now have BCCLS email addresses, which has been very helpful in working from home.

**Board of Trustees  
River Edge Free Public Library  
Secretary's Report – June 2, 2020**

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BCCLS received a Payroll Protection Plan loan, which will be greatly helpful.

Programs. Several library programs have been scheduled (Cooking with HealthBarn and Story Walk).

**Treasurer's Report**

Reimburse Operating for Architect Expenses. Linda needs to go to the bank to transfer money from the Multipurpose Room Fund to cover the architect's expenses.

We are receiving a generous \$10,000 donation from the estate of Ann Curley.

Linda Smith has reviewed, found in order, and signed all checks. Shawn Kucharski made a motion and Julie Rabinowitz seconded that the treasurer's report be accepted.

**New Business**

Opening to Public. Governor Murphy announced that as of July 2, libraries could open and allow 25% capacity into the building (25 patrons), as long as patrons and staff are wearing facemasks. Daragh and the staff have been planning for this reopening in the following ways: The MeeScan program will be extremely helpful and could be used behind a plexiglass shield. Daragh is awaiting several sneeze guards that he ordered. The meeting rooms may need to be reconfigured to accommodate work stations in order for staff members to stay socially distant – particularly Children's Services and Reference. Some public PC's will be converted into work computers for staff. Daragh will need to organize a rotating schedule for staff members – especially for those who will be working from home. More signage will be needed for patrons. All furniture will be removed, to prevent patrons from lingering in the library.

In Stage 1, the library will only be open for browsing 1 day a week and then shift to 2 days a week in Stage 2. Bathrooms will be open. No cash transactions will be allowed. The public PC's and photocopier will be off limits until Stage 2 or 3.

Once patrons are allowed into the library, simultaneous Doorside Pickup will not be available due to staffing levels. It was suggested that when the library opens to the public, perhaps it's open for half a day and then the other half of the day only Curbside Pickup would be available. However, this could be challenging to achieve. The Board stressed that the library needs to be available to all residents for their various needs (browsing and pickup).

Daragh needs to check with the Borough attorney to see if we can limit the patrons to only River Edge residents. With a 25 patron limit at one time, it will be challenging and time consuming to monitor patrons as far as the amount time they are allowed to stay in the library.

The Board agreed that the staff should determine the best ways to manage the reopening of the library, as many nuances will need to be addressed and potential kinks will need to be ironed out. The Board suggested announcing to the community that the library intends to open sometime soon, without giving a specific date. This could be done on the library's website and social media. Assuming that all necessary equipment is obtained and a schedule and process is determined, Daragh made an estimate that the library could potentially open as early as July 22, however, this date could change depending upon many variables.

**Board of Trustees  
River Edge Free Public Library  
Secretary's Report - June 2, 2020**

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Alice Sheinman made a motion to go into closed session. Juliet Forte seconded the motion.

Maxine Rumsby made a motion to leave closed session. Juliet Forte seconded.

With no further business, Maxine Rumsby moved to adjourn and Alice Sheinman seconded the motion.  
The meeting adjourned at 8:58pm.

Respectfully submitted,  
Julie Rabinowitz, Secretary



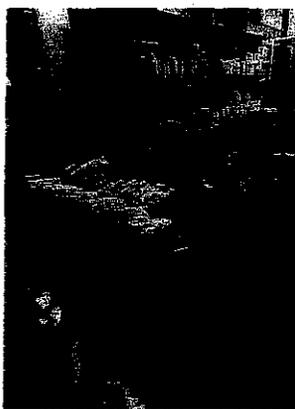
## Director's Report to Board of Trustees 9.1.2020

### *Door Side & Inside*

Following our opening up to “door side pickup” service on June 23<sup>rd</sup> we added “inside” service on July 23<sup>rd</sup>. The schedule is currently:

**Mon:** 1-4 *OPEN*; 5-7 *Doorside*  
**Tues:** 10-2 *Doorside*; 3-7 *OPEN*  
**Wed:** 10-2 *OPEN*; 3-7 *Doorside*  
**Thurs:** 10-2 *Doorside*; 3-7 *OPEN*  
**Fri:** 10-1 *Doorside*; 2-5 *OPEN*

On day 1 of inside grab and go we had lots of patrons, many of whom expressed a mixture of relief and gratitude to be able to come into the Library and browse the collection. We were happy to see some of our regulars, plus some people we did not already know. Two weeks later BCCLS resumed delivery between member libraries and patrons were once again able to order from the BCCLS catalog of 6 million items. And order they did! For about a week circulation staff dealt with a high number of delivery items. We did not have enough shelf space for about 2 weeks:



Inside service is designed around State guidelines which are restrictive:

- 25% capacity
- Limited time in the building
- No programs on site
- Mandatory mask wearing
- No younger patrons under 13 without an adult

We have no chairs and our public PCs and photocopier are not available for use. Public bathrooms are open, but our water fountain has been disabled. While offering door side pickup and inside service we have had to quarantine recent returns as well as BCCLS deliveries. This slows service down considerably, but is also reassuring to our borrowers.

Though the level of service is not perfect I feel we are doing very well under the circumstances. As I write 30 BCCLS libraries are still closed to the public. I suspect this is for a variety of reasons, one of which is lack of sufficient staff. Many libraries were forced to furlough staff in the Spring and I am also seeing many retirements and resignations in the library community. So, we are doing very well to offer 18 hours of inside service and 17 hours of door side pickup, along with quality online programs and a wealth of digital resources. (We are still figuring out how to count public attendance at online programs).

Our patrons have been very compliant with the rules on face coverings, though I did have a verbal exchange with a regular who forgot to wear his into the building and only left after he checked out his books. Another patron had settled into a comfortable position on the floor with his laptop when I reminded him that we do not allow this. One option that we do offer is wifi and many patrons use it in our car park or at one of our park benches:



### *Emergency Closings*

On July 6<sup>th</sup> a transformer blew in our location and we lost power to the building. As a result, we closed for the evening. The power was restored early the next day.

A violent tropical storm hit the area on August 4<sup>th</sup>, taking down trees, tree limbs and powerlines. Many libraries did not open in anticipation of the event. We managed to stay open until about noon. Though we did not lose power getting to and from work became a challenge in the days following. As I write this the cleanup continues.

Respectfully submitted,



1:57 PM

09/04/20

Cash Basis

**River Edge Free Public Library**  
**Profit & Loss Budget vs. Actual**  
**January through December 2020**

	Jan - Dec 20	Budget	\$ Over Budget	% of Budget
<b>Income</b>				
Boro Approp	98,751.20	137,410.00	-38,658.80	71.9%
County Grant	2,419.35	2,419.00	0.35	100.0%
Donation	750.00	1,500.00	-750.00	50.0%
Fines	2,361.85	3,000.00	-638.15	78.7%
Funds brought fwd.	0.00	10,000.00	-10,000.00	0.0%
Interest Earned	69.93	50.00	19.93	139.9%
Lost Books	517.00	1,700.00	-1,183.00	30.4%
Lost Cards	45.00	300.00	-255.00	15.0%
Memorials	60.00	300.00	-240.00	20.0%
Photocopy	651.00	2,000.00	-1,349.00	32.6%
State Aid	0.00	5,000.00	-5,000.00	0.0%
<b>Total Income</b>	<b>106,625.33</b>	<b>163,679.00</b>	<b>-58,053.67</b>	<b>64.5%</b>
<b>Expense</b>				
Audio Books	519.04	383.00	136.04	135.5%
Audit	0.00	2,250.00	-2,250.00	0.0%
BCCLS Computer	29,253.60	40,945.35	-11,691.75	71.4%
Bldg Maint	536.45	3,000.00	-2,463.55	17.9%
Books AF	7,588.45	14,000.00	-6,411.55	54.2%
Books ANF	7,444.04	15,502.00	-8,057.96	48.0%
Books Foreign	9,000.00	9,000.00	0.00	100.0%
Books Inst AY	2,874.96	2,000.00	874.96	143.7%
Books J E YA	9,242.41	17,170.00	-7,927.59	53.8%
Cleaning Maint	7,382.50	15,500.00	-8,117.50	47.6%
Digital Books	4,098.31	8,000.00	-3,901.69	51.2%
DVD VIDEO GAMES	1,706.85	5,500.00	-3,793.15	31.0%
Equipment	273.00	2,000.00	-1,727.00	13.7%
Equipment Maint	3,030.29	4,229.00	-1,198.71	71.7%
Kanopy	591.00	2,000.00	-1,409.00	29.6%
Multi Purpose Rm. Exp.	6,500.00			
Periodicals	7,193.91	10,000.00	-2,806.09	71.9%
Photocopy Expense	1,694.82	1,800.00	-105.18	94.2%
Postage	446.76	400.00	46.76	111.7%
Programs	3,349.04	2,000.00	1,349.04	167.5%
Reconciliation Discrepancies	4.90			
Staff Developmt	170.60	1,000.00	-829.40	17.1%
Supplies	7,582.82	7,000.00	582.82	108.3%
<b>Total Expense</b>	<b>110,483.75</b>	<b>163,679.35</b>	<b>-53,195.60</b>	<b>67.5%</b>
<b>Net Income</b>	<b>-4,858.42</b>	<b>-0.35</b>	<b>-4,858.07</b>	<b>1,388,120.0%</b>

1:51 PM

09/04/20

Accrual Basis

**River Edge Free Public Library**  
**Profit & Loss**  
**August through September 2020**

	Aug - Sep 20
<b>Income</b>	
Fines	140.85
Lost Books	30.00
<b>Total Income</b>	<b>170.85</b>
<b>Expense</b>	
BCCLS Computer	9,751.20
Books AF	1,408.36
Books ANF	93.33
Books Inst AY	1,803.39
Digital Books	471.32
DVD VIDEO GAMES	87.71
Equipment Maint	149.92
Photocopy Expense	132.50
Postage	224.10
Programs	448.68
Supplies	2,433.80
<b>Total Expense</b>	<b>17,004.31</b>
<b>Net Income</b>	<b>-16,833.46</b>

1:53 PM  
09/04/20  
Accrual Basis

# River Edge Free Public Library Balance Sheet

As of August 31, 2020

Aug 31, 20

**ASSETS**

Current Assets	
Checking/Savings	
PNC Checking	5,754.17
PNC Money Market	5,990.71
Savings	19,095.00
Total Checking/Savings	<u>30,839.88</u>
Total Current Assets	<u>30,839.88</u>
<b>TOTAL ASSETS</b>	<u><u>30,839.88</u></u>

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BOROUGH OF RIVER EDGE  
LAND USE BOARD  
MEETING MINUTES  
COUNCIL CHAMBERS  
September 2, 2020

Zoom - Meeting called order at 7:30 p.m.

Roll call please:

Mayor Papaleo - Here  
Chairman, James Arakelian - Here  
Vice Chairman, Dick Mehrman - Here  
Lou Grasso - Here  
Ryan Gibbons - Absent  
Michael Krey – Here  
Eileen Boland – Excused  
Chris Caslin- Here  
Alphonse Bartelloni – Absent  
Dario Chinigo – Here  
Gary Esposito – Here

ALSO PRESENT:

Marina Stinley, Esq.  
Thomas Behrens, Planner

Chairman Arakelian made the required announcement concerning the Open Public Meetings Act: Adequate notice of this meeting has been displayed on both the bulletin board at Borough Hall, by the Bergen Record and people who are interested in this meeting. No flag salute. No fire exits to worry about. Minutes for August 5, 2020 – Motion to accept minutes – Mr. Mehrman, Second – Mr. Krey  
Minutes approved.

- **Memorialization of PatDom, LLC, 259 Johnson Avenue, Block 1417, Lot 3** - front yard setback and parking because they were approved some outside seating as well. Outdoor seating is not related to Covid – this is permanent.

Ms. Stinley advises the Board that she did not receive the documentation required in the Resolution from PatDom, LLC the Board can either decide to carry the memorization or the Board can authorize signature of the Resolution upon receipt of the documents and then can go ahead and ratify the signatures at the next meeting. Chairman Arakelian suggests the second option as being the most prudent. Chairman Arakelian suggests the Board ratify the approval and he will hold off on his signature until he receives confirmation from the clerk that everything is in place and then they will ratify the signatures at the next meeting.

Documents that are missing are – Lease documents, valet agreement and the plans for the tent. Councilman Chinigo raises the point that he doesn't see why they just don't carry this to the next meeting. He doesn't feel it hurts anyone one way or another, and he would like to see everything one at once.

Mr. Mehrman also addresses the fact that the plans for the tent were to be submitted to Mr. Costa. Mr. Mehrman agrees with Councilman Chinigo to hold off until the next meeting. Mr. Mehrman makes the following motion – PatDom, LLC, 259 Johnson Avenue, Block 1417, Lot 3, that the drafted Resolution be carried to the next regular meeting due to the fact that the applicant has not submitted the requested materials in a timely fashion. Councilman Chinigo, second.

Roll Call : Mayor Papaleo -yes; Chairman Arakelian - yes; Ms. Boland (Absent); Mr. Bartelloni (Absent); Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – yes; Councilman Chinigo – yes; Mr. Gibbons (Absent); Mr. Esposito – yes. This will be carried to the September 16, 2020. No further notices are required.

- **3 New Bridge Road – Food handler's license and parking relief.**

Mr. Mehrman makes Motion - to adopt memorialization - there being no other comments Mr. Mehrman makes the Motion to accept the resolution for a food handlers license and parking relief for 3 New Bridge Road, Block 1303, Lot 4. Second – Mr. Krey.

Roll Call : Mayor Papaleo -yes; Chairman Arakelian - yes; Ms. Boland (Absent); Mr. Bartelloni (Absent); Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – (Abstained); Councilman Chinigo – yes; Mr. Gibbons (Absent); Mr. Esposito – yes. Resolution passed

### **Completeness review**

- **Matthew Terhune, 206 Berkley Road, Block 902, Lot 18**, proposal to construct a shed which violates lot coverage and setback requirements.

Ms. Stinley reviewed the publication and notice provided by the applicant and everything was correct, and the Board has jurisdiction to proceed on the application.

Mr. Behrens has also reviewed the documentation and has determined that the application is complete.

Motion to move forward – Councilman Chinigo- so moved; Second – Mr. Esposito.

Roll Call : Mayor Papaleo -yes; Chairman Arakelian - yes; Ms. Boland (Absent); Mr. Bartelloni (Absent); Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – yes; Councilman Chinigo – yes; Mr. Gibbons (Absent); Mr. Esposito – yes. Completeness passed.

- **7-11, 584 Kinderkamack Road, Block 619, Lot 3** – Food Handler's License

Ms. Stinley reviewed the publication and notice provided by the applicant and everything was correct, and the Board has jurisdiction to proceed on the application.

Mr. Behrens has also reviewed the documentation and has determined that the application is complete.

Motion to move to hearing - Mr. Mehrman – so moved; Mr. Krey - Second

Roll Call : Mayor Papaleo -yes; Chairman Arakelian - yes; Ms. Boland (Absent); Mr. Bartelloni (Absent); Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – yes; Councilman Chinigo – yes; Mr. Gibbons (Absent); Mr. Esposito – yes. Completeness passed.

### New Business

- 7-11, 584 Kinderkamack Road, Block 619, Lot 3

The current owner of the 7-11 is sworn in by Ms. Stinley. Mr. Manandhar 128 Eagle Avenue, New Milford, NJ. (new owners). No changes are being made they are just taking over the business as is.

Mr. Behrens he has reviewed the prior approval, Resolution and site plan and it appears everything on the site is in accordance with those approvals. Landscaping and maintenance should be addressed to some extent. At a minimum there appears to have been a few trees that have died and are in need of replacement – just sprucing up the property. No other issues with the site.

New owners agree to do the landscaping and sprucing up that is necessary. Chairman Arakelian opens comments from the Board.

Mr. Mehrman requests clarification as to the transfer of the property; i.e property owner or franchisee. He wants to add to Mr. Behrens list after his review of the property today besides the landscaping mentioned earlier, he feels the rest of the property needs a cleanup especially in the dumpster area.

Councilman Chinigo addresses the need to adhere to the noise ordinances especially during the later delivery times. Chairman Arakelian asks the applicant if they will be keeping the delivery and everything else as was previously approved. The applicants say they will keep everything the same.

Motion to open to the public - Mr. Merhman. Second- Mr. Caslin. A message was left asking the Board to make sure the noise stays under control and that the signage is proper. Chairman Arakelian tells the Board that the applicant will have to conform to whatever was approved in the prior approvals and the two things brought up by the Board at this meeting the landscaping and the garbage and they will work with the Planner to make sure that is done properly and the applicants have agreed to that. Signage will stay as the existing signage. Motion to close to the public – Councilman Chinigo, Second - Mr. Grasso.

Motion to move on the application is made by Mr. Mehrman regarding the convenience store changing ownership of the franchise and that the food handler's license be approved for the new operator, there are not site changes, the applicant has conformed to all proper approvals for this site and that the landscaping repair be incorporated and the Board is looking forward to the new franchisee doing a thorough general clean-up to the entire site. Councilman Chinigo, Second.

Roll Call: Mayor Papaleo -yes; Chairman Arakelian - yes; Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – yes; Councilman Chinigo – yes; Mr. Esposito – yes. Completeness passed. Application approved.

- **Matthew Terhune -206 Berkley Road, Block 902, Lot 18- Shed construction which violates maximum lot coverage and setback requirements.**

Applicant was sworn in. The applicant is looking to put an 8 x 12 shed in the southeast corner of his property. Only has a one car garage which and has run out of space for storage. The shed will allow for extra storage.

Mr. Berhens concurs with the applicant's statement; the Board has received a copy of the property survey showing the approximate location of the shed. Being proposed is an 8 x 12 foot shed about 96 square feet. The variance relief that is being requested/required is the maximum approved lot coverage or impervious coverage will be increased 39.8% the maximum lot coverage or building coverage will be increased to 26.7% where 25% is the maximum and where the shed will be located within four feet of the lot line where the minimum setback is four feet. Mr. Behrens asks the applicant if there are other areas on the property that would accommodate the shed with a four-foot setback in the rear yard. Mr. Terhune states he has looked at other areas, but this is the most ideal spot for the shed. He did note that both his property and his neighbor's property have fences so while it won't be proposed to be setback within four feet there are two separate fences between my property and my neighbor.

Mr. Behrens points out the following – detrimental impacts 96 square feet of coverage and whether or not the shed in the proposed location is an issue or not and that will be for the Board to deliberate.

Chairman Arakelian opens up to the Board for questions. Mr. Caslin would like to know the approximate distance between the house and the shed. Mr. Terhune advises that it is about ten feet which is the issue of him having a four-foot setback.

Mr. Krey inquires as to why the shed cannot be placed in the back right corner. Applicant responds it would just look out of place.

Mr. Merhman – by installing the shed in your proposed location will you be removing any of the large evergreens along that sideyard? Mr. Terhune – Not touching landscaping. Mr. Mehrman asks the applicant what the height of the shed will be. Applicant responds approximately eight feet. Mr. Mehrman would like the applicant to consider planting a screening of evergreen or two perhaps replacing the two bushes that are there now so in a year or two it would hide the projection of four feet or more of the current fence. Applicant's intention is to get matching siding of the fence to the house so from an aesthetic standpoint when you view when you come around Berkley Road it would almost from an appearance standpoint blend perfectly into the house because shingles would be the same color of the house and the siding would be the exact same siding I used on the house. Mr. Mehrman's main concern is screening the shed from view from the street. Applicant agrees to look into ways to screen he shed.

Motion to open to the public – Mr. Caslin – Second – Mr. Esposito. No one from the public is present. Motion to close to the public. Mr. Caslin – Second – Mr. Grasso.

Motion on the application – Mr. Mehrman - 206 Berkley Road, Block 902, Lot 18- Shed construction which violates maximum lot coverage and setback requirements makes a motion that the Board consider approval of the improved lot coverage from 35% permitted to 39.8% likewise the maximum lot coverage from 25% permitted to 26.7% and that the shed in itself have a setback of less than 1 foot approximately 6 inches where the required setback is 4 foot and the applicant agrees to provide some front yard screening to visually block the roof of the shed from the street line. Second – Mr. Caslin.

Roll Call: Mayor Papaleo -yes; Chairman Arakelian - yes; Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – yes; Councilman Chinigo – yes; Mr. Esposito – yes. Application approved.

Chairman Arakelian updates the Board on the Bergen County Historic Society application. He spoke with Mr. Barrett who advised that he had a meeting with the State and basically it was left off don't call me I'll call you. So, there's some work Mr. Barrett has to do with dealing with the State, the parking and so forth so the Board will just keep holding it in abeyance. As things are right now it is still on hold.

The Mayor announces that Channel 33 on Verizon is pretty much up and running, the cameras are ready to go and Cablevision hopefully will give the Borough a channel so when they return to in person meetings the Borough will be fully live. All work that needs to be done in the Borough is being done and things are progressing as should be. Mr. Mehrman makes a motion to close the meeting – Second – Mr. Grasso

Meeting adjourned.

**BOROUGH OF RIVER EDGE  
ORDINANCE #20-18**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 362, ARTICLE III ENTITLED "STREET EXCAVATIONS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen and State of New Jersey that the entirety of Chapter 362, Article III entitled "Street Excavations" is hereby repealed in its entirety and shall be replaced with the following newly titled Chapter 362, Article III, "Street Excavations" as follows:

**Chapter 362. Streets and Sidewalks**

**Article III. Street Excavations**

§ 362-11. Definitions.

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

**BLOCK PAVEMENT**

A street having a granite, wooden or stone substance in block form.

**CONCRETE PAVEMENT**

Any pavement having a concrete surface.

**DEPARTMENT**

Except where otherwise required by the context, shall mean the Public Works Manager.

**PERMANENT PAVEMENT**

A street having an asphalt Topeka surface on a stone base.

**SEMIPERMANENT**

A street having macadam or a penetration surface.

**UNIMPROVED STREET**

Any street having a dirt or cinder surface.

**HISTORICAL STREET**

Any street within the Borough of River Edge designated in Chapter 240

§ 362-12. Permit required.

No person shall remove, obstruct, excavate, dig up or in any way disturb the surface of any street, road, avenue or public place within the Borough, or any gutter or pavement thereon,

for any purpose, without obtaining a written permit from the Borough Clerk, in the event of clerk's absence such permit can be issued by the Deputy Clerk and/or Borough Administrator. A street shall be defined as set forth in § 362-11 No person shall make an excavation in, or tunnel under, any street without the necessity of the issuance of a permit. Where an emergency has arisen which makes it necessary to commence work immediately, provided that the application for a permit is filed with the responsible municipal official no later than the commencement of work together with an estimate of fees required and estimated performance guarantee, provided further that such procedure may be delayed until the next business day succeeding the commencement of work where the emergency arises subsequent to the departure for the day of the responsible municipal official. The permit, when issued, shall be retroactive to the date on which the work has begun.

§ 362-13. Application; fees.

- A. Application. All permits granted under §362-12 shall be done by completing Borough of River Edge Street Opening Application. The permit shall specify the full name of the person to whom it is granted and the place or places at which the work is to be done, the character of the work and the time within which it is to be completed. No such permit shall be valid except for the place, time and character of the work specified therein. No permits shall be granted to dig up or excavate any street, road, avenue or public place until there shall have been paid to the Borough Clerk a fee as hereinafter provided. The fee shall become the property of the Borough to be used for the repairing and maintenance of the surface of the trench or opening until it has been properly filled. The fee shall also be for the use of the Borough for preparing and recording every permit and inspecting the street when the work is completed.
- B. Fees shall be paid simultaneously with the submission of the permit application. Applicants shall be charged a permit fee of \$500 for each opening permit, or such higher fee as is set forth in Chapter 206. In addition, the applicant shall be required to post a performance guarantee in the form of cash or an approved surety bond in the amount of \$1,500 (Bituminous Concrete Roads) or \$3,600 (Concrete Roads, Granite, Concrete Pavers or Historical Street), provided that the estimated dimensions of the opening are 120 square feet or less, and in the amount of \$1,500 ( for Bituminous Concrete Roads) or \$3,600 (Concrete Roads, Granite, Concrete Pavers or Historical Street) plus \$15 (Bituminous Concrete Roads) or \$30 (Concrete Roads, Granite, Concrete Pavers or Historical Street) per square foot for each square foot of openings estimated to exceed 120 square feet, to insure the restoration of the street in accordance with the requirements of this chapter. A public utility company in lieu of giving a separate bond for each project may annually, once in January of each year, post a bond for each project in the amount

of \$15,000 sufficient to encompass the estimated work performed by said utility during the ensuing calendar year. In the event that the actual street opening work exceeds the posted bond amount, additional bonds and/or cash security will be required.

§ 362-14 Rules and regulations.

All permits issued under this section shall be subject to the following rules and regulations:

- A. All excavations shall be kept properly barricaded by the permittee at all times. No excavation work area shall be open overnight. This regulation shall not excuse the permittee from taking any other reasonably necessary precaution for the protection of persons or property.
- B. All work shall be done in such a manner as to cause a minimum of disruption to the community at large.
- C. No work shall be done in such a manner as to interfere with any water main or sewer line, or any connection with either of the same, from any building unless that is the purpose of the excavation or permission has been obtained in advance from the Borough Engineer. No work shall be carried on in such a manner as to result in destruction or damage of any property of the Borough unless this is necessary for completion of the work and permission has been obtained in advance from the Borough department or agency having jurisdiction over such property.
- D. Pavement shall be cut with mechanical pavement cutters, saws or other like tools. The edges of the opening shall be kept as square and clean cut as possible. The paved roadway surfaces shall be cut vertically on a straight line at least Twelve (12") inches beyond the outer limits of the trench before excavating to avoid undermining the adjacent roadway. The trench in which any utilities and/or appurtenances are to be constructed shall be excavated in open cut from the surface and in such a manner and to such depth and width as will give suitable room for bracing and supporting, pumping and drainage at the permittee's discretion.
- E. All applications for excavations exceeding four (4') feet in depth shall be accompanied by engineering documents showing how the excavation will be supported from side wall collapse and how adjacent property and structures shall be protected.

- F. No trench may be backfilled until such time as the Director of Public Works, Borough Engineer or their designee has inspected the subterranean installations and approved same.
- G. All excavations shall be completely backfilled at the end of each working day by the permittee. As much as possible of suitable material excavated modified proctor density. Consolidation will not be acceptable as a method to achieve the soil densities specified. Upon completion of the work, the permittee shall remove any excess material and leave the premises in a clean condition. If the Director of Public Works, Borough Engineer or their designee determines that any backfilled excavation has settled or caved in, he shall so notify the permittee who shall promptly continue backfilling until the Director of Public Works, Borough Engineer or their designee determines that settlement is complete.
- H. All required utility mark outs, including the Borough if necessary, should be done in a timely fashion, specifically before excavation takes place.
- I. It is the responsibility of the permittee to ensure traffic safety arrangements have been arranged with the River Edge Police Department.
- J. A permit shall be valid for Sixty (60) Calendar Days to open and restore the street in accordance with Section 247-34. If the work is not completed during that timeframe; a new permit will be required to be obtained in accordance to all the terms and conditions of this chapter.

§ 362-15. Bonds.

No permit shall be issued until the applicant has filed a bond in an amount determined to be sufficient by the Director. The Director may waive the requirements of this subsection in the case of public utilities upon the presentation of satisfactory proof that it is capable of meeting any claims against it up to the amount of the bond which would otherwise be required. The bond shall be executed by the applicant as principal and a surety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:

- A. To indemnify and hold harmless the Borough from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.

- B. To indemnify the Borough for any expense incurred in enforcing any of the provisions of this article.
- C. To indemnify any person who sustains personal injuries or damage to his property as a result of any act or omission of the applicant, his agents, employees or subcontractors done in the course of any work under the permit.
- D. The bond shall also be conditioned upon the applicant's restoring the surface and foundation of the street for which the permit is granted in a manner acceptable to the Public Works Manager.
- E. One bond may be accepted to cover a number of excavations by the same applicant. Bonds shall remain in force for a period to be determined by the Public Works Manager.

§ 362-16. Insurance.

- A. No permit shall be issued until the applicant has furnished the Public Works Manager with satisfactory proof that he is insured against injury to persons and damage to property caused by any act or omission of the applicant, his agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the insurance policy shall be a combined single limit of \$1,000,000 for injury to any one person, for injuries to more than one person in the same accident and for property damage for a single incident. The Superintendent may waive the requirements of this section in the case of a public utility upon the presentation of satisfactory proof that it is capable of meeting claims against it up to the amount of the limits of the insurance policy which would otherwise be required.
- B. Satisfactory proof that the applicant is insured as stated above must have what is considered to be an A or better rating by the A.M. Best: Rating Service. The governing body of the Borough of River Edge reserves the right to waive this requirement at its discretion by passage of a resolution.

The following requirements shall pertain to every applicant for a street opening permit:

- A. Every application for a street opening permit must be accompanied by a certificate of insurance demonstrating that the applicant possesses personal injury liability insurance in the amount of \$1,000,000 combined single limit and property damage

liability insurance in the amount of \$500,000 per occurrence. Said insurance shall be maintained by the permittee during the period of construction. Utility companies may file an annual certificate showing proof of coverage.

- B. Every application for a street opening permit shall contain an agreement by the applicant, in writing, to indemnify and hold harmless the Borough of River Edge, its agents, servants and employees, including its reasonable attorney's fees, resulting from any damage or liability, sustained by any person or property arising out of the activities of the permittee or its agents, servants and employees in conjunction with the work authorized by said street opening permit.

§ 362-17. Restoration of surface required.

Restoration of the various roadway surfaces shall be in accordance with the following rules and regulations.

**A. Bituminous Concrete Roads:**

1. Following compaction, the permittee shall install no less than six (6") inches of Virgin Dense Graded Aggregate followed by eight (8") inches of Bituminous Stabilized Base Course to the trench. If the distance from the edge of the excavation work area to the existing curb or roadway edge is less than two feet, the permittee shall be required to excavate to the curb and evenly install six (6") inches of dense graded aggregate followed by eight (8") inches of bituminous stabilized base course in the entire area (See Detail-A, Detail-B, Detail-C, Detail-D & Detail-E).
2. The partially restored pavement shall be allowed to settle for no less than Ninety (90) days and no more than One Hundred Eighty (180) days (Period of Settlement). The Borough has the responsibility to inspect the trench at any time during the settlement period or after at its sole discretion, if the trench becomes unacceptable, the permittee shall be notified of the condition requiring repair and such repair shall be performed by the permittee within Fifteen (15) Business Days.
3. Following the period of settlement, the permittee shall be required to mill the excavation work area surface as specified in this article and install no less than two (2") inches of Fine Aggregate Bituminous Concrete (FABC) 9.5 HMA 64 surface course. The permittee shall also be required to provide a tack coat on all existing

bituminous concrete surfaces and a hot-poured, rubber asphalt joint sealer per Section 914 of NJDOT Standard Specifications for Roads and Bridges.

4. All longitudinal excavations shall require milling and restoration of the excavation work area extending from the curb to curb of the road and/or a minimum of one (1') foot beyond the outer edges of the excavation. Individual excavations less than One Hundred Twenty (120SF) square feet shall be restored via the "infrared" method. If square excavations are located within 50 feet on center, full curb-to-curb restoration for the entire distance between excavations shall be required (See Detail-C, Detail-D & Detail-E).
5. The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line striping, trees, etc. that are affected by the excavation and restoration work.
6. With written approval from the Borough Engineer, the center line of road milling and restoration may be offset by the distance necessary to avoid disturbing the existing line striping or markers.

#### **B. Concrete Roads.**

1. Following compaction, the permittee shall install no less than six (6") inches of virgin dense graded aggregate.
2. The permittee shall install No. 4 longitudinal and transverse reinforcing bars (two rows spaced four inches apart). The permittee shall install No. 4 reinforcing bars (Steel dowels; 18 inches long) shall be set in predrilled holes in the existing concrete pavement spaced every two feet along the cut edge. Following approval by the Borough Engineer, the permittee shall then follow with eight (8") inches of 5,000 psi concrete with polypropylene fibers at a mix of One Pound per Cubic yard (1lb/cy), bringing the finished trench to grade. If concrete has been overlaid with asphalt, the same thickness of asphalt present (minimum two inches) shall be installed (See Detail-F & Detail-G).
3. The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line striping, trees, etc. that are affected by the excavation and restoration work.

### **C. Granite Paver Crosswalks and Intersections.**

1. Following compaction, the permittee shall install no less than six (6") inches of dense graded aggregate base course to the trench. If the distance from the edge of the excavation work area to the existing curb is less than two (2') feet, the permittee shall be required to excavate to the curb and evenly install six (6") inches of dense graded aggregate base course in the entire area (See Detail-H).
2. The permittee shall follow with matching brick pavers approved by the Borough Engineer, 2 1/4 inches thick on a one-and-one-half-inch sand setting bed leaving a separation for swept-in sand. The subgrade will consist of Twelve (12") inches of Virgin Dense Graded Aggregate, along with Geogrid Fabric for Structural Strength (See Detail-H).
3. The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line striping, etc. that are affected by the excavation and restoration work.

### **§ 362-18. Permit conditions and regulations.**

- A. Transferability. A permit shall apply only to the person to whom it is issued and shall not be transferable.
- B. Commencement of work. Work under a permit shall commence within 45 days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate, unless extended, in writing, by the Borough Clerk, in the event of clerk's absence such permit can be issued by the Deputy Clerk and/or Borough Administrator.
- C. Possession of permit. A copy of the permit, together with a copy of the plan, endorsed with the approval of the Director of Public Works, Borough Engineer or their designee, must be kept in possession of the person actually performing the work and shall be exhibited on demand to Director of Public Works, Borough Engineer or their designee, any duly authorized employee of the Department of Public Works or to any police officer of the Borough.
- D. Revocation of permit. Director of Public Works, Borough Engineer or their designee may revoke a permit for any of the following reasons:

1. Violation of any provision of this article or any other applicable rules, regulations, law or ordinance.
  2. Violation of any conditions of the permit issued.
  3. Carrying on work under the permit in a manner which endangers life or property, or which creates any condition which is unhealthy, unsanitary or declared by any provisions of this Code to constitute a nuisance.
- E. The procedure for revoking a permit shall be the same as that set forth in this Code for the revocation of licenses, except that the initial hearing shall be before the Director of Public Works, Borough Engineer or their designee with a right of appeal to the Council; and the Director of Public Works, Borough Engineer or their designee may provide in his decision that the revocation shall not become effective if the permittee corrects the violation within a specified period of time.
- F. Modification of permit conditions. In a special case, the Council may by resolution impose special conditions to which the issuance of the permit may be subject, or may decide that any provision of this article shall not apply or shall be altered.
- G. There will be no street opening work permitted on Saturday or Sunday in accordance with this article unless it is an emergency.

§ 362-19. Power to make additional rules and regulations.

The Borough may make any rules and regulations which he considers necessary for the administration and enforcement of this article, but no regulation shall be inconsistent with, alter or amend any provision of this article, or impose any requirement which is in addition to those expressly or by implication imposed by this article. No regulations shall be effective unless they shall be approved by resolution of the Council. Copies of all current regulations shall be furnished each permittee at the time of the issuance of the permit.

§ 362-20. Permit and fee for storing material.

It shall be unlawful for any person to store any material upon the right-of-way of any road or street in the Borough for the maintenance of which the Borough is responsible without first obtaining a storing permit. The charge for each storing permit shall be as set forth in the Borough Fee Schedule, adopted by resolution of the Borough Council, on file in the office of the Borough Clerk. The permit shall run for the time as so designated when issued by the Clerk. Each permit can be renewed upon application and a further payment as set forth in the Borough Fee Schedule, adopted by resolution of the Borough Council, on file in the office of the Borough Clerk.

§ 362-21 Approvals required.

Any person, company, firm or corporation who has applied and received approval before the Planning or Zoning Board of the Borough shall apply for the permit required under this article and shall pay the appropriate fee. Prior to granting approval to any applicant, the Planning or Zoning Board must consult with the Borough Engineer or his/her designee regarding any activity. Such work shall be performed under the authority of the Borough Engineer. Additional escrow fees necessary under this section shall be determined at time of permit application.

§ 362-22 Inspections.

No performance guarantees will be returned until such time as the Director of Public Works, Borough Engineer or their designee has satisfied himself that the permittee has complied with all of the requirements of this chapter relative to opening, backfilling and restoration of the street surface.

§ 362-23 Notice and inspections.

Forty-Eight (48) hours prior to the commencement of work, the permittee shall notify the Director of Public Works, Borough Engineer or their designee and request that an inspector be present to observe the excavation and restoration. The permittee shall also call for a utility mark-out prior to undertaking any excavating activity and supply the Dig Number to the Borough.

§ 362-24 Inspection fees.

At the time of submission of the permit application, a nonrefundable inspection fee of \$500 for each opening permit (Includes up to 2 inspections of a maximum duration of 1 hours each), Inspection fees are as follows \$150/Hour or such higher amount as may be set forth in Chapter 206, shall be deposited with the Borough of River Edge to defray the cost of inspections.

§ 362-25 Maintenance procedures.

Performance Bond will be released when final pavement restoration is approved by Director of Public Works, Borough Engineer or their designee. Such release shall be subject to the permittee agreeing to maintain the restored excavation work area for a period of two (2) years from the date of final approval of the work and posting a maintenance bond to guarantee same. As such, the Borough shall retain as a cash retainage 50% of the cash repair deposit and/or performance guaranty during the two-year period. If an inspection reveals that the restored excavation area becomes unacceptable, the Director of Public Works, Borough Engineer or their designee shall notify the permittee that he must repair the area in accordance with the aforementioned procedure within Thirty (30) days from the date of notification or sooner if safety on public conveyances is involved. If the

permittee fails to repair trench within this time limit, the Borough will utilize the permittee's cash retainage and maintenance bond to pay for the cost of the repairs. Upon termination of the two-year maintenance period, any remaining portions of said maintenance bond that has not been expended shall be returned to the permittee without interest.

§ 362-26 Newly paved streets.

A. **Notice of Improvements:** Before any street is improved or paved, the Borough shall give notice to all persons owning property abutting on the street and to all public utilities and authorities operating in the Borough that the street is about to be paved or improved. Such notice shall state that all connections and repairs to utilities in the street and all other work which requires excavation of the street, including the installation of sewer laterals and other utility connections from sewer, gas or water mains to the curb line of unimproved lots, shall be completed within thirty (30) days of the receipt of notice. The time for the completion of work may be extended, in writing, by the Director of Public Works, Borough Engineer or their designee upon application by the person performing the work. This subsection shall not excuse any person from the requirement of obtaining a permit as provided in this article, except that there will be no requirement of posting a performance guarantee for the street restoration. In the event an excavation must be made the requirement for Restoration of the Surface Section 362-17 shall control with the addition of a curb to curb restoration and an extension of ten feet past the excavation in each direction of the opening.

B. **Restrictions on excavation.**

1. For a period of three (3) years following the completion of the street improvements causing notice to be issued pursuant to this article, no person to whom such notice was given shall be issued a permit to excavate the newly improved street unless its issuance is approved by the Borough Engineer.
2. Subsection **B(1)** shall not apply to any case where the excavation is made necessary by the occurrence of some event which could not have been foreseen at the time that notice was given, or where the public health or safety requires the performance of the street opening.

§ 362-27. Violations and penalties.

For a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000, or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof.

§ 362-28. Severability.

The provisions of this Ordinance are declared to be severable and if any section, subsection sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

§ 362-29. Effective Date.

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

§ 362-30. Codification.

This ordinance shall be a part of the Code of the Borough of River Edge as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The Borough Clerk and Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of River Edge in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

ATTEST:

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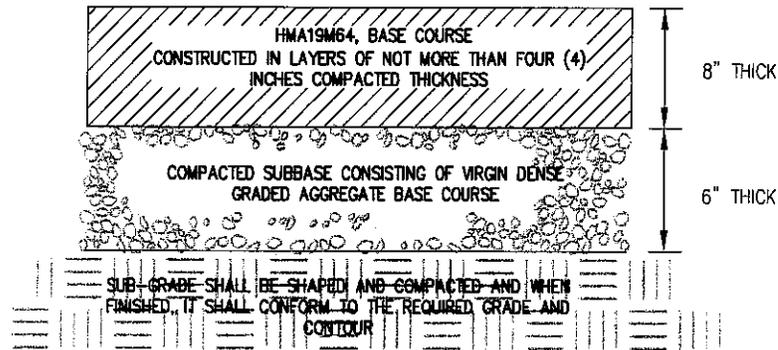
Stephanie Evans  
Borough Clerk

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Thomas Papaleo  
Mayor

§ 362-17 RESTORATION OF THE SURFACE REQUIRED

In all cases, the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:



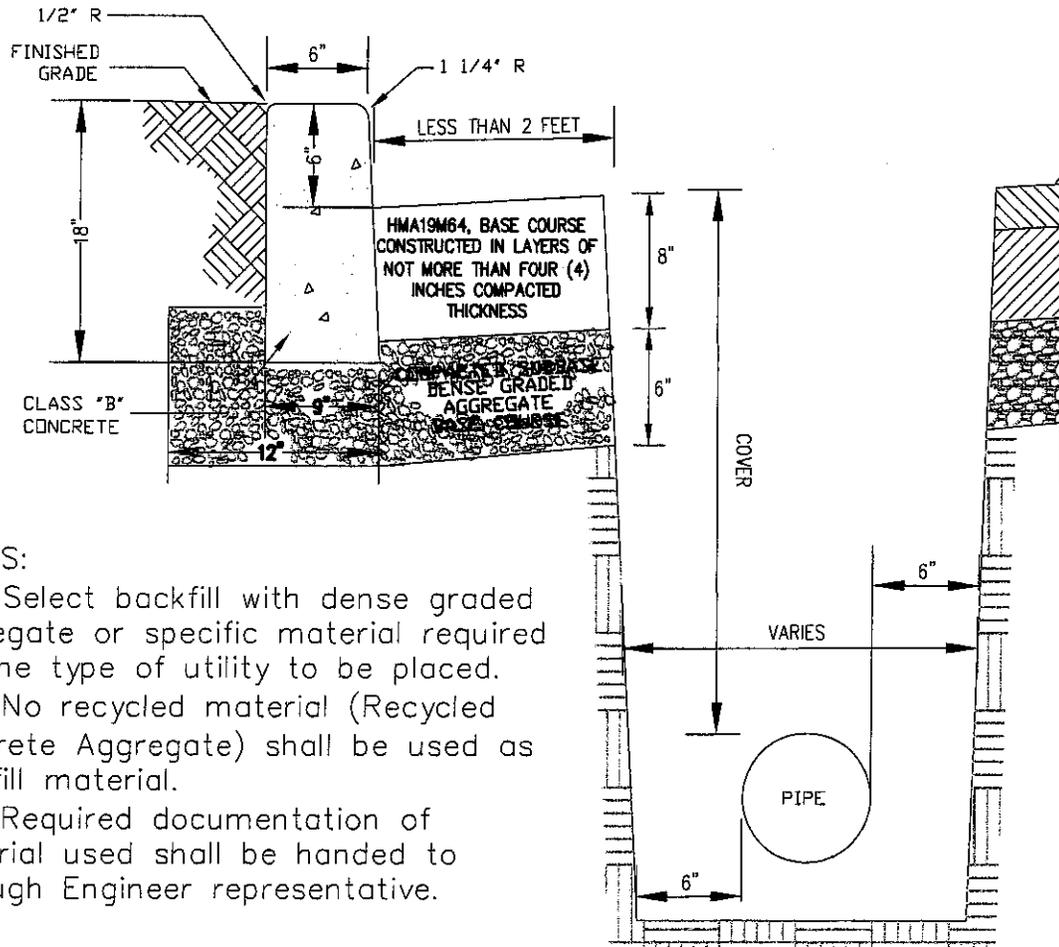
**BITUMINOUS CONCRETE ROAD RESTORATION DETAIL**

N.T.S.

- A. No permittee shall commence the restoration of any street foundation or surface until the Public Works Manager determines that settlement of the subsurface is complete and the area properly prepared for restoration.
- B. The street surface shall be restored so as to extend six inches beyond the excavation on all sides.
- C. The street surface shall be restored to the satisfaction of the Public Works Manager.

§ 362-17 RESTORATION OF THE SURFACE REQUIRED

In all cases, the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:



NOTES:

- (1) Select backfill with dense graded aggregate or specific material required for the type of utility to be placed.
- (2) No recycled material (Recycled Concrete Aggregate) shall be used as backfill material.
- (3) Required documentation of material used shall be handed to Borough Engineer representative.

**BITUMINOUS CONCRETE ROAD RESTORATION DETAIL**

N.T.S.

NOTES:

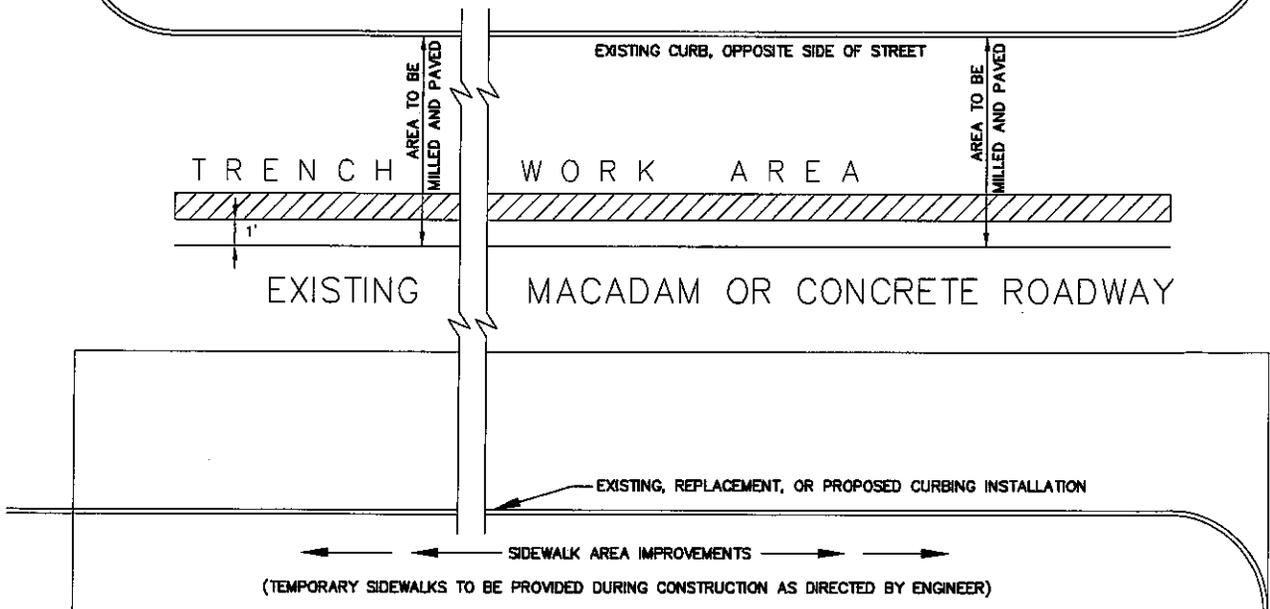
- (1) Following compaction, the permittee shall install no less than six inches of dense graded aggregate followed by eight inches of bituminous stabilized base course to the trench. If the distance from the edge of the excavation work area to the existing curb or roadway edge is less than two feet, the permittee shall be required to excavate to the curb and evenly install six inches of dense graded aggregate followed by eight inches of bituminous stabilized base course in the entire area.

§ 362-17 RESTORATION OF THE SURFACE REQUIRED

In all cases, the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:

In all cases, the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:

NOTE: THE PERMITEE SHALL BE REQUIRED TO REPLACE ANY FACILITIES, INCLUDING BUT NOT LIMITED TO CURB, PAVEMENT, SIDEWALK, LINE STRIPPING, ETC. THAT ARE AFFECTED BY THE EXCAVATION AND RESTORATION WORK.



**BITUMINOUS CONCRETE ROAD RESTORATION DETAIL**  
**LONGITUDINAL ROAD RESTORATION DETAIL**

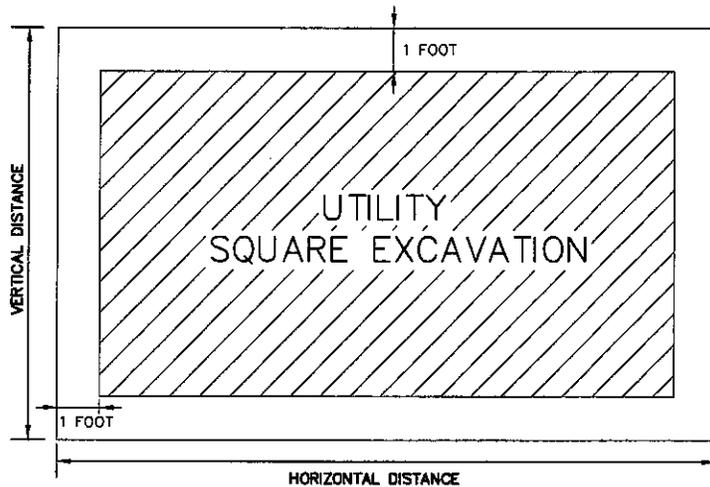
N.T.S.

NOTES:

- (4) All longitudinal excavations shall require milling and restoration of the excavation work area extending from the curb or edge of pavement to the center line of the road and/or a minimum of one foot beyond the outer edges of the excavation. Individual excavations less than 120 square feet shall be restored via the "infrared" method. If square excavations are located within 50 feet on center, full curb-to-center line restoration for the entire distance between excavations shall be required.
- (5) The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line stripping, etc. that are affected by the excavation and restoration work.
- (6) With Department of Public Works written approval, the center line of road milling and restoration may be offset by the distance necessary to avoid disturbing the existing line stripping or markers.

§ 247-34 RESTORATION OF THE SURFACE

Restoration of the various roadway surfaces shall be in accordance with the following rules and regulations.



NOTE: INDIVIDUAL EXCAVATIONS LESS THAN 120 SQUARE FEET SHALL BE RESTORED VIA "INFRARED" METHOD.

BUFFER DISTANCE OF 1 FOOT SHALL BE CONSIDERED AT THE TIME OF PERFORMING "INFRARED" METHOD.

**BITUMINOUS CONCRETE ROAD RESTORATION DETAIL**  
**SQUARE EXCAVATION, ROAD RESTORATION DETAIL**

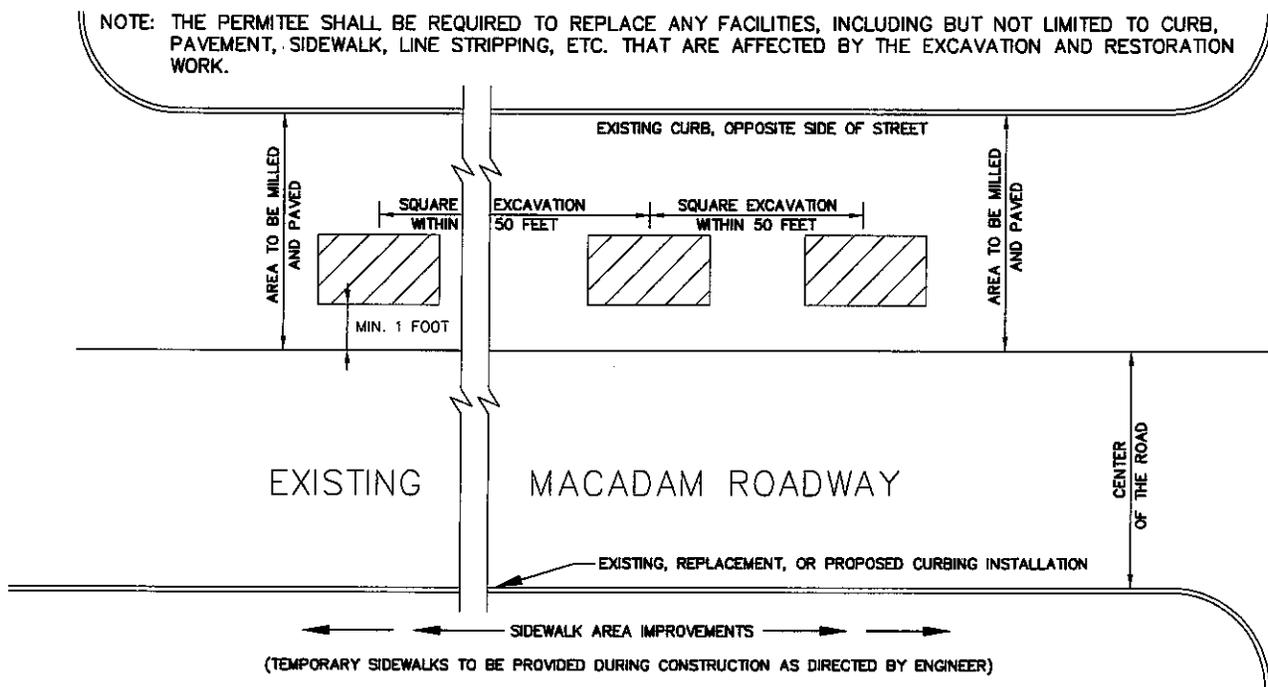
N.T.S.

NOTES:

- (4) All longitudinal excavations shall require milling and restoration of the excavation work area extending from the curb or edge of pavement to the center line of the road and/or a minimum of one foot beyond the outer edges of the excavation. Individual excavations less than 120 square feet shall be restored via the "infrared" method. If square excavations are located within 50 feet on center, full curb-to-center line restoration for the entire distance between excavations shall be required.
- (5) The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line stripping, etc. that are affected by the excavation and restoration work.
- (6) With Department of Public Works written approval, the center line of road milling and restoration may be offset by the distance necessary to avoid disturbing the existing line stripping or markers.

§ 362-17 RESTORATION OF THE SURFACE REQUIRED

In all cases, the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:



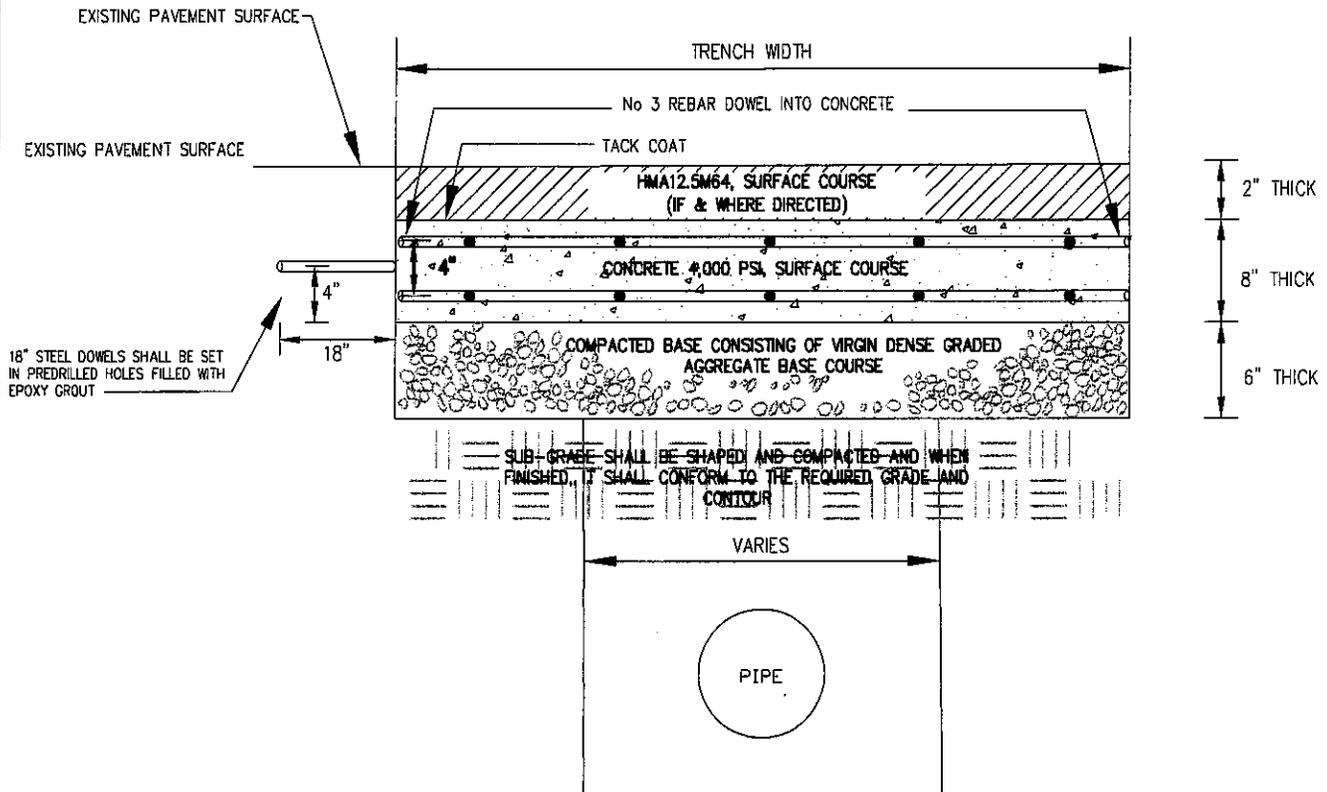
**BITUMINOUS CONCRETE ROAD RESTORATION DETAIL**  
**SQUARE EXCAVATION. ROAD RESTORATION DETAIL**  
N.T.S.

NOTES:

- (4) All longitudinal excavations shall require milling and restoration of the excavation work area extending from the curb or edge of pavement to the center line of the road and/or a minimum of one foot beyond the outer edges of the excavation. Individual excavations less than 120 square feet shall be restored via the "infrared" method. If square excavations are located within 50 feet on center, full curb-to-center line restoration for the entire distance between excavations shall be required.
- (5) The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line stripping, etc. that are affected by the excavation and restoration work.
- (6) With Department of Public Works written approval, the center line of road milling and restoration may be offset by the distance necessary to avoid disturbing the existing line stripping or markers.

§ 362-17 RESTORATION OF THE SURFACE REQUIRED

In all cases, the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:



**CONCRETE ROAD RESTORATION DETAIL**

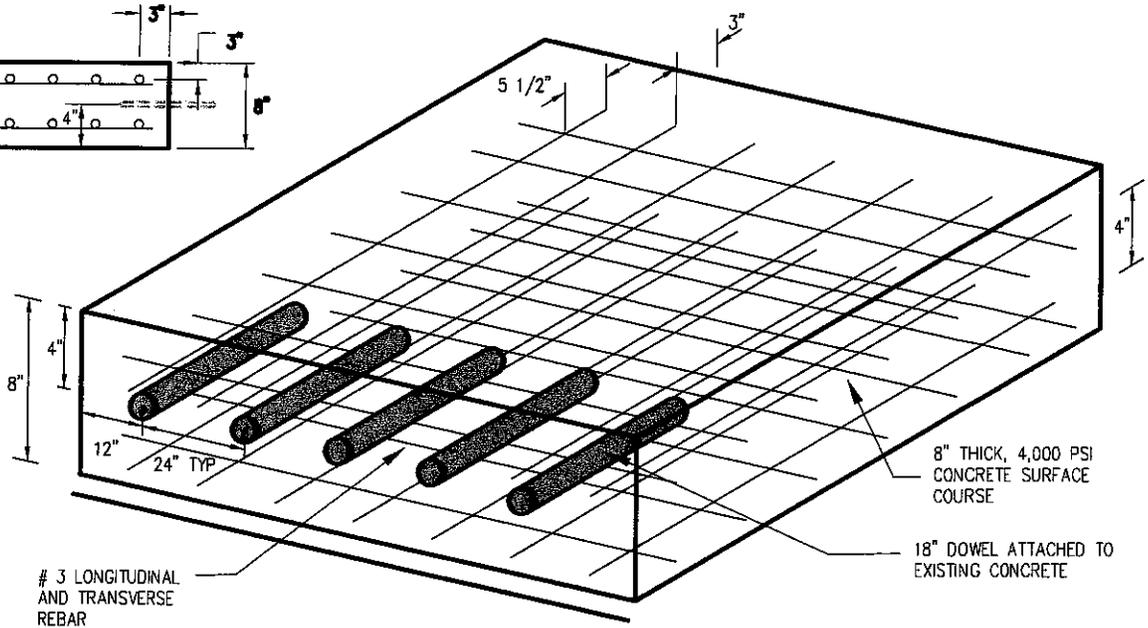
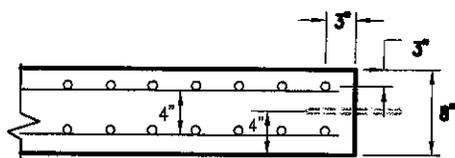
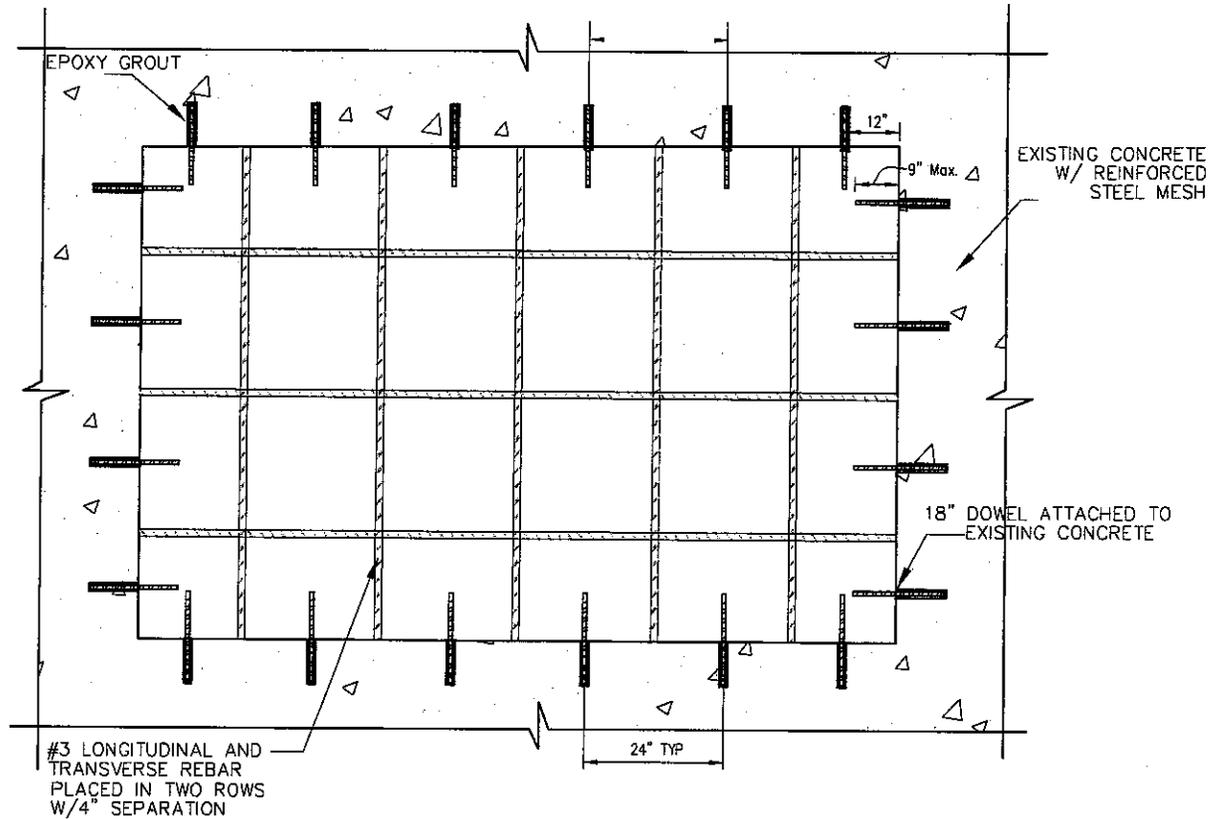
N.T.S.

NOTES:

- (1) Following compaction of Sub-Grade, the permittee shall install no less than six inches of compacted base consisting of Virgin Dense Graded Aggregate.
- (2) The permittee shall install No. 3 longitudinal and transverse reinforcing bars as shown on Detail B (two rows spaced four inches apart). Steel dowels (18 inches long, 1 c ) shall be set in predrilled holes in the existing concrete pavement spaced every two feet along the cut edge. Following approval by the Borough Engineer, the permittee shall then follow with eight inches of 4,000 psi concrete, bringing the finished trench to grade. If concrete has been overlaid with asphalt, the same thickness of asphalt present (minimum two inches) shall be installed.
- (3) The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line striping, etc. that are affected by the excavation and restoration work.

§ 247-34 RESTORATION OF THE SURFACE

Restoration of the various roadway surfaces shall be in accordance with the following rules and regulations.



**CONCRETE ROAD RESTORATION DETAIL**

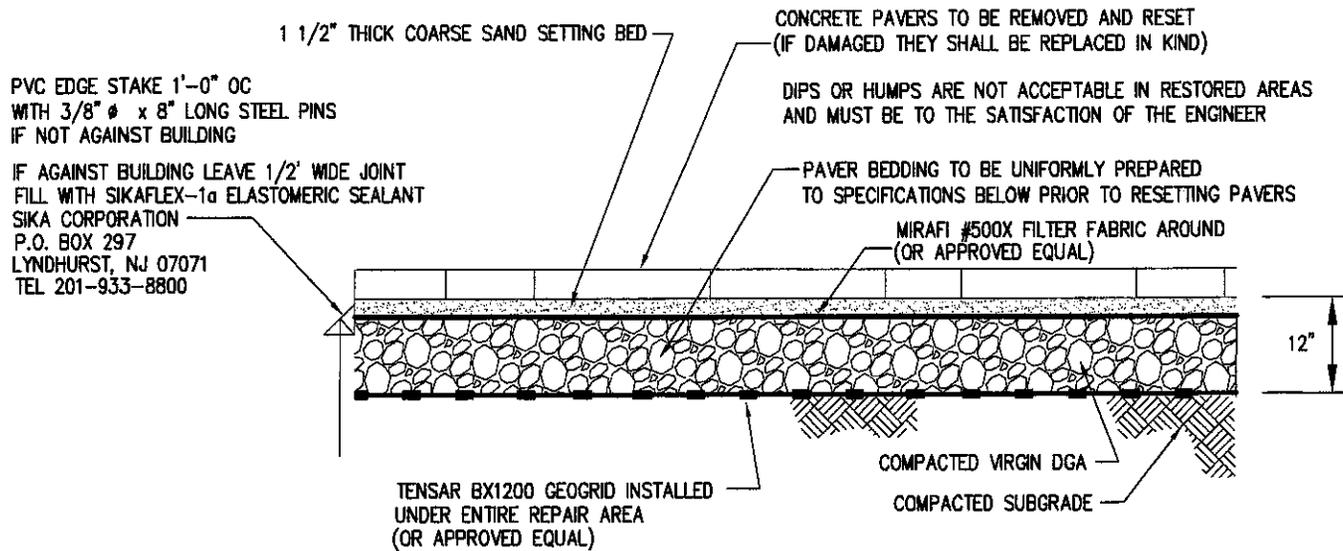
N.T.S.

**DETAIL G**

7  
8

§ 362-17 RESTORATION OF THE SURFACE REQUIRED

In all cases, the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:



**PAVER RESTORATION & INSTALLATION DETAIL**

N.T.S.

NOTES:

- (1) Following compaction, the permittee shall install no less than six (6") inches of dense graded aggregate base course to the trench. If the distance from the edge of the excavation work area to the existing curb is less than two (2") feet, the permittee shall be required to excavate to the curb and evenly install six (6") inches of dense graded aggregate base course in the entire area.
- (2) The permittee shall follow with matching brick pavers approved by the Department of Public Works or Borough Engineer, 2 1/4 inches thick on a one-and-one-half-inch sand setting bed leaving a separation for swept-in sand. The subgrade will consist of Twelve (12") inches of Virgin Dense Graded Aggregate, along with Geogrid Fabric for Structural Strength (See Detail).
- (3) The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line striping, etc. that are affected by the excavation and restoration work.

I HAVE READ, UNDERSTOOD AND AGREE WITH ALL THE BOROUGH OF LEONIA ROAD RESTORATION DETAILS:

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

COMPANY: \_\_\_\_\_

**DETAIL H**

BOROUGH OF RIVER EDGE  
ORDINANCE #20-19

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF  
RIVER EDGE (1998) CHAPTER 206 – “FEES”

BE IT ORDAINED that the following changes be made:

Section 1. - Section 206-2 – Schedule of Fees amended as follows:

U. Street Opening Permit – Delete in its entirety.

Add:

U. Street Opening Permit

1. Application Fee (minimum fee) - \$500.00 (plus \$1.00 per linear foot over 100 linear feet)

a. Fee for failure to apply for a road opening permit shall be a fine not exceeding - \$1,000.00  
(24 hour grace period for emergency road opening)

2. Inspection Fee (minimum fee) - \$500.00 (includes up to 2 inspections of a maximum duration of 1 hour each (any additional inspections thereafter shall be paid at the rate of \$150.00 per hour – 1 hour minimum))

3. Performance Escrow (refundable) – In the form of cash or an approved surety bond in the amount of \$1,500.00 (Bituminous Concrete Roads) or \$3,600.00 (Concrete Roads, Granite, Concrete Pavers or Historical Street), provided that the estimated dimensions of the opening are 120 square feet or less, and in the amount of \$1,500.00 (for Bituminous Concrete Roads) or \$3,600.00 (Concrete Roads, Granite, Concrete Pavers or Historical Street) plus \$15.00 (Bituminous Concrete Roads) or \$30.00 (Concrete Roads, Granite, Concrete Pavers or Historical Street) per square foot for each square foot of openings estimated to exceed 120 square feet.

For Public Utilities refers to Chapter 362-13(B)

4. Permanent Maintenance Fee (non-refundable) – shall be paid prior to the release of the performance escrow. Refers to Chapter 362-25.

5. Waiver of Fees – Municipalities - Road Opening Permit Fees may be waived for Municipal Projects, in connection with County roads, including but not limited to: handicap ramp installation curb replacement projects, and streetscape projects. Notwithstanding anything to the contrary, Road Opening Permit Fees apply to all municipally owned utilities and may not be waived.

\*Violations of Road Opening Ordinance and/or Procedures  
(up to) \$1,000.00 per occurrence

Section II.

All ordinances inconsistent with the provision of this ordinance are hereby repealed as to such inconsistencies only.

Section III:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgement of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

Section IV:

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

---

Mayor Thomas Papaleo

ATTEST:

Stephanie Evans, Borough Clerk

Dated:

**ORDINANCE #20-13  
BOROUGH OF RIVER EDGE  
COUNTY OF BERGEN**

**ORDINANCE AMENDING CHAPTER 71, ARTICLE  
III OF THE CODE OF THE BOROUGH OF RIVER  
EDGE ENTITLED "POLICE DEPARTMENT,"  
ESTABLISHING PROMOTION PROCEDURES FOR  
THE RANK OF LIEUTENANT**

**WHEREAS**, within its general powers as a municipality, the Borough of River Edge may make and enforce ordinances, rules and regulations not contrary to federal or state law as it deems necessary and to protect the public safety and welfare of its residents; and

**WHEREAS**, the Mayor and Council of the Borough of River Edge support and encourage efficiency within the River Edge Police Department; and

**WHEREAS**, the Mayor and Council of the Borough of River Edge have determined that it would be in the best interest of the citizens of the Borough to establish a promotion practice based upon merit for the position of Lieutenant when there is a vacancy in said position; and

**WHEREAS**, the Borough of River Edge desires to have a promotional practice for the position of Lieutenant based upon merit, experience, education, demonstrated ability and competitive examinations within the River Edge Police Department in the interest of better serving the residents of the Borough of River Edge;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of River Edge as follows:

**§ \_\_\_\_\_ Promotion to Rank of Lieutenant**

A. The Borough of River Edge Governing Body desires to promote the most qualified candidate to the position of Lieutenant. This ordinance establishes the eligibility requirements and the process for promotion to Lieutenant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations and an interview. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the River Edge Police department. No person shall be eligible for promotion to Lieutenant unless he or she is a current full-time police officer in the Borough of River Edge Police Department and hold the rank of Sergeant for a period of not less than one year.

B. The Chief of Police shall announce the promotional process to members of the department at least ninety (90) days before any written examination is to be given. The announcement shall be posted in common areas of the department accessible to all

members. The announcement shall contain, at a minimum, the rank to be filled and the dates of the exams. Candidates, who qualify, shall notify the Chief of Police of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

### C. Promotional Testing Procedure:

The promotional testing procedure for the Borough of River Edge Police Department may consist of the following: a written examination, an oral examination, a record review and an interview with the Mayor and Council. The Mayor and Council reserve the right to waive the oral examination and shall so notify any applicant when the initial announcement for the promotional process is posted.

1. **Written Examinations:** The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. **Oral Examinations:** Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of River Edge or of any of the candidates.

The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

### 3. Record Review and Interview by the Mayor and Council

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and received a satisfactory psychological examination, if applicable, shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council. At the request of the Mayor and Council, the Chief of Police may be present to assist, offer opinions, suggestions and make comments and recommendations. The record review shall be

conducted by the Borough Administrator, Mayor, Council Police Liaison and one Councilperson of the Personnel Subcommittee.

(a) As part of the interview process, the Mayor and Council shall also consider the results of a department evaluation/peer review of each candidate. The department evaluation/peer review shall be conducted by the Chief of Police and/or his/her designee. The Mayor and Council shall grade each candidate on a forty (40) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate's responses to same.

(b). The Borough Administrator, Mayor, Council Police Liaison and one Councilperson of the Personnel Subcommittee shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a ten (10) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

**Specialized Training (e.g. FBI Academy) 0 to 3 points**

Each completed course +1 point to a total of 3 points.

**Education**

Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate's Degree	1 point
Bachelor's Degree	2 points
Master's Degree	3 points
Doctorate Degree	5 points

**Military Experience**

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

Any enlisted rank	1 point
Any officer rank	2 points

**Disciplinary Actions**

Each major sustained discipline (more than 5 day) -2 points. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

4. The weight or percentage of each portion of the process shall be as follows:

Written examination	30%
Oral examination	20%

Record Review	10%
Mayor and Council Interview	40%

D. Candidates shall be ranked based on their overall cumulative scores. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Lieutenant.

E. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129.

F. The Mayor and Council may, at their discretion, create and maintain a list of any remaining candidates to be eligible for promotion to Lieutenant. The remaining candidates shall be ranked on their overall cumulative scores from highest to lowest total scores. Said promotional list shall be adopted via Resolution. This list shall remain valid for two (2) years from the date of the adoption of the resolution creating the Lieutenant's list.

G. A probationary period of one year shall be served in the rank of Lieutenant.

3) **SEVERABILITY**

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

4) **REPEALER**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

5) **EFFECTIVE DATE**

This Ordinance shall take effect after final passage as provided by law and shall be applied for any promotion to the Lieutenant.

\_\_\_\_\_  
Mayor Thomas Papaleo

Attest:

\_\_\_\_\_  
Stephanie Evans, Borough Clerk

**ORDINANCE #20-14  
BOROUGH OF RIVER EDGE  
COUNTY OF BERGEN**

**ORDINANCE AMENDING CHAPTER 71, ARTICLE  
IV OF THE CODE OF THE BOROUGH OF RIVER  
EDGE ENTITLED "POLICE DEPARTMENT,"  
ESTABLISHING PROMOTION PROCEDURES FOR  
THE RANK OF SERGEANT**

**WHEREAS**, within its general powers as a municipality, the Borough of River Edge may make and enforce ordinances, rules and regulations not contrary to federal or state law as it deems necessary and to protect the public safety and welfare of its residents; and

**WHEREAS**, the Mayor and Council of the Borough of River Edge support and encourage efficiency within the River Edge Police Department; and

**WHEREAS**, the Mayor and Council of the Borough of River Edge have determined that it would be in the best interest of the citizens of the Borough to establish a promotion practice based upon merit for the position of Sergeant when there is a vacancy in said position; and

**WHEREAS**, the Borough of River Edge desires to have a promotional practice for the position of Sergeants based upon merit, experience, education, demonstrated ability, and competitive examinations within the River Edge Police Department in the interest of better serving the residents of the Borough of River Edge;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of River Edge as follows:

**§ \_\_\_\_\_ Promotion to Rank of Sergeant**

A. The Borough of River Edge Governing Body desires to promote the most qualified candidate to the position of Sergeant. This ordinance establishes the eligibility requirements and the process for promotion to Sergeant. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations and an interview. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from the membership of the River Edge Police department. No person shall be eligible for promotion to Sergeant unless he or she is a current full-time police officer in the Borough of River Edge Police Department for a period of five (5) years or more.

B. The Chief of Police shall announce the promotional process to members of the department at least ninety (90) days before any written examination is to be given. The announcement shall be posted in common areas of the department accessible to all

members. The announcement shall contain, at a minimum, the rank to be filled and the dates of the exams. Candidates, who qualify, shall notify the Chief of Police of his or her interest in taking the examination by submitting a letter of interest no later than ten (10) calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

### C. Promotional Testing Procedure:

The promotional testing procedure for the Borough of River Edge Police Department may consist of the following: a written examination, an oral examination, a record review and an interview with the Mayor and Council. The Mayor and Council reserve the right to waive the oral examination and shall so notify any applicant when the initial announcement for the promotional process is posted.

1. Written Examinations: The written examination shall be supplied by a professional testing company, professional law enforcement organization (e.g. State Chiefs of Police Association, International Chiefs of Police Association, etc.) To proceed to the oral examination of the examination procedure, a candidate must achieve a minimum score of seventy (70%) percent on the written examination.

2. Oral Examinations: Candidates will be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Borough Administrator or his designee. The oral examination shall take place after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) by a Board of three (3) examiners, at least one of which shall be a Personnel Evaluator from the outside testing agency. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough of River Edge or of any of the candidates.

The testing organization shall assign each candidate an identification number, which shall be the only identification used when the written and oral examination is graded. The identification numbers of all candidates for promotion shall be posted on a pass/fail basis only. A complete master list of the actual results of the written and oral examination shall be placed under seal and retained in the office of the Borough Administrator and shall not be revealed to the Mayor and Council until after the interview and record review of the applicants are complete.

### 3. Record Review and Interview by the Mayor and Council

Candidates that successfully achieve a minimum score of seventy percent (70%) on the written examination and received a satisfactory psychological examination, if applicable, shall proceed to the next step in the promotional process, the review of service record and interview. The interview shall be conducted by the Mayor and Council. At the request of the Mayor and Council, the Chief of Police may be present to assist, offer opinions, suggestions and make comments and recommendations. The record review shall be

conducted by the Borough Administrator, Mayor, Council Police Liaison and one Councilperson of the Personnel Subcommittee.

(a) As part of the interview process, the Mayor and Council shall also consider the results of a department evaluation/peer review of each candidate. The department evaluation/peer review shall be conducted by the Chief of Police and/or his/her designee(s). The Mayor and Council shall grade each candidate on a forty (40) point scale and shall ask each candidate the identical questions and the Borough Clerk will keep written records of each candidate's responses to same.

(b). The Borough Administrator, Mayor, Council Police Liaison and one Councilperson of the Personnel Subcommittee shall examine the personnel jacket of each candidate and give specific weight to each category and grade each candidate on a ten (10) point scale. The weight of each category of the record review shall be the maximum of the following points in each of the enumerated categories as follows:

**Specialized Training (e.g. FBI Academy) 0 to 3 points**

Each completed course +1 point to a total of 3 points.

**Education**

Candidate only gets the point(s) associated with the highest educational degree attained and not the point(s) for each separate education degree.

Associate's Degree	1 point
Bachelor's Degree	2 points
Master's Degree	3 points
Doctorate Degree	5 points

**Military Experience**

Active Duty or Reserve Duty-Candidate only gets the highest of the following point(s).

Any enlisted rank	1 point
Any officer rank	2 points

**Disciplinary Actions**

Each major sustained discipline (more than 5 day) -2 points. All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

4. The weight or percentage of each portion of the process shall be as follows:

Written examination	30%
Oral examination	20%

Record Review	10%
Mayor and Council Interview	40%

D. Candidates shall be ranked based on their overall cumulative scores. The candidate with the highest overall score shall be voted on by the Mayor and Council as the Sergeant.

E. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129.

F. The Mayor and Council may, at their discretion, create and maintain a list of any remaining candidates to be eligible for promotion to Sergeant. The remaining candidates shall be ranked on their overall cumulative scores from highest to lowest total scores. Said promotional list shall be adopted via Resolution. This list shall remain valid for two (2) years from the date of the adoption of the resolution creating the Sergeant's list.

G. A probationary period of one year shall be served in the rank of Sergeant.

3) **SEVERABILITY**

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

4) **REPEALER**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

5) **EFFECTIVE DATE**

This Ordinance shall take effect after final passage as provided by law and shall be applied for any promotion to the Sergeant.

\_\_\_\_\_  
Mayor Thomas Papaleo

Attest:

\_\_\_\_\_  
Stephanie Evans, Borough Clerk

Dated:

**BOROUGH OF RIVER EDGE**

**ORDINANCE #20-15**

**AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR THE NEW BRIDGE LANDING STATION REDEVELOPMENT AREA**

WHEREAS, the Governing Body retained the services of Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey 07675 to draft a Redevelopment Plan for Block 1411, Lots 1.01, 1.02 and Block 1412, Lots 1, 2 and 3; and

WHEREAS, Burgis Associates, Inc. prepared a Redevelopment Plan which has been reviewed by the River Edge Land Use Board, the property owner/developer and other agents and departments of the Borough and by the Mayor and Council who approve of the Redevelopment Plan; and

WHEREAS, the River Edge Land Use Board found in its review that the Redevelopment Plan is consistent with the Master Plan for the Borough of River Edge.

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

**Section I:**

The Governing Body hereby adopts the "New Bridge Landing Station Redevelopment Plan" prepared September 4, 2020 a copy of which is annexed hereto as the Redevelopment Plan for the Subject Property, Block 1411, Lots 1.01, 1.02 and Block 1412, Lots 1, 2 and 3.

**Section II:**

The Redevelopment Plan shall supersede all provisions of Chapter 416 "Zoning" of the Code of the Borough of River Edge. In all situations where zoning issues are not addressed in the Redevelopment Plan, Chapter 416 of the Borough Code shall remain in full force and effect.

**Section III:**

Pursuant to N.J.S.A. 40A:12A-7(c) the Zoning Map of the Borough of River Edge is hereby amended to identify the redevelopment area in the manner depicted in the "New Bridge Landing Station Redevelopment Plan".

**Section IV:**

If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not effect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof.

**Section V:**

This Ordinance shall take effect upon passage and publication as required by law and upon filing with the Bergen County Planning Board.

### **3.10 TRAIN STATION & PUBLIC FACILITIES**

The selected redeveloper shall coordinate with NJ Transit in providing an updated train stop/station in the general vicinity of the existing station platform. At a minimum, a new handicap accessible platform shall be installed with lighting, landscaping, seating and overhead covering providing protection from the elements. In addition, covered bicycle parking shall also be provided. It may be determined that the construction of a new train station building is appropriate such as once existed on the westerly portion of the property. The new train stop/station would provide an opportunity to display historic photos and artifacts of the New Bride Landing Area, including advertising for the nearby Bergen County Historical site.

### **3.11 AFFORDABLE HOUSING REQUIREMENT**

A goal of this Redevelopment Plan is to satisfy a portion of the Borough's affordable housing obligations. The RA-1 District shall be subject to a mandatory affordable housing set-aside in accordance with the Borough's Housing Element and Fair Share Plan and applicable Council on Affordable Housing ("COAH") or other prevailing regulations. The residential portion of the development shall require a minimum affordable housing set-aside of 20% of the total units. At least 13% of the required affordable housing units shall be designated for very-low income households.

### **3.12 ENVIRONMENTAL CONSTRAINTS**

The redeveloper shall demonstrate compliance with all outside agency approvals with respect to 100-year floodplains and wetland areas impacting the site.

### **3.13 SITE PLAN APPLICATION**

The selected redeveloper will be required to enter into a Redevelopment Agreement with the Borough. No application for development or redevelopment of property subject to this Redevelopment Plan may be filed with the Planning Board until the applicant has been designated by the Borough as the redeveloper and the applicant has entered into a Redevelopment Agreement with the Borough.

**BOROUGH OF RIVER EDGE**

**ORDINANCE #20-16**

**AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR THE KINDERKAMACK ROAD REDEVELOPMENT AREA**

WHEREAS, the Governing Body retained the services of Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey 07675 to draft a Redevelopment Plan for Block 1413, Lots 1, 2.01, 4 and 5; and

WHEREAS, Burgis Associates, Inc. prepared a Redevelopment Plan which has been reviewed by the River Edge Land Use Board, the property owner/developer and other agents and departments of the Borough and by the Mayor and Council who approve of the Redevelopment Plan; and

WHEREAS, the River Edge Land Use Board found in its review that the Redevelopment Plan is consistent with the Master Plan for the Borough of River Edge.

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

Section I:

The Governing Body hereby adopts the “Kinderkamack Road Redevelopment Plan” prepared September 4, 2020 a copy of which is annexed hereto as the Redevelopment Plan for the Subject Property, Block 1413, Lots 1, 2.01, 4 and 5.

Section II:

The Redevelopment Plan shall supersede all provisions of Chapter 416 “Zoning” of the Code of the Borough of River Edge. In all situations where zoning issues are not addressed in the Redevelopment Plan, Chapter 416 of the Borough Code shall remain in full force and effect.

Section III:

Pursuant to N.J.S.A. 40A:12A-7(c) the Zoning Map of the Borough of River Edge is hereby amended to identify the redevelopment area in the manner depicted in the “New Bridge Landing Station Redevelopment Plan”.

Section IV:

If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not effect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section V:

This Ordinance shall take effect upon passage and publication as required by law and upon filing with the Bergen County Planning Board.

2. For all principal buildings, there shall be a minimum of one solid waste storage and pick-up location either within or outside of the building in steel or other approved fully enclosed containers.
3. Outdoor refuse areas shall be visually screened with a constructed enclosure composed of materials consistent with the principal building.
4. Refuse areas shall be prohibited in front yard areas between principal buildings and public streets.

### **3.9 AFFORDABLE HOUSING REQUIREMENT**

A goal of this Redevelopment Plan is to satisfy a portion of the Borough's affordable housing obligations. The RA-2 District shall be subject to a mandatory affordable housing set-aside in accordance with the Borough's Housing Element and Fair Share Plan and applicable Council on Affordable Housing ("COAH") or other prevailing regulations. The residential component of the development shall have an affordable housing set-aside of at least 20% of the total units. At least 13% of the required affordable housing units shall be designated for very-low income households.

### **3.10 ENVIRONMENTAL CONSTRAINTS**

The redeveloper shall demonstrate compliance with all outside agency approvals with respect to 100-year floodplains impacting the site.

### **3.11 SITE PLAN APPLICATION**

The redeveloper will be required to enter into a Redevelopment Agreement with the Borough. No application for development or redevelopment of property subject to this Redevelopment Plan may be filed with the Borough until the applicant has entered into a Redevelopment Agreement with the Borough.

**BOROUGH OF RIVER EDGE  
ORDINANCE #20-17**

**AN ORDINANCE AMENDING CHAPTER 50, ENTITLED “AFFORDABLE HOUSING REGULATIONS” TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS.**

**WHEREAS**, Ordinance No. 20-9 creating Chapter 50, Affordable Housing Regulations, of the Borough of River Edge Code was adopted by the Borough Council on June 22, 2020; and

**WHEREAS**, Chapter 50, Affordable Housing Regulations, of the Borough Code is being amended to include “mandatory set-aside” language in accordance with the Borough’s Settlement Agreement with Fair Share Housing Center dated June 24, 2019; and

**WHEREAS**, this Ordinance Amendment is a necessary in order for the Borough to receive a judgement of compliance and repose from the Superior Court with respect to the Borough’s Third Round affordable housing obligations.

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

**SECTION 1.** Chapter 50, entitled “Affordable Housing Regulations,” of the Code of the Borough of River Edge is hereby amended to read as follows:

**ARTICLE I AFFORDABLE HOUSING REGULATIONS**

**§ 50.1 Purpose.**

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

**§ 50.2 Applicability.**

- A. The provisions of this Chapter shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of River Edge pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

- B. This Chapter shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

**§50.3 Monitoring and Reporting Requirements.**

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

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

2. For the review of very-low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Borough's Judgement of Compliance and Repose, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Borough and Fair Share Housing Center on the issue of whether the Borough has complied with its very low income housing obligation under the terms of this settlement.
3. In addition to the foregoing postings, the Borough may also elect to file copies of its reports with COAH or its successor agency at the State level.

#### **§50.4 Definitions.**

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

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

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

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

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

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

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

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

*"Affordable development"* shall mean a housing development all or a portion of which consists of restricted units.

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

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

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

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

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

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

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

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

*"DCA"* shall mean the State of New Jersey Department of Community Affairs.

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

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

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

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

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

*"Low-income unit"* shall mean a restricted unit that is affordable to a low-income household.

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

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

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

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

*"Moderate-income unit"* shall mean a restricted unit that is affordable to a moderate-income household.

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

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

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

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

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

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

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

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

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

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

### **§50.5 Mandatory Affordable Housing Set-Aside Requirements.**

- A. Purpose. This section is intended to ensure that any site or development that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board that results in five (5) or more new multi-family or single-family attached dwelling units produces affordable housing at a set-aside rate of twenty percent (20%) affordable for-sale units and fifteen percent (15%) affordable rental units. This section shall apply except where inconsistent with applicable law or Court order.
- B. Mandatory Set-Aside Requirement.
1. Any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, that is approved and contains five (5) or more new dwelling units as a result of a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board shall be required to set aside a minimum percentage of units for affordable housing.
  2. For inclusionary projects in which the low and moderate units are to be offered for sale, the minimum set-aside percentage shall be twenty percent (20%); for projects in which the low and moderate income units are to be offered for rent, the minimum set-aside percentage shall be fifteen percent (15%). Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number, regardless of the fractional amount.
  3. A minimum of thirteen percent (13%) of any affordable units developed through the Borough's mandatory set-aside requirements shall be very-low income qualified units
  4. Nothing in this section precludes the Municipality or a Borough land use board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this section consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
  5. This requirement does not create any entitlement for a property owner or applicant for subdivision or site plan approval, a zoning amendment, use variance, or adoption of a redevelopment plan or rehabilitation plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

6. This requirement does not apply to any sites or specific zones for which higher set-aside standards have been or will be established, either by zoning, subdivision or site plan approval, or an adopted redevelopment plan or rehabilitation plan.
7. If the Municipality's Settlement Agreement with Fair Share Housing Center ("FSHC") dated June 24, 2019 or the Municipality's 2020 Housing Element and Fair Share Plan, establishes set-aside standards for any specific sites or zones which are different from the set-aside standards set forth in this section, the set-asides established for those sites or zones in the Settlement Agreement or Housing Element and Fair Share Plan shall govern.
8. Furthermore, this requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings by five (5) or more.
9. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or greater.
10. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
11. All affordable units to be produced pursuant to this section shall comply with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time, and any applicable Order of the Court, including a Judgment of Compliance and Repose Order.

#### **§50.6 Rehabilitation Program.**

- A. The Borough of River Edge and Fair Share Housing Center have agreed that the Borough's Round 3 (1999-2025) indigenous need Rehabilitation Obligation is six (6) units. The Borough will work with Bergen County or hire a separate entity to rehabilitate units in the Borough to address the Borough's Rehabilitation Obligation. Any such rehabilitation programs will update and renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
  1. All rehabilitated rental and owner-occupied units shall remain affordable to low and moderate-income households for a period of ten (10) years (the control period). For owner-occupied units, the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
  2. The Borough of River Edge shall dedicate an average of at least eighteen thousand dollars (\$18,000) for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
  3. Units in the rehabilitation programs shall be exempt from N.J.A.C. 5:93-9 and UHAC requirements, but shall be administered in accordance with the following:
    - a. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed

restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93-9 and UHAC.

- b. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:93-9 and UHAC.
- c. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9 or the standards issued by a New Jersey administrative agency with proper authority to issue such standards.
- d. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

**§ 50.7 Phasing Schedule for Inclusionary Development.**

In inclusionary developments the following schedule shall be followed:

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

**§ 50.8 New Construction.**

- A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
  - 1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development. At least 50 percent of the very low income units must be available to families.
  - 2. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families.

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

B. Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub Code, N.J.A.C. 5:23-7.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - a. An adaptable toilet and bathing facility on the first floor; and
  - b. An adaptable kitchen on the first floor; and
  - c. An interior accessible route of travel on the first floor; and
  - d. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

- e. If all of the foregoing requirements in 2.(a) through 2.(d) cannot be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2.(a) through 2.(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- f. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Sub Code, N.J.A.C. 5:23-7, or evidence that River Edge has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
  - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
  - (2) To this end, the builder of restricted units shall deposit funds within the Borough of River Edge's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
  - (3) The funds deposited under paragraph f (2) above shall be used by the Borough of River Edge for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - (4) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of River Edge for the conversion of adaptable to accessible entrances.
  - (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Sub Code, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- g. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Sub Code, N.J.A.C. 5:23-7.

C. Design:

- 1. In inclusionary developments, low- and moderate-income units shall be integrated with the market units to the extent possible.

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

D. Maximum Rents and Sales Prices:

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

6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
  - a. A studio shall be affordable to a one-person household;
  - b. A one-bedroom unit shall be affordable to a one and one-half person household;  
and
  - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
  - a. The income limit for a moderate-income unit for a household of four shall be 80 percent of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the HUD determination of the median income for COAH Region 1 for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than the previous year.

- b. The income limits are based on carrying out the process in paragraph (a) based on HUD determination of median income for the current Fiscal Year and shall be utilized by the Borough until new income limits are available.
10. In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by the Council:
- a. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to paragraph (9). In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
  - b. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northern New Jersey Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

**§ 50.9 Utilities.**

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

**§ 50.10       Occupancy Standards**

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

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

**§ 5.11 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall

remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until the Borough of River Edge takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

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

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

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

- A. The initial purchase price for a restricted ownership unit shall be approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.
- B. The Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

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

**§ 5.13 Buyer Income Eligibility.**

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

**§ 5.14 Limitations on Indebtedness Secured by Ownership Unit; Subordination.**

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

**§ 5-15 Capital Improvements to Ownership Units.**

- A. The owners of restricted ownership units may apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, to increase the maximum sales price for the unit on the basis of capital improvements made since the

purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer. Unless otherwise approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

#### **§ 5-16 Control Periods for Restricted Rental Units.**

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

**§ 5-17 Rent Restrictions for Rental Units; Leases.**

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

**§ 5-18 Tenant Income Eligibility.**

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.
  - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.
  - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.
- B. The Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income

household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in a.1. through b.5. above with the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, who shall counsel the household on budgeting.

## **ARTICLE II            MUNICIPAL HOUSING LIAISON.**

### **§ 5-19 Municipal Housing Liaison**

- A. The position of Municipal Housing Liaison (MHL) for the Borough of River Edge is established by this ordinance. The Borough shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of River Edge.
  2. The person appointed as the MHL must be reported to the Court and thereafter posted on the Borough's website.
  3. The MHL must meet all the requirements for qualifications, including initial and periodic training, if such training is made available by COAH or the DCA.
  4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of River Edge, including the

following responsibilities which may not be contracted out to the Administrative Agent, or the Administrative Agent appointed by a specific developer:

- a. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
  - b. The implementation of the Affirmative Marketing Plan and affordability controls;
  - c. When applicable, supervising any contracting Administrative Agent;
  - d. Monitoring the status of all restricted units in the Borough's Fair Share Plan;
  - e. Compiling, verifying and submitting annual reports as required;
  - f. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
  - g. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.
- B. Subject to the approval of the Court, the Borough of River Edge shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and may be subject to approval of the Court appointed Special Master or the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

### ARTICLE III           ADMINISTRATIVE AGENT

#### § 5-20 Administrative Agent.

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

A. Affirmative Marketing:

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

B. Household Certification:

1. Soliciting, scheduling, conducting and following up on interviews with interested households;
2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
3. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
4. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
6. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of River Edge when referring households for certification to affordable units; and
7. Notifying the following entities of the availability of affordable housing units in the Borough of River Edge: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Branch of the NAACP, Senior Citizens United Community Services (S.C.U.C.S.), and the Supportive Housing Association.

C. Affordability Controls:

1. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

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

D. Resales and Re-rentals:

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

E. Processing Requests from Unit Owners:

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

F. Enforcement:

1. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer;
3. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, where complaints of excess rent or other charges can be made;
4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
5. Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and
6. Creating and publishing a written operating manual for each affordable housing program administered by the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

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

## **ARTICLE IV            AFFIRMATIVE MARKETING REQUIREMENTS**

### **§ 5-21 Affirmative Marketing Program.**

- A. The Borough of River Edge shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to affordable housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan also is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 1 and covers the period of deed restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 1 comprised of Bergen, Passaic and Hudson Counties.
- D. The Administrative Agent designated by the Borough of River Edge shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four (4) months prior to the expected date of occupancy.
- H. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by River Edge Borough.

## **ARTICLE V            ENFORCEMENT OF AFFORDABLE HOUSING REGULATIONS**

### **§ 5-22 Enforcement**

- A. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

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

violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

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

## **ARTICLE VI            AFFORDABLE HOUSING DEVELOPMENT FEES.**

### **§ 5-23 Purpose.**

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

#### **§ 5-24 When Effective, Authority to Spend Fees.**

- A. Pursuant to N.J.A.C. 5:96-5.1, the ability to impose, collect and spend development fees is predicated on the Borough of River Edge's participation in COAH's substantive certification process or as approved by the courts.
- B. The Borough of River Edge shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

#### **§ 5-25 Definitions.**

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

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

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

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

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

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

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

## **§ 5-26 Residential Development Fees.**

### **A. Imposed Fees:**

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

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

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

#### **§ 5-27 Nonresidential Development.**

##### **A. Imposed Fees:**

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees also shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half (2 1/2%) percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved

structure, i.e. land and improvement, at the time final Certificate of Occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero (0).

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

1. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half (2.5%) percent development fee, unless otherwise exempted below.
2. The two and one-half (2.5%) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form and listed below. Any exemption claimed by a developer shall be substantiated by that developer.
  - a. All nonresidential construction of buildings or structures on property used by houses of worship, and property used for educational purposes which is tax-exempt pursuant to R.S.54:4-3.6, provided that the property continues to maintain its tax-exempt status under that statute for a period of at least three (3) years from the date of the Certificate of Occupancy;
  - b. Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a nonresidential development or as a stand-alone non-residential development;
  - c. Any nonresidential development which is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers and senior centers as defined in section 35 of P.L.2008, c.46 (C.40:55D-8.4), which are developed in conjunction with or funded by a non-residential developer;
  - d. Projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the New Jersey State Department of Transportation; and
4. A developer of a nonresidential development exempted from the nonresidential development fee above shall be subject to it at such time the basis for the exemption set forth in this subsection no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three (3) years after that event or after the issuance of the final Certificate of Occupancy of the nonresidential development, whichever is later.

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

#### **§ 5-28 Collection Procedures.**

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

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

- G. Should the Borough of River Edge fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for payment the difference between the fee calculated at building permit and that determined as issuance of certificate of occupancy.
- I. Developers shall pay the remainder of the development fee to River Edge Borough at the time of the issuance of a Certificate of Occupancy.
- J. Upon tender of the remaining development fee, provided the developer is in full compliance with all other applicable laws, the Borough shall issue a final Certificate of Occupancy for the subject property.
- K. Regardless of the time of collection of the development fee, the fee shall be based upon the percentage that applies on the date that the construction permit is issued.
- L. The Construction Code Official shall forward all collected development fees to River Edge Borough's Chief Financial Officer who shall deposit such fees into the established Housing Trust Fund.
- M. Appeal of development fees.
  - 1. A developer may challenge the development fees imposed by filing a challenge with the Director of the Division of Taxation for nonresidential development and with the County Board of Taxation for residential development. Pending a review and determination by the Director or Board, as the case may be, which shall be made within forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough. Appeals from a determination of the Director or Board, as the case may be, may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Accrued interest earned on escrowed amounts to be returned shall also be returned to the developer.
  - 2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of River Edge. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure

Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**§ 5-29 Affordable Housing Trust Fund.**

- A. All collected development fees and any proceeds from the sale of units with extinguished controls shall be deposited by the Chief Financial Officer of the Borough of River Edge into a separate designated interest-bearing Housing Trust Fund, which shall be maintained by the Borough Chief Financial Officer.
  - 1. No money shall be expended from the Housing Trust Fund unless the expenditure conforms to the spending plan which has been approved by COAH or courts.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - 1. Recapture funds;
  - 2. Proceeds from the sale of affordable units;
  - 3. Rental income from municipally operated units;
  - 4. Payments in lieu of on-site construction of affordable units;
  - 5. Affordable housing enforcement fines and application fees;
  - 6. Developer contributed funds for barrier free affordable housing pursuant to N.J.A.C. 5:97-8.5;
  - 7. Repayments from affordable housing program loans; and
  - 8. Any other funds collected in connection with the Borough's affordable housing program.
- C. Within seven (7) days from the opening of the trust fund account, the Borough of River Edge shall provide COAH or court with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH or court to permit COAH or the court to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- D. All interest accrued in the Housing Trust Fund shall only be used on eligible affordable housing activities approved by COAH.

**§ 5-30 Use of Funds.**

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

14. Any other activity as specified in the approved spending plan and as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9.
- B. The Borough also may request authorization for expenditure of Housing Trust Funds on emergent affordable housing mechanisms not included in the Borough's Fair Share Plan in the form of an amendment to the spending plan. In addition to the amendment to the spending plan, the Borough shall submit the following:
    1. A resolution to COAH or court that includes a certification that the affordable housing opportunity addresses COAH's or court's criteria set forth in N.J.A.C. 5:97-6 and information regarding the proposed mechanism in a format to be provided by COAH or court; and
    2. An amendment to its Fair Share Plan to include the mechanism at the earlier of two (2) years after COAH's or court's approval of the spending plan amendment or the next planned amendment to the Fair Share Plan resulting from the plan evaluation review pursuant to N.J.A.C. 5:96-10.
  - C. Funds shall not be expended to reimburse the Borough of River Edge for past housing activities.
  - D. Payments in lieu of constructing affordable housing units on residential and mixed-use sites shall only be used to fund eligible affordable housing activities within the Borough.
  - E. At least thirty (30%) percent of all development fees collected and interest earned shall be devoted to providing affordability assistance to low and moderate income households in affordable units included in the Housing Element and Fair Share Plan, provided and in accordance with the following:
    1. One-third (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to very low income households.
    2. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, and assistance with emergency repairs.
    3. Affordability assistance for very low income households may include buying down the cost of low or moderate income units in the third round Borough's Fair Share Plan to make them affordable to very low income households (earning thirty (30%) percent or less of median income). The use of development fees in this manner may entitle the Borough to bonus credits pursuant to N.J.A.C. 5:97-3.7.
    4. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

- F. The Borough of River Edge may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18, subject to COAH's approval.
- G. No more than twenty (20%) percent of development fee revenues collected in any given year from the development fees may be expended on administration, including, but not limited to, the salaries and benefits for River Edge Borough employees or consultant fees necessary to develop or implement a new affordable housing program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program.
  - 1. In the case of a rehabilitation program, no more than twenty (20%) percent of the revenues collected from development fees shall be expended for such administrative expenses.
  - 2. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with COAH's monitoring requirements.
  - 3. Legal or other fees related to litigation opposing affordable housing sites or objecting to COAH's regulations and/or action are not eligible uses of the Housing Trust Fund.

**§ 5-31 Monitoring.**

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

**§ 5-32 Ongoing Collection of Development Fees and Expiration of Section.**

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

**§ 50-33 Appeals.**

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

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

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

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

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

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



**BOROUGH OF RIVER EDGE**  
**RESOLUTION #20-215**

**Authorize the Tax Collector to Refund 2019 Taxes due to a NJ Tax Court Judgment**

WHEREAS, a Tax Court Judgment was entered on 7/29/20 and the same was received by the tax office on 8/4/20 reducing the assessed value on the property owned by 570 Kinderkamack LLC., Block 804, Lot 1, located at 574 Kinderkamack Road, River Edge; and

WHEREAS, the 2019 taxes are paid in full.

NOW, THEREFORE, BE IT RESOLVED that the Account Supervisor refund the following amount and the Tax Collector adjust her records accordingly.

<u>Tax Year</u>	<u>Old Value</u>	<u>New Value</u>	<u>Refund</u>
2019	1,025,400	825,400	6,936.00

Make check payable to: Michael Vespasiano/570 Kinderkamack LLC  
c/o Law Office of Michael Vespasiano  
331 Main Street  
Chatham, NJ 07928

September 21, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

\_\_\_\_\_  
Stephanie Evans, Borough Clerk

**BOROUGH OF RIVER EDGE**  
**RESOLUTION #20-216**

**Authorize the Tax Collector to Refund 2019 Taxes due to a NJ Tax Court Judgment**

WHEREAS, a Tax Court Judgment was entered on 7/29/20 and the same was received by the tax office on 8/4/20 reducing the assessed value on the property owned by 570 Kinderkamack LLC., Block 804, Lot 2, located at 570 Kinderkamack Road, River Edge; and

WHEREAS, the 2019 taxes are paid in full.

NOW, THEREFORE, BE IT RESOLVED that the Account Supervisor refund the following amount and the Tax Collector adjust her records accordingly.

<u>Tax Year</u>	<u>Old Value</u>	<u>New Value</u>	<u>Refund</u>
2019	594,500	518,500	2,635.68

Make check payable to: Michael Vespasiano/570 Kinderkamack LLC  
c/o Law Office of Michael Vespasiano  
331 Main Street  
Chatham, NJ 07928

September 21, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

\_\_\_\_\_  
Stephanie Evans, Borough Clerk

**BOROUGH OF RIVER EDGE**  
**RESOLUTION #20-217**

**Authorize Account Supervisor to Refund Duplicate Easement Payment for 3<sup>rd</sup> Quarter 2020**

WHEREAS, the finance office has received a duplicate payment and/ overpayment for 3<sup>rd</sup> Quarter 2020 on the following property(s); and

WHEREAS, a written request was received from the homeowner and/or their Mortgage Company/Title Company to refund the overpaid amount directly to the homeowner who made the over payment.

NOW, THEREFORE, BE IT RESOLVED that the Account Supervisor is hereby authorized to issue a check in the following amounts and adjust her records accordingly.

<u>Block/Lot</u>	<u>Location</u>	<u>Name &amp; Address</u>	<u>Refund Amount</u>
212/25.01	836 Kinderkamack Rd	Minsoo Kim Jiyoung Hwang 35 Jordan Dr. River Edge, NJ 07661	450.00

September 21, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

\_\_\_\_\_  
Stephanie Evans, Borough Clerk

**BOROUGH OF RIVER EDGE  
RESOLUTION #20-218**

**RESOLUTION COMBINING SEVERAL AUTHORIZATIONS OF BONDS INTO A  
SINGLE ISSUE AND PRESCRIBING THE DETAILS AND BOND FORM THEREOF  
FOR \$5,605,000 GENERAL IMPROVEMENT BONDS DATED OCTOBER 15, 2020**

WHEREAS, the bond ordinances hereinafter described have been duly adopted and it is necessary to provide for the issuance of the bonds authorized by such bond ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of River Edge, in the County of Bergen, New Jersey (the "Borough"), as follows:

Section 1. There shall be issued at this time \$130,000 of the bonds authorized pursuant to Bond Ordinance No. 1836 adopted by the Borough Council of said Borough on June 15, 2015. The bonds are issued to finance the undertaking of the Kinderkamack Road Regional Revitalization Project (Phase 3) in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 2. There shall be issued at this time \$135,000 of the bonds authorized pursuant to Bond Ordinance No. 1837 adopted by the Borough Council of said Borough on June 15, 2015. The bonds are issued to finance the undertaking of the School Safety Improvement Project in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$176,225 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the undertaking of the 2018 Road Resurfacing and Improvement Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 4. There shall be issued at this time \$100,700 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the undertaking of storm water drainage and sanitary sewer improvements at various locations in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 5. There shall be issued at this time \$15,105 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the undertaking of sidewalk improvements at various locations in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 6. There shall be issued at this time \$386,042 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the undertaking of various improvements at the Public Library in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 7. There shall be issued at this time \$25,175 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the acquisition of television and computer equipment for use in the Council Chambers and an office desk for the use of the Office of the Borough Clerk in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 5 years computed from the date of such bonds.

Section 8. There shall be issued at this time \$18,524 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the acquisition of copiers for the use of the Office of the Borough Clerk and the Recreation Department in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 9. There shall be issued at this time \$457,378 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the acquisition of a sanitary sewer pump, a sewer jet vacuum machine and a vehicle diagnostic scanner for the use of the Department of Public Works ("DPW") in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 10. There shall be issued at this time \$10,070 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the undertaking of various traffic and pedestrian safety improvements and equipment acquisitions in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 11. There shall be issued at this time \$11,832 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the acquisition of a snow plow and radios for the use of the DPW in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 5 years computed from the date of such bonds.

Section 12. There shall be issued at this time \$124,224 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the reconditioning of a fire rescue truck and the acquisition of a storage shed, turnout gear, radios and a command vehicle for the use of the Fire

Department in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 5 years computed from the date of such bonds.

Section 13. There shall be issued at this time \$27,390 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the acquisition of a turnout gear washer-extractor and a thermal imaging camera for the use of the Fire Department in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 14. There shall be issued at this time \$75,525 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the acquisition of computer equipment, radios and an SUV for the use of the Police Department in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 5 years computed from the date of such bonds.

Section 15. There shall be issued at this time \$56,090 of the bonds authorized pursuant to Bond Ordinance No. 18-10 adopted by the Borough Council of said Borough on April 23, 2018. The bonds are issued to finance the acquisition of in-vehicle cameras, an alcotest machine and a radar unit for the use of the Police Department in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 16. There shall be issued at this time \$38,000 of the bonds authorized pursuant to Bond Ordinance No. 18-18 adopted by the Borough Council of said Borough on August 13, 2018. The bonds are issued to finance the replacement of sidewalks and curb ramps at various locations in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 17. There shall be issued at this time \$147,476 of the bonds authorized pursuant to Bond Ordinance No. 18-20 adopted by the Borough Council of said Borough on September 24, 2018. The bonds are issued to finance the acquisition of a new front end loader for the use of the DPW in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 18. There shall be issued at this time \$280,000 of the bonds authorized pursuant to Bond Ordinance No. 18-24 adopted by the Borough Council of said Borough on November 19, 2018. The bonds are issued to finance the resurfacing of Bogert Road (Section 2) and Howland Avenue (Section 7, Phase V) and the construction and reconstruction of sidewalks, curbs and driveway aprons along and in front of a portion of such streets in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 19. There shall be issued at this time \$1,697,291 of the bonds authorized pursuant to Bond Ordinance No. 19-13 adopted by the Borough Council of said Borough on May 28, 2019. The bonds are issued to finance the installation of a keyless door entry system at the Municipal Building and the acquisition of computer equipment, including printers, for the use of various Borough Departments, offices and agencies; roof restoration at the DPW Building, pump replacement at the Wayne Sanitary Sewer Pump Station, replacement of fencing at the Municipal Building parking lot, various exterior improvements to the Kenneth B. George Park Field House and installation of an ADA-access concrete ramp at Veterans Memorial Park; repair or replacement of various doors at the Municipal Building and rehabilitation of the sewer ejector pump and pit at the Public Safety Building; the undertaking of various traffic and pedestrian safety improvements and equipment acquisitions; the acquisition of a front end loader, a pickup truck, light bars and radios for installation on various vehicles and equipment for the use of the DPW; the acquisition of fire hose, nozzles and adapters, turnout gear, radios, a command vehicle, battery operated folding exhaust fans, a thermal imaging camera, a rescue pumper fire engine (partial funding) and a special operations truck for the use of the Fire Department; the undertaking of the 2019 Road Resurfacing and Improvement Program; the undertaking of storm water drainage and sanitary sewer improvements at various locations; the replacement of various counter tops at the Public Library; the acquisition of a computer system for online registration and facilities registration for the use of the Recreation Department; and the acquisition of a traffic counter, weapons and related equipment and an SUV for the use of the Police Department, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 13.54 years computed from the date of such bonds.

Section 20. There shall be issued at this time \$58,285 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to finance the resurfacing of Reservoir Avenue in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 21. There shall be issued at this time \$105,000 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to provide supplemental funding for the undertaking of the School Safety Improvement Project in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 22. There shall be issued at this time \$31,547 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to finance the undertaking of field renovations and installation of an irrigation system at Roosevelt Field in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 23. There shall be issued at this time \$41,428 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to finance the undertaking of the design phase for various park and

recreation improvements in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 24. There shall be issued at this time \$45,714 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to finance the acquisition of self-contained breathing apparatus equipment and radio equipment for the use of the Fire Department in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 25. There shall be issued at this time \$631,957 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to finance the undertaking of (i) the design phase for the resurfacing of Bogert Road (Section 5) and (ii) the 2020 Road Resurfacing and Improvement Program (including curbing and sidewalk improvements, where necessary in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 26. There shall be issued at this time \$291,714 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to finance the undertaking of various traffic and pedestrian safety improvements, equipment acquisitions and sidewalk and ADA ramp improvements at various locations in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 27. There shall be issued at this time \$38,095 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to finance the undertaking of the design phase for electrical system improvements at the DPW Garage in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 28. There shall be issued at this time \$118,095 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to finance the acquisition of a pickup truck and a mason dump truck for the use of the DPW in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 5 years computed from the date of such bonds.

Section 29. There shall be issued at this time \$115,238 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to finance the acquisition of mobile data terminals and SUVs for the use of the Police Department in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 5 years computed from the date of such bonds.

Section 30. There shall be issued at this time \$95,238 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to provide partial funding for the acquisition of a new rescue pumper fire engine in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 31. There shall be issued at this time \$120,642 of the bonds authorized pursuant to Bond Ordinance No. 20-06 adopted by the Borough Council of said Borough on May 11, 2020. The bonds are issued to finance the undertaking of the Tree Planting Program and improvements to public buildings and property in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 32. The bonds authorized by said eight bond ordinances described in Sections 1 to 31, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$5,605,000 consisting of an issue of bonds of the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. In the event that the purchaser of the bonds elects to take bonds in the last maturity which are not in multiples of \$5,000, or, if there are any such bonds herein, such bonds shall be in the denomination of \$1,000 or any integral multiple thereof, numbered upwards from the last numbered \$5,000 bond. The average period of usefulness within which the bonds authorized by said eight bond ordinances mature, according to the respective reasonable lives of the purposes to be financed, as determined in said ordinances taking into consideration the respective amounts of bonds authorized for the purposes to be financed as set forth in each of the bond ordinances hereinbefore set forth, is a period of 11.93 years computed from the date of such bonds. Said issue shall be payable in annual installments on October 15 in each year as follows:

- \$285,000 in the year 2021,
- \$315,000 in the year 2022,
- \$500,000 in the year 2023,
- \$550,000 in each of the years 2024 and 2025,
- \$555,000 in the year 2026, and
- \$570,000 in each of the years 2027 to 2031, inclusive.

Said bonds shall be designated "General Improvement Bonds". A portion of the indebtedness evidenced by each such bond shall be deemed to have been incurred for the purpose described in each bond ordinance authorizing bonds of the same maturity, and such portion of such indebtedness shall be in the same proportion to the principal amount of such bonds as the total amount of bonds of like maturity to be issued pursuant to such bond ordinance bears to the aggregate amount of bonds of like maturity to be issued pursuant to such eight bond ordinances.

Section 33. All of said bonds shall be dated October 15, 2020, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each April 15 and October 15, commencing April 15, 2021 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Section 34. The bonds maturing on or before October 15, 2027 are not subject to redemption prior to their stated maturities. The bonds maturing on or after October 15, 2028 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after October 15, 2027, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Borough determines to optionally redeem a portion of the bonds prior to maturity, such bonds so redeemed shall be in such maturities as determined by the Borough, and within any maturity, by lot; *provided, however*, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the Bond Registrar/Paying Agent (as hereinafter defined) shall treat each bond as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000.

Section 35. Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any bond subject to redemption is a part of a greater principal amount of the bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the bond not to be redeemed, a new bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the bond surrendered less the amount to be redeemed.

Section 36. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 33 of this resolution, and principal of the bonds will be paid annually on October 15, as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the last business day of the month preceding the month in which such interest payment date occurs. The Borough will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the bonds, or (b) the Borough determines that continuation of the book-entry system of evidence and

transfer of ownership of the bonds would adversely affect the interests of the beneficial owners of the bonds, the Borough will discontinue the book-entry system with DTC. If the Borough fails to identify another qualified securities depository to replace DTC, the Borough will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and the interest on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 37. The Chief Financial Officer, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale, such terms to be determined by a resolution of the Borough Council to be hereafter adopted. The Chief Financial Officer shall report in writing to the Borough Council at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser.

Section 38. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Chief Financial Officer by manual or facsimile signature and the corporate seal of said Borough shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Borough Clerk or Deputy Borough Clerk by manual or facsimile signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 39. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF BERGEN  
BOROUGH OF RIVER EDGE  
GENERAL IMPROVEMENT BOND

INTEREST  
RATE PER

ANNUM      MATURITY DATE      DATED DATE      CUSIP

%                      OCTOBER 15, 20\_\_                      OCTOBER 15, 2020                      768126

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----DOLLARS

The Borough of River Edge, a municipal corporation of the State of New Jersey, located in the County of Bergen (hereinafter referred to as the "Borough"), for value received hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of this Bond until it shall mature at the INTEREST RATE PER ANNUM specified above, payable on each April 15 and October 15, commencing April 15, 2021 (each, an "Interest Payment Date"), of each year

until maturity or prior redemption. The principal hereof is payable at the office of the Chief Financial Officer, Municipal Building, 705 Kinderkamack Road, River Edge, New Jersey 07661 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid to the person in whose name this Bond is registered on the record date for such interest, which shall be the last business day of the month preceding the month in which such Interest Payment Date occurs. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to eight bond ordinances adopted by the Borough Council of the Borough on June 15, 2015 (two ordinances: Ord. Nos. 1836 and 1837), April 23, 2018 (Ord. No. 18-10), August 13, 2018 (Ord. No. 18-18), September 24, 2018 (Ord. No. 18-20), November 19, 2018 (Ord. No. 18-24), May 28, 2019 (Ord. No. 19-13) and May 11, 2020 (Ord. No. 20-06) and resolutions adopted by the Borough Council of the Borough on September 21, 2020.

The Bonds maturing on or before October 15, 2027 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after October 15, 2028 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after October 15, 2027, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Borough determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Borough, and within any maturity, by lot; *provided, however*, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bond Registrar/Paying Agent shall keep at its office the books of the Borough for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the resolution upon the surrender hereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall deliver in exchange for this Bond a new bond or bonds, registered in the name of the transferee, of authorized denomination, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate. It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey, to exist, be performed or happen precedent to or in the issuance of this Bond exist, have been performed and have happened, and that this Bond together with all other indebtedness of the Borough, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the Borough are hereby pledged irrevocably to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the Certification of Authentication hereon shall have been signed by the Bond Registrar/Paying Agent.

IN WITNESS WHEREOF, the Borough has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Chief Financial Officer by manual or facsimile signature, and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its Borough Clerk by manual or facsimile signature and this Bond to be dated October 15, 2020.

[SEAL]

(manual or facsimile signature)  
Mayor

ATTEST:

(manual or facsimile signature)  
Borough Clerk

(manual or facsimile signature)  
Chief Financial Officer

AUTHENTICATION DATE: OCTOBER 19, 2020

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions and is one of the General Improvement Bonds dated October 15, 2020 of the Borough of River Edge, in the County of Bergen, State of New Jersey.

\_\_\_\_\_  
Chief Financial Officer,  
as Bond Registrar/Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_, the within Bond and irrevocably appoints \_\_\_\_\_, attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

\_\_\_\_\_

[End of Form of Bond]

Section 40. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent and, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the Borough upon the surrender thereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The Borough or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including interest thereon, to the extent of the sum or sums so paid.

The Borough shall appoint such registrars, transfer agents, depositories or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to the then commercial standards and for the timely payment of principal and interest with respect to the bonds. The Chief Financial Officer is hereby appointed registrar and paying agent for the Bonds (the "Bond Registrar/Paying Agent") subject to the right of the Borough Council to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at the Municipal Building, 705 Kinderkamack Road, River Edge, New Jersey 07661, the books of the Borough for the registration, registration of transfer, exchange and payment of the bonds.

Section 41. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 42. This resolution shall take effect immediately upon its adoption.

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 21st day of September, 2020.

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Stephanie Evans, Borough Clerk

**BOROUGH OF RIVER EDGE  
RESOLUTION #20-219**

**RESOLUTION AUTHORIZING THE PUBLICATION, PRINTING AND DISTRIBUTION OF A NOTICE OF SALE AND THE PUBLICATION OF A SUMMARY NOTICE OF SALE AND PRESCRIBING THE FORMS THEREOF FOR \$5,605,000 GENERAL IMPROVEMENT BONDS, DATED OCTOBER 15, 2020, APPROVING THE PREPARATION, DISTRIBUTION AND EXECUTION OF A PRELIMINARY AND A FINAL OFFICIAL STATEMENT FOR SUCH BONDS, UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE OF FINANCIAL INFORMATION, COVENANTING TO COMPLY WITH THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, DESIGNATING SUCH BONDS AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" FOR PURPOSES OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND AUTHORIZING VARIOUS MATTERS IN CONNECTION WITH ELECTRONIC BIDDING FOR THE BONDS**

WHEREAS, the Borough Council of the Borough of River Edge, in the County of Bergen, New Jersey (the "Borough"), desires to make further provision for the issuance of \$5,605,000 General Improvement Bonds (the "Bonds"), which are to be issued pursuant to bond ordinances heretofore adopted by the Borough Council;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of River Edge, in the County of Bergen, as follows:

Section 1. A Notice of Sale (the "Full Notice of Sale") shall be published and printed and inserted in the Preliminary Official Statement (as hereinafter defined) for distribution in substantially the following form:

NOTICE OF SALE

BOROUGH OF RIVER EDGE,  
IN THE COUNTY OF BERGEN, NEW JERSEY

\$5,605,000 GENERAL IMPROVEMENT BONDS  
(Book-Entry Only) (Bank-Qualified)  
(Callable) (Parity Bid)

dated  
October 15, 2020

The Borough of River Edge, in the County of Bergen, a municipal corporation of the State of New Jersey (the "Borough"), hereby invites ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS for the purchase of its \$5,605,000 General Improvement Bonds, dated October 15, 2020 (the "Bonds").

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Chief Financial Officer at the Municipal Building, 705 Kinderkamack Road, River Edge, New Jersey 07661, on October 8, 2020 at 11:00 o'clock A.M. (local time).

The Bonds comprise an issue of bonds payable on October 15 in each year as follows:

\$285,000 in the year 2021,  
\$315,000 in the year 2022,  
\$500,000 in the year 2023,  
\$550,000 in each of the years 2024 and 2025,  
\$555,000 in the year 2026, and  
\$570,000 in each of the years 2027 to 2031, inclusive.

To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds shall be issued in registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC") and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any integral multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., its nominee. Interest on the Bonds will be payable on each April 15 and October 15, commencing April 15, 2021 (each, an "Interest Payment Date"), in each year until maturity or prior

redemption, and principal of the Bonds will be payable, at maturity, by payment of immediately available funds by the Bond Registrar/Paying Agent to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest to participants of DTC will be the responsibility of DTC. Transfer of principal and interest to beneficial owners will be the responsibility of the DTC participants and other nominees of the beneficial owners. The Borough will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Borough determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Borough will discontinue the book-entry system with DTC. If the Borough fails to identify another qualified securities depository to replace DTC, the Borough will deliver replacement bonds in the form of fully registered certificates.

The Bonds maturing on or before October 15, 2027 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after October 15, 2028 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after October 15, 2027, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Borough determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Borough, and within any maturity, by lot; *provided, however*, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bonds are general obligations of the Borough and are secured by a pledge of the full faith and credit of the Borough for the payment of the principal thereof and the interest thereon. The Bonds are payable, if not paid from other sources, from ad valorem taxes to be levied upon all the real property taxable within the Borough without limitation as to rate or amount.

Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for, and the rate or rates named must be a multiple of 1/8th or 1/20th of one percentum (1%). The interest payable with respect to each Bond on any one date will be evidenced by a single rate of interest. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. If more than one rate of interest is named, no interest rate named for any maturity may be less than the interest rate named for any prior maturity. Each proposal submitted must be for all of the Bonds offered and the purchase price specified must not be less than \$5,605,000 nor more than \$5,661,050. The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest net interest cost, such net interest cost shall be computed, as to each bid, by adding to the total principal amount of Bonds bid for (which shall be all of the Bonds offered) the total interest cost to maturity in accordance with such bid and by deducting therefrom the amount of premium, if any, bid, which premium shall not exceed \$56,050 (1% of par). No proposal shall be considered which offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the Borough under any legally acceptable proposal. The Borough reserves its right to reject all bids, and any bid not complying with the material terms of this notice will be rejected. The Borough reserves the right to waive defects it deems non-material, in its sole discretion.

The successful bidder must pay accrued interest from the date of the Bonds to the date of delivery. No interest will be paid upon the deposit made by the successful bidder. The Bonds will be authenticated by the Chief Financial Officer, acting as Bond Registrar/Paying Agent for the Bonds.

Sealed proposals should be addressed to the undersigned Chief Financial Officer, and enclosed in a sealed envelope marked on the outside "Proposal for Bonds". A good faith deposit (the "Deposit") in the form of a cash wire or a certified, treasurer's or cashier's check drawn upon a bank or trust company in the amount of \$112,100, payable to the order of the BOROUGH OF RIVER EDGE, is required for each bid to be considered. If a cash wire is used, the wire must be received by the Borough no later than 11:00 A.M. on October 8, 2020. If a cash wire is utilized, each bidder must notify the Borough of its intent to use such cash wire prior to 11:00 A.M. on October 8, 2020, and must provide proof of electronic transfer of such cash wire prior to 11:00 A.M. on October 8, 2020 (with return wiring instructions). Wire instructions for the Borough can be obtained by contacting the Borough's Bond Counsel (Steven Rogut or Peter Calhoun (908) 931-1150) or its municipal advisor (Jennifer G. Edwards (856) 234-2266 at Acacia Financial Group, Inc., Mount Laurel, New Jersey (the "Municipal Advisor")). If a check is used, it must accompany the bid or be received by the undersigned Chief Financial Officer prior to the opening of bids. Each bidder accepts responsibility for delivering such cash wire or check on time and the Borough is not responsible for any cash wire or check that is not received on time. Checks or wires of unsuccessful bidders will be returned upon the award of the Bonds. No interest on the Deposit will accrue to the successful bidder. The Deposit will be applied in part payment for the Bonds or to partially secure the Borough from any loss resulting from the failure of the successful bidder to comply with the terms of its bid.

Award of the Bonds to the successful bidder or rejection of all bids is expected to be made within two hours after opening of the bids, but such successful bidder may not withdraw its

proposal until after 3:00 p.m. (local time) of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the Borough; provided, however, that the request for the assignment of CUSIP identification numbers shall be the responsibility of the Municipal Advisor and the CUSIP Service Bureau charge therefor shall be the responsibility of and shall be paid for by the successful bidder. CUSIP numbers must be communicated to Bond Counsel within 24 hours of the award of the Bonds in order to have the CUSIP numbers printed on the Bonds.

The Bonds shall be delivered on or about October 19, 2020 at the office of Rogut McCarthy LLC, Cranford, New Jersey ("Bond Counsel"), or at such other place as may be determined by the successful bidder and the Borough. PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.

A preliminary Official Statement has been prepared and is available at [www.i-DealProspectus.com](http://www.i-DealProspectus.com) or may be obtained from the undersigned, Chief Financial Officer, Municipal Building, 705 Kinderkamack Road, River Edge, New Jersey 07661, Telephone No. (201) 599-6300. The preliminary Official Statement is deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12"), but is subject to (a) completion with certain pricing and other information to be made available by the successful bidder for the Bonds and (b) amendment. The preliminary Official Statement, as so revised, will constitute the "final official statement". By the submission of a bid for the Bonds, the successful bidder contracts for the receipt of a reasonable number of copies of the final Official Statement within seven business days of the award of the Bonds. In order to complete the final Official Statement, the successful bidder must furnish on behalf of the underwriters of the Bonds the following information to Bond Counsel and the Borough by facsimile transmission or overnight delivery received by Bond Counsel and the Borough within 24 hours after the award of the Bonds: (a) initial offering prices or yields (expressed as percentages), (b) selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars), (c) the identity of the underwriters if the successful bidder is part of a group or syndicate and (d) any other material information necessary for the final Official Statement, but not known to the Borough (such as the bidder's purchase of credit enhancement). It shall also be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

Concurrently with the delivery of the Bonds, the officials of the Borough who will have executed the final Official Statement will deliver to the purchaser of the Bonds a certificate stating that, to the best of their knowledge, the preliminary Official Statement did not as of its

date and as of the sale date, and the final Official Statement did not as of its date and does not as of the date of delivery of the Bonds, contain an untrue statement of a material fact or omit to state a material fact required to be included therein for the purpose for which the preliminary Official Statement or the final Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, provided such certificate shall not include consideration of information supplied by, or which should have been supplied by, the successful bidder for the Bonds.

The Borough has agreed in its bond resolution adopted on September 21, 2020 to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12, (i) not later than seven months after the end of the Borough's fiscal year (presently December 31) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year (commencing with the fiscal year ending December 31, 2020), (ii) timely notice of the occurrence of certain material events with respect to the Bonds and financial obligations of the Borough and (iii) timely notice of a failure by the Borough to provide the required annual financial information on or before the date specified in (i) above.

The successful bidder's obligation to purchase the Bonds shall be conditioned upon its receiving, at or prior to the delivery of the Bonds, in form and substance reasonably satisfactory to the successful bidder, evidence that the Borough has made the continuing disclosure undertaking set forth above in a written agreement or contract for the benefit of the Bondholders and the beneficial owners of the Bonds.

The approving legal opinion of Bond Counsel will be furnished without cost to the purchaser. The preliminary Official Statement contains a discussion of the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to the exclusion from gross income for Federal income tax purposes of the interest on the Bonds and a description of the opinion of Bond Counsel with respect thereto. The Borough has covenanted, to the extent permitted by the Constitution and laws of the State of New Jersey, to comply with the provisions of the Code required to preserve the exclusion from gross income of interest on the Bonds for Federal income tax purposes. There will also be furnished the usual closing papers.

The Borough has designated the Bonds "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code and will represent that it reasonably expects that neither it nor its subordinate entities will issue more than \$10,000,000 of new money tax-exempt obligations in the current calendar year.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall also be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

#### ISSUE PRICE DETERMINATION UNDER INTERNAL REVENUE CODE

If the "competitive sale requirements" are not satisfied, the winning bidder shall have the option to designate whether the "10% test" or the "hold-the-offering-price rule" shall apply to all the Bonds.

The following paragraphs contain the terms for the determination of issue price.

(a) The winning bidder shall assist the Borough in establishing the issue price of the Bonds and shall execute and deliver to the Borough at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications. A form of issue price certificate is available upon request to Steven L. Rogut, Bond Counsel, (908) 931-1150 or [slr@rogutmccarthy.com](mailto:slr@rogutmccarthy.com).

(b) The Borough intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because:

- (1) the Borough shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Borough may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the Borough anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid. Bids will not be subject to cancellation in the event that the competitive sale requirements are not satisfied. Unless the bidder intends to hold the Bonds for its own account with no intention to offer the Bonds to the public, the bidder, by submitting a bid, represents to the Borough that the bidder has an established industry reputation for underwriting new issuances of municipal bonds.

(c) In the event that the competitive sale requirements are not satisfied, the Borough shall so advise the winning bidder. In that case, the winning bidder shall have the option to designate (by 5:00 P.M. Prevailing Time on the sale date) whether the issue price will be calculated upon either (a) the first price at which 10% of each maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis, or (b) a commitment to neither offer nor sell any of the Bonds of any maturity to any person at a price that is higher than the initial offering price to the public as of the sale date (the "initial offering price") during the holding period (as defined herein).

(d) If the 10% test is selected, the winning bidder shall advise the Borough if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds, and bidders should prepare their bids on the assumption that all of the maturities of the Bonds will be subject to the 10% test in order to establish the issue price of the Bonds. If the competitive sale requirements are not satisfied and the 10% test is selected, then until the 10% test has been satisfied as to each maturity of the Bonds, the winning bidder agrees to promptly report to the Borough the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the Closing Date has occurred, until either (i) all Bonds of that maturity have been sold or (ii) the 10% test has been satisfied as to the Bonds of that maturity, provided that, the winning bidder's reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the Borough or Bond Counsel.

(e) In the event the "hold-the-offering-price" method is selected, for each maturity of the Bonds the winning bidder shall (a) neither offer nor sell any of the Bonds of such maturity to any person at a price that is higher than the initial offering price for such maturity during the holding period for such maturity (the "hold-the-offering-price rule"), and (b) verify that any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any third-party distribution agreement shall contain the agreement of each broker-dealer who is a party to the third-party distribution agreement, to comply with the hold-the-offering-price rule. Pursuant to such agreement, no underwriter (as defined below) shall offer or sell any maturity of the Bonds at a price that is higher than the respective initial offering price for that maturity of the Bonds during the holding period.

(f) By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, to (A) either comply with the hold-the-offering-price limitations stated herein or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder, (B) to promptly notify the winning bidder of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public, and (ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to either comply with the hold-the-offering-price limitations stated herein

or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder or such underwriter that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder or such underwriter, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder.

(g) Sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (i) "public" means any person other than an underwriter or a related party,
- (ii) "underwriter" means (A) any person that agrees pursuant to a written contract or otherwise with the Borough (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public),
- (iii) a purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other),
- (iv) "sale date" means the date that the Bonds are awarded by the Borough to the winning bidder,
- (v) "holding period" means, for each maturity of the Bonds, the period starting on the sale date and ending on the earlier of (i) the close of the fifth business day after the sale date, or (ii) the date on which the Underwriter has sold at least 10% of each maturity to the Public at prices that are no higher than the Initial Offering Price for such maturity, and

- (vi) "maturity" means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

By order of the Borough Council of the Borough of River Edge, in the County of Bergen, New Jersey.

Dated: September 25, 2020

/s/ Christopher Battaglia  
Chief Financial Officer  
Borough of River Edge  
County of Bergen, New Jersey

Section 2. A Summary Notice of Sale ("Summary Notice of Sale") shall be published in substantially the following form:

SUMMARY NOTICE OF SALE

BOROUGH OF RIVER EDGE,  
IN THE COUNTY OF BERGEN, NEW JERSEY

\$5,605,000 General Improvement Bonds  
(Book-Entry Only) (Bank-Qualified)  
(Callable) (Parity Bid)

dated  
October 15, 2020

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received by the Chief Financial Officer of the Borough of River Edge, in the County of Bergen, New Jersey (the "Borough"), at the Municipal Building, 705 Kinderkamack Road, River Edge, New Jersey 07661, on

October 8, 2020

at 11:00 o'clock A.M. (local time) at which time they will be publicly opened and announced, for the purchase of the Borough's \$5,605,000 General Improvement Bonds dated October 15, 2020 and payable on October 15 in each year as follows:

\$285,000 in the year 2021,  
\$315,000 in the year 2022,  
\$500,000 in the year 2023,  
\$550,000 in each of the years 2024 and 2025,  
\$555,000 in the year 2026, and  
\$570,000 in each of the years 2027 to 2031, inclusive.

The Bonds shall be issued in book-entry only form through the book-entry system operated by The Depository Trust Company, New York, New York. The Bonds are subject to redemption prior to maturity at the option of the Borough in accordance with the terms set forth in the Notice of Sale to be made available to interested persons (the "Notice of Sale"). The Notice of Sale and Proposal for Bonds should be reviewed by potential bidders for additional terms and conditions of the sale of the Bonds prior to bidding on the Bonds. To the extent any instructions or directions set forth in PARITY conflict with the Notice of Sale, the terms of the Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds will bear interest from their date at a rate or rates of interest in multiples of 1/8th or 1/20th of 1% per annum (same or ascending rates and only one rate per maturity) specified by the successful bidder payable on each April 15 and October 15, commencing April 15, 2021, in each year until maturity or prior redemption. The purchase price specified must not be less than \$5,605,000 nor more than \$5,661,050 (par plus a maximum 1% premium). Each proposal must be for all the Bonds offered. As further described in the Notice of Sale, bidders

must, at the time of making their bids, make a wire transfer or deposit a certified, cashier's or treasurer's check drawn upon a bank or trust company in the amount of \$112,100 to the order of the Borough. The Bonds will be sold to the bidder specifying the lowest net interest cost in accordance with the terms set forth in the Notice of Sale. The Borough will furnish the Bonds and the approving legal opinion of Rogut McCarthy LLC, Cranford, New Jersey, Bond Counsel.

The Bonds will be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Copies of the Preliminary Official Statement, the Notice of Sale and the Proposal for Bonds are available at [www.i-DealProspectus.com](http://www.i-DealProspectus.com) or by contacting the undersigned Chief Financial Officer at the Municipal Building, 705 Kinderkamack Road, River Edge, New Jersey 07661, Telephone No. (201) 599-6300.

By order of the Borough Council of the Borough of River Edge, in the County of Bergen, New Jersey.

Dated: September 28, 2020

/s/ Christopher Battaglia  
Chief Financial Officer  
Borough of River Edge  
County of Bergen, New Jersey

Section 3. The Borough Clerk is hereby authorized and directed to publish (A) the Summary Notice of Sale in THE BOND BUYER, which is a publication carrying municipal bond notices and devoted primarily to the subject of State and municipal bonds, and is published in New York City, and (B) the Full Notice of Sale in The Ridgewood News, a newspaper of general circulation published in Bergen County and circulating in the Borough. Said Summary Notice of Sale and Full Notice of Sale shall be published in each publication not later than one week before the date of the sale of said Bonds.

Section 4. The preparation of and distribution to potential bidders for the Bonds of a Preliminary Official Statement to be dated on or about September 28, 2020 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12").

Section 5. The preparation of an Official Statement in connection with the sale of the Bonds to be dated on or about October 8, 2020 is hereby approved. Such Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12.

Section 6. The execution of the Official Statement by the Chief Financial Officer on behalf of the Borough, the distribution of same to the successful bidder and the successful bidder's subsequent distribution of the Official Statement to purchasers or prospective purchasers of the Bonds are hereby authorized.

Section 7. The Borough hereby agrees to undertake for the benefit of the Bondholders and the beneficial owners of the Bonds to provide certain secondary market disclosure information pursuant to Rule 15c2-12 to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format, as prescribed by the MSRB. Specifically, the Borough will do the following for the benefit of the holders of the Bonds and the beneficial owners thereof:

(A) Not later than seven months after the end of the Borough's fiscal year (presently December 31), commencing with the report for the fiscal year ending December 31, 2020, provide or cause to be provided annual financial information with respect to the Borough consisting of (i) audited financial statements (or unaudited financial statements if audited financial statements are not then available by the date of filing, which audited financial statements will be delivered when and if available) of the Borough and (ii) certain financial information and operating data consisting of information concerning the Borough's debt, overlapping indebtedness, tax rate, levy and collection data, property valuation, budget and fund balance of the type contained in Appendix A of the Official Statement. The audited financial statements will be prepared in accordance with mandated State statutory accounting principles, as in effect from time to time. Audited financial statements if not available by the filing date will be submitted separately when available.

(B) Provide or cause to be provided in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds or financial obligations of the Borough:

- (1) Principal or interest payment delinquencies;
- (2) Non-payment related default, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to the rights of Bondholders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property which secures the repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Borough (the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Borough in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Borough, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Borough);

- (13) The consummation of a merger, consolidation, or acquisition involving the Borough or the sale of all or substantially all of the assets of the Borough, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a financial obligation of the Borough, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Borough, any of which affect Bondholders, if material; and
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Borough, any of which reflect financial difficulties. The Borough intends the words used in paragraphs (15) and (16) and the definition of "financial obligation" to have the meanings ascribed to them in SEC Release No. 34-83885 (August 20, 2018).

(C) Provide or cause to be provided, in a timely manner, notice of a failure of the Borough to provide required annual financial information on or before the date specified above.

Section 8. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

Section 9. If the Borough fails to comply with the undertaking described above, any Bondholder or beneficial owner of the Bonds may pursue an action for specific performance to enforce the rights of all Bondholders and beneficial owners with respect to such undertaking; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds or any liability by the Borough for monetary damages. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all Bondholders and beneficial owners of the Bonds.

Section 10. The Borough reserves the right to terminate its obligation to provide annual financial information and notice of material events, as set forth above, if and when the Borough no longer remains an "obligated person" with respect to the Bonds within the meaning of Rule 15c2-12.

Section 11. The undertaking may be amended by the Borough from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, or change in the identity, nature, type of operation, or status of the Borough, which in the opinion of

nationally recognized bond counsel complies with Rule 15c2-12 and does not, in such bond counsel's opinion, materially impair the interest of the Bondholders and the beneficial owners of the Bonds.

Section 12. The Borough hereby covenants, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Bonds be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

Section 13. The Borough hereby designates the Bonds as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. It is hereby determined and stated that (1) the Bonds are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2020. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and expressly states that a covenant is not made hereby.

Section 14. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized and directed to execute and deliver such other documents and to take such other action as they determine to be necessary or appropriate in order to effectuate the issuance and sale of the Bonds including, without limitation, the execution and delivery of all closing documents and certificates.

Section 15. The Chief Financial Officer, the Borough Clerk, the Bond Counsel, the Auditor, the Municipal Advisor and other Borough officials and representatives are hereby authorized to take all necessary actions to allow for (A) the submission of electronic bids for the bonds, (B) the electronic posting of the Preliminary Official Statement, the full Notice of Sale and the bid form and (C) the submission by bidders of a wire transfer in lieu of a good faith check.

Section 16. This resolution shall take effect immediately upon its adoption.

September 21, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this th day of , 2020.

Stephanie Evans, Borough Clerk

**BOROUGH OF RIVER EDGE**  
**RESOLUTION #20-220**

**Resolution of the Borough of River Edge, County of Bergen and State of New Jersey Appointing Jason Milito as the Primary Designated Employer Representative and Richard Stephen as the Secondary Designated Employer Representative for the Borough of River Edge**

**WHEREAS**, pursuant to the United States Department of Transportation regulations governing the required alcohol and drug testing for all individuals holding a Commercial Drivers' License (CDL) and individuals designated as safety-sensitive employees, every company covered by the regulations must have one or more Designated Employer Representative ("DER"); and

**WHEREAS**, the DER must be an employee of the Borough of River Edge; and

**WHEREAS**, the DER is the person responsible within the workplace for the drug and alcohol program; and

**WHEREAS**, the DER shall be authorized by the Borough of River Edge to take immediate action to remove employees from safety-sensitive duties, to make decisions required in the testing process, and to receive test results; and

**WHEREAS**, the DER's overall responsibilities shall include:

- Managing the Borough of River Edge's drug and alcohol testing program
- Acting as the liaison for drug and alcohol testing service agents
- Staying informed of every test and its result
- Performing the necessary functions according to the results of the tests and taking immediate action, including:
  1. Removing employees from safety-sensitive duties
  2. Making necessary decisions in the testing and evaluation process
  3. Receiving test results and other communications for the employer
  4. Reporting test results to the appropriate state and/or local authorities, if necessary
  5. Following the Borough of River Edge's policy regarding the consequences of a positive test result or refusal to test
  6. Maintaining compliance with 49 CFR Part 40, NJ DOT regulations and Borough of River Edge policies.

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of River Edge, in the County of Bergen and State of New Jersey that Jason Milito is hereby appointed as the Primary Designated Employer Representative and Richard Stephen as the Secondary Designated Employer Representative of the Borough of River Edge.

**BE IT FURTHER RESOLVED**, that Jason Milito as the Designated Employer Representative is hereby authorized to take all steps necessary to fulfill the requirements of the DER.

September 21, 2020

**BOROUGH OF RIVER EDGE**  
**RESOLUTION #20-221**

**Approve the Hire of Part-time Office Clerk for the Department of Public Works**

BE IT RESOLVED by the Governing Body of the Borough of River Edge that Miriam Fabisiak be and she is hereby hired as a part-time office clerk in the Department of Public Works at an hourly rate of \$20.76 not to exceed 29 hours per week, effective September 22, 2020.

September 21, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Davis						
Gautier						
Kaufman						
Papaleo						

I hereby certify that this resolution, consisting of 1 page(s), was adopted at a meeting of the Borough Council of the Borough of River Edge, held on this            day of            2020.

\_\_\_\_\_  
Stephanie Evans, Borough Clerk

**BOROUGH OF RIVER EDGE**  
**RESOLUTION #20-222**

**Payment of Bills**

At a Regular Meeting of the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, held on September 21, 2020.

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

CURRENT FUND ACCOUNT	\$222,180.27
CAPITAL FUND ACCOUNT	\$ 46,195.00
TRUST OTHER ACCOUNT	\$ 5,989.50
PAYROLL ACCOUNT	\$ 765.00
DEVELOPER'S ESCROW ACCOUNT	\$ 500.00
RECREATION ACCOUNT	\$ 899.16

September 21, 2020

	Motion	Second	Yes	No	Abstain	Absent
Busteed						
Chinigo						
Gautier						
Kaufman						
Kinsella						
Koen						
Mayor Papaleo						

I hereby certify that this resolution, consisting of 1 page(s), was adopted at a meeting of the Borough Council of the Borough of River Edge, held on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Stephanie Evans, Borough Clerk

SEPTEMBER 21, 2020

Range of Checking Accts: First to Last      Range of Check Dates: 09/09/20 to 09/21/20  
Report Type: All Checks      Report Format: Detail      Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Ref Seq Acct
01	CURRENT	CURRENT FUND					
56409	09/21/20	SKOUN005 SKOUNT, LLC					301
20-01442	1	Face Masks	198.00	0-01-25-255-041 MEETINGS & SEMINARS	Budget		65 1
56410	09/21/20	AGLWE005 AGL WELDING SUPPLY CO., INC.					301
20-01523	1	welding supplies - dpw	63.08	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		101 1
56411	09/21/20	ALLAM010 ALL AMERICAN FORD					301
20-01266	2	replace instru cluster dpw #92	714.27	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		55 1
56412	09/21/20	ALLAM010 ALL AMERICAN FORD					301
20-01267	2	Buckle Assembly -truck repair	105.63	0-01-26-315-174 MECH. WK.-POLICE	Budget		56 1
56413	09/21/20	AMERIO45 AMERICAN WEAR, INC.					301
20-01471	1	August uniforms	1,093.50	0-01-26-290-028 PROFESSIONAL SVCS & COSTS	Budget		86 1
56414	09/21/20	APEXC005 APEX COPY & PRINT LLC					301
20-00601	1	Colored Postcards	360.40	0-01-25-255-173 FIRE EDUCATION	Budget		41 1
56415	09/21/20	AUTOM005 AUTOMOTIVE BRAKE CO.					301
20-00445	45	dpw vehicle parts and supplies	99.49	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		17 1
20-00445	46	dpw vehicle parts and supplies	189.00	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		18 1
20-00445	47	dpw vehicle parts and supplies	131.65	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		19 1
20-00445	48	caliper	57.37	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		20 1
20-00445	49	batteries	471.08	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		21 1
20-00445	50	fuel filters & belts #71	145.84	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		22 1
20-00445	51	fuel elemnet & marker #80	18.42	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		23 1
20-00445	52	strobe led and mount #90	172.08	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		24 1
20-00445	53	air & water element, lube #82	47.06	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		25 1
			<u>1,331.99</u>				
56416	09/21/20	AUTOM005 AUTOMOTIVE BRAKE CO.					301
20-00446	20	Peak Box 5w20 Full Syn Dexos	559.60	0-01-26-315-174 MECH. WK.-POLICE	Budget		26 1

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01	CURRENT	CURRENT FUND		Continued					
56416		AUTOMOTIVE BRAKE CO. Continued							
20-00446	21	Peak Box 5w30 Full Syn Dexos	139.90	0-01-26-315-174	Budget		27		1
				MECH. WK.-POLICE					
20-00446	22	Peak Box 5w30 Full Syn dexos	139.90	0-01-26-315-174	Budget		28		1
				MECH. WK.-POLICE					
20-00446	23	Lub Spin-On	51.72	0-01-26-315-174	Budget		29		1
				MECH. WK.-POLICE					
20-00446	24	All Vech 50/50 AF3100 Antifrez	63.00	0-01-26-315-174	Budget		30		1
				MECH. WK.-POLICE					
20-00446	25	USE Motvc13G	129.00	0-01-26-315-174	Budget		31		1
				MECH. WK.-POLICE					
20-00446	26	Spark Plugs	44.28	0-01-26-315-174	Budget		32		1
				MECH. WK.-POLICE					
20-00446	27	Pro-Series Wire Sets Domestic	42.37	0-01-26-315-174	Budget		33		1
				MECH. WK.-POLICE					
20-00446	28	Ceramic Disc Pad	37.14	0-01-26-315-174	Budget		34		1
				MECH. WK.-POLICE					
20-00446	29	E-shield Brake Rotor	73.14	0-01-26-315-174	Budget		35		1
				MECH. WK.-POLICE					
20-00446	30	Int Manifold Set	122.30	0-01-26-315-174	Budget		36		1
				MECH. WK.-POLICE					
			<u>1,402.35</u>						
56417	09/21/20	AUTOM005 AUTOMOTIVE BRAKE CO.					301		
20-01454	1	battery - TORO	80.21	0-01-28-375-181	Budget		72		1
				MOWERS/TRIMMERS					
56418	09/21/20	BATTA005 BATTAGLIA ASSOCIATES, LLC					301		
20-00362	9	PAYROLL PROC SERVICES AUG 2020	2,000.00	0-01-20-130-173	Budget		16		1
				ADP - PAYROLL					
56419	09/21/20	BATTA005 BATTAGLIA ASSOCIATES, LLC					301		
20-00766	6	TAX COLLECTOR SERV AUGUST 2020	1,111.11	0-01-20-145-028	Budget		45		1
				PROFESSIONAL SVCS & COSTS					
56420	09/21/20	BERGE155 NORTHWEST BERGEN					301		
20-01464	1	Dispatch service fee	1,380.00	0-01-25-255-193	Budget		84		1
				CENTRAL DISPATCH					
56421	09/21/20	BURGI005 BURGIS ASSOCIATES, INC					301		
19-36555	4	SERVICE HOUSING PLAN 2015-COAH	1,267.50	9-01-20-165-173	Budget		1		1
				REDEVELOPMENT					
56422	09/21/20	BURGI005 BURGIS ASSOCIATES, INC					301		
20-00318	7	PLAN NEW BRIDGE LANDINDG STAT.	1,982.50	0-01-20-165-173	Budget		15		1
				REDEVELOPMENT					
56423	09/21/20	BURGI005 BURGIS ASSOCIATES, INC					301		
20-00463	9	PROFESSIONAL ZONING SERVICES	2,600.00	0-01-22-195-028	Budget		37		1
				PROFESSIONAL SERVICES					

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01	CURRENT	CURRENT FUND	Continued						
56424	09/21/20	CCTIR005 C & C TIRE, INC							301
20-00881	3	tire repair	425.00	0-01-26-315-183	Budget		47		1
				TIRES RECYCLING VEHICLES					
56425	09/21/20	CHEMS005 CHEMSEARCH							301
20-01455	1	aerosol - dpw mechanics	578.20	0-01-26-315-173	Budget		73		1
				MECH. WK.-D.P.W.					
56426	09/21/20	COSTA015 ROBERT COSTA							301
20-00594	5	BOGERT ROAD SECTION 4 PROJECT	682.50	0-01-20-165-100	Budget		39		1
				OTHER GENERAL GROUP					
56427	09/21/20	COSTA015 ROBERT COSTA							301
20-00595	4	BOGERT ROAD SECTION 4	2,085.00	0-01-20-165-100	Budget		40		1
				OTHER GENERAL GROUP					
56428	09/21/20	CWINT005 C WINTERS SUPPLY							301
20-01389	2	top soil - stump removal	540.00	0-01-26-310-166	Budget		58		1
				MAINTENANCE-GROUNDS					
56429	09/21/20	DELUX005 DELUXE INTERN'L TRUCKS							301
20-01319	2	fuel tank dpw #80	1,256.47	0-01-26-315-173	Budget		57		1
				MECH. WK.-D.P.W.					
56430	09/21/20	FISHW005 FISH WINDOW CLEANING							301
20-01522	1	window cleaning - dpw	42.00	0-01-26-310-171	Budget		100		1
				CLEANING/BODY FLUIDS					
56431	09/21/20	GIACO005 MATTHEW GIACOBBE, ESQ.							301
20-00204	9	LEGAL SERV RENDRD JUL-AUG 2020	150.00	0-01-20-155-168	Budget		3		1
				LABOR RELATIONS ATTY					
56432	09/21/20	GIACO005 MATTHEW GIACOBBE, ESQ.							301
20-00205	6	LEGAL SERV RENDRD JUN-JUL 2020	1,875.00	0-01-20-155-177	Budget		4		1
				P.D.LABOR ATTORNEY					
20-00205	7	LEGAL SERV RENDRD JUL-AUG 2020	825.00	0-01-20-155-177	Budget		5		1
				P.D.LABOR ATTORNEY					
			<u>2,700.00</u>						
56433	09/21/20	GIACO005 MATTHEW GIACOBBE, ESQ.							301
20-00206	9	LEGAL SERV RENDRD JULY 2020	75.00	0-01-20-155-179	Budget		6		1
				DPW LABOR ATTORNEY					
56434	09/21/20	GIFTS005 DELFORD FLOWERS & GIFTS							301
20-01530	1	9/11 Memorial Garden wreaths	258.00	0-01-20-110-192	Budget		111		1
				G/HONORS & BADGES					
56435	09/21/20	GRAIN005 GRAINGER EQUIPMENT & SUPPLIES							301
20-00679	11	water filter cartridge	202.12	0-01-26-310-167	Budget		42		1
				MAINTENANCE-BUILDING					
20-00679	12	toilet cleaners	46.39	0-01-26-310-167	Budget		43		1
				MAINTENANCE-BUILDING					

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PO #	Item	Description							
01	CURRENT	CURRENT FUND	Continued						
56435	GRAINGER	EQUIPMENT & SUPPLIES	Continued						
20-00679	13	fluor bulbs	362.40	0-01-26-310-167	Budget		44	1	
				MAINTENANCE-BUILDING					
			<u>610.91</u>						
56436	09/21/20	GROWI005 LET IT GROW, INC.							301
20-00526	6	Aug - monthly maint. 911 mem	749.38	0-01-26-310-166	Budget		38	1	
				MAINTENANCE-GROUNDS					
56437	09/21/20	HUDTI005 HUDSON TIRE EXCHANGE							301
20-00882	3	tire dismount for dpw #80	30.00	0-01-26-315-175	Budget		48	1	
				TIRES:DPW					
56438	09/21/20	JOSEP030 JOSEPH SMENTKOWSKI, INC.							301
20-01499	1	GARBAGE PICKUP SEPTEMBER 2020	26,378.47	0-01-26-305-100	Budget		93	1	
				GARBAGE & TRASH REMOVAL - CONTRACTUAL					
56439	09/21/20	LROSS005 L. ROSS DISTRIBUTORS							301
20-01164	4	43 x 47 black liners	348.30	0-01-26-310-187	Budget		51	1	
				BORO HALL/PSB CLEANING					
20-01164	5	2 ply liners	90.50	0-01-26-310-187	Budget		52	1	
				BORO HALL/PSB CLEANING					
20-01164	6	c-fold towels	349.20	0-01-26-310-187	Budget		53	1	
				BORO HALL/PSB CLEANING					
			<u>788.00</u>						
56440	09/21/20	METRO025 METROPOLITAN RUBBER CO., INC.							301
20-01402	1	STORM CLEAN UP-SUPPLIES	728.00	0-01-35-470-100	Budget		59	1	
				CONTINGENT					
56441	09/21/20	MIDBE005 MID-BERGEN REG. HEALTH COMM.							301
20-01463	1	AUGUST REHS	1,691.50	0-01-27-330-300	Budget		83	1	
				PUBLIC HEALTH SERVICES - CONTRACTUAL					
56442	09/21/20	NICEN005 NICE N EASY LLC.							301
20-00983	4	FireHouse Co#2 cleaning - Aug	250.00	0-01-26-310-187	Budget		49	1	
				BORO HALL/PSB CLEANING					
56443	09/21/20	NICEN005 NICE N EASY LLC.							301
20-01438	1	Cleaning of DPW Bldg - August	630.00	0-01-26-310-171	Budget		63	1	
				CLEANING/BODY FLUIDS					
56444	09/21/20	NORTH015 NORTH JERSEY MEDIA GROUP, INC.							301
20-01525	1	LEGAL ADVERTISEMENT AUG 2020	198.09	0-01-20-120-021	Budget		102	1	
				LEGAL ADVERTISING					
20-01525	4	LEGAL ADVERTISEMENT AUG 2020	850.10	0-01-20-120-021	Budget		103	1	
				LEGAL ADVERTISING					
20-01525	5	PLANNING BD/LAND USE AUG 2020	16.63	0-01-21-180-021	Budget		104	1	
				LEGAL ADVERTISING					
			<u>1,064.82</u>						

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01	CURRENT	CURRENT FUND		Continued					
56445	09/21/20	NORTH035 NORTHERN SAFETY CO., INC					301		
	20-01447	1 dpw safety equipment	1,160.08	0-01-26-290-030 GARAGE SUPPLIES	Budget		69		1
56446	09/21/20	OFFIC015 OFFICE CONCEPTS GROUP					301		
	20-01248	3 Daily calendar 5x8	44.07	0-01-26-290-030 GARAGE SUPPLIES	Budget		54		1
56447	09/21/20	OFFIC015 OFFICE CONCEPTS GROUP					301		
	20-01446	1 Redi-Strip Envelopes	46.67	0-01-21-180-036 OFFICE SUPPLIES	Budget		67		1
	20-01446	2 Self Seal Envelopes	124.32	0-01-21-180-036 OFFICE SUPPLIES	Budget		68		1
			<u>170.99</u>						
56448	09/21/20	OFFIC015 OFFICE CONCEPTS GROUP					301		
	20-01481	1 2021 at-a-glance sewer sched	21.59	0-01-26-290-030 GARAGE SUPPLIES	Budget		89		1
56449	09/21/20	OLDDO005 OLD DOMINION BRUSH CO, INC.					301		
	20-01408	1 Repair Parts for Leaf Vac	2,329.00	0-01-26-315-124 REPAIRS	Budget		61		1
56450	09/21/20	ONSIT005 ON-SITE FLEET SERVICE, INC.					301		
	20-00173	7 diesel emissions test dpw #83	127.50	0-01-26-315-173 MECH. WK.-D.P.W.	Budget		2		1
56451	09/21/20	OPTIM005 OPTIMUM					301		
	20-01458	1 Co. 1 CABLE TV SERVICE	24.98	0-01-25-255-195 CABLEVISION/INTERNET SVS.	Budget		75		1
56452	09/21/20	OPTIM005 OPTIMUM					301		
	20-01459	1 Co. 2 Internet Service	121.55	0-01-25-255-195 CABLEVISION/INTERNET SVS.	Budget		76		1
56453	09/21/20	OPTIM005 OPTIMUM					301		
	20-01480	1 OEM Internet Service 9/1-9/30	89.90	0-01-25-252-174 INTERNET	Budget		88		1
56454	09/21/20	OPTIM005 OPTIMUM					301		
	20-01498	1 BOROUGH HALL INTERNET SEP 2020	99.89	0-01-20-101-139 CABLE BOROUGH HALL	Budget		92		1
56455	09/21/20	PALME005 PALMER ACE HARDWARE					301		
	20-00229	61 boro hall toilet lever	22.49	0-01-26-310-167 MAINTENANCE-BUILDING	Budget		8		1
	20-00229	62 locker room shower shelf	14.39	0-01-26-310-167 MAINTENANCE-BUILDING	Budget		9		1
	20-00229	63 locker room shower sprayer	26.99	0-01-26-310-167 MAINTENANCE-BUILDING	Budget		10		1
	20-00229	64 ballast for PD sallyport	35.53	0-01-26-310-167 MAINTENANCE-BUILDING	Budget		11		1

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PO #	Item	Description							
01	CURRENT	CURRENT FUND		Continued					
56455	PALMER ACE	HARDWARE		Continued					
20-00229	65	steel wool - library	8.89	0-01-26-310-167	Budget		12		1
				MAINTENANCE-BUILDING					
20-00229	66	wax toilet ring - boro hall	5.39	0-01-26-310-167	Budget		13		1
				MAINTENANCE-BUILDING					
20-00229	67	washer house f/c #1	15.29	0-01-26-310-167	Budget		14		1
				MAINTENANCE-BUILDING					
			<u>128.97</u>						
56456	09/21/20	PALME005 PALMER ACE HARDWARE							301
20-01462	2	refuse can	22.49	0-01-26-310-166	Budget		77		1
				MAINTENANCE-GROUNDS					
20-01462	3	paint pail liners & trays	13.63	0-01-26-310-166	Budget		78		1
				MAINTENANCE-GROUNDS					
20-01462	4	traffic paint	23.60	0-01-26-310-166	Budget		79		1
				MAINTENANCE-GROUNDS					
20-01462	5	tape	4.94	0-01-26-310-166	Budget		80		1
				MAINTENANCE-GROUNDS					
20-01462	6	striping paint	15.46	0-01-26-310-166	Budget		81		1
				MAINTENANCE-GROUNDS					
20-01462	7	hardware bball hoops	14.40	0-01-26-310-166	Budget		82		1
				MAINTENANCE-GROUNDS					
			<u>94.52</u>						
56457	09/21/20	PSEG0005 PSE&G							301
20-01518	1	6-24-20 thru 7-23-20	29,300.66	0-01-31-448-120	Budget		99		1
				RIVER EDGE ELEC & GAS					
56458	09/21/20	QUIKT005 QUIKTEKS							301
20-01409	1	HP LaserJet Pro MFP M227fdw	300.00	0-01-21-180-036	Budget		62		1
				OFFICE SUPPLIES					
56459	09/21/20	QUIKT005 QUIKTEKS							301
20-01469	1	Managed Serv Agreement Sept.	1,212.00	0-01-25-240-105	Budget		85		1
				MAINT. CONTRACTS					
56460	09/21/20	RACHL005 RACHLES/MICHELE'S OIL COMPANY							301
20-01450	1	gasoline	969.75	0-01-31-447-168	Budget		70		1
				GASOLINE					
20-01450	2	lust tax	0.75	0-01-31-447-168	Budget		71		1
				GASOLINE					
			<u>970.50</u>						
56461	09/21/20	RUSCO005 RUSCON TRUCK SERVICE & EQUIP.							301
20-01477	1	Preventive Maintenance	4,044.26	0-01-25-255-184	Budget		87		1
				MOTOR VEH. REPAIRS					
56462	09/21/20	SERVU005 SERV-US							301
20-01443	2	fuel nozzle repair	252.65	0-01-26-290-101	Budget		66		1
				FA-MACHINERY & EQUIP					

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01	CURRENT	CURRENT FUND	Continued						
56463	09/21/20	SISSC005 SISSCO							301
	20-01517	1 annual hoist inspection dpw	752.08	0-01-26-315-184 PEOSHA - HOIST INSPECTION	Budget		98		1
56464	09/21/20	SPINI005 ALAN P. SPINIELLO, ESQ.							301
	20-00211	9 LEGAL SERVICES RENDERED AUGUST	1,125.00	0-01-20-155-174 TAX APPEAL ATTORNEY	Budget		7		1
56465	09/21/20	STOFNJ05 STATE OF NEW JERSEY							301
	20-01500	1 CATASTROPHIC ILLNESS FD 2019	339.00	0-01-36-472-100 SOCIAL SECURITY SYSTEM	Budget		94		1
56466	09/21/20	SUEZW005 SUEZ WATER NEW JERSEY							301
	20-01457	1 7-9-20 thru 8-5-20	4,464.37	0-01-31-446-166 RIVER EDGE WATER	Budget		74		1
56467	09/21/20	SUEZW005 SUEZ WATER NEW JERSEY							301
	20-01482	1 library water 7-8 thru 8-5	558.89	0-01-31-445-300 MAINTENANCE OF LIBRARY - WATER	Budget		90		1
56468	09/21/20	SUEZW005 SUEZ WATER NEW JERSEY							301
	20-01483	1 7-18 thru 8-10	165.04	0-01-31-446-166 RIVER EDGE WATER	Budget		91		1
56469	09/21/20	SUEZW005 SUEZ WATER NEW JERSEY							301
	20-01504	1 HYDRANTS SEPTEMBER 2020	10,739.41	0-01-31-445-100 FIRE HYDRANT SERVICE	Budget		95		1
56470	09/21/20	TECHN005 TECHNICAL FIRE SERVICES, INC.							301
	20-01506	1 Annual Pumper Service Test	740.00	0-01-25-255-194 HOSE/LADDER TESTING	Budget		97		1
56471	09/21/20	THEHO005 THE HOMESTEAD ROOFING CO., INC							301
	20-00848	1 F/C #1 - roof repair	1,050.00	0-01-26-310-179 FIRE-CO#1	Budget		46		1
56472	09/21/20	TREAS090 TREASURER, STATE OF NEW JERSEY							301
	20-01439	1 State of New Jersey	258.00	0-01-26-310-172 ELEVATOR INSPECTIONS	Budget		64		1
56473	09/21/20	VALLE025 VALLEY PHYSICIAN SERVICES							301
	20-01113	3 PROGRAM ADMINISTRATIVE FEE	300.00	0-01-20-100-182 EMPLOYEE PHYSICALS	Budget		50		1
56474	09/21/20	VERIZ005 VERIZON							301
	20-01526	1 TELEPHONE BILL AUGUST 2020	87.05	0-01-31-440-168 TELEPHONE/LONG DIST. -VERIZON	Budget		105		1
	20-01526	2 TELEPHONE BILL AUGUST 2020	1,770.63	0-01-31-440-170 TELEPHONE - SERVICE	Budget		106		1
	20-01526	3 FIRE CO #1,2 & OEM-PHONE SERV	271.77	0-01-31-440-172 FIRE CO #1&#2 / OEM	Budget		107		1

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01CURRENT		CURRENT FUND	Continued					
56474	VERIZON	Continued						
20-01526	4	LIBRARY PHONE SERVICE	91.17	0-01-31-440-300	Budget		108	1
				MAINTENANCE OF LIBRARY - TELEPHONE				
20-01526	5	TELEPHONE BILL AUGUST 2020	89.99	0-01-31-440-174	Budget		109	1
				CABLE/INTERNET				
			<u>2,310.61</u>					
56475	09/21/20	VERIZ010 VERIZON						301
20-01505	1	TELEPHONE BILL AUGUST 2020	999.87	0-01-31-440-170	Budget		96	1
				TELEPHONE - SERVICE				
56476	09/21/20	WAGEW005 WAGeworks, INC						301
20-01527	1	MONTHLY FEES AUG 2020	81.50	0-01-20-100-028	Budget		110	1
				PROFESSIONAL SERVICES				
56477	09/21/20	WETIM005 W E TIMMERMAN EQUIPMENT CO INC						301
20-01403	1	STORM CLEAN UP-SUPPLIES	11,003.80	0-01-35-470-100	Budget		60	1
				CONTINGENT				
56478	09/21/20	DENVI005 DENVILLE LINE PAINTING, INC.						305
20-01313	1	thermoplastic restriping	6,062.44	0-01-26-301-100	Budget		2	1
				MAINTENANCE				
56479	09/21/20	GRAIN005 GRAINGER EQUIPMENT & SUPPLIES						305
20-01452	1	chipping hammer	652.04	0-01-26-510-100	Budget		3	1
				STORMWATER - PUBLIC WORKS O/E				
56480	09/21/20	MAPLE005 MAPLE DIRECT INC.						305
20-01540	1	2020 FINAL TAX BILL POSTAGE	1,701.50	0-01-20-145-023	Budget		4	1
				PRINTING				
56481	09/21/20	PALME005 PALMER ACE HARDWARE						305
20-00229	47	bulb, door stop, caulk	23.35	0-01-26-310-167	Budget		1	1
				MAINTENANCE-BUILDING				
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
		Checks:	73	0	141,223.80	0.00		
		Direct Deposit:	0	0	0.00	0.00		
		Total:	<u>73</u>	<u>0</u>	<u>141,223.80</u>	<u>0.00</u>		
01CURRENTWIRES		CURRENT FUND WIRES						
44	09/09/20	BANKO005 BANK OF AMERICA						295
20-01490	1	CORRECTLY CHG PCARD PURCH AUG	101.28	0-01-20-101-136	Budget		1	1
				SOCIAL MEDIA OTHER				
20-01490	2	CORRECTLY CHG PCARD PURCH AUG	395.00	0-01-28-370-041	Budget		2	1
				MEETINGS & SEMINARS				
20-01490	3	CORRECTLY CHG PCARD PURCH AUG	179.81	0-01-25-240-174	Budget		3	1
				CR. GDS UNIFORMS				
			<u>676.09</u>					

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Num Acct
01		CURRENT WIRES							
		CURRENT FUND WIRES		Continued					
45	09/15/20	NJDIV005 NJ DIVISION OF					299		
20-01489	1	JULY 2020 HEALTH BENEFITS	80,280.38	0-01-23-220-090	Budget		1	1	
				EMPLOYEE GROUP HEALTH					
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>			
		Checks:	2	0	80,956.47	0.00			
		Direct Deposit:	0	0	0.00	0.00			
		Total:	2	0	80,956.47	0.00			
04		CAPITAL							
		GENERAL CAPITAL							
3405	09/21/20	JFLET005 J.FLETCHER CREAMER & SON, INC.					302		
20-01503	1	JOHNSON AVE EMERGENCY SEWER	15,235.00	c-04-17-012-300	Budget		4	1	
				STORM WATER DRAINAGE & SEWER IMPROVEMENT					
3406	09/21/20	PUBLI010 PUBLIC SEWER SERVICE					302		
20-01401	1	JET VAC PROPOSAL	2,285.00	c-04-17-012-300	Budget		1	1	
				STORM WATER DRAINAGE & SEWER IMPROVEMENT					
3407	09/21/20	PUBLI010 PUBLIC SEWER SERVICE					302		
20-01413	1	JET & TV PROPOSAL	1,940.00	c-04-17-012-300	Budget		2	1	
				STORM WATER DRAINAGE & SEWER IMPROVEMENT					
3408	09/21/20	RAPID005 RAPID PUMP & METER SERVICE CO.					302		
20-01414	1	FURNISH & INSTALL NEW MUFFIN	26,735.00	c-04-17-012-300	Budget		3	1	
				STORM WATER DRAINAGE & SEWER IMPROVEMENT					
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>			
		Checks:	4	0	46,195.00	0.00			
		Direct Deposit:	0	0	0.00	0.00			
		Total:	4	0	46,195.00	0.00			
11		TRUST							
		GENERAL TRUST							
2588	09/09/20	BOELEC05 BOROUGH OF RIVER EDGE					296		
20-01496	1	August Electronic Fees	6.70	T-11-55-286-013	Budget		1	1	
				PARK AND FIELD MAINTENANCE					
2589	09/21/20	ATLAN015 ATLANTIC COAST FIBERS LLC					303		
20-01444	1	non recycable material	140.95	T-11-55-286-017	Budget		1	1	
				RECYCLING					
2590	09/21/20	ENVIR010 ENVIRONMENTAL RENEWAL, LLC					303		
20-01521	1	log dumpsters	590.00	T-11-55-286-017	Budget		11	1	
				RECYCLING					
20-01521	2	log dumpsters	590.00	T-11-55-286-017	Budget		12	1	
				RECYCLING					
			<u>1,180.00</u>						
2591	09/21/20	NATUR005 NATURE'S CHOICE CORP.					303		
20-01493	1	VEGETATION	574.40	T-11-55-286-017	Budget		2	1	
				RECYCLING					
20-01493	2	VEGETATION	538.50	T-11-55-286-017	Budget		3	1	
				RECYCLING					

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
11	TRUST	GENERAL TRUST	Continued						
2591	NATURE'S CHOICE CORP.		Continued						
20-01493	3	VEGETATION	556.45	T-11-55-286-017 RECYCLING	Budget		4	1	
20-01493	4	VEGETATION	538.50	T-11-55-286-017 RECYCLING	Budget		5	1	
20-01493	5	VEGETATION	502.60	T-11-55-286-017 RECYCLING	Budget		6	1	
20-01493	6	DIRTY LOAD	300.00	T-11-55-286-017 RECYCLING	Budget		7	1	
			<u>3,010.45</u>						
2592	09/21/20	NATUR005 NATURE'S CHOICE CORP.							303
20-01520	1	vegetation	556.45	T-11-55-286-017 RECYCLING	Budget		8	1	
20-01520	2	vegetation	556.45	T-11-55-286-017 RECYCLING	Budget		9	1	
20-01520	3	vegetation	538.50	T-11-55-286-017 RECYCLING	Budget		10	1	
			<u>1,651.40</u>						
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>			
		Checks:	5	0	5,989.50	0.00			
		Direct Deposit:	0	0	0.00	0.00			
		Total:	5	0	5,989.50	0.00			
13	PAYROLL	PAYROLL							
100	09/16/20	PBA201 PBA LOCAL #201							300
20-01515	1	PBA DUES SEPTEMBER 15, 2020	765.00	T-13-55-286-502 PBA/SOA DUES	Budget		1	1	
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>			
		Checks:	1	0	765.00	0.00			
		Direct Deposit:	0	0	0.00	0.00			
		Total:	1	0	765.00	0.00			
16	ESCROW	ESCROW							
2104	09/21/20	COSTA015 ROBERT COSTA							306
20-01528	1	SOIL MOVEMENT PERMIT 1001/6	250.00	T-16-55-286-000 RESERVE FOR EXPENDITURES	Budget		1	1	
2105	09/21/20	COSTA015 ROBERT COSTA							306
20-01529	1	SOIL MOVEMENT PERMIT 706/15	250.00	T-16-55-286-000 RESERVE FOR EXPENDITURES	Budget		2	1	
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>			
		Checks:	2	0	500.00	0.00			
		Direct Deposit:	0	0	0.00	0.00			
		Total:	2	0	500.00	0.00			

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Seq	Ref Num
PO #	Item	Description						Acct
18RECTRUST		RECREATION TRUST						
5517	09/09/20	BOELEC05 BOROUGH OF RIVER EDGE						297
20-01495	1	August Electronic Fees	102.77	T-18-55-286-001	Budget		1	1
				TENNIS				
20-01495	2	Aerobics	34.46	T-18-55-286-002	Budget		2	1
				AEROBICS				
20-01495	3	Art Class	11.93	T-18-55-286-012	Budget		3	1
				SPECIAL EVENTS				
			<u>149.16</u>					
5518	09/21/20	PRITI005 PRITI DHARIWAL						304
20-01494	1	Adult Yoga Classes	375.00	T-18-55-286-002	Budget		1	1
				AEROBICS				
20-01494	2	Adult Yoga Classes	375.00	T-18-55-286-002	Budget		2	1
				AEROBICS				
			<u>750.00</u>					
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>		<u>Amount Void</u>	
		Checks:	2	0	899.16		0.00	
		Direct Deposit:	0	0	0.00		0.00	
		Total:	2	0	899.16		0.00	
Report Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>		<u>Amount Void</u>	
		Checks:	89	0	276,528.93		0.00	
		Direct Deposit:	0	0	0.00		0.00	
		Total:	89	0	276,528.93		0.00	

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
Current Fund	0-01	220,912.77	0.00	0.00	220,912.77
Current Fund	9-01	1,267.50	0.00	0.00	1,267.50
General Capital Fund	C-04	46,195.00	0.00	0.00	46,195.00
Trust Other	T-11	5,989.50	0.00	0.00	5,989.50
Payroll	T-13	765.00	0.00	0.00	765.00
Developer's Escrow	T-16	500.00	0.00	0.00	500.00
Recreation Trust	T-18	899.16	0.00	0.00	899.16
Year Total:		8,153.66	0.00	0.00	8,153.66
Total of All Funds:		276,528.93	0.00	0.00	276,528.93