

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

FEBRUARY 21, 2018

1. Mike Olohan led the Salute to the Flag and Pledge of Allegiance.
2. The Borough Clerk announced that this is a Regular Meeting of the Mayor and Council of which at least 48 hours' notice has been given by posting in the Borough Hall, publication in The Record and delivery to all members of the governing body.
3. Mayor Romeo called the meeting to order at 7:36 P.M.
4. Present: Council Members Cleary, Mueller, Olmo, Savas, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Laufeld, Maragliano, Chief Wrixon
Absent: Council Member Spina
5. Motion by Council Member Tsigounis and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of February 7, 2018.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meetings:

Municipal Pool Commission
Planning Board

January 8, 2018
January 23, 2018

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Tsigounis said the Environmental Commission will be having a free screening of the film “Chasing Coral” at the library on March 3rd beginning at 1:00 pm. Also, the Northern Valley Earth Fair will be on April 21st from 11:00 am – 4:00 pm at Northern Valley Regional High School in Demarest.

Council Member Savas said the next Municipal Alliance meeting will be in March. Also, if anyone is interested we are looking for volunteers for many of our Boards and Committees, as well as Cresskill's quasiquicentennial celebration which is next year.

Council Member Cleary said the Bergen County JIF offers many on-line and night courses.

Council Member Mueller said there is a pickleball tournament at the Community Center this Friday. Pickleball is a paddle ball sport that is becoming very popular and great for seniors to keep active.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Ordinance No. 18-02-1514 – Amend Chapter 275-66.1 Tree Removal

8. Motion at 7:41 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Ordinance No. 18-02-1514 – Amend Chapter 275-66.1 Tree Removal on final reading by title only.

Roll Call: Yes – Unanimous Motion adopted.

9. Council Member Olmo read the title:

AMEND CHAPTER 275-66.1 TREE REMOVAL

(Ordinance in full on pages 40A through 40C in Minutes of Regular Mayor and Council Meeting held February 7, 2018.)

10. The Borough Clerk announced the Ordinance was published in The Record on February 9, 2018, posted in Borough Hall, and copies made available to the public
11. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
12. Mayor Romeo said this is to stop the clear cutting of trees for new construction.

No one else wished to be heard.

13. Motion by Council Member Olmo and seconded by Council Member Savas to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

14. Resolution by Council Member Olmo and seconded by Council Member Savas:

BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, in the County of Bergen and State of New Jersey, that Ordinance No. 18-02-1514, entitled:

AMEND CHAPTER 275-66.1 TREE REMOVAL

pass its second and final reading, is hereby adopted and shall be published according to law.

Roll Call: Yes – Unanimous Resolution adopted.

Ordinance No. 18-03-1515 – An Ordinance to Amend Chapter 263 – Vehicles and Traffic

15. Motion at 7:43 PM by Council Member Mueller and seconded by Council Member Cleary to introduce Ordinance No. 18-03-1515 – An Ordinance to Amend Chapter 263 – Vehicles and Traffic on final reading by title only.

Roll Call: Yes – Unanimous Motion adopted.

16. Council Member Mueller read the title:

AMEND CHAPTER 263 - VEHICLES AND TRAFFIC

(Ordinance in full on pages 41A through 41B in Minutes of Regular Mayor and Council Meeting held February 7, 2018.)

17. The Borough Clerk announced the Ordinance was published in The Record on February 9, 2018, posted in Borough Hall, and copies made available to the public

18. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
19. Mayor Romeo said this is to revise the traffic ordinance done last year due to input from residents that live on some of these streets.

No one else wished to be heard.

20. Motion by Council Member Mueller and seconded by Council Member Cleary to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

21. Resolution by Council Member Mueller and seconded by Council Member Savas:

BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, in the County of Bergen and State of New Jersey, that Ordinance No. 18-03-1515 entitled:

CHAPTER 263 - VEHICLES AND TRAFFIC

pass its second and final reading, is hereby adopted and shall be published according to law.

Roll Call: Yes – Unanimous Resolution adopted.

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Ordinance No. 18-04-1516 – Affordable Housing Ordinance

22. Motion at 7:44 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Ordinance No. 18-04-1516 – Affordable Housing Ordinance on first reading by title only.

Roll Call: Yes – Unanimous Motion adopted.

23. Council Member Olmo read the title:

AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF THE BOROUGH OF CRESSKILL 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

(Ordinance in full on pages 48A through 48T.)

24. Resolution by Council Member Olmo and seconded by Council Member Cleary:

BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, that Ordinance No. 18-04-1516, entitled:

AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF THE BOROUGH OF CRESSKILL 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

132-91	4197	Fredrick Paving, Inc. 12 Fredrick Street Hackensack, NJ 07601 <i>(for: 50 & 52 Palisades Avenue)</i>	\$50.00
132-91	4198	Fredrick Paving, Inc. 12 Fredrick Street Hackensack, NJ 07601 <i>(for: 56 Palisades Avenue)</i>	\$50.00
132-91	4199	David Kwon 16 Westervelt Place Cresskill, NJ 07626	\$50.00
132-91	4201	Arkady Stolyarov 289 Concord Street Cresskill, NJ 07626	\$50.00
132-27	4175	Charles Magrino 398 Highland Street Cresskill, NJ 07626	\$100.00
132-27	4193	Lumaj Builders LLC 345 Route 17 South Upper Saddle River, NJ 07458 <i>(for: 73 Phelps Avenue)</i>	\$100.00
132-27	4195	Arthur Tassarò 81 Margie Avenue Cresskill, NJ 07626	\$100.00
132-27	4196	Fredrick Paving, Inc. 12 Fredrick Street Hackensack, NJ 07601 <i>(for: 40, 42, 45 & 49 Palisades Avenue)</i>	\$100.00

28. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following February 2018 payroll be ratified and approved:

February 16, 2018

Current Fund	\$ 313,599.25
Social Security/Medicare	13,694.78
Community Center	2,053.32
Library	<u>12,098.06</u>
	\$ 341,445.41

29. WHEREAS, soil permit applications and/or Planning Board applications were required for several properties; and

WHEREAS, escrow accounts were established for this work; and

WHEREAS, the work has been completed and inspected;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following refunds of Developer's Escrow accounts be made:

<u>Account No.</u>	<u>Block</u>	<u>Lots</u>	<u>Applicant</u>	<u>Amount</u>
DE-318	76	16	V. Lehmann Construction Co. dba Lehmann Pools & Spas	\$ 222.50

644 Wyckoff Avenue
 Mahwah, NJ 07430
(for: 52 Westervelt Place)

DE-196	90.01	17.01	Simonian Rosenbaum Architects	\$ 167.00
		17.02	64 River Road	
			Summit, NJ 07901	
			<i>(for: 7 Lambs Lane)</i>	

30. RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CRESSKILL, COUNTY OF BERGEN, STATE OF NEW JERSEY ADOPTING AN AFFIRMATIVE MARKETING PLAN PERTAINING TO LOW-AND MODERATE-INCOME HOUSING FOR THE BOROUGH OF CRESSKILL

WHEREAS, in accordance with the regulations of COAH pursuant to N.J.A.C. 5:93-1, et seq., the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26., et seq., and in the Matter of the Application of the Borough of Cresskill, County of Bergen, Docket No. BER-L-6274-15 regarding In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), the Borough of Cresskill is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Borough of Cresskill, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 1, which encompasses the Borough of Cresskill

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill, County of Bergen, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Cresskill shall be marketed in accordance with the provisions herein unless otherwise provided in COAH's Rules at N.J.A.C. 5:93-1, et seq.
- B. The Borough of Cresskill has a Third Round obligation. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Borough's current Housing Element and Fair Share Plan and those that may be constructed in future developments not contemplated in the Borough's Housing Element and Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Cresskill. All costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Cresskill, shall undertake the following strategies:
 1. Publication of one advertisement in a newspaper of general circulation within the housing region.
 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.

3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in the region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the Borough is located and covers the entire period of deed restriction for each restricted housing unit. The Borough of Cresskill is located in COAH Housing Region 1, and is comprised of Bergen, Hudson, Passaic and Sussex Counties.
 - F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
 1. All newspaper articles, announcements and requests for application for low and moderate income units shall appear in the Bergen Record and Star Ledger.
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Borough's Administrative Agent. All press releases and advertisements shall be approved in advance by the Borough's Administrative Agent.
 3. The advertisement shall include a description of the:
 - i. Location of the units;
 - ii. Direction of the units;
 - iii. Range of prices for the units;
 - iv. Size, as measured in bedrooms, of units;
 - v. Maximum income permitted to qualify for the units;
 - vi. Location of applications;
 - vii. Business hours when households may obtain an application; and
 - viii. Application fees.
 4. Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall appear at least once a week for four consecutive weeks in at least four locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Bergen County and the other three of which shall be circulated primarily outside of Bergen County but within the housing region.
 5. Four or more of the following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:
 - i. 2 WCBS-TV (CBS Broadcasting, Inc.)
 - ii. 4 WNBC (NBC Telemundo License Co., General Electric)

- iii. 5 WNYW (Fox Television Stations, Inc., News Corp.)
 - iv. 7 WABC-TV (American Broadcasting Companies, Inc., Walt Disney)
 - v. 9 WWOR-TV (Fox Television Stations, Inc., News Corp.)
 - vi. 10 WCAU (NBC Telemundo License Co., General Electric)
 - vii. 11 WPIX (WPIX, Inc., Tribune)
 - viii. 13 WNET (Educational Broadcasting Corporation)
 - ix. 58 WNJB (New Jersey Public Broadcasting Authority)
6. Applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
- i. Cresskill Municipal Building
 - ii. Cresskill Municipal Library
 - iii. Developer's Sales/Rental Office
 - iv. Bergen County Administration Building
 - v. Hudson, County Administration Building
 - vi. Passaic County Administration Building
 - vii. Sussex County Administration Building.

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

7. The administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Bergen, Hudson, Passaic and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Bergen County Board of Realtors Hudson County
Board of Realtors Passaic County Board of
Realtors
Sussex County Board of Realtors

- ii. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Bergen, Hudson, Passaic and Sussex:

Welfare or Social Service Board
Rental Assistance Office (local office of DCA) Office on
Aging
Housing Authority
Community Action Agencies
Community Development Departments

- iii. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all the major employers within the region in accordance with the Region 1 Affirmative Marketing Plan.

- iv. Quarterly informational circulars and applications shall be sent to the following additional community and regional organizations:

Fair Share Housing Center
Bergen County Housing Coalition

The New Jersey State Conference of the NAACP
 The Bergen County NAACP
 Bergen Urban League
 The Latino Action Network

8. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent in conformance with N.J.A.C. 5:80-26.16(1). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work COAH Housing Region 1 comprised of Bergen, Hudson, Passaic and Sussex Counties.
9. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.
10. The Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
11. All developers/owners of low-and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
12. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low-income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary.
13. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq.

31. SPENDING PLAN

INTRODUCTION

The Borough of Cresskill, Bergen County has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (the Department) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by the Department on July 9, 1997 and adopted by the Borough of Cresskill on November 1, 2000. The development fee ordinance was last revised by Cresskill on November 5, 2008, with the Department approving the revision on September 24, 2009. The ordinance establishes the Borough of Cresskill affordable housing trust fund for which this spending plan is prepared.

1. REVENUES FOR CERTIFICATION PERIOD

As of March 31, 2017, the Borough of Cresskill had collected \$1,842,725.87 from its development fee ordinance, development fees, interest earned and other income. The Borough has dispersed \$710,550.10 leaving a balance as of March 31, 2017 of \$1,132,175.77 All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees were first deposited in a separate interest-bearing affordable housing trust fund in Bank of America for the purposes of affordable housing. More recently, a second affordable housing trust fund account has been established at NVE Bank located at 189 County Road, Cresskill. All affordable housing trust funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of Third Round substantive certification, the Borough of Cresskill considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

The Borough of Cresskill has collected \$110,416 from the Pulte Group, developer of the Willow Run site. This payment was made on February 23, 2016 and represents half of the full amount Pulte Group owes Cresskill's affordable housing trust fund. It is expected that the remaining \$110,416 will be collected during the early portion of 2018.

The Borough does not expect to collect such payments from other developers during the remainder of the Third Round housing cycle. The Borough prefers to have developers construct affordable housing on-site rather than utilizing the PIL option, although the Borough retains its authority to adjust its response depending on the facts relating to a particular site.

(c) Other funding sources:

The Borough of Cresskill has collected loan repayments from the rehabilitation program. Through the middle of 2016 the Borough had collected \$192,214 from the owners of 14 rehabilitated properties. The average repayment is \$13,750. It is anticipated that Cresskill will collect an additional \$140,000 from 10 additional properties.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.