

COMMISSIONERS REGULAR MEETING AGENDA
RIDGEFIELD PARK
February 27, 2024
7:30 PM

Mayor Anlian announces that this meeting is being held in accordance with the “Open Public Meeting Act, N.J.S.A. 10 4-6 et seq.” notice of which was sent to the Record and the Star Ledger on December 29, 2023 and was posted on the Municipal Bulletin Board and the Village Website.

This agenda is listed as a courtesy and attempt to inform the public of actions being considered by the Village Board of Commissioners. There may be additions and deletions prior to the Board taking final action. Any action may be taken at any meeting, which includes all Caucus and Regular sessions. The Commissioners reserve the right to conduct and/or attend any meetings presently scheduled for the rest of 2024 by a combination of electronic and/or in-person means. Meetings are open to the public.

ROLL CALL

FLAG SALUTE

APPROVAL OF MINUTES

Commissioners Regular Meeting of February 13, 2024

COMMISSIONER REPORTS

HEARING OF CITIZENS

NEW BUSINESS

Mayor Anlian announces that the following business is considered to be routine in nature and will be enacted in one motion. Any item may be removed for separate consideration.

RESOLUTIONS:

- 2024-26 Authorize Grant Agreement with the County of Bergen for the Hunter Park Project
- 2024-27 Authorize a Memorandum of Understanding with the New Jersey Department of Transportation Public Art Program Committee
- 2024-28 Authorize Shared Services Agreement with the County of Bergen for the Employee Assistance Program
- 2024-29 Authorize Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program
- 2024-30 Authorize Annual Renewal of Handicapped Parking Spaces
- 2024-31 Authorize Emergency Repairs
- 2024-32 Appoint Sustainable Ridgefield Park Members
- 2024-33 Oppose Assembly Bill No. 4/Senate Bill No. 50
- 2024-34 Appoint Rent Stabilization Board Attorney
- 2024-35 Authorize Expenditure of Building Department Dedicated Funds
- 2024-36 Appoint Library Board Trustee

ORDINANCE INTRODUCTION

- 2024-03 ORDINANCE APPROPRIATING \$20,000,000.00 FROM THE GENERAL CAPITAL FUND FOR IMPROVMENTS FOR VETERANS PARK ATHLETIC FIELDS AND RELATED AMENITIES FULLY FUNDED BY BERGEN COUNTY CONSENT ORDER

ORDINANCE PUBLIC HEARINGS AND ADOPTIONS

2024-01 ORDINANCE PROVIDING FOR THE FUNDING OF THE ROADWAY IMPROVEMENT PROJECT IN THE VILLAGE OF RIDGEFIELD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY AND APPROPRIATING \$388,800.00 THEREFOR FROM THE GENERAL CAPITAL FUND – THE CAPITAL IMPROVEMENT FUND OF THE VILLAGE FOR THE RESURFACING OF PARK STREET FROM OVERPECK AVENUE TO EUCLID AVENUE

2024-02 AN ORDINANCE AMENDING CHAPTER 182 OF THE CODE OF THE VILLAGE OF RIDGEFIELD PARK, ENTITLED “FILMING”

CLOSED SESSION (if necessary)

2024-37 Authorize Closed Session Meeting

ADJOURNMENT

Resolution 2024-26

RESOLUTION AUTHORIZING THE VILLAGE OF RIDGEFIELD PARK TO ENTER INTO A GRANT AGREEMENT WITH THE COUNTY OF BERGEN

BE IT RESOLVED, that the Mayor and Board of Commissioners of the Village of Ridgefield Park wish to enter into a Bergen County Trust Fund Project Contract for the purpose of using a \$125,026.00 matching grant award from the 2023 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project Hunter Park: Resurfacing for Tennis and Basketball Courts: New Fencing located in Ridgefield Park; and

BE IT FURTHER RESOLVED, that the Mayor and Board of Commissioners hereby authorize the Mayor John Anlian or Commissioner Wanda Portorreal to be a signatory to the aforesaid grant agreement contract; and

BE IT FURTHER RESOLVED, that the Mayor and Board of Commissioners hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about December 13, 2025; and

BE IT FURTHER RESOLVED, that the Mayor and Board of Commissioners acknowledge that the grant will be disbursed to the Village of Ridgefield Park as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Board of Commissioners acknowledge that the grant disbursement to the Village of Ridgefield Park will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirement. Professional Services Costs may be reimbursed from grant award’s unexpended balance, should there be a balance.

RESOLUTION NO. 2024-27

RESOLUTION AUTHORIZING THE VILAGE OF RIDGEFIELD PARK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) PUBLIC ART PROGRAM COMMITTEE TO ALLOW ARTWORK TO BE DISPLAYED ON NJDOT PROPERTY

WHEREAS, The Village of Ridgefield Park wishes to enter into an agreement with the NJDOT to authorize public art murals on DOT property to be located to the west and east sides of the Teaneck Road underpass for Route 46 in Ridgefield Park; and

WHEREAS, in order to facilitate the approval process and location for the artwork, a memorandum of understanding must first be executed between the Village of Ridgefield Park and NJDOT setting forth the terms, conditions, and obligations between the parties; a copy of the MOU is attached hereto and made a part hereof; and

WHEREAS, the approval process by the DOT requires the Village to submit a detailed proposal setting forth a drawing or rendering of the artwork as it would appear on DOT property and the execution of the MOU will commence the approval process that is necessary for this art project.

NOW, THEREFORE, BE IT RESOLVED by the Ridgefield Park Board of Commissioners as follows:

1. Commissioner Mark Olson, Commissioner in charge of public art project and Commissioner Adam MacNeill, Commissioner in charge of Revenue and Finance are hereby authorized to execute the MOU with NJDOT in the form attached hereto.
2. All Village officials, officers and employees are hereby directed, authorized and empowered to take all steps reasonably necessary to effectuate the purposes and provisions of this resolution.

Resolution 2024-28

BE IT RESOLVED the Board of Commissioners of the Village of Ridgefield Park authorizes Mayor Anlian to sign a one-year Shared Services Agreement with the County of Bergen for the Employee Assistance Program for 2024.

Resolution 2024-29

RESOLUTION AUTHORIZING THE VILLAGE OF RIDGEFIELD PARK POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE RIDGEFIELD PARK POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the **Board of Commissioners of the Village of Ridgefield Park** that the **Ridgefield Park Police Department** is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the calendar year from January 1, 2024 to December 31, 2024.

NOW THEREFORE BE IT FURTHER RESOLVED that the **Ridgefield Park Police Department** is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies,

construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the **Ridgefield Park Police Department** without restriction; and

BE IT FURTHER RESOLVED that the **Ridgefield Park Police Department** is hereby authorized to acquire the following “DEMIL B through Q” property, if it shall become available in the period of time for which this resolution authorizes.

BE IT FURTHER RESOLVED that the “DEMIL B through Q” controlled 3-page property list in its entirety is hereby approved and hereto attached to this resolution.

BE IT FURTHER RESOLVED that the **Ridgefield Park Police Department** shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the **Ridgefield Park Police Department** shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the calendar year from January 1, 2024 to December 31, 2024.

VILLAGE OF RIDGEFIELD PARK

RESOLUTION NO. 2024-30

A Resolution establishing various handicapped parking spaces in the Village of Ridgefield Park

WHEREAS, pursuant to *N.J.S.A. 39:4-197.5*, the Mayor and Board of Commissioners are authorized and empowered by ordinance, resolution or regulation, to establish restricted parking spaces for use by handicapped persons who have been issued special vehicle identification cards by the Division of Motor Vehicles; and

WHEREAS, pursuant to Village Code Chapter 197, "Vehicles and Traffic," Article XVII, "Handicapped Parking Spaces," Section 70, "Size and location," subsection B(3), "Location," handicapped spaces may be located at "[a]ny appropriately marked handicap parking on municipal property or street;" and

WHEREAS, various residents have requested that the Village place handicapped parking spaces at certain locations near their residences, recognizing however that such handicapped parking spaces are available to be used by any motor vehicle with special vehicle identification cards issued by the Division of Motor Vehicles; and

WHEREAS, the Village Engineer has considered the proposed changes contemplated herein and has determined that they are consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways and in the best interest of the Village.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Village of Ridgefield Park that handicapped parking spaces are hereby deemed to be approved at the following locations:

Location of Handicapped Parking Space(s)

305 5th Street

East side – Beginning at a point 85 feet north of the northerly curblines of Central Ave and extending 22 feet thereof.

104 6th Street

West side – Beginning at a point 68 feet north of the northerly curblines of Central Ave and extending 22 feet north thereof.

175 Bergen Avenue

East side – Beginning at a point 80 feet north of the northerly curblines of Preston St and extending 22 feet north thereof.

35 Summit St.

East side of Paulison Ave. beginning 25 feet south of Summit St. and extending 22 ft thereof.

80 Brinkerhoff Street

North side - Beginning at a point 100 feet west of the westerly curblineline of Euclid Ave and extending 22 feet west thereof.

82 Brinkerhoff Street

West side of Euclid Ave - Beginning at a point 50 feet north of the northerly curblineline of Brinkerhoff Street and extending 22 feet west thereof

159 E. Grand Avenue

West side of Overpeck Avenue – Beginning at a point 50 feet south of the southerly curblineline of E. Grand Ave and extending 22 feet south thereof.

111 Gordon Street

South side - Beginning at a point 70 feet east of the easterly curblineline of Roosevelt Ave and extending 22 feet east thereof.

7 Lincoln Avenue

East side - Beginning at a point 24 feet north of the northerly curblineline of Cedar Street and extending 22 feet north thereof.

306 Main Street (3 spaces)

South side of Austin Street - Beginning at a point 65 feet west of the westerly curblineline of Main Street and extending 66 feet west thereof.

388 Main Street

Western curblineline of Main Street - Beginning 118 feet from the northerly curblineline of Central Avenue and extending 22 feet north thereof.

44 Park Street

North side – Beginning at a point 108 feet west of the westerly curblineline of Lincoln Ave and extending 22 feet west thereof.

62 Winant Avenue

West side of Laurel Street- Beginning at a point 85 feet north of the northerly curblineline of Winant Ave and extending 22 feet north thereof.

68 Winant Avenue

West side of Voorhees Place – Beginning at a point 60 feet south of the northerly curblineline of Route 46 West and extending 22 feet north thereof.

137 Bergen Ave

West side of Bergen Ave. beginning 25 ft north of Poplar St. and extending 22 feet thereof.

115 Christie St:

Southside of Christie St. 317 feet east of Euclid Ave. and extending 22 feet thereof.

2 Hudson Ave.:

Located along the most southern curb line of Hudson Ave. (dead end) located 97 feet south of Hobart Ave. The parking stall begins 11 feet west of the eastern most curb line of Hudson Ave. and extends for 10 feet thereof.

2 Hudson Ave: Located on the east curb line of Hudson Ave south of Hobart St.. The Parking space begins ft 10 of the intersection with Hobart St and extends 22ft thereof.

21 Grove St.

Southside of Grove St. 140 feet west of Lincoln Ave. extending 22 feet thereof.

31 Central Ave.

East Side of Second St. 50 feet south of Central Ave. extending 22 feet thereof.

178 Teaneck Rd: Located on the west side of Voorhees Pl. in front of 26 Voorhees Pl and extending 22ft thereof.

394 Main St: Main St western curb line 6 feet north of Gordon St and extending 22 ft thereof.

91 Edwin St

West side of Cutter St- Beginning at a point 25 feet south of the southerly curbline of Edwin St and extending 22 feet south thereof.

BE IT FURTHER RESOLVED that the Police Department and/or Department of Public Works are authorized to appropriately mark said spaces including with the signage set forth in Village Code § 197-67(E).

BE IT FURTHER RESOLVED that all spaces so designated shall have a length of 22 feet and shall be located as close as possible to the identified locations but also in a manner so as to maximize both safety and the remaining parking spaces available on the street.

Resolution 2024-31

BE IT RESOLVED that pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, that there existed an exigency caused by an emergency as indicated below and that the below vendor(s) have been authorized to remedy the emergency in the amount(s) listed below:

<u>Date of Emergency</u>	<u>Nature</u>	<u>Vendor</u>	<u>Amount Authorized</u>
01/27/2024	Repairs to Gas Tank System	Fairfield Maintenance, Inc.	\$13,582.00
11/27/2023	Repairs to Fuel Gauge and Bra	Campbell Supply Co. LLC	\$7,795.98
11/27/2023	Repairs to Water Tank Pump	Campbell Supply Co. LLC	\$11,896.91

Resolution 2024-32

BE IT RESOLVED that the Board of Commissioners hereby appoints the following as Regular Members of Sustainable Ridgefield Park with the following terms:

Daniel Raftery, *term expiring December 31, 2026*
Dennise Santana, *term expiring December 31, 2026*

BE IT RESOLVED that the Board of Commissioners hereby appoints the following as Alternate Members of Sustainable Ridgefield Park with the following term:

Janet Harris, *term expiring December 31, 2026*

BE IT FURTHER RESOLVED that the Board of Commissioners hereby appoints the following as Associate Members of Sustainable Ridgefield Park with terms expiring December 31, 2026:

Daniele Fede	Rita Raftery
Guillermo Lopez-Acosta	Joseph Maggio
Dominic Melchione	Elizabeth Shulman
Asker Mirza	Carolyn Ferrer

RESOLUTION NO: 2024-33

RESOLUTION OF THE VILLAGE OF RIDGEFIELD PARK, COUNTY OF BERGEN, OPPOSING ASSEMBLY BILL NO. 4/SENATE BILL NO. 50, WHICH PROPOSES TO OVERHALL THE FAIR HOUSING ACT (“FHA”) IN A WAY THAT IMPOSES UNREALISTIC OBLIGATIONS WITH UNREALISTIC DEADLINES BASED UPON ONEROUS STANDARDS.

Mount Laurel II

WHEREAS, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II; and

WHEREAS, Mount Laurel II and its progeny generated substantial litigation culminating in the enactment of the New Jersey Fair Housing Act in 1985 (“FHA”); and

The Fair Housing Act of 1985

WHEREAS, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and

WHEREAS, more specifically, the FHA sought *to restore home rule* by imposing a moratorium on the builder’s remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder’s remedies to try to compel them to capitulate their zoning demands; and

WHEREAS, the FHA sought *to bring the fair share numbers back to reality* by among other things defining the prospective need as the need “based on development and growth which is reasonably likely to occur” and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and

WHEREAS, the FHA sought *to reduce the burdens on municipalities* by prohibiting any requirement for municipalities to expend their own resources to comply; and

The New Jersey Council on Affordable Housing

WHEREAS, the FHA created COAH and conferred “primary jurisdiction” on COAH to administer the FHA and to implement the affordable housing policies of our State; and

WHEREAS, all acknowledge -- even Fair Share Housing Center (“FSHC”) -- that COAH functioned just fine in Rounds 1 and 2; and

WHEREAS, COAH did not adopt valid regulations for Round 3 despite multiple efforts to do so and made no efforts to cure the bottleneck the third time COAH voted 3-3 on Round 3 regulations; and

Mount Laurel IV

WHEREAS, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts in light of COAH's failure to adopt valid regulations; and

WHEREAS, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job and made no effort to cure the roadblock when it voted 3-3 on the third iteration of Round 3 regulations; and

WHEREAS, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that COAH would be effective so that towns could comply once again through the administrative process created by the FHA; and

WHEREAS, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing matters; and

WHEREAS, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

WHEREAS, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

WHEREAS, in that trial and in various other instances throughout the state, FSHC took the position that the Statewide obligation should exceed 300,000 to be addressed between 2015 and 2025; and

WHEREAS, municipalities, through Dr. Robert Powell, presented evidence that, in a best case scenario, the State could only absorb less than 40,000 affordable units and thus argued that FSHC's calculations was not grounded in reality whatsoever; and

WHEREAS, the Court, having been constrained by the Supreme Court to prescriptively utilize a formula from 1993, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

The 354 Settlements with FSHC

WHEREAS, FSHC reports that it entered 354 settlements in Round 3; and

WHEREAS, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

WHEREAS, many of those Round 3 settlements will result in development during the Round 4 period; and

WHEREAS, Round 4 is set to begin on July 1, 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

WHEREAS, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking and open space; and

WHEREAS, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and

A-4/S-50

WHEREAS, on December 19, 2023, against the above backdrop, the Housing Committee of the Assembly (a) unveiled the Legislation (A-4) – a detailed 69-page bill that the Chairwoman of the Housing Committee announced had been worked on for a long time; and (b) scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

WHEREAS, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

WHEREAS, notwithstanding the foregoing, on December 20, 2023, the Housing Committee voted the bill out of the Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

WHEREAS, the perception that the Legislature designed was to adopt the bill before the public had an opportunity to review it and provide meaningful comment was as real as it was unmistakable; and

WHEREAS, consequently, the Legislature did not ram the bill through in the lame duck session; and

WHEREAS, instead, on January 29, 2024, the Housing Committee of the Assembly met to consider a new version of A-4 and voted to release it out of the Committee; and

WHEREAS, on February 8, 2024, as a result of comments, letters and resolutions challenging this new version of A-4, the Appropriations Committee of the Assembly announced a number of changes to the Bill; and

WHEREAS, one witness likened the summary presented to the public at the February 8, 2024 Appropriations meeting to that of an auctioneer; and

WHEREAS, the Appropriations Committee voted the bill out of the Committee at its February 8, 2024 meeting before the public had an opportunity to even see the changes, much less process their significance and comment on them; and

WHEREAS, the bill has been improved marginally as it has evolved from its initial version in December of 2023 to the current version voted out of the Appropriations Committee of the Assembly on February 8, 2024; and

WHEREAS, despite elimination of just some of the gross excesses of the prior version of the bill, the current bill released after the February 8, 2024 Appropriations Committee meeting is still severely flawed; and

WHEREAS, the Bill still creates a judicial entity made up of 3-7 retired Mount Laurel judges called “The Program”, which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

WHEREAS, the Bill still does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH’s response to their comments; and

WHEREAS, as detailed below, the bill creates a patently unreasonable responsibility on municipalities by imposing an obligation on them to create a realistic opportunity for satisfaction of a fair share that is itself unrealistic; and

WHEREAS, the current version still details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

WHEREAS, the current version still presumes that 40 percent of all new households will qualify as low or moderate; and

WHEREAS, the current version still calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and

WHEREAS, we calculate the statewide need number to be 84,690 based upon the formula set forth in the bill; and

WHEREAS, the current version of the Bill calls for 84,690 to be adjusted by the number of conversions and demolitions; and

WHEREAS, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3 that will apply in Round 4; and

WHEREAS, we can estimate the obligation of each municipality if we assume that the same percentage of the regional need in Round 3 for each municipality applies in Round 4; and

WHEREAS, we have widely distributed our estimates and invited input after acknowledging that we have done the best we can to formulate estimates in very limited time; and

WHEREAS, other than an analysis of the allocation factors by an expert for the American Planning Association (Creigh Rahenkamp) who identified problems with the allocation factors, nobody has accepted our invitation to review and comment on our rough estimates; and

WHEREAS, to the contrary, the Executive Director of Fair Share Housing Center testified that he did not have a calculation of the fair share numbers; and

WHEREAS, more importantly, no committee of the Assembly or Senate has identified the fair share obligations municipalities should expect based upon the formula set forth in the bill; and

WHEREAS, the 96,780 fair share number estimated for Round 4 compares to the roughly 211,000 COs issued between 2010 and 2020; and

WHEREAS, the 96,780 fair share number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

WHEREAS, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and

WHEREAS, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

WHEREAS, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

WHEREAS, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

WHEREAS, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

WHEREAS, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

WHEREAS, as detailed below, the Bill still fails to account for the enormous burdens on municipalities to comply with their Round 3 obligations before imposing very substantial additional burdens on those 354 municipalities for Round 4; and

WHEREAS, a representative of FSHC testified that it has entered into 354 settlements and that it would furnish those settlements to the Housing Committee, which it has failed to do; and

WHEREAS, we have pressed FSHC to advise how much development will take place in Round 4 as a result of municipalities implementing the 354 settlements reached in Round 3; and

WHEREAS, Adam Gordon on behalf of FSHC has indicated he doesn't know the answer to this question and no committee of the Assembly or Senate has even hinted at what the answer might be; and

WHEREAS, the Bill requires municipalities to create a realistic opportunity for satisfaction of a fair share without taking into account how many affordable units can realistically be achieved through traditional inclusionary zoning (where generally one out of every five units must be affordable); and

WHEREAS, we also sought to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning by urging the Legislature to do a market study since the strength of the housing market will determine the number of market units that can reasonably be anticipated that are essential to generating one affordable unit for every four market units constructed; and

WHEREAS, the Legislature has not furnished a market study in response to our repeated emphasis on the need for one to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning; and

WHEREAS, as explained below, the bill dilutes the protections to which a municipality is currently entitled as it seeks to comply voluntarily and even after it secures approval of its affordable housing plan; and

WHEREAS, current laws preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", the proposed bill does not give municipalities seeking to comply voluntarily the same measure of protection the Supreme Court deemed appropriate; and

WHEREAS A4/S50 subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

WHEREAS, more specifically, A4/S50 provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan; however, that certification does not prevent an interested party from "alleging that, despite the issuance of compliance certification, a municipality's fair share obligation, fair share plan, housing element, or ordinances implementing the fair share plan or housing element are in violation of the Mount Laurel doctrine"; and

WHEREAS, the Bill suffers from a myriad of additional flaws; and

WHEREAS, under current laws, a municipality would have a right to rely on the fair share number that COAH provides; however, under the new bill a municipality would only have a presumption

of validity that the number the DCA provides to the municipality is appropriate and FSHC, a deep pocketed developer or any other interested party could seek to overcome that presumption through litigation; and

WHEREAS, the A4/S50 Bill replaces a straightforward system by which a municipality could secure bonus credits up to a 25 percent cap with a highly complicated system for securing bonuses with many conditions attached to various forms of bonus.; and

WHEREAS, the Legislature previously capped the fair share of any municipality down to 1,000 in recognition that any obligation above 1,000 would be “onerous”; A4/S50 applies the 1,000-unit cap only to a component of the municipality’s fair share -- the prospective need – and authorizes the imposition of an obligation that is onerous; and

WHEREAS, the A4/S50 Bill creates unfair requirements and ambiguity when it comes to the Vacant Land Adjustment process, which could lead to municipalities that lack sufficient vacant land being required to produce more affordable housing units than is practical; and

WHEREAS, the A4/S50 Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

WHEREAS, as a result of the facts set forth above, a bill that boasts of its effectiveness in reducing costs and litigation will clearly have the exact opposite effect; and

WHEREAS, in addition to all the concerns expressed above, a bill that so radically changes the affordable housing laws of our state still needs considerable work; and

WHEREAS, indeed, as the following facts demonstrate, the Legislature has yet to do the most fundamental due diligence before enacting a statute with such broad ramifications;

1. The Legislature has not and cannot inform the public of the fair share obligations the bill, if enacted, would impose on the public;
2. The Legislature has not and cannot inform the public of the obligations that municipalities will satisfy in Round 4 from the 354 settlements achieved in Round 3 before heaping substantial additional burdens on them for Round 4;
3. The Legislature has not and cannot inform the public of the number of affordable units that can realistically be achieved through traditional inclusionary zoning while imposing obligations on municipalities to create a realistic opportunity for a fair share that far exceeds any number a municipality can realistically achieve through inclusionary zoning; and

WHEREAS, as a result of the pronounced lack of due diligence, the bill will likely force taxes to increase dramatically and will foster serious overdevelopment creating unreasonable burdens on our schools, public services, roads, sewer and water infrastructure; and

WHEREAS, the Legislature clearly can and should upgrade the affordable housing policies of our State; however, the current Version of A4 is not the answer and the most fundamental diligence can and should be exercised before adopting such a bill.

NOW, THEREFORE, BE IT RESOLVED, that for all of the above reasons, the Board of Commissioners of the Village of Ridgefield Park, objects to and opposes Assembly Bill No. 4/Senate Bill No. 50, and requests that the bill be tabled, re-written and re-introduced in way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

A certified copy of this resolution shall be sent to the Legislators in the State Assembly and Senate representing our District immediately.

Resolution 2024-34

BE IT RESOLVED that the Board of Commissioners hereby appoints Christopher M. Chapman, Esq. as attorney to the Ridgefield Park Rent Stabilization Board, due to the resignation of Pamela Giannotto, Esq.

BE IT FURTHER RESOLVED that this appointment is effective immediately.

Resolution 2024-35

A Resolution Awarding a Contract to Hertrich Fleet Services, Inc. for Purchase of a Vehicle, Contract #47-CPCPS, Through a Cooperative Purchasing Agreement with the Cranford Police Cooperative Pricing System

WHEREAS, the Village of Ridgefield Park has a need to procure certain equipment for use by the Building Department; and

WHEREAS, consistent with P.L. 2011, c.139, and N.J.S.A. 52:34-6.2(b), the Village is desirous of awarding this contract through a cooperative purchasing agreement; and

WHEREAS, the Construction Code Official of the Building Department did solicit a quote from Hertrich Fleet Services Inc. under the Cranford Police Cooperative Pricing System; and

WHEREAS, Hertrich Fleet Services, Inc. submitted a proposal for the provision of a 2024 Dodge Durango, under Contract #47-CPCPS, in the amount of \$43,385.00, a copy of the proposal is attached; and

WHEREAS, it was also determined that Hertrich Fleet Services, Inc. had submitted all required documentation for this solicitation; and

WHEREAS, consistent with P.L. 2011, c.139, the Construction Code Official did conduct a cost savings determination justifying the award of this contract under a national cooperative contract; and

WHEREAS, Hertrich Fleet Services, Inc. will be required to submit to the Village a copy of its New Jersey Business Registration Certificate, Statement of Corporate Ownership, and Public Contract EEO Compliance, as well as all required political contribution disclosure forms, prior to execution of a contract; and

WHEREAS, this expenditure is a permitted use of funds in the Building Department Fines Dedicated Account.

WHEREAS, the Village Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby authorizes the following expenditure:

Hertrich Fleet Services, Inc.

\$ 43,385.00

Resolution 2024-36

BE IT RESOLVED that the Board of Commissioners hereby appoints Sharon Strowbridge as a Trustee of the Village of Ridgefield Park Library Board. This appointment is effective immediately through December 31, 2027 to fill the unexpired term of George Gosen.

ORDINANCE #2024-01

ORDINANCE PROVIDING FOR THE FUNDING OF THE ROADWAY IMPROVEMENT PROJECT IN THE VILLAGE OF RIDGEFIELD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY AND APPROPRIATING \$388,800.00 THEREFOR FROM THE GENERAL CAPITAL FUND – THE CAPITAL IMPROVEMENT FUND OF THE VILLAGE FOR THE RESURFACING OF PARK STREET FROM OVERPECK AVENUE TO EUCLID AVENUE

BE IT ORDAINED BY THE VILLAGE BOARD OF COMMISSIONERS OF THE VILLAGE OF RIDGEFIELD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, AS FOLLOWS:

Section 1. The capital improvement, meaning the road improvement project described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by the Village of Ridgefield Park, New Jersey, and there is hereby appropriated therefor the sum of \$388,800.00 from funds available in the General Capital Fund – Capital Improvement Fund of the Village.

Section 2. The capital improvement hereby authorized and the purpose for the financing of which the appropriation is made is the roadway improvement project in the Village of Ridgefield Park for the resurfacing of a .25 mile stretch of Park Street from Overpeck Avenue to Euclid Avenue. The roadway is currently exhibiting numerous deficiencies, including severe cracking, raveled pavement, rutting, potholing, and section loss. This project #RP775, is estimated to cost \$388,800.00 as per the preliminary estimate by Boswell Engineering, copy of which is attached hereto. The Village of Ridgefield Park applied for funding from the New Jersey Department of Transportation through the fiscal year 2024 municipal aid for this project on June 27, 2023, and such costs are hereby approved and; as of November 1, 2023, according to NJ Project Management Reporting System (PMRS), this Grant has been awarded in the amount of \$270,109.00.

Section 3. The temporary capital budget of the Village is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 4. This ordinance shall take effect after publication after final passage as provided by law.

ORDINANCE NO. 2024-02

**AN ORDINANCE AMENDING CHAPTER 182 OF
THE CODE OF THE VILLAGE OF RIDGEFIELD
PARK, ENTITLED "FILMING"**

WHEREAS, Chapter 182 of the Village Code sets forth the rules and regulations for filming within the Village; and,

WHEREAS, Section 10 of Chapter 182 contains the fee schedule for filming in the Village; and,

WHEREAS, the Ridgefield Park Board of Commissioners wish to amend the aforementioned Section.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Village of Ridgefield Park, that Chapter 182 of the Village Code, entitled "Filming", is hereby amended as follows:

AMENDMENTS TO SECTION 182-10, ENTITLED "FEES".

The schedule of fees for the issuance of permits authorized by this chapter are as follows:

- A. Student filming permit: No Fee
- B. Basic filming permit: \$100. Where an applicant requests a waiver of the provision of § 3B requiring expedited processing of a permit application within 24 hours of the filming date, the basic filming permit fee for processing the application on an expedited basis shall be \$150.
- C. Daily filming fee payable in addition to the basic filming permit when filming entirely on public property: \$200 per day.
- D. Daily filming fee payable for major motion picture when filming entirely on public property: \$1,000 per day.
- E. Filming permit for nonprofit applicants filming for educational purposes, not including student films (no daily rate required): \$25.
- F. Filming on private property: No Fee

This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.