



Agenda
Open Session

Borough Hall Council Chambers
375 Larch Ave, Bogota, NJ 07603

January 16, 2025
7:30 p.m.

BOROUGH OF BOGOTA
Mayor and Council Regular Meeting



Mayor

Daniele Fede

Council President

Lisa Kohles

Councilmember

Consuelo Carpenter

Councilmember

Patrick H. McHale

Councilmember

John Mitchell

Councilmember

William Hordern

Councilmember

Diana Vergara

Borough Administrator

Conall O'Malley

Borough Attorney

William Betesh

Borough Clerk

Yenlys Flores-Bolivard

I. CALL TO ORDER**II. MAYOR'S ANNOUNCEMENT – OPEN PUBLIC MEETINGS ACT STATEMENT**

PLEASE TAKE NOTICE THAT in accordance with the Open Meeting Act, N.J.S.A. 10:4-1, et seq the notice for this meeting's time, date, location, and agenda fulfills the requirements, by sending a copy to the newspapers officially designated for 2025, filing a copy in the Borough Clerk's Office and posting it on the Borough Building bulletin board.

The Borough of Bogota will hold a Public Meeting at 7:30 p.m. on Thursday, January 16, 2025 to address such matters of business as may be brought before the Mayor and Council. This meeting will be held at Borough Hall Council Chambers, 375 Larch Ave, Bogota, NJ 07603.

III. PLEDGE OF ALLEGIANCE**IV. ROLL CALL**

Mayor Fede
Council President Kohles
Councilmember Carpenter
Councilmember Hordern
Councilmember McHale
Councilmember Mitchell
Councilmember Vergara

Also Attending:

Borough Administrator O'Malley
Borough Attorney Betesh
Borough Clerk Yenlys Flores-Bolivard

V. CITIZEN REMARKS

One (5) minute time limit per person.

VI. DISCUSSION

1. Borough Hall hours
2. Implementing time clocks

VII. INTRODUCTION OF ORDINANCES

None

VIII. PUBLIC HEARING & ADOPTION OF ORDINANCES

None

IX. CONSENT AGENDA**A. Resolutions**

All matters listed below are considered to be routine in nature by Council and will be enacted by one motion. There will be no separate discussion of these items. If any discussion is desired by Council, that particular item will be removed from the Consent Agenda and will be considered separately.

2025-52 Appointing Class I Special Law Enforcement Officer

2025-53 Advertise for bids for Veterans Memorial Park (NJDCA LRIG) Project

2025-54 Recreation – Hire Part-Time Seasonal Employees – Basketball Score Keepers

2025-55 Authorizing Grant Submission to the New Jersey Department of Community Affairs' FY25 Local Recreation Improvement Grant Program - Olsen Park Playground NJDCA LRIG Grant

2025-56 Shared Services Agreement Employee Assistance Program (EAP)

2025-57 Police Department Dispatch – Hiring of F/T Telecommunicator – John Patrick

2025-58 Appoint Adult School Crossing Guard – Yesenia Frias

2025-59 Challenging the Fourth Round Affordable Housing Figures for Bogota

B. Resolutions to be Voted Separately

2025-60 Department of Public Works – Part-Time Hire – Isaac Buckley

C. Approvals

1. SINE Die Meeting Minutes – 01-04-25
2. Reorganization Meeting Minutes – 01-04-2025
3. Ramadan on February 22

X. 2ND CITIZEN REMARKS

One five (5) minute time limit per person

XI. REPORTS

Five (5) minute time limit

Mayor Fede

Council President Kohles

Councilmember Carpenter

Councilmember Hordern

Councilmember McHale

Councilmember Mitchell

Councilmember Vergara

Administrator O'Malley
Borough Attorney Betesh
Borough Clerk Flores-Bolivard

XII. CLOSED SESSION

Authorizing Meeting Not Open to the Public, Pursuant to NJSA 10:4-12

Resolution no. 2025-61

1. Redevelopment

XIII. ADJOURNMENT

Agenda is subject to change

NEXT COUNCIL MEETINGS

*Thursday beginning at 7:30 pm in the Council Chambers of 375 Larch Ave, Bogota NJ 07603
unless otherwise noted and /or advertised:*

Work Session	Regular Mayor and Council Meeting
February 6	February 20
March 6	March 20
April 4	April 17
May 1	May 15
June 5	June 19
None	July 17
None	August 21
September 4	September 18
October 2	October 16
None	**November 6
December 4	December 18

Draft sent: January 14, 2025 – YFB

Updated Agenda: January 16, 2025 – YFB

**RESOLUTION # 2025-52****DATE: 01-16-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
C. Carpenter							
W. Hordern							
L. Kohles							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

Appointing Class I Special Law Enforcement Officer

WHEREAS, on August 11, 2022, Robert Foster was hired by the Borough of Bogota as a Class I Special Law Enforcement Officer (SLEO I) contingent upon successfully meeting all requirements, including a background investigation, physical examination, drug screening, and psychiatric evaluation; and

WHEREAS, Robert Foster successfully completed the required steps, including the mandatory 12-week training at the Bergen County Police Academy, and has since been serving as an SLEO I in the Borough of Bogota; and

WHEREAS, Police Chief Maye has recommended the reappointment of Robert Foster as the best-qualified candidate for the position of SLEO I; and

WHEREAS, the New Jersey Legislature has adopted N.J.S.A. 40A:14-146.8-11, which allows for the appointment of Class I Special Law Enforcement Officers to perform routine traffic detail, spectator control, and similar duties. If authorized by ordinance or resolution, Class I officers may issue summonses for disorderly persons offenses, petty disorderly persons offenses, municipal ordinance violations, and violations of Title 39 of the Revised Statutes. The use of firearms by officers of this class is strictly prohibited; and

WHEREAS, Robert Foster has demonstrated his qualifications and dedication in the role of SLEO I and is eligible for reappointment for another term not exceeding 365 days;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bogota, that Robert Foster is hereby reappointed as a Class I Special Law Enforcement Officer (SLEO I) for a term of 365 days, effective immediately, in accordance with N.J.S.A. 40A:14-146.8-11.

BE IT FURTHER RESOLVED, that the Borough of Bogota commends Robert Foster for his service and looks forward to his continued contributions to the Police Department and the community.

CERTIFICATION

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 01-16-2025.

Yenlys Flores-Bolivard, Municipal Clerk



RESOLUTION # 2025-53

DATE: 01-16-2025

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
C. Carpenter							
W. Hordern							
L. Kohles							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

Advertise for bids for Veterans Memorial Park (NJDCA LRIG) Project

Be it resolved by the Mayor and Council of the Borough of Bogota, Bergen County, New Jersey upon the recommendation of the Borough Engineer, Neglia Group that the plans and specifications for:

VETERANS MEMORIAL PARK (NJDCA LRIG FUNDED)

Are hereby approved and the Borough Clerk is hereby authorized to advertise for bids. This Resolution to take effect immediately.

Dated:

Approved:_____

Mayor

CERTIFICATION

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 01-16-2025.

Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-54****DATE: 01-16-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
C. Carpenter							
W. Hordern							
L. Kohles							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

Recreation – Hire Part-Time Seasonal Employees – Basketball Score Keepers

WHEREAS, the Bogota Recreation Department is in need of part-time score keepers for its 2024-2025 Basketball Program; and

WHEREAS, the Mayor and Council of the Borough seek to hire the following candidates to the position of seasonal basketball score keepers effective January 16, 2025 an hourly rate of \$15.50; and

WHEREAS, the Borough Administrator and Recreation Director have reviewed this matter and recommend that the following candidates be hired to the position of seasonal basketball score keepers for the Bogota Recreation Department effective January 16, 2025 at an hourly rate of \$15.50.

- Dominic DelValle
- Dylan Leonardo
- Tyler Frazier
- Sebastian Fernandez

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bogota, County of Bergen and State of New Jersey, that the following candidates be and are hereby hired to the position of seasonal basketball score keepers for the Bogota Recreation Department effective January 16, 2025 at an hourly rate of \$15.50; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to Dominic DelValle, Dylan Leonardo, Tyler Frazier, Sebastian Fernandez, and the Bogota Recreation Department upon its passage

CERTIFICATION

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 01-16-2025.

Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-55****DATE: 01-16-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
C. Carpenter							
W. Hordern							
L. Kohles							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**AUTHORIZING GRANT SUBMISSION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY
AFFAIRS' FY25 LOCAL RECREATION IMPROVEMENT GRANT PROGRAM
Olsen Park Playground NJDCA LRIG Grant**

WHEREAS, the Borough of Bogota desires to apply for and obtain a grant from the New Jersey Department of Community Affairs Local Recreation Improvement Grant for approximately \$100,000.00 in order to enhance the recreational opportunities for our residents by supporting the completion of the Olsen Park Playground Improvements Project; and

WHEREAS, the Borough of Bogota does hereby authorize the application for such a grant and recognizes and accepts that the Department may offer lesser or a greater amount upon receipt of the grant agreement from the New Jersey Department of Community Affairs; and

BE IT THEREFORE RESOLVED, that the Borough of Bogota does further authorize the execution of any such grant agreement; and also, upon receipt of the executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Bogota and the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Signature

Daniele Fede

Print Name

Mayor

Title

Signature

Conall O'Malley

Print Name

Borough Administrator

Title

CERTIFICATION

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 01-16-2025.

Yenlys Flores-Bolivard, Municipal Clerk

16. a. Will any member of the Board of Directors/Trustees receive any direct or indirect personal or monetary gain from the funding of this grant?

☐ Yes ☐ No

b. Does any member of the Board of Directors/Trustees serve on any board, council commission, committee or task force which has regulatory or advising influence on the funding program? ☐ Yes ☐ No

If yes, please describe:

17. Fiscal Contact Person

Mr. Greg Bock

Title

Chief Financial Officer

Phone Number

(201) 342-1736

18. Agency Fiscal Year

1/1 to 12/31

19. Name of CPA Firm Appointed by Grantee

20. **Certification:** The applicant certifies that to the best of his/her knowledge and belief all data supplied in this application and attachments are true and correct. The document has been duly authorized by the governing body of the applicant and further understands and agrees that any grant received as a result of this application shall be subject to the grant conditions and other policies, regulation, and rules issued by the New Jersey Department of Community Affairs which include provisions described in grant applications instructions.

Name and Title of Applicant (Print)

Signature of Applicant

Date of Application

**New Jersey Department of Community Affairs
APPLICATION FOR GRANT FUNDS**

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

In accordance with Federal Executive Order 12549, "Debarment and Suspension," the undersigned certifies, to the best of his or her knowledge that as an applicant, this agency or its key employees:

- a. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transaction by any Federal Department or agency, or by the State of New Jersey;
- b. have not within a 3-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense, in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transportation; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- c. are not presently indicted or for otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with commission of any offenses enumerated in paragraph (b) of this certification; and
- d. have not within 3-year period preceding this application had one or more public transactions (Federal, State, or Local) terminated for cause or default.

The applicant agrees that by submitting this application, it will obtain from all its subgrantees a certification that includes without modification paragraphs (a), (b), (c), (d), of this certification in accordance with Federal Executive Order 12549.

NAME OF AGENCY Borough of Bogota	
NAME AND TITLE OF OFFICIAL SIGNING FOR AGENCY Conall O'Malley, Borough Administrator	
SIGNATURE OF ABOVE OFFICIAL	DATE SIGNED
NOTE: The following document related to Debarment and Suspension as required by Federal regulations will be used as the basis for completion of this certification: List of <i>parties excluded</i> from Federal Procurement or Non-Procurement Programs. This document is distributed by U.S. General Services Administration, U.S. Printing Office, Washington, D.C. This document can be acquired from the Superintendent of Documents by calling (202) 783-3238.	

SCHEDULE H

**New Jersey Department of Community Affairs
APPLICATION FOR GRANT FUNDS**

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge that:

- a. No grant funds awarded from State and/or Federal appropriations have been paid or will be paid, by or on behalf of the grantee, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any grant, the making of any loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any grant, loan, or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this, grant, loan, or cooperative agreement, the grantee shall complete and submit the Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. This form can be found at the following website address: <http://www.hhs.gov/oagam/oam/opportunities/rfp0202/sf111.pdf>.
- c. The grantee shall require that the language of this compliance requirement (certification) be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This requirement (certification) is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Name of Agency	
Name and Title of Official Signing for Agency	
Signature of Above Official	Date Signed

Capital Improvements 2025
STATEMENT OF MAYOR/COUNTY OFFICIAL

Resolution no. 2025-55

I have reviewed and/or discussed the above proposed grant application with the Named Applicant and make the following statement:



I am in support of this application and will work to integrate this service with others in this community, county and/or region.

COMMENTS

As per the attached resolution, the Borough Council and Mayor are in full support of this application to the NJ Department of Community Affairs, Local Recreation Improvement Grant Program.

Signature of Mayor or County Official

Name:

Daniele Fede

Title:

Mayor

Address:

375 Larch Avenue

Zip

07603

Mayor or County Officer

Mayor



I will upload the attachment(s).

Mayor
DANIELE FEDE

Borough of Bogota

Borough Administrator
CONALL O'MALLEY

Council President
LISA KOHLES

Borough Clerk
YENLYS FLORES-BOLIVARD

Council
CONSUELO CARPENTER PATRICK
McHALE
JOHN MITCHELL
ROBERT ROBBINS
DIANA VERGARA



*375 Larch Avenue
Bogota, NJ 07603*

January 13, 2025

State of New Jersey
Department of Community Affairs
101 S. Broad Street
Trenton, NJ 08625

RE: Borough of Bogota Application to FY 2025 Local Recreation Improvement Grant

To Whom It May Concern,

Please accept this letter as certification that the Borough of Bogota owns and maintains Olsen Park, located at 253 W Fort Lee Rd, Bogota, NJ 07603. Funding from the New Jersey Department of Recreation FY2024 Local Recreation Improvement Grant will allow the Borough to make much needed improvements to this park space. Thank you for your consideration of the Borough's proposal.

Sincerely,

Daniele Fede
Mayor of Bogota

**RESOLUTION # 2025-56****DATE: 1-16-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
C. Carpenter							
W. Hordern							
L. Kohles							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

**Shared Services Agreement
Employee Assistance Program (EAP) 2025**

See attached.

CERTIFICATION

I, Yenlys Flores-Bolivar, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 1-16-2025.

Yenlys Flores-Bolivar, Municipal Clerk



SHARED SERVICES AGREEMENT

BETWEEN

**BERGEN COUNTY DEPARTMENT
OF HEALTH SERVICES**

AND

BOROUGH OF BOGOTA

FOR:

**THE PROVISION OF
EMPLOYEE ASSISTANCE PROGRAM (EAP)
2025**

Approved by Bergen County Resolution No. _____, Dated _____
Approved by BOROUGH OF BOGOTA Resolution No. 2025-56 Dated 01-16-25

**SHARED SERVICE AGREEMENT
EMPLOYEE ASSISTANCE PROGRAM (EAP)**

THIS AGREEMENT ("AGREEMENT") made and entered into this **1st day of January 2025** ("Effective Date"), is by and between:

THE COUNTY OF BERGEN, a body politic and corporate of the State of New Jersey, with administrative offices located at One Bergen County Plaza, Room 580, City of Hackensack, County of Bergen, State of New Jersey, 07601 (hereinafter referred to as "COUNTY"); and

THE BOROUGH OF BOGOTA a body politic and corporate of the State of New Jersey, with administrative offices located at 375 Larch Avenue, Bogota, County of Bergen, State of New Jersey (hereinafter referred to as the "LOCAL ENTITY").

WITNESSETH:

WHEREAS, the LOCAL ENTITY has a need for Employee Assistance Program (EAP) Services for its municipal workforce; and

WHEREAS, the COUNTY has entered into a contract with an accredited third-party vendor, ("Contractor") to provide EAP Services to COUNTY employees as well as other LOCAL ENTITY employees within its borders; and

WHEREAS, the LOCAL ENTITY wishes to enter into this Shared Services Agreement with the COUNTY for Contractor to provide EAP Services for its workforce; and

WHEREAS, this Agreement is established in accordance with the Uniform Shared Services and Consolidation Act, P.L.2007, c.63 (N.J.S.A. 40A:65-1, *et seq.*); and

WHEREAS, pursuant to N.J.S.A. 40A:65-5, the COUNTY and the LOCAL ENTITY have each adopted resolutions authorizing entry into this Agreement, copies of which are annexed hereto as exhibits.

NOW, THEREFORE, IT IS AGREED by and between the LOCAL ENTITY and the COUNTY as follows:

- I. APPOINTMENT.** The COUNTY is hereby appointed and retained to provide EAP Services through its Contractor.
- II. TERM.** The term of this Agreement be for ONE (1) Year and shall commence on **01/01/2025** in accordance with the terms and conditions of this Agreement, terminating on **12/31/2025**.
- III. TERMINATION OF AGREEMENT.** The COUNTY may terminate this Agreement, at any time during the term thereof, by giving of thirty (30) days written notice, to the LOCAL ENTITY.

The LOCAL ENTITY may terminate this Agreement, at any time during the term thereof, by the giving of thirty (30) days written notice, to the COUNTY.

IV. SCOPE OF EMPLOYEE ASSISTANCE PROGRAM SERVICES

- a. Contractor will provide immediate access, 24 hours a day, 365 days a year, to an MD, PhD, RN, or another licensed mental health professional for the provision of Emergency Consultation; Referral, Conflict Resolution; Support Services; Problem Solving; Professional Coaching; and Critical Incident Intervention
- b. Intervention Strategies will provide 24-hour specialized consultation for employees, family members, and significant others needing information and referral services in the following areas:
 - Information regarding hospitals, health centers, nursing care, senior citizen centers, and drug/alcohol rehab facilities, elder care, and day care
 - Alcohol and drug problems
 - Personal and family wellness counseling
 - Anger management
 - Depression and suicidal ideation
 - Employee conflicts
 - Concern for fellow employees, employment issues, loss of job/outplacement, and relocation counseling for employees
 - Addictive behaviors, compulsive shopping, and gambling
 - Hospice care/coping with the terminally ill, loss of a loved one

- Critical incidents
 - Prevention and intervention of workplace violence
 - Emergency services to employee and/or family members who are overseas
 - Day-to-day challenges
- c. Contractor will provide 24-hour consultation for managers, supervisors, and/or leaders who may need help from a qualified professional in the following areas:
- Interpersonal employee conflicts, concerns about employees
 - Absenteeism, performance and productivity problems
 - Health issues, work stress-related issues
 - Interdepartmental issues
 - Assistance with critical incidents, i.e., death of employee, employee conflicts, etc.

V. COMPENSATION

- a. The LOCAL ENTITY shall pay Twenty-two dollars and twenty-five cents (**\$22.25**) per each employee of the LOCAL ENTITY, per year, for the above Employee Assistance Program Services. The COUNTY will provide the LOCAL ENTITY with invoices for payments on an annual basis, with LOCAL ENTITY required to provide two payments; the first payment no later than May 15th and the second no later than November 30th of each year.

Furthermore, this payment schedule is subject to any rules and regulations promulgated by the New Jersey Department of Insurance and Department of Community Affairs.

VI. DISPUTE RESOLUTION

- a. Mandatory Mediation. In the event of a dispute, whether technical or otherwise, the objecting Party must request Non-Binding Mediation and the non-objection party must participate in the mediation. The costs of the mediator shall be borne equally by the parties.
- b. Procedure. The Mediator shall be a retired Judge of the Superior Court of New Jersey or other professional mutually acceptable to the Parties and who has no current or on-going relationship to either Party. The Mediator shall have full discretion as to the conduct of the mediation. Each party shall participate in the Mediator's program to resolve the dispute until and unless the Parties reach agreement with respect to the disputed matter, or one party determines in its sole discretion that its interests are not being served by the mediation.

- c. Non-Binding Effect. Mediation is intended to assist the Parties in resolving disputes over the correct interpretation of this Agreement. No Mediator shall be empowered to render a binding decision.
- d. Judicial Proceedings. Upon the conclusion of Mediation, either party may commence legal proceedings in the appropriate division of the Superior Court of New Jersey venued in Bergen County.
- e. Temporary Injunctive Relief. Notwithstanding the foregoing, nothing herein shall prevent a party from seeking temporary injunctive relief to prevent irreparable harm in the appropriate division of the Superior Court of New Jersey venued in Bergen County.

Payment Pending Dispute. In the event of any dispute as to the amount to be paid, the full amount shall be paid; but if through subsequent negotiation, arbitration or litigation the amount due shall be determined, agreed or adjudicated to be less than was actually so paid, then the COUNTY shall forthwith repay the excess.

- VII. COUNTY REPRESENTATIVE.** COUNTY representative will be Director/Health Officer. The COUNTY shall not permanently change its designated representative without written notification to the LOCAL ENTITY.
- VIII. GOVERNING LAW/VENUE/CONSTRUCTION.** This Agreement and all amendments hereof shall be governed by and construed in accordance with the laws of the State of New Jersey applicable to contracts made and to be performed therein. The venue shall be the County of Bergen. The Parties acknowledge that they have been represented by counsel with respect to the negotiation and preparation of this Agreement and that, accordingly, this Agreement shall be construed in accordance with its terms and without regard to or aid of cannons requiring construction against the drafting party.
- IX. MODIFICATION.** No modification of this Agreement shall be valid or binding unless the modification shall be in writing and executed by both the LOCAL ENTITY and the COUNTY.
- X. ENTIRE AGREEMENT.** This Agreement sets forth the entire understanding of the Parties, which supersedes and merges all prior proposals, understandings and all other agreements, oral and written, between the Parties relating to the subject matter hereof. The Parties acknowledge and agree that they have not made any representations, including the execution and delivery hereof, except such representations as are specifically set forth herein.
- XI. NO WAIVER.** No waiver of any term, provision, or condition contained in this Agreement, nor any reach of any such term, provision, or condition shall constitute a waiver of any subsequent breach of any such term, provision, or condition by either party, or justify or authorize the non-observance of any other occasion of the same or any other term, provision, or condition of this Agreement by either party.

- XII. CAPTIONS.** The captions and paragraph headings contained in this Agreement are solely for the purpose of convenience and shall not be deemed part of this Agreement for the purpose of construing the meaning thereof or for any other purpose.
- XIII. NO ASSIGNMENT.** This Agreement shall not be assigned by the COUNTY without the specific written consent of the LOCAL ENTITY.
- XIV. INDEMNIFICATION AND HOLD HARMLESS.** The COUNTY shall indemnify and hold harmless the LOCAL ENTITY from any and all claims, suits, demands, damages, charges, liabilities, losses, cost, and expenses arising out of the activities of the COUNTY, its employees and agents in connection with any activities undertaken by the COUNTY, pursuant to this Agreement. It is the intention of the parties that any claim for relief or any type being asserted against the LOCAL ENTITY, based upon any act or omission of the COUNTY, its affiliates and successors, shall not be the responsibility of the LOCAL ENTITY, and the COUNTY shall hold the LOCAL ENTITY harmless from same;

The LOCAL ENTITY shall indemnify and hold harmless the COUNTY from any and all claims, suits, damages, charges, liabilities, losses, costs, and expenses arising out of the activities of the LOCAL ENTITY, its employees and agents, in connection with all activities undertaken by the LOCAL ENTITY pursuant to this Agreement. It is the intention of the Parties that any claim for relief of any type being asserted against the COUNTY based upon any act or omission of the LOCAL ENTITY, shall not be the responsibility of the COUNTY, and the LOCAL ENTITY shall hold the COUNTY harmless from same;

- XV. NOTICE.** Notices required or permitted to be given under this Agreement shall be made to the Parties at the following addresses and shall be presumed to have been received by the other Party (i) three (3) days after mailing by the Party when notices are sent by First Class Mail, postage prepaid; (ii) on receipt (if sent via facsimile or electronic mail with a confirmed transmission report/delivery receipt); or (iii) upon receipt (if sent by hand delivery or courier service) as follows:

If to COUNTY:**Director/Health Officer**

Bergen County Department of Health Services
One Bergen County Plaza, 4th Floor
Hackensack, New Jersey 07601

With a copy to:**Bergen County Counsel**

County of Bergen
One Bergen County Plaza – Room 580
Hackensack, New Jersey 07601

If to the LOCAL ENTITY:**CLERK, BOROUGH OF BOGOTA**

375 Larch Avenue
Bogota, NJ 07603-1067

- XVI. AUTHORIZATION.** All Parties hereto have the requisite power and authority to enter into this Agreement and it is the intention of the Parties to be bound by the terms hereof. The execution and delivery of this Agreement is valid and binding upon the Parties hereto and the genuineness of any and all resolutions executed may be assumed to be genuine by the Parties in receipt thereof.
- XVII. COOPERATION OF THE PARTIES.** In performing any services pursuant to this Agreement, the performing Parties will act in a reasonably prudent manner to accommodate the common goals of the Parties toward implementation and effectuation of the stated purposes of this Agreement. No Party hereto shall be liable for failure to advise another Party of any adverse impact from action taken hereunder, unless such failure to advise shall be the result of bad faith or willful concealment of an impact actually known to the Party taking the action or omitting to take such action to be substantially adverse to the other Parties. The fact that any act or omission should subsequently be determined to have an adverse impact shall not in itself be evidence of bad faith or willful concealment and the Party bringing an action shall be required to affirmatively establish, by independent sufficient evidence, that such Party acted in bad faith or willfully concealed an adverse impact of which it had actual knowledge.

XVIII. COUNTERPARTS AND ELECTRONIC DELIVERY AND SIGNATURES. This Agreement and any amendments or addenda hereto, or any other document necessary for the consummation of the transaction(s) contemplated, administered or controlled by this Agreement (“Agreement Documents”), may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument. Any Agreement Document, to the extent delivered by means of a facsimile machine, electronic mail, or other electronic means, shall be treated in all manner and respect as an original agreement or instrument and shall be considered to have the same binding legal effect as if it were the original signed version thereof delivered in person or via mail. The Parties agree that Agreement Documents may be accepted, executed, or agreed to through the use of an electronic signature in accordance with the Uniform Electronic Transaction Act, N.J.S.A. 12A12-1, et seq. and any associated regulations. Any Agreement Document accepted, executed or agreed to in conformity with such laws will be binding on all Parties the same as if it were physically executed, and all Parties hereby consent to the use of any third-party electronic signature capture service providers as may be chosen by the COUNTY.

- I. RELATIONSHIP OF THE PARTIES.** Except as otherwise provided herein, nothing shall create any association, joint venture, partnership, or agency relationship of any kind between the parties. Neither party may create or assume any liability, obligation or expense on behalf of the other, to use the other’s monetary credit in conducting any activities under this Agreement.
- II. NON-DISCRIMINATION.** The Services provided by the COUNTY hereunder shall be in compliance with applicable laws prohibiting discrimination on any basis.
- III. SEVERABILITY.** In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction; such holding shall not invalidate or render unenforceable any other provision hereof.
- IV. RECITALS.** The recitals set forth above are incorporated into the body of this Agreement as if set forth at length herein.
- V. EMPLOYMENT RECONCILIATION.** Both Parties agree that no employees are intended to be transferred pursuant to this Agreement, and none of the Employees are intended to be terminated for reasons of efficiency or economy as a result of entry into this Agreement.

[SIGNATURE PAGE TO FOLLOW]:

IN THE WITNESS WHEREOF, the Parties hereto have caused these presents to be signed and attested pursuant to duly adopted resolutions of their governing bodies, passed for that purpose.

_____ total number of BOROUGH OF BOGOTA employees x \$22.25 per employee = \$ _____

BOROUGH OF BOGOTA

SIGNATURES BELOW:

ATTESTING SIGNATURE:

By: _____

Print: _____

Title: _____

Date: _____

AUTHORIZED SIGNATURE:

By: _____

Print: _____

Title: _____

Date: _____

COUNTY OF BERGEN

SIGNATURES BELOW:

ATTESTING SIGNATURE:

By: _____

Executive Title: _____

Date: _____

AUTHORIZED SIGNATURE:

By: _____

James J. Tedesco, III, County

Or: _____

Thomas J. Duch, Esq.

County Administrator/Counsel

Date: _____



RESOLUTION # 2025-57

DATE: 1-16-2025

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
C. Carpenter							
W. Hordern							
L. Kohles							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

Police Department Dispatch – Hiring of F/T Telecommunicator – John Patrick

WHEREAS, the Police Department of the Borough of Bogota is in need of a full-time telecommunicator for its Police Dispatch; and

WHEREAS, the Mayor and Council of the Borough seek to hire John Patrick to the position of full-time telecommunicator effective January 16, 2025; and

WHEREAS, John Patrick was formerly employed as Bogota Police telecommunicator, leaving on Step 2 of the Salary Guide with an annual salary \$42,000; and

WHEREAS, the Borough Administrator and Chief of Police have reviewed this matter and recommend that John Patrick be hired to the position of full-time telecommunicator for the Bogota Police Department effective January 16, 2025 an annual salary of \$42,000, Step 2 of the Telecommunicator's Salary Guide.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bogota, County of Bergen and State of New Jersey, that John Patrick be and is hereby hired to the position of full-time telecommunicator for the Bogota Police Department effective January 16, 2025 at an annual salary of \$42,000, Step 2 of the Telecommunicator's Salary Guide; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to John Patrick and the Bogota Police Department upon its passage.

CERTIFICATION

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 1-16-2025.

Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-58****DATE: 1-16-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
C. Carpenter							
W. Hordern							
L. Kohles							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

Appoint Adults School Crossing Guards

WHEREAS, the provisions of the N.J.S.A 40A:9-154.1 establishing the position of adult school crossing guards call for the appointment of the following adult crossing guard:

Yesenia Frias

WHEREAS, the appointment of the adult school crossing guard is confirmed for a one-year term beginning February 1, 2025 and ending on December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bogota that the above-mentioned individual be appointed for the crossing guard position.

BE IT FURTHER RESOLVED that a certified copy of this resolution will be kept on file in the Borough Clerk's office and is available for public inspection during regular business hours.

CERTIFICATION

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 1-16-2025.

Yenlys Flores-Bolivard, Municipal Clerk



COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
C. Carpenter							
W. Hordern							
L. Kohles							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

Challenging the Fourth Round Affordable Housing Figures for Bogota

**RESOLUTION OF THE BOROUGH OF BOGOTA, COUNTY OF BERGEN,
STATE OF NEW JERSEY COMMITTING TO ROUND 4 PRESENT AND
PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Borough of Bogota, County of Bergen, State of New Jersey, (hereinafter, “Borough” or “Bogota”) has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil. Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter “Amended FHA” or “Act”); and

WHEREAS, the amended FHA imposes overwhelming burdens on municipalities as demonstrated by the fact that the Act calls for the imposition of a statewide affordable housing obligation of 84,690 just for Round 4 on municipalities that only issued 99,956 Certificates of Occupancy in the 2010-2020 period used to establish prospective need obligations for Round 4; and

WHEREAS, despite the substantial problems with the Amended FHA, the Borough shall comply with them to eliminate the risks of noncompliance; and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to provide an estimate of the fair share affordable housing obligations of all municipalities on or before October 20, 2024 based upon the criteria on the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the fair share affordable housing obligation for all municipalities based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA Report calculates Bogota’s Round 4 (2025-2035) fair share affordable obligations as follows: a Present Need (Rehabilitation) Obligation of 26 and a Prospective Need (New Construction) Obligation of 88; and



RESOLUTION # 2025-59

DATE: 01-16-2025

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support revised calculations of Round 4 fair share affordable housing obligations; and

WHEREAS, the Amended FHA gives municipalities the opportunity to propose a different fair share affordable housing obligation from those reported by the DCA on October 18, 2024 based upon the standards in Sections 6 and 7 of the Act; and

WHEREAS, the Amended FHA further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing (“COAH”) unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize municipalities to secure an adjustment to their rehabilitation obligation through a windshield survey and also empower municipalities to secure vacant land adjustments, durational adjustments and other adjustments; and

WHEREAS, the Borough reserves its rights to pursue a reduction of its rehab obligation through the windshield study authorized by COAH’s rules; and

WHEREAS, the Borough has exercised its right to demonstrate that the data, when correctly applied, supports a lower Round 4 Prospective Need obligation than that reported by the DCA on October 18, 2024; and

WHEREAS, as to the **Land Capacity Allocation Factor**, the Borough notes that the DCA belatedly provided the data it used to establish this factor, i.e., on or about November 27, 2024 instead of by October 20, 2024; and

WHEREAS, the Borough further notes that the link to the DCA GIS data that the DCA belatedly made available to municipalities includes the following language:

"The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. **It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.**" (emphasis added)

WHEREAS, the Borough maintains that the areas the DCA identified as developable are indeed overinclusive and, consequently, its Professional Planner, Paul Grygiel, P.P., has prepared a report, attached hereto as Exhibit A, showing the lands that the Borough of Bogota contends should be removed from the inventory of sites used to fashion the **Land Capacity Allocation Factor**; and



RESOLUTION # 2025-59

DATE: 01-16-2025

WHEREAS, it is therefore important that the Borough of Bogota not commit to an incorrect obligation; and

WHEREAS, correcting the allocation factors results in Bogota's Round 4 Prospective Need Obligation being 83 rather than the 88 obligation established by DCA; and

WHEREAS, the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Act; and

WHEREAS, Borough's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Act; and

WHEREAS, in addition to setting forth its Round 4 fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain rights to avoid any claim that it has waived them; and

WHEREAS, for example, the New Jersey Institute of Local Government Attorneys ("NJILGA") has expressed its support for proposed legislation (hereinafter "NJILGA Legislation") would reduce Bogota's Round 4 Prospective Need to 18 and would give the Borough "90 days from receipt of revised fair share obligations from the [DCA] to provide an amended Housing Element and Fair Share Plan addressing the new number); and

WHEREAS, the Borough of Bogota supports the NJILGA Legislation and would have the right to reduce its Round 4 obligation in the event that the Legislature enacts the NJILGA Legislation; and

WHEREAS, similarly, a number of municipalities, led by the Borough of Montvale, have filed suit (MER-L-1778-24) (hereinafter "Montvale Litigation") challenging the Amended FHA and the outcome of that litigation is uncertain and

WHEREAS, the process established by the Amended FHA creates an opportunity to object by interested parties opposing the obligations to which a municipality commits, thereby creating the potential for litigation over the obligations of the municipality; and

WHEREAS the court approved a vacant land adjustment and an RDP for the Borough in Round 3; and

WHEREAS, the Borough is entitled to a vacant land adjustment in Round 4 since it lacked sufficient land to satisfy the fair share imposed in Round 3 and the adjustment will be included in the Housing Element and Fair Share Plan it submits by the June 30, 2025 deadline; and

WHEREAS, the Amended FHA requires municipalities to adopt a binding resolution no later than January 31, 2025 as to its obligations.



RESOLUTION # 2025-59

DATE: 01-16-2025

WHEREAS, in light of the above, the Borough of Bogota finds that it is in its best interest to declare its obligations in accordance with this binding resolution in accordance with the Act; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Act shall file an action in the form of a declaratory judgment complaint within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Borough of Bogota seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED on this 16th day of January, 2025, by the Governing Body of the Borough of Bogota, County of Bergen, State of New Jersey, as follows:

1. The preamble of this resolution is incorporated into the operative clauses of this resolution as if set forth in full.

2. For the reasons set for the in this resolution and its attachments, the Borough of Bogota commits to a Round 4 Present Need (Rehabilitation) Obligation of 26 and a Round 4 Prospective Need (New Construction) obligation of 83, as set forth in the Exhibit(s) to this Resolution, subject to all reservations of all rights, which specifically include, without limitation, the following:

- a. The right to an adjustment to its present need, also referred to as its “rehab” obligations based upon COAH standards that authorize a windshield survey to support an adjustment;
- b. The right to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted in accordance with COAH regulations;
- c. The right to comply with the NJILGA Legislation if enacted, including the right to adjust its fair share obligations;
- d. The right to adjust its fair share obligation in the event of any future legislation that adjusts the fair share obligations that the DCA reported on October 18, 2024;
- e. The right to comply with any future Legislation that changes its obligations under current law;



RESOLUTION # 2025-59

DATE: 01-16-2025

- f.** The right to adjust its fair share obligations based upon any ruling in the Montvale Litigation or any other litigation; and
- g.** The right to adjust its fair share obligations in the event of a third party challenge to the fair share obligations and the Borough of Bogota's response thereto.

3. The Borough hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in the appropriate venue within 48 hours after adoption this resolution attaching this resolution.

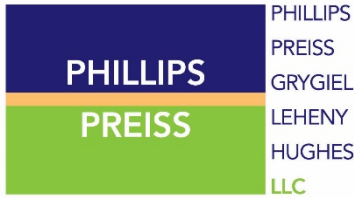
4. The Borough also hereby authorizes its Affordable Housing Counsel to file this resolution with the Program or any other such entity as may be determined to be appropriate.

5. This resolution shall take effect immediately, according to law.

CERTIFICATION

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 01-16-2025.

Yenlys Flores-Bolivard, Municipal Clerk



Planning & Real Estate Consultants

MEMORANDUM

To: Borough of Bogota Mayor and Council

From: Paul Grygiel, AICP, PP

Date: January 3, 2024

Re: **Recommendations for Proposed Fourth Round Affordable Housing Obligations**

Introduction

This memorandum outlines the next steps and decisions that need to be made by Bogota and all other municipalities with regard to Fourth Round affordable housing compliance. The New Jersey Department of Community Affairs (DCA) has calculated statewide and regional affordable housing needs, including municipal obligations. These non-binding determination of each municipality's Fourth Round (2025 to 2035) affordable housing obligations were released on October 18, 2024. A deadline of January 31, 2025 has been set for municipalities to adopt a binding resolution setting forth either their acceptance of the DCA determination of their obligation or the municipal determination of their Fourth Round obligation. This resolution must be filed with the State's new Affordable Housing Dispute Resolution Program within 48 hours of adoption, and must be published on the Borough's website.

DCA's proposed non-binding obligations for Bogota are discussed below, along with my analysis and recommendations pertaining to each one.

Present Need

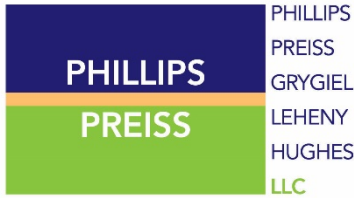
DCA's proposed non-binding Present Need obligation for Bogota is 26. Present need, also known as the rehabilitation obligation, is defined in the Affordable Housing Law as the number of units in the municipality currently occupied by low- and moderate-income (LMI) households that meet certain criteria.

Prospective Need

DCA's proposed non-binding Prospective Need obligation for Bogota is 88. Municipal Prospective Need obligations are calculated as a share of the region in which the municipality is located (Bogota's region includes Bergen, Hudson, Passaic and Sussex Counties). The total Prospective Need for this region is 27,743, with this need allocated to municipalities throughout the region. However, "Qualified Urban Aid Municipalities" are exempt from addressing Prospective Need, which increases the remaining municipalities' obligations. Regional Prospective Need is then allocated across the non-qualified urban aid municipalities in the region by applying three factors.

Equalized Nonresidential Valuation

This factor is the change in nonresidential property valuations in the municipality from 1999 to 2023 divided by the regional total change in nonresidential valuations. This



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factor for Bogota is 0.23%.

Income Capacity

This factor measures the extent to which a municipality's income level differs from that of the lowest-income municipality in its housing region. This factor for Bogota is 0.66%.

Land Capacity

This factor determines the total acreage that is developable in a municipality utilizing the most recent land use / land cover (LULC) data from the New Jersey Department of Environmental Protection (DEP), the most recently available MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and construction permit data from DCA. The calculation is supposed to exclude lands subject to development limitations. "Weighting factors" as specified in the Affordable Housing Law were applied to developable lands based on the planning area type in which such land was located. For municipalities such as Bogota located in Planning Area 1, the weight is 1, meaning there is no reduction, unlike in various other planning areas. This factor for Bogota is 0.06%.

Final Prospective Need Calculation

The Equalized Nonresidential Valuation Factor, Land Capacity Factor And Income Capacity Factor for each municipality were averaged to determine an Average Allocation Factor, which is the basis for municipal Prospective Need. Bogota's Average Allocation Factor is 0.32%, which results in a Prospective Need of 88.

Analysis of Bogota's Obligations

Present Need

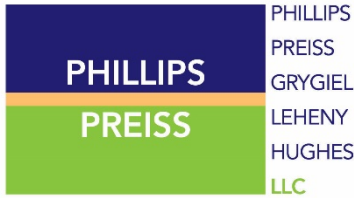
The Amended Fair Housing Act (FHA) provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing ("COAH") unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A 52:27D-311(m)). COAH regulations authorize municipalities to secure an adjustment to their rehabilitation obligation through a windshield survey and also empower municipalities to secure vacant land adjustments, durational adjustments and other adjustments.

The Borough is reserving its right to conduct a survey in accordance with COAH standards and will provide any survey in conjunction with the Housing Element and Fair Share Plan it files by the June 30, 2025 deadlines imposed by the Act for this action.

Prospective Need

It is my opinion that the Borough's Prospective Need obligation should be lower than the DCA's non-binding obligation due to issues with DCA's calculations as detailed below. In particular, the Land Capacity factor classifies certain areas in the Borough as "developable" when in reality they are not.

DCA issued the data that was the basis for the Land Capacity factor on November 27, 2024, over one month after the DCA deadline to issue its non-binding numbers under the Amended FHA.



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The link to the DCA GIS data¹, and the description section, includes the following language:

The land areas identified in this dataset are based on an (sic) the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.

The areas identified as developable in the DCA's calculation of the Land Capacity factor is indeed overinclusive. Accordingly, it is my opinion that the amount of developable land should be adjusted from 1.2325 by 1.0124 to 0.2201 acres, which would result in the Land Capacity factor dropping from 0.06% to 0.01%, and the Average Allocation factor being reduced from 0.32% to 0.30%. When this correction is made, Bogota's Round 4 prospective need number should be 83 – not 88.² The following analysis sets forth the basis for removing land treated as developable in the DCA's calculation.

The areas identified by DCA as developable include portions of the tax lots listed in the table below:

Block	Lot	Property Class	Property Location	DCA Acreage
1	5.01	15C	REAR 468-476 RIVER	0.2202
1	30.03	15C	452 FELLER PLACE	0.0070
72.01	1	15C	246 RIVER RD	0.0418
72.01	2	15C	216 RIVER RD	0.0296
72.01	4.01	15C	208 RIVER RD	0.0315
113	1	1	WEST OF NYS & WRR	0.5011
113	2	1	WEST OF NYS & WRR	0.3234
113	3	1	WEST OF NYS & WRR	0.0780
TOTAL				1.2325

These areas have been reviewed utilizing the following standards to determine whether a site is developable or not:

1. Areas or portions of areas less than 25 feet wide (because DCA's methodology report states that a 25 foot by 100 foot area was their minimum threshold for developability).
2. Areas within the regulatory floodway.
3. Open space/parkland properties with deed restrictions and/or on ROSI.
4. Properties under construction or recently developed.

¹ <https://njdca.maps.arcgis.com/home/item.html?id=12acdf0a5104f8f8a2f604e96063e74>

² This calculation is based on the factors including in DCA's Fourth Round municipal obligations spreadsheets, as it impossible to determine how these numbers would change based on numerous municipalities potentially submitting changes such as those being considered based on this document.



5. Sites with site plan approvals for development and/or permits issued for development.
6. Public utility parcels, NJDOT/NJ Turnpike Authority parcels, railroad properties, rights-of-way, stormwater management, etc.
7. Properties with easements restricting development within developable area.

After applying the above standards, the following areas are not considered developable:

River Road Right-of-Way and Portions of Block 72.01, Lots 1, 2 and 4.01: This 0.1028-acre area is a linear strip primarily within the right-of-way of River Road (a major north-south thoroughfare in Bogota and nearby municipalities) that also extends slightly into three lots on the west side of River Road. These three parcels are bordered on the west by the right-of-way of the NYS&W Railroad. Most of this strip is less than 25 feet in depth. In addition, Block 72.01, Lots 1, 2 and 4.01 are classified as property tax code 15C Public Property, and are designated for parks, recreation, and open space in the Borough's Master Plan. Block 72.01, Lot 1 also is on the Borough's Recreation and Open Space Inventory (ROSI).

Block 113, Lots 1, 2 and 3: This 0.9026-acre area includes portions of three vacant, wooded, landlocked tax lots located along the Hackensack River to the west of the right-of-way of the NYS&W Railroad. These parcels have no street access and there is an industrial building covering most of Lot 5 to the south which prevents vehicular access to the area to the north of it, including Lots 1, 2 and 3. The northern portion of the area is also less than 25 feet in width, while the western portions of Lots 1 and 2 are located in the Hackensack River.

The following area could be considered developable:

Block 1, Lots 5.01 and 30.03: This 0.2271-acre area includes portions of two landlocked tax lots. A portion of the area is a strip less than 25 feet in width and the remainder is a small, wooded buffer area between the Bogota Swim Club and single-family residences on River Road. Both lots are classified as property tax code 15C Public Property. The small strip on Lot 30.03 (0.0070 acres) is too narrow to be developed, but the remainder of the property is 0.2202 acres and is potentially developable.

Therefore, the undevelopable portion of Block 1, Lots 5.01 and 3.03 is 0.2202 acres.

In sum, the portions of the 3 sites that are not developable total 1.0124 acres: 0.1028 plus 0.9026 plus 0.0070 equals 1.0124. Thus, of the 1.2325 acres that the DCA reported as developable, only 0.2201 acres (1.2325 minus 1.0124 equals 0.2201) are developable. When the correct developable acreage is plugged into the Land Capacity Factor, the Borough's Round 4 prospective need is 83, not 88.

It is important to note that the analysis to correct the Land Capacity factor is different than the analysis to use the determine a municipality's entitlement to a vacant land adjustment (VLA). While the analysis to correct the Land Capacity factor focuses on developable land, the analysis to support a VLA focuses on land suitable for inclusionary development. Therefore, just because a site was not removed for



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purposes of calculating the Land Capacity factor has no bearing on whether it should be removed to calculate entitlement to a VLA.

**RESOLUTION # 2025-60****DATE: 1-16-2025**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
C. Carpenter							
W. Hordern							
L. Kohles							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

Department of Public Works – Part-Time Hire – Isaac Buckley

WHEREAS, the Department of Public Works of the Borough of Bogota is in need of a part-time Laborer; and

WHEREAS, the Mayor and Council of the Borough seek to hire Isaac Buckley to the position of part-time Laborer effective January 13, 2025 an hourly rate of \$20.00; and

WHEREAS, the Borough Administrator and Superintendent of the Department of Public Works have reviewed this matter and recommend that Isaac Buckley be hired to the position of part-time Laborer for the Department of Public Works effective January 13, 2025 at an hourly rate of \$20.00.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bogota, County of Bergen and State of New Jersey, that Isaac Buckley be and is hereby hired to the position of part-time Laborer for the Bogota Department of Public Works effective January 13, 2025 at an hourly rate of \$20.00; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to Isaac Buckley and the Department of Public Works upon its passage.

CERTIFICATION

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 1-16-2025.

Yenlys Flores-Bolivard, Municipal Clerk

**RESOLUTION # 2025-61****DATE: 1-16-25**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
C. Carpenter							
W. Hordern							
L. Kohles							
P. McHale							
J. Mitchell							
D. Vergara							
Mayor D. Fede (Tie Vote Only)							

CLOSED SESSION**AUTHORIZING MEETING NOT OPEN TO THE PUBLIC, PURSUANT TO NJSA 10:4-12**

WHEREAS, The Open Public Meetings Act, NJSA 10:4-12, provides that an executive session, not open to the public, may be lawfully held by a public body in certain circumstances when authorized by a resolution; and

WHEREAS, the Mayor and Council finds that it is necessary for the Mayor and Council to discuss, in a session, not open to the public, certain matters related to the item or items authorized by NJSA 10:4-12(b) and designated below as follows:

- ☐ Matters, which, by express provisions of a federal law or state statute or rule of court shall be rendered confidential
- ☐ Matters in which the release of information would impair a right to receive funds from the Government of the United States
- ☐ Matters which, if disclosed, would constitute an unwarranted invasion of Privacy, as further defined by NJSA 10:4-12(b) (3)
- ☐ Collective bargaining agreements or negotiations therefore with public employees and/or their representatives
- ☒ Matters involving the purchase, lease, or acquisition of real property with public funds, the setting of banking rates, or the investment of public funds, where the setting of banking rates or the investment of public funds, where the disclosure could adversely affect the public interest, if the discussion were disclosed
- ☐ Tactics or techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection, and any investigation of violations or possible violations of the law
- ☐ Pending or anticipated litigation or contract negotiations in which the Borough is or may become a party
- ☐ Matters involving the employment, appointment, termination of employment, Terms and conditions of employment, evaluation, promotion, or disciplinary action of any specific current or prospective public employee(s), unless all the individual(s) affected request(s) in writing that the matters be discussed at a public meeting



RESOLUTION # 2025-61

DATE: 1-16-25

- ☐ Deliberations of a public body occurring after public hearing that may result in the imposition of a specific civil penalty or the suspension or loss of a license or permit or party as a result of the actions or missions of the party.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Bogota that an executive session, not open to the public shall be held to discuss matters of topic(s) referred to above as permitted by law and the matters so discussed will be disclosed to the public as soon as possible and to the extent that such disclosure can be made without adversely affecting the public interest or without violation of the confidentiality of personnel. A copy of this resolution will be kept on file in the Borough Clerk's office and is available for public inspection during regular business hours.

CERTIFICATION

I, Yenlys Flores-Bolivard, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council at a meeting held on 1-16-25.

Yenlys Flores-Bolivard, Municipal Clerk