

MINUTES
Combined Meeting of the Mayor and Council
Wednesday, June 10, 2020
7:00 PM

CONFERENCE CALL PHONE NUMBER - -646-307-1479, GUEST PASSCODE 476570

CALL THE MEETING TO ORDER

Mayor Marana called the meeting to order at 7:00 PM via telephone conference call.

STATEMENT

Mayor Marana read the “Sunshine Statement” into the record as follows:

“This is a Combined Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting has been advertised in the official Newspapers of the Borough, filed with the Acting Borough Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at public meetings.”

SALUTE TO THE FLAG & SILENT PRAYER

Mayor Marana asked all to join in a Salute to the Flag. He also asked everyone for a moment of silent prayer for Rosie Savincke a longtime Northvale resident and volunteer at the Senior Center who just passed away.

ROLL CALL

Name	Present	Absent
Mayor Marana	=	=
Councilman Argiro	=	=
Councilman DeLisio	=	=
Councilman Devlin	=	=
Councilman McGuire	=	=
Councilman Shepard	=	=
Councilman Sotiropoulos	=	=

OTHER OFFICIALS IN ATTENDANCE

Also present: Ms. Deena Rosendahl, Borough Attorney, Ms. Marie Raffay, Borough Engineer, Ms. Frances Weston, Acting Borough Clerk

APPROVAL OF MINUTES

Combined Meeting of May 13, 2020

Motion	Second	Name
=	=	Councilman Argiro
=	=	Councilman DeLisio
=	=	Councilman Devlin
=	=	Councilman McGuire
=	=	Councilman Shepard
=	=	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	=	=	=	=

Councilman DeLisio	==	==	==	==
Councilman Devlin	==	==	==	==
Councilman McGuire	==	==	==	==
Councilman Shepard	==	==	==	==
Councilman Sotiropoulos	==	==	==	==

Closed Session Minutes of May 13, 2020

Motion	Second	Name
==	==	Councilman Argiro
==	==	Councilman DeLisio
==	==	Councilman Devlin
==	==	Councilman McGuire
==	==	Councilman Shepard
==	==	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	==	==	==	==
Councilman DeLisio	==	==	==	==
Councilman Devlin	==	==	==	==
Councilman McGuire	==	==	==	==
Councilman Shepard	==	==	==	==
Councilman Sotiropoulos	==	==	==	==

Special Meeting of May 28, 2020

Motion	Second	Name
==	==	Councilman Argiro
==	==	Councilman DeLisio
==	==	Councilman Devlin
==	==	Councilman McGuire
==	==	Councilman Shepard
==	==	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	==	==	==	==
Councilman DeLisio	==	==	==	==
Councilman Devlin	==	==	==	==
Councilman McGuire	==	==	==	==
Councilman Shepard	==	==	==	==
Councilman Sotiropoulos	==	==	==	==

MONTHLY CORRESPONDENCE

The following reports are on file in the Borough Clerk’s office and can be viewed by the public between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

- Building Department - May
- Fire Department
- Fire Prevention
- Recreation Minutes
- Tax Collector
- Grantswriter - June

CORRESPONDENCE

Mayor Marana went over the correspondence. He explained Liana Farah’s email about her Girl Scout project. He felt it was a neat idea but we cannot have people touching books without sanitizing. He thought we could have Daryl sanitize once a day but that would not be enough. Councilman DeLisio suggested she put a covering on it until it is safe to pick up books so she could satisfy her project. Also it was suggested she put a lock on the door and put it near the snack bar.

1. Maser Consulting – May 15, 2020
254 Livingston Street – Indoor Air Sampling

2. Maser Consulting – May 5, 2020
2020 Riverside Coop Road Improvement
Northvale Portion

3. Liana Farah Email – June 8, 2020
Proposal for placement of Book Exchange

RESOLUTIONS – Consent Agenda

“All items are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Any item may be removed for further discussion or for a roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business”

Motion	Second	Name
=	=	Councilman Argiro
=	=	Councilman DeLisio
=	=	Councilman Devlin
=	=	Councilman McGuire
=	=	Councilman Shepard
=	=	Councilman Sotiropoulos

RESOLUTION #2020-85

TITLE: AUTHORIZE PAYMENT FOR THE 2020 RIVERSIDE COOPERATIVE ROAD IMPROVEMENT PROJECT

WHEREAS, Northvale, acting as lead agency, administered the bid process for the 2020 Riverside Cooperative Road Improvement Project (the “Project”) on behalf of the Boroughs of Alpine, Demarest, Englewood Cliffs, Harrington Park, Haworth, New Milford, Northvale, River Edge and Tenafly, all municipalities located within the County of Bergen; and

WHEREAS, on April 30, 2020 sealed bids for the Project were received, opened and read aloud and the Project was subsequently awarded to American Asphalt & Milling Services, LLC in the amount of \$4,004,220.47; and

WHEREAS, the Borough of Northvale’s portion of the Project is \$362,513.28; and

WHEREAS, it is in the best interest of the Borough to pay its portion of the Project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby approve the payment of \$362,513.28 for the Project.

RESOLUTION #2020-86

TITLE: RESOLUTION TO APPLY FOR OPEN SPACE GRANT FOR BUTTERFLY GARDEN AT VETERAN’S PARK

WHEREAS, the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of municipal recreation facilities; and,

WHEREAS, the Borough of Northvale desires to further the public interest by obtaining a matching grant of \$20,125.00 from the County Trust Fund for a passive butterfly garden at Veteran’s Park, and,

WHEREAS, the Mayor and Council has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body held a public hearing on June 10, 2020 to receive comments prior to the submission of this application; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the Borough of Northvale is willing to use the county Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for a butterfly garden at Veteran’s Park; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Northvale:

1. That it is hereby authorized to submit the above completed project application to the County of Bergen by the deadline of June 29, 2020, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Northvale has secured the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Borough of Northvale is committed to providing a dollar for dollar cash match for the project; and,
4. That the Borough of Northvale agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project; and,
5. That this resolution shall take effect immediately.

RESOLUTION #2020-87

TITLE: RESOLUTION AUTHORIZING THE TAX COLLECTOR TO PROCESS THIRD QUARTER “ESTIMATED” TAX BILLS, DUE AUGUST 1, 2020

WHEREAS, in light of the disruption caused by the coronavirus outbreak, the State delayed the adoption of the State Fiscal Year 2021 Budget to September 30, 2020; and

WHEREAS, the Division of Local Government Services (DLGS) cannot certify State Aid allocations to municipal budgets until State Aid Appropriations are known; and

WHEREAS, the DLGS cannot approve municipal budgets and the County Board of Taxation cannot certify taxes until long after the June 30, 2020 deadline to process third quarter tax bills due August 1, 2020; and

WHEREAS, without an adopted 2020 Municipal Budget and without a 2020 Certified Tax Rate, the Tax Collector cannot process the final 2020 Tax Levy; and

WHEREAS, the DLGS “*strongly recommends*” under Local Finance Notice 2020-07 “*that municipalities prepare to issue estimated property tax bills for 2020;*” and

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, computed and certified an estimated Tax Levy necessary to bill third quarter taxes due August 1, 2020

WHEREAS, the total estimated Tax Levy calculated is \$26,180,404 which is within the range (95% to 105%) provided for under N.J.S.A. 54:4-66.3 of prior year’s tax levy and is made up of \$10,119,525 for Local District School, \$6,091,621 for Regional High School, \$7,465,795 for Municipality including the Public Library, and 2,503,465 is for County of Bergen including County Open Space.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Northvale in the County of Bergen and State of New Jersey on this 10th day of June 2020 that the Tax Collector is hereby authorized and directed to process estimated tax bills for the third quarterly installment of 2020 taxes; and

BE IT FURTHER RESOLVED that, the third quarterly installment of 2020 taxes shall not be subject to interest until the later of August 10, 2020 or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

RESOLUTION #2020-88

TITLE: RESOLUTION AUTHORIZING PAYMENT OF FEES OF THE SPECIAL MASTER APPOINTED BY THE COURT IN THE DECLARATORY JUDGMENT ACTION CAPTIONED IN THE MATTER OF THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN, BEARING DOCKET NO. BER-L-6287-15

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing (“COAH”) to the New Jersey Superior Court and established a transitional process for municipalities like the Borough of Northvale to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans to be constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, the Borough of Northvale filed a declaratory judgment action on July 6, 2015 captioned In the Matter of the Borough of Northvale, County of Bergen, bearing Docket No. BER-L-6287-15 (the “Action”), petitioning the Superior Court of New Jersey, Law Division, Bergen County Vicinage (the “Court”) for a judgment of compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015); and

WHEREAS, the Court appointed Michael Bolan, AICP, PP, PO Box 295, Pennington, New Jersey 08534, as Special Master to assist the Court in the Action; and

WHEREAS, the Special Master has submitted to the Borough for payment Invoice Nos. 19-11841, 19-11886 and 19-12027, reflecting services rendered by the Special Master in the Action through December 31, 2019, with a total balance due in the amount of \$945.00; and

WHEREAS, the Borough may use funds from its Affordable Housing Trust Fund for payment of the Special Master's fees; and

WHEREAS, the Borough wishes to authorize this payment to the Special Master totaling \$945.00; and

WHEREAS, it is in the best interests of the Borough to now pay the fees for services rendered in the Action by the Special Master.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, that the Borough shall be and is hereby authorized to expend an amount not to exceed the total sum of \$945.00 for payment of invoices submitted to the Borough by Michael Bolan, AICP, PP, the Court-appointed Special Master, for services rendered in the matter captioned In the Matter of the Borough of Northvale, County of Bergen, bearing Docket No. BER-L-6287-15; and

BE IT FURTHER RESOLVED that the amount of \$945.00 shall be and is hereby payable from the Borough's Affordable Housing Trust Fund directly to Special Master Michael Bolan, AICP, PP, PO Box 295, Pennington, New Jersey 08534, to pay for his outstanding fees and costs as identified in Invoice Nos. 19-11841, 19-11886 and 19-12027.

This Resolution shall take effect immediately.

RESOLUTION #2020-89

TITLE: RESOLUTION AUTHORIZING PAYMENT OF INTERVENOR'S ATTORNEYS FEES AND COSTS IN THE DECLARATORY JUDGMENT ACTION CAPTIONED, IN THE MATTER OF THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN BEARING DOCKET NO. BER-L-6287-15

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities like the Borough of Northvale to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans to be constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, the Borough of Northvale filed a declaratory judgment action on July 6, 2015 captioned In the Matter of the Borough of Northvale, County of Bergen, bearing Docket No. BER-L-6287-15 (the "Action"), petitioning the Superior Court of New Jersey, Law Division, Bergen County Vicinage (the "Court") for a judgment of compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015); and

WHEREAS, the Borough of Northvale entered into a Settlement Agreement with Intervenor Fair Share Housing Center ("FSHC") arising out of the Action (the "Settlement Agreement") that identified the Borough of Northvale's affordable housing obligation and indication of how the Borough would satisfy that affordable housing obligation; and

WHEREAS, the Borough Council of the Borough of Northvale, by Resolution adopted February 14, 2018, approved the Settlement Agreement; and

WHEREAS, pursuant to Paragraph 23 of the Settlement Agreement the Borough of Northvale agreed, and is now obligated, to pay FSHC's attorneys fees and costs in the Action in the amount of \$4,000.00; and

WHEREAS, the Borough may use funds from its Affordable Housing Trust Fund for this payment; and

WHEREAS, the Borough wishes to authorize this payment to FSHC pursuant to the Settlement Agreement in the amount of \$4,000.00; and

WHEREAS, it is in the best interests of the Borough to now authorize and make this payment as is required by the Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, that the Borough shall be and is hereby authorized to expend an amount not to exceed the total sum of \$4,000.00 for the making of a payment to Fair Share Housing Center pursuant to the Settlement Agreement entered into by and between the Borough and Fair Share Housing Center in the matter captioned In the Matter of the Borough of Northvale, County of Bergen, bearing Docket No. BER-L-6287-15; and

BE IT FURTHER RESOLVED that the amount of \$4,000.00 shall be and is hereby payable from the Borough's Affordable Housing Trust Fund directly to Fair Share Housing Center, 510 Park Boulevard, Cherry Hill, NJ 08002, to pay Fair Share Housing Center's attorneys fees and costs in the matter captioned In the Matter of the Borough of Northvale, County of Bergen, bearing Docket No. BER-L-6287-15 pursuant to the Settlement Agreement entered into by and between the Borough and Fair Share Housing Center.

This Resolution shall take effect immediately.

RESOLUTION #2020-90

TITLE: RESOLUTION AUTHORIZING APPLICATION TO THE NORTHVALE PLANNING BOARD/ZONING BOARD OF ADJUSTMENT FOR SUBDIVISION APPROVAL OF BLOCK 1011, LOT 5 AND COMMONLY KNOWN AS 155 VETERANS DRIVE

WHEREAS, the Borough of Northvale is the owner of real property commonly known as 155 Veterans Drive in the Borough of Northvale, and Block 1011, Lot 5 on the tax map of the Borough of Northvale (the "Property"); and

WHEREAS, the Property is located in the R 7.5 Residential single family zone but abuts the commercial/industrial site; and

WHEREAS, the subdivision of the Property will allow for each lot to be utilized in accordance with the applicable zone and better fit with the character of the neighborhood; and

WHEREAS, it is in the best interest of the Borough to apply for subdivision approval.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, that the Borough Attorney is hereby authorized to apply for subdivision approval of Borough owned property commonly known as 155 Veterans Drive in the Borough of Northvale, and Block 1011, Lot 5 on the tax map of the Borough of Northvale.

RESOLUTION #2020-91

TITLE: RESOLUTION AUTHORIZING THE SUSPENSION OF ENFORCEMENT OF CHAPTER 155-3 AND CHAPTER 155-4

WHEREAS, on January 31, 2020 the United States Department of Health declared a public health emergency for the United States in order to aid in preventing the spread of COVID-19; and

WHEREAS, on March 9, 2020 the State of New Jersey declared a Public Health Emergency and State of Emergency due to the danger to public health caused by COVID-19; and

WHEREAS, on or about March 11, 2020 the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 21, 2020 Governor Murphy signed Executive Order No. 107 directing residents of the State of New Jersey to shelter in place, with exceptions permitted only for essential businesses and services; and

WHEREAS, as a result of the numerous executive orders issued by Governor Murphy, restaurants have not been able to provide indoor or outdoor dining for their patrons but have been able to provide delivery and take out services; and

WHEREAS, upon issuance of an Executive Order permitting outdoor dining, Northvale restaurants may be able to resume servicing customers in an outdoor setting; and

WHEREAS, Chapter 155-3 entitled Sidewalk Cafes of the Borough of Northvale's Borough Code prohibits sidewalk cafes to project into a sidewalk or public easement more than half the width of said sidewalk or eight feet, whichever is less, but in no case shall it extend so far as to leave less than six feet for pedestrian traffic; except in areas where the sidewalk is 20 feet or more from the lit line to the curb, then a limited sidewalk café may be permitted to project into the sidewalk or public easement a maximum of 10 feet; and

WHEREAS, Chapter 155-4 of the Borough of Northvale's Borough Code provides that sidewalk cafes shall only be permitted in front of an operating food service establishment and in those situations where an operating food service establishment is located on a corner, both the front and side street areas of the food service establishment may be utilized; and

WHEREAS, in light of the various executive orders limiting the ability of restaurants to serve customers on site, it is in the best interest of the Borough to suspend the enforcement of the limitations on projections into sidewalks and public easements and permitted location of sidewalk cafes which limits the café to in front of and where applicable on a side street as set forth in Chapters 155-3 and 155-4, so long as all

Executive Orders are adhered to and public safety can be maintained as determined by the Construction Code Official and Chief of Police.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Northvale hereby authorizes the temporary suspension of Chapter 155-3 and Chapter 155-4 consistent with the intent of this Resolution as set forth above; and

BE IT FURTHER RESOLVED, the suspension of enforcement is subject to compliance with all Executive Orders then in place; and

BE IT FURTHER RESOLVED that all other sections contained within Chapter 155 remain in full force and effect and nothing contained herein is intended to nor shall limit the enforceability of any Executive Orders governing the operation of restaurants for the duration of the pandemic and declared State of Emergency.

RESOLUTION #2020-92

TITLE: RESOLUTION AUTHORIZING INCLUSION IN THE BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS, the current Interlocal Services Cooperative Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, each Municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Borough of Northvale and its residents to participate in said Programs.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Northvale hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant Municipality in the Urban County entitlement programs being the Community Development Block Grant Program (CDBG), the HOME Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the Program Years 2021, 2022, and 2023 covering the period July 1, 2021 – June 30, 2024; and

BE IT FURTHER RESOLVED, that an original copy of this resolution be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than Friday, July 17, 2020.

RESOLUTION #2020-93

TITLE: RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE COUNTY OF BERGEN TO SUPERSEDE THE COOPERATIVE AGREEMENT DATED JULY 1, 2000 AND AMENDMENTS THERETO ESTABLISHING THE BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS, it is necessary to supersede an existing Interlocal Services Cooperative Agreement for the County and its people to benefit from these Programs; and

WHEREAS, the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq., requires a specific delineation of activities to be included in the Agreement; and

WHEREAS, an Agreement has been proposed under which the Borough of Northvale and the County of Bergen in cooperation with other Municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. 40:8A-1 et seq.(the “Agreement”); and

WHEREAS, the purpose of the Agreement is to establish a legal mechanism through which the county government may apply for, receive, and disburse Federal funds available to eligible urban counties under the Community Development Block Grant Entitlement Program (CDBG), HOME Investment Partnership Program (HOME), and Emergency Solutions Grant (ESG) and to take such actions in cooperation with the participating municipalities such as the Borough of Northvale as may be necessary to participate in the benefits of these programs; and

WHEREAS, it is in the best interest of the Borough of Northvale to enter into such an Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Northvale that the Agreement entitled “Three Year Cooperative Agreement” (an Agreement superseding the Cooperative Agreement dated July 1, 2000 – June 30, 2003) to clarify the planning and implementation procedures and to enable the Municipality to make a Three Year irrevocable commitment to participate in the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the Program Years 2021, 2022, and 2023 covering the period July 1, 2021 – June 30, 2024 be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately in accordance with law and that an original copy be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than Friday, July 17, 2020.

Name	Yes	No	Absent	Abstain
Councilman Argiro	==	==	==	==
Councilman DeLisio	==	==	==	==
Councilman Devlin	==	==	==	==
Councilman McGuire	==	==	==	==
Councilman Shepard	==	==	==	==
Councilman Sotiropoulos	==	==	==	==

Mayor Marana opened the meeting to the public for questions or comments on the Resolutions only. There being no questions or comments from the public, Mayor Marana closed the meeting to the public.

RESOLUTION #2020-94

TITLE: PAYMENT OF BILLS

Motion	Second	Name
==	==	Councilman Argiro

==	==	Councilman DeLisio
==	==	Councilman Devlin
==	==	Councilman McGuire
==	==	Councilman Shepard
==	==	Councilman Sotiropoulos

WHEREAS, claims have been submitted to the Borough of Northvale in the following amounts under various funds of the borough:

Current Fund Appropriations (2019)	\$912.00
Current Fund Appropriations (2020)	\$196,911.29
General Capital Fund	\$55,693.00
Grant Fund	\$1,250.00
Police DEA Trust	
Animal Trust	\$2.40
Food Trust	
Escrow Trust	\$5,945.00
Recreation Trust	\$410.45
Summer Recreation Trust	
TOTAL	\$261,124.14

WHEREAS, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, council liaison, finance committee, and the chief financial officer; and

WHEREAS, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Northvale, and that the claims specified on the schedule attached hereto, following examination and approval by the finance committee, be paid and checks issued accordingly; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Northvale that the claims totaling **\$261,124.14** and ratified respectively.

ON THE QUESTION: Councilman McGuire asked about the status of File Bank which was on the bills list. Mayor Marana stated that we still have files there. File Bank was charging a huge fee to take everything back.

Name	Yes	No	Absent	Abstain
Councilman Argiro	==	==	==	==
Councilman DeLisio	==	==	==	==
Councilman Devlin	==	==	==	==
Councilman McGuire	==	==	==	==
Councilman Shepard	==	==	==	==
Councilman Sotiropoulos	==	==	==	==

ORDINANCES – 2ND READING

ORDINANCE #1020-20

CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Motion	Second	Name
==	==	Councilman Argiro
==	==	Councilman DeLisio
==	==	Councilman Devlin
==	==	Councilman McGuire
==	==	Councilman Shepard
==	==	Councilman Sotiropoulos

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any

increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Northvale in the County of Bergen finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1.00% increase in the budget for said year, amounting to \$68,431.23 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Northvale, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Northvale shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.00%, amounting to \$68,431.23, and that the CY 2020 municipal budget for the Borough of Northvale be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

OPEN MEETING TO THE PUBLIC

Mayor Marana opened the public hearing on Ordinance #1020-20 for questions or comments on this ordinance only at this time.

CLOSE MEETING TO THE PUBLIC

There being no questions or comments, Mayor Marana closed the public hearing on Ordinance #1020-20 and asked for a roll call vote.

ROLL CALL VOTE

Name	Yes	No	Absent	Abstain
Councilman Argiro	==	==	==	==
Councilman DeLisio	==	==	==	==
Councilman Devlin	==	==	==	==
Councilman McGuire	==	==	==	==
Councilman Shepard	==	==	==	==
Councilman Sotiropoulos	==	==	==	==

ORDINANCE #1018-2020

REFUNDING BOND ORDINANCE PROVIDING FOR THE FUNDING OF A \$313,625 EMERGENCY TEMPORARY APPROPRIATION FOR TAX APPEALS IN, BY AND FOR THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$350,000 OF BONDS OR NOTES TO FINANCE SUCH EMERGENCY TEMPORARY APPROPRIATION.

Motion	Second	Name
==	==	Councilman Argiro
==	==	Councilman DeLisio
==	==	Councilman Devlin
==	==	Councilman McGuire
==	==	Councilman Shepard
==	==	Councilman Sotiropoulos

WHEREAS, the Borough Council of the Borough of Northvale, in the County of Bergen, New Jersey, pursuant to a resolution adopted on March 11, 2020 in accordance with N.J.S. 40A:4-20, made an emergency temporary appropriation in the amount of \$313,625 to pay tax refunds resulting from property tax appeals; and

WHEREAS, the Borough Council of said Borough has determined that it is in the best interest of the Borough to fund the \$313,625 emergency temporary appropriation, pursuant to the provisions of N.J.S. 40A:2-51, by the adoption of a refunding bond ordinance providing for payment thereof, including expenses, and authorizing the issuance of \$350,000 of bonds or notes of said Borough to finance the funding of said emergency temporary appropriation; **NOW, THEREFORE**,

BE IT ORDAINED by the Borough Council of the Borough of Northvale, in the County of Bergen, New Jersey, as follows:

Section 1. The Borough of Northvale, in the County of Bergen, New Jersey (the "Borough") is hereby authorized to fund the \$313,625 emergency temporary appropriation for tax appeals previously made pursuant to a resolution adopted by the Borough Council of the Borough on March 11, 2020.

Section 2. The Borough Council of the Borough hereby determines that the Borough is authorized by Section 51(a) of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law") to issue

its refunding bonds or notes as hereinafter provided to pay or fund the \$313,625 emergency temporary appropriation set forth in Section 1 hereof.

Section 3. The sum of \$36,375 is hereby appropriated to pay the cost of the issuance of refunding bonds or notes and expenses in connection with the tax appeals, including printing, advertising, accounting and financial and legal expenses therefor permitted by Section 51(b) of the Local Bond Law.

Section 4. To finance the funding of the \$313,625 emergency temporary appropriation and the \$36,375 appropriation for costs in connection therewith (collectively, hereinafter referred to as purpose), bonds of said Borough of an aggregate principal amount not exceeding \$350,000 are hereby authorized to be issued pursuant to the Local Bond Law (the "Refunding Bonds"). The Refunding Bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. The Refunding Bonds shall be direct and general obligations of said Borough and said Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within said Borough for the payment of the principal of the Refunding Bonds and the interest thereon without limitation as to rate or amount. The full faith and credit of said Borough shall be and are hereby pledged for the punctual payment of the principal of and interest on the Refunding Bonds. Each Refunding Bond issued pursuant to this ordinance shall recite that it is issued pursuant to the Local Bond Law and shall also recite that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened and to have been performed precedent to and in the issuance of said bond exist, have happened and have been performed, and that said bond, together with all other indebtedness of said Borough, is within every debt and other limit prescribed by the Constitution or statutes of said State. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted, except that the Refunding Bonds shall mature at such time or times, not exceeding 40 years from their date, as may be approved by the Local Finance Board.

Section 5. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$350,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the

issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law and the Local Finance Board. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$350,000, but said \$350,000 shall be deducted from gross debt pursuant to Section 52 of the Local Bond Law, and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 8. It is hereby determined and stated that (A) a certified copy of this refunding bond ordinance as passed on first reading shall be filed with the

Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to the final adoption thereof, together with a complete statement in the form prescribed by said Director and signed by the chief financial officer of the Borough as to the outstanding tax refund amount to be financed by the issuance of the Refunding Bonds or the notes and (B) no sum need be appropriated hereby as a down payment.

Section 9. This ordinance shall take effect twenty days after the first publication thereof after final passage, provided that the consent of the Local

Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

OPEN MEETING TO THE PUBLIC

Mayor Marana opened the public hearing on Ordinance #1018-2020 for questions or comments on this ordinance only at this time.

CLOSE MEETING TO THE PUBLIC

There being no questions or comments, Mayor Marana closed the public hearing on Ordinance #1018-2020 and asked for a roll call vote.

ROLL CALL VOTE

Name	Yes	No	Absent	Abstain
Councilman Argiro	==	==	==	==
Councilman DeLisio	==	==	==	==
Councilman Devlin	==	==	==	==
Councilman McGuire	==	==	==	==
Councilman Shepard	==	==	==	==
Councilman Sotiropoulos	==	==	==	==

OPEN TO PUBLIC

Frank Petrilli, 401 Glendale Road – asked if the parents of the 8th grade students can replicate a clap out for the kids. It could be on a street, park or any venue. They would adhere to social distancing. He would like K-7 graders to line up and clap out the 8th graders. He would like to do this on the last day of school which is June 19th. Mayor Marana asked how many students are in K-7. Mr. Petrilli replied about 400. Mayor Marana said that is over the gathering limit. Mayor Marana suggested having something at the school. Ms. Rosendahl said that it would exceed the number permitted for gatherings. She said other towns are doing a drive by. She said the students, with their parents, are in the cars and drive through the school parking lot. The teachers would be outside clapping them out. Mr. Petrilli will advise the parents.

Cheryl Johnson – asked if the clap out could be done over two days. Mayor Marana said the gathering limit is 100. Councilman Sotiropoulos asked if it could be postponed later in the summer. Mr. Petrilli said it could be postponed but once June is over, it’s over.

MAYOR & COUNCIL REPORTS

Councilman Sotiropoulos – reported on various Police activity for the month. He said Chief Ostrow has done a fantastic job supplying the Ambulance Corps. with PPE. There are more members riding now in the Ambulance Corps and calls are starting to go

up. He asked about the radios for the Ambulance. Mayor Marana has an estimate and will include them in the bond ordinance when it is ready to go. He reported on all of the jobs the DPW has been working on such as work in Rockleigh, tree trimming, catchbasins, streetsweeping, flags, banners, pots out. The DPW would like to thank the Mayor for allowing the Senior Van driver to help the DPW. He is going above and beyond, as are all DPW employees.

Councilman Devlin – reported that the Senior Center is closed as is the Golden Age Club. There is a Board of Health meeting tomorrow at 7:00 PM. He also reported that he met with the DPW and Mayor at 197 Scherer and the DPW will be installing a catchbasin.

Councilman Shepard – reported the Beautification Committee is working on the butterfly garden. The Fire Department had a car fire in Northvale Square and they did a good job.

Councilman DeLisio – reported that Northern Valley Greenway has been having regular monthly meetings. They are in a holding pattern due to the pandemic.

Councilman Argiro – reported the Library had its 5th anniversary of the reopening on June 2nd. They have a lot of online programs and a user friendly website. They are working on a 6 stage reopening program. He reported that Recreation is waiting for the guidelines from the Governor for non-contact sports which can begin on June 22nd.

Councilman McGuire – reported that Camp Northvale shortened their schedule to 2 weeks, July 13 – July 24 at Hogan Park. They will be following the state guidelines. Kids will have to wear masks. Northvale School will be having a virtual promotion ceremony on June 16th at 7:00 PM. There will be a drive through diploma distribution before the end of June. NVOT has a 3 component graduation planned. They will have a virtual ceremony, car parade, and a diploma distribution which will be after July 6th. There is no word on school openings in the Fall. Councilman DeLisio said they are researching the reopening of schools.

Mayor Marana – reported that Town Day is not officially cancelled but there is no way we can have it. We do not know how many people will want to gather and fundraising is problematic. Inserra has always been generous but right now their high priority is food banks. Sue Scavone from Millenium sent an email to the County Open Space requesting to place our 2 current Bergen County Open Space grants on hold for the 2020 construction year. They will most likely grant the request. We will probably move forward with design efforts during the 3rd and 4th quarters of 2020 and the bid/award/construct the projects in the 2nd to 3rd quarters of 2021.

BOROUGH ENGINEER REPORT

Ms. Raffay reported on the various projects.

BOROUGH ATTORNEY REPORT

Ms. Rosendahl stated that she had items for closed session.

CLOSED SESSION – TIME: 8:03 PM

Action may – not – be taken upon return to open session.

RESOLUTION #2020-95

TITLE: TO PROVIDE FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A 10:4-12

Motion	Second	Name
==	==	Councilman Argiro
==	==	Councilman DeLisio
==	==	Councilman Devlin
==	==	Councilman McGuire
==	==	Councilman Shepard
==	==	Councilman Sotiropoulos

WHEREAS, the Council of the Borough of Northvale is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6, et seq; and

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Council of the Borough of Northvale to discuss in session not open to the public certain matter relating to an item or items authorized by NJSA 10:4-12b, as listed below:

- == 1. Matters required by law to be confidential
- == 2. Matters where the release of information would impair the right to receive funds.
- == 3. Matters involving individual privacy
- == 4. Matters relating to collective bargaining
- == 5. Matters relating to the purchase, lease or acquisition of real property or the investment of public funds.
- == 6. Matters relating to public safety and property.
- == 7. Matters relating to litigation, negotiations and attorney client privilege.
- == 8. Matters relating to the employment relationship – Personnel
- == 9. Matters relating to the potential imposition of a penalty.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Northvale that immediately after the adoption of this resolution the Council shall enter into closed session.

Name	Yes	No	Absent	Abstain
Councilman Argiro	==	==	==	==
Councilman DeLisio	==	==	==	==
Councilman Devlin	==	==	==	==
Councilman McGuire	==	==	==	==
Councilman Shepard	==	==	==	==
Councilman Sotiropoulos	==	==	==	==

RETURN TO OPEN SESSION – TIME: 8:44 PM

Motion	Second	Name
==	==	Councilman Argiro
==	==	Councilman DeLisio
==	==	Councilman Devlin
==	==	Councilman McGuire
==	==	Councilman Shepard
==	==	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	==	==	==	==
Councilman DeLisio	==	==	==	==
Councilman Devlin	==	==	==	==
Councilman McGuire	==	==	==	==
Councilman Shepard	==	==	==	==
Councilman Sotiropoulos	==	==	==	==

ADJOURNMENT – TIME: 8:45 PM

Motion	Second	Name
=	=	Councilman Argiro
=	=	Councilman DeLisio
=	=	Councilman Devlin
=	=	Councilman McGuire
=	=	Councilman Shepard
=	=	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	=	=	=	=
Councilman DeLisio	=	=	=	=
Councilman Devlin	=	=	=	=
Councilman McGuire	=	=	=	=
Councilman Shepard	=	=	=	=
Councilman Sotiropoulos	=	=	=	=

Patrick J. Marana
Mayor

ATTEST:

Frances M. Weston

Frances M. Weston
Acting Borough Clerk

Approved: July 8, 2020

