

MINUTES
Combined Meeting of the Mayor and Council
Wednesday, December 14, 2022
7:00 PM

CALL THE MEETING TO ORDER

Mayor Marana called the meeting to order at 7:00 PM in the Council Chambers at 116 Paris Avenue, Northvale, New Jersey 07647.

OPEN PUBLIC MEETINGS ACT NOTICE

Mayor Marana read the Open Public Meetings Act Notice 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 have been advertised in the official Newspaper of the Borough, filed with the Municipal 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 & MOMENT OF SILENCE

Mayor Marana asked everyone to stand and join him in a salute to the flag led by Pat Scaglione. Mayor Marana asked everyone to remain standing for a moment of silence remembering longtime resident Pat McSweeney who passed away at the age of 84.

ROLL CALL

Mayor Marana	Present	Councilman Hogan	Present
Councilman Argiro	Present	Councilman McGuire	Present
Councilman DeLisio	Present	Councilwoman McMorrow	Present
Councilman Devlin	Present		

OTHER OFFICIALS PRESENT:

Deena Rosendahl, Borough Attorney
Marie Raffay, Borough Engineer
Councilman-Elect Marty Mattessich
Frances Weston, Municipal Clerk

AWARDS AND PROCLAMATIONS

Mayor Marana presented Richard Scaglione with a Proclamation thanking him for his 11 years as a Borough employee. He was also wished a happy and healthy retirement.

Mr. Scaglione thanked the Mayor and Council and past Mayor & Councils for always supporting the beautification committee. Also thanked the DPW and wished new Chairman of the Beautification Committee, Leigh Meola, much luck in the future.

APPOINTMENTS & PERSONNEL CHANGE

Mayor Marana asked for a motion and second to approve the appointment of Troy P. Essmann of 159 Scharer Avenue, Northvale to the Northvale Junior Fire Department. Motion was made by Council President DeLisio, seconded by Councilwoman McMorrow.

Mayor Marana asked for a Roll Call Vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Yes	Councilwoman McMorrow	Yes

APPROVAL OF MINUTES

Mayor Marana asked for a motion and second to approve the Minutes of the Combined Meeting of December 14, 2022. Motion was made by Council President DeLisio, seconded by Councilman Devlin.

Mayor Marana asked for a Roll Call Vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Yes	Councilwoman McMorrow	Yes

MONTHLY CORRESPONDENCE

The following reports are on file in the Municipal 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
- Colliers Engineering
- Fire Prevention
- Millenium Strategies
- Recreation Minutes
- Tax Collector

CORRESPONDENCE

1. NJ Department of Transportation Letter Dated 11/23/22
Fiscal Year 2023 Municipal Aid Program
Veterans Drive Roadway Project Phase II - \$225,680

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”

Mayor Marana asked for a motion and second to approve Consent Agenda Resolutions #2022-169 through 2022-178. Motion made by Council President DeLisio, seconded by Councilwoman McMorrow.

RESOLUTION #2022-169

TITLE: SPECIAL EMERGENCY RESOLUTION NJS 40A:4-48 (Within 3% limitation)

WHEREAS, an emergency has arisen with respect to Municipal Services pursuant to the Municipal Services Act N.J.S.A. 40:67-23.3 and no adequate provision was made in the 2022 current budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution is \$22,818 and three (3) percent of the total operating appropriations in the budget for 2022 is \$286,721; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2022.

NOW, THEREFORE BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with N.J.S. 40A:4-48;

1. An emergency appropriation is hereby made for Municipal Services pursuant to the Municipal Services Act, N.J.S.A. 40:67-23.3 in the amount of \$22,818.
2. That said emergency appropriation shall be funded in full in the 2023 budget.
3. That two (2) certified copies of this resolution be filed with the Director of Local Government Services.

RESOLUTION #2022-170

TITLE: RESOLUTION AUTHORIZING MAYOR MARANA TO SIGN SHARED SERVICE AGREEMENT WITH THE BOROUGH OF PARAMUS FOR VEHICLE REPAIR/MAINTENANCE

WHEREAS, the Uniformed Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., allows any municipality or county to enter into a contract with any other municipality or county for the joint provision of any services within their joint jurisdiction; and

WHEREAS, the Borough of Northvale and the Borough of Paramus seek to enter into a Shared Services Agreement wherein the Borough of Paramus will provide maintenance and repair to Borough of Northvale vehicles which are directed to the Borough of Paramus by the Borough of Northvale effective January 1, 2023 and terminating December 31, 2023; and

WHEREAS, the Chief Financial Officer has certified that funds will be available through the various departments current budget numbers under the heading of Vehicle Maintenance and Repair; and

WHEREAS, the Mayor and Council of the Borough of Northvale hereby agree to the terms of the contract and the expenditure of funds pursuant to the terms hereof.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council authorize Mayor Patrick J. Marana to execute said agreement between the Borough of Northvale and the Borough of Paramus for Vehicle Maintenance and Repair by the Borough of Paramus.

RESOLUTION #2022-171

TITLE: RESOLUTION AUTHORIZING MAYOR MARANA TO SIGN SHARED SERVICE AGREEMENT WITH THE BOROUGH OF PARAMUS FOR GRASS/BRUSH AND VEGETATIVE WASTE PICK UP FOR 2023

WHEREAS, the Uniformed Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., allows any municipality or county to enter into a contract with any other municipality or county for the joint provision of any services within their joint jurisdiction; and

WHEREAS, the Borough of Northvale and the Borough of Paramus seek to enter into a (Interlocal) Shared Services Agreement wherein the Borough of Paramus will provide the pickup of grass, brush and vegetative waste from April 13, 2023 and terminating October 12, 2023; and

WHEREAS, the Chief Financial Officer has certified that funds will be available through the department of public works current budget numbers under the heading of recycling collection and disposal; and

WHEREAS, the Mayor and Council of the Borough of Northvale hereby agree to the terms of the contract and the expenditure of funds pursuant to the terms hereof;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council authorize Mayor Patrick J. Marana to execute said agreement between the Borough of Northvale and the Borough of Paramus for the pickup of grass, brush and vegetative waste by the Borough of Paramus.

RESOLUTION #2022-172

TITLE: RESOLUTION AUTHORIZING EXECUTION OF SHARED SERVICES AGREEMENT WITH THE BOROUGH OF OLD TAPPAN

WHEREAS, the Uniformed Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., allows any municipality to enter into a contract with any other municipality or local unit for the joint provision of any services within their joint jurisdiction; and

WHEREAS, the need exists in the Borough of Northvale to enter into a Shared Services Agreement with the Borough of Old Tappan whereby the Borough of Old Tappan will provide to Northvale, at Northvale's request, services and goods for motor vehicle and other mechanical maintenance and repairs ("the Services"); and

WHEREAS, the Borough of Northvale and the Borough of Old Tappan have negotiated a shared services agreement setting forth the terms and conditions of the services to be provided by Old Tappan and all payment rates; and

WHEREAS, it is in the best interest of the Borough of Northvale to execute the attached Shared Services Agreement with the Borough of Old Tappan.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Northvale the Mayor is hereby authorized to execute the Shared Services Agreement between the Borough of Northvale and the Borough of Old Tappan.

RESOLUTION #2022-173

TITLE: RESOLUTION AUTHORIZING PAYMENT OF ENGINEERING FEES TO COLLIERS ENGINEERING & DESIGN, INC. FOR CALENDAR YEAR 2022

WHEREAS, the Borough of Northvale, in the County of Bergen, State of New Jersey is a public body duly formed pursuant to and in accordance with New Jersey Titles 40 and 40A, governing municipalities and counties, and possesses the powers set forth therein; and

WHEREAS, the Borough is empowered to enter into contracts pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Borough and Colliers Engineering and Design, Inc. ("Colliers") previously entered into a Professional Services Agreement (the "Agreement") for engineering services; and

WHEREAS, it is in the best interest of the Borough to set the allowable fees payable to Colliers; and

WHEREAS, it is in the best interest of the Borough to permit the payment of fees to Colliers to an amount not to exceed \$95,000.00 for the calendar year 2022.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Northvale that the Borough is hereby authorized to issue payments for work performed pursuant to the Agreement up to an amount not to exceed \$95,000.00 for the calendar year 2022.

RESOLUTION #2022-174

TITLE: RESOLUTION AUTHORIZING THE HIRING OF MICHELLE ADONI AS MCGUIRE SENIOR CENTER DIRECTOR

WHEREAS, Pamela Carpanini resigned as the McGuire Senior Center Director effective November 4, 2022; and

WHEREAS, the Borough is in need of hiring a Senior Center Director; and

WHEREAS, the Personnel Committee held interviews with qualified candidates; and

WHEREAS, the Personnel Committee has recommended the hiring of Michelle Adoni as the McGuire Senior Center Director.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Northvale hereby appoint Michelle Adoni to the position of McGuire Senior Center Director at an annual salary of \$45,651 effective December 1, 2022.

RESOLUTION #2022-175

TITLE: TRANSFER OF APPROPRIATIONS FROM THE CURRENT FUND BUDGET FOR 2022 IN THE AMOUNT OF \$86,000

WHEREAS, N.J.S.A.40:4-49 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budgeted appropriations;

NOW, THEREFORE BE IT RESOLVED, that the attached transfers are hereby authorized in the total amount of \$86,000;

GENERAL APPROPRIATIONS	ACCOUNT #	GROUP	FROM	TO
Police Salaries	2-01-25-240-100	SW	86,000	
Administration	2-01-20-100-100	SW		12,000
Financial Administration	2-01-20-130-100	SW		11,000
Tax Collection	2-01-20-130-100	SW		1,200
Code Compliance	2-01-22-196-100	SW		1,200
Worker Comp Insurance	2-01-23-215-200	OE		2,000
Employee Group				
Insurance	2-01-23-220-200	OE		8,000
Fire Prevention	2-01-25-265-100	SW		300
Fire Prevention	2-01-25-265-200	OE		4,000
Solid Waste Collection	2-01-26-305-200	OE		100
Buildings & Grounds	2-01-26-310-200	OE		19,000
Sewer System	2-01-26-311-200	OE		5,500
Health Salaries	2-01-27-330-100	SW		4,500
Street Lightening	2-01-31-435-200	OE		2,000
Public Events	2-01-30-420-200	OE		5,700
Gasoline	2-01-31-460-200	OE		6,550
Solid Waste Disposal	2-01-32-465-200	OE		150
LOSAP	2-01-43-490-100	OE		1,300
Municipal Court	2-01-43-490-100	SW		1,500
			<u>86,000</u>	<u>86,000</u>

RESOLUTION #2022-176

TITLE: RESOLUTION TO REVISE RESOLUTION #2022-112 WHICH WAS APPROVED ON JULY 13, 2022 – COUNTY SNOW PLOW BILLING

WHEREAS, Resolution #2022-112 was approved on July 13, 2022 authorizing Mayor Marana to sign the Snow Plowing Agreement with the County of Bergen For 2022-2024; and

WHEREAS, in said resolution the municipal plow amount to bill the county was \$110/per hour; and

WHEREAS, as per the Bergen County Commissioners Resolution #1129-22 which was approved on November 30, 2022, that the not to exceed amount to be billed is \$115.00 per hour.

NOW, THEREFORE BE IT RESOLVED, that this revised resolution is to have the billing amount not to exceed \$115.00 per hour.

RESOLUTION #2022-177

TITLE: RESOLUTION APPROVING RAFFLE LICENSE #RL 235 - NORTHVALE PTO – OFF PREMISE RAFFLE – JANUARY 27, 2023

BE IT HEREBY RESOLVED, that the following license to conduct an Off-Premise Raffle be issued to:

NAME: Northvale PTO

ADDRESS: 441 Tappan Road, Northvale, NJ

LOCATION OF RAFFLE: 441 Tappan Road, Northvale, NJ

HOURS: 2:30 PM

DATE OF RAFFLE: January 27, 2023

ID #: 353-5-37377

RAFFLE LICENSE #: RL 235

RESOLUTION #2022-178

TITLE: PAYMENT OF BILLS

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

Current Fund Appropriations (2021)	
Current Fund Appropriations (2022)	\$166,561.99
General Capital Fund	\$218,142.18
Grant Fund	
Animal Trust	
Police DEA Trust	
Escrow Trust	
Affordable Housing Trust	

Recreation Trust	\$905
Summer Recreation Trust	
TOTAL	\$385,609.17

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/or 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

WHEREAS, claims have already been paid in the following amounts for the purposes specified below during the course of the year:

Payroll – Salaries & Wages		
Payroll – Salaries & Wages	10-28-2022	\$147,030.98
Payroll- Salaries & Wages	11-25-2022	\$209,985.96
Health Benefits	July 2022	\$49,643.27
County Taxes	4 th . Quarter	\$656,369.21
County Open Space Tax		\$26,097.57
Northvale Board OF Education		\$839,838.17
Northern Valley Regional High School District		\$583,641.80
TOTAL		\$2,898,216.13

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Northvale that the claims totaling **\$2,898,216.13** and ratified respectively.

OPEN MEETING TO THE PUBLIC

Mayor Marana opened the meeting to the public for questions or comments on Consent Agenda Resolutions #2022-169 through #2022-178 only. There being no questions or comments, Mayor Marana closed the meeting to the public.

Mayor Marana asked for a Roll Call Vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Yes	Councilwoman McMorrow	Yes

ORDINANCES – 2nd Reading

ORDINANCE #1059-2022

AN ORDINANCE GOVERNING THE PLANTING AND GROWING OF BAMBOO

Mayor Marana asked for a motion and second to approve the second reading of Ordinance #1059-2022. Motion made by Councilman Hogan, seconded by Councilman McGuire.

SECTION 1. The Code of the Borough of Northvale be and is hereby amended and supplemented to add a new Chapter 201 Planting and Growing of Bamboo as follows:

Chapter 201 Planting and Growing of Bamboo

§200-1 Purpose and Intent

The purpose and intent of this Ordinance is to preserve and protect private and public property from the damaging spread of running bamboo grasses and to protect indigenous plants and the wildlife they support from the invasive spread of bamboo from any neighboring property line.

§200-2 Definitions

- A. Running Bamboo – any monopodial (running) woody grass from the genera of bamboos including but not limited to Bambusa Phyllostachys and Pseudosasa as well as common bamboo, golden bamboo and arrow bamboo.
- B. Running Bamboo Property Owner(s) – Any property owner(s) or tenant(s) who has Running Bamboo on their property, even if the Bamboo has spread onto their property from an adjoining property.
- C. Buffer Zone – A distance of at least 10 feet from any lane, street or road, whether public or private, or from any neighboring property.
- D. Borough – the Borough of Northvale, Bergen County, New Jersey
- E. Notice – Any written notice by, from or on behalf of the Borough of Northvale (i) notifying the Running Bamboo Property Owner(s) that they are in violation of this Ordinance and (ii) directing them to cure or fix the violation within sixty (60) days. Such Notice shall be sent by certified mail, return receipt requested and regular mail, addressed to the owner(s) listed on the current tax address on file with the Borough or personally served on the property owner or tenant. A copy of the Notice may also be posted on the property in question.
- F. Receipt of Notice – Receipt of Notice shall be the date of mailing the Notice, or if applicable, the date of personally serving or posting the Notice on the property in question, whichever is earlier.

§200-3 NO PLANTING OF RUNNING OF BAMBOO

- A. The planting of Running Bamboo is prohibited. The only exception shall be the planting of bamboo in individual contained planting pots shall be permitted.
- B. Any pre-existing Running Bamboo shall be permitted to remain subject to the provisions of this Ordinance but shall not be relocated, replanted, or replaced after having died or been removed.
- C. Any person or entity who plants or replants (or who allows for the planting or replanting) of Running Bamboo within the Borough of Northvale after the effective date of this Ordinance shall be in violation of this Ordinance.

§200-4 REGULATING PRE-EXISTING RUNNING BAMBOO

- A. Any pre-existing Running Bamboo already in existence prior to the effective date of this Ordinance may remain, provided however that the Running Bamboo shall not be permitted to exist within any Buffer Zone.
- B. Running Bamboo property owners shall take all necessary measures, including but not limited to cutting, trimming and removal, to ensure Running Bamboo does not exist within any Buffer Zone.
- C. The cutting, trimming, removal, and costs associated therewith of removing any Running Bamboo that invades an adjacent property shall be the responsibility of the property owner whose bamboo has crossed property lines. If the property owner refuses to remove any Running Bamboo that invades an adjacent property shall remain liable for the costs incurred associated with removal.
- D. This Ordinance shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.

§200-5 ENFORCEMENT

This Chapter shall be enforceable by the Code Enforcement Official for the Borough of Northvale and shall be applied to all properties and premises located within the Borough.

§200-6 VIOLATIONS AND PENALTIES

- A. Whenever Running Bamboo is found planted in violation of this Ordinance, a Notice shall be provided to the Running Bamboo Property Owner to abate the violation within sixty (60) days.
- B. The cost of abatement shall be borne by the Running Bamboo Property Owner.
- C. If the Running Bamboo Property Owner fails to comply with the Notice within the sixty-day period, the Code Enforcement Official may remove or otherwise control the invasive plant species at the Property Owner's expense. The Borough may thereafter recover all costs of removal from the Running Bamboo Property Owner as well as place a lien on the property for recovery of the cost of removal.
- D. Any person in violation of this Ordinance who fails to abate the violation after Notice shall be subject to the following penalties:
 - (i) A fine of not less than \$25 per day nor more than \$100 per day, for each day the violation exists after the sixty day abatement period expires.
 - (ii) Each day on which the violation continues shall constitute a separate offense under this Ordinance.
 - (iii) Fines are in addition to any costs incurred by the Borough.

SECTION 2. REPEALER. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

SECTION 3. Savings and Construction. This ordinance shall be construed consistent with the purpose stated hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This Ordinance is amendatory and supplementary to existing provision of the Northvale Code.

SECTION 4. Codification. This ordinance shall be codified to the chapters set forth herein.

Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

OPEN MEETING TO THE PUBLIC

Mayor Marana opened the meeting to the public for questions or comments on Ordinance #1059-2022 ONLY. There being no questions or comments, Mayor Marana closed the meeting to the public.

Mayor Marana asked for a Roll Call Vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Yes	Councilwoman McMorrow	Yes

ORDINANCE #1058-2022

AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY LOCATED IN THE BOROUGH OF NORTHVALE AS SHOWN ON THE TAX MAP AS BLOCK 1001, LOT 10

Mayor Marana asked for a motion and second to approve the second reading of Ordinance #1058-2022. Motion made by Councilman Hogan, seconded by Councilman McGuire.

WHEREAS, the owner of record of approximately 0.0574 acres of property commonly known and identified as 153-A Scharer Avenue and designated on the official tax map of the Borough of Northvale as Block 1001, Lot 10 (the “Property”) has expressed interest in selling the Property to the Borough of Northvale; and

WHEREAS, the Borough of Northvale previously identified the Property as one that has been recommended for acquisition by the Borough of Northvale for public use as open space and, by Resolution 2021-210 adopted December 8, 2021, the Governing Body authorized the conducting of a preliminary investigation to determine whether the Property would be suitable for acquisition by the Borough of Northvale for use as open space; and

WHEREAS, pursuant to N.J.S.A. 40:61-1(a), the Borough of Northvale is authorized to acquire the Property for use as a public park and place for public resort and recreation; and

WHEREAS, by Resolution 2022-100 adopted June 8, 2022, the Governing Body of the Borough of Northvale authorized the execution by the Mayor of the Contract for Sale of Real Estate with the owner of record of the Property for the acquisition of the Property by the Borough of Northvale; and

WHEREAS, the Governing Body of the Borough of Northvale has had the Property appraised and the appraiser supports the acquisition price of Eighty Thousand and 00/100THS (\$80,000.00) Dollars; and

WHEREAS, by Bond Ordinance 1056-2022 adopted July 28, 2022, the Governing Body of the Borough of Northvale authorized the appropriation of funds necessary for the purchase of the Property from the proceeds of the sale of bonds authorized thereby; and

WHEREAS, the Governing Body of the Borough of Northvale, finding it to be in the best interests of the Borough of Northvale and its residents to acquire the Property, desires to complete the purchase of the Property in accordance with the provisions of N.J.S.A. 40:61-1(a) and the Contract for Sale of Real Estate entered into by the Borough of Northvale with the owner of record of the Property as authorized by Resolution 2022-100 adopted June 8, 2022.

NOW, THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Northvale as follows:

Section 1. The aforementioned recitals are incorporated herein by reference as though fully set forth at length.

Section 2. In accordance with the provisions of N.J.S.A. 40:61-1(a), and consistent with Resolution 2022-100 adopted June 8, 2022 and the Contract for Sale of Real Estate entered into by the Borough of Northvale as authorized by said Resolution, the Governing Body of the Borough of Northvale shall and hereby does authorize the purchase of the real property commonly known as and located at 153-A Scharer Avenue in the Borough of Northvale and designated on the Official Tax Map of the Borough of Northvale as Block 1001, Lot 10 from the owner of record for the sum of Eighty Thousand and 00/100THS (\$80,000.00) Dollars, to be paid, together with the usual and customary closing costs, from the proceeds of Bond Ordinance 1056-2022 adopted July 28, 2022.

Section 3. The real property commonly known as and located at 153-A Scharer Avenue in the Borough of Northvale and designated on the Official Tax Map of the Borough of Northvale as Block 1001, Lot 10 is being acquired by the Borough of Northvale for use as a passive park and will be subject to recorded restrictions that will prohibit the development of this property for any other purpose.

Section 4. DeCotiis, FitzPatrick, Cole & Giblin, LLP, counsel to the Borough of Northvale, shall be and is hereby further authorized and directed to prepare any and all documents required to consummate the acquisition of real property commonly known as and located at 153-A Scharer Avenue in the Borough of Northvale and designated on the Official Tax Map of the Borough of Northvale as Block 1001, Lot 10 as said purchase is authorized by Resolution 2022-100 adopted June 8, 2022 by the Governing Body of the Borough of Northvale and as authorized by this Ordinance, and all relevant Borough officials shall be and are hereby authorized to execute any and all documents necessary in furtherance of the intentions of the within Ordinance, so long as said documents are in a form satisfactory to counsel to the Borough of Northvale.

Section 5. If any part of this Ordinance is invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall be saved to the fullest extent possible. Any ambiguities in this Ordinance shall be construed in accordance with the purpose of this ordinance.

Section 6. All prior ordinances that are inconsistent with this Ordinance are repealed. All ordinances are hereby amended to be consistent with this Ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this Ordinance.

Section 7. This Ordinance shall take effect after publication and passage according to law.

OPEN MEETING TO THE PUBLIC

Mayor Marana opened the meeting to the public for questions or comments on Ordinance #1058-2022 ONLY.

Jim Briscoe – asked how much the Borough was paying for this worthless property. He also asked what the town will do with the property. He doesn't agree with the Borough purchasing the property.

Mayor Marana asked for a Roll Call Vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	No
Councilman Devlin	Yes	Councilwoman McMorrow	No

Mayor Marana commented on the vote of Ordinance #1058-2022. This property was voted on six times. This is the first time that there were any no votes. Everyone has voted yes all of the previous times. Mayor Marana had been authorized to sign the contract and if we do not go through with this, we are in breach of contract. Councilman McGuire asked when the vote was for the first reading of the ordinance. Mayor Marana answered August 10th. Councilman McGuire asked why did we have to wait until December for the second reading. Mayor Marana replied there were seller issues and trying to cut a deal. He feels the no votes are preposterous.

OPEN MEETING TO THE PUBLIC

Kevin Trainor, 619 Wildwood Road West – as President of the Volunteer Ambulance Corps ,he thanked the Mayor and Council for their continued support. He presented Mayor Marana with a certificate of appreciation from the Ambulance Corps for his unwavering support throughout his tenor in office.

Billy Guyt, 195 High Street – presented a petition from the DPW. The petition was signed from Northvale DPW for the resolution that was pulled for the promotion and creation of a title. DPW did not know about the creation of a new title. He feels this was done as dirty politics. Mayor Marana states that the resolution has been pulled from the agenda. Mayor Marana informs him that this was a Council issue. Mr. Guyt asked what benefit would this promotion be and asked who initiated the promotion. Mayor Marana answered that the Personnel Committee has been kicking this around and was confirmed by Council President DeLisio. The Mayor also had reached out to Briant and Billy offering them \$10, 000-\$12,000 year for holding the CPWM certification. Mr. Guyt interjects that is non pensionable. He asked what would be the purpose of having a new Foreman. Mayor Marana answered that we need someone to handle work on the buildings. Mayor Marana continued that whenever a building issue comes to him and he passes it off, a month goes by and he doesn't have an answer. He understands that there are other jobs that have to be done. Mr. Guyt said he was disgusted. He also thinks having the resolution pulled sounds shady.

Peter Briscoe, 506 Crest Drive – asked who will maintain the pocket park that will be put at 153A Scharer Avenue. He suggested giving the property to the surrounding residents and then they would have to pay the taxes which would make some money for the town. Mayor Marana answers that the property was offered to the surrounding residents but no one was interested.

Jimmy Briscoe – the DPW has 7 guys with 2 bosses and now another one was going be promoted? He feels the Brough is throwing money away. He cannot afford his taxes now. The DPW in this town is underpaid. The other towns have better equipment. Mayor Marana informs him that the resolution is pulled and there will not be a third Foreman. Councilman Hogan also explains the resolution was on the Agenda but has been pulled off.

Damian Dolphy, 192 School Street – he has lived here quite awhile. He has a couple of issues with the Chief. He had applied at different police departments. Information was given that was never documented. He said he has something showing he was arrested and booked for not having a dog license. He had to get that erased. He asked the Chief for proof that it was erased and was told the town does not give anything. He applied for a pistol permit and was denied by the town but approved by the state. He doesn't understand how that works. He continued that he has never been charged with anything. He is still waiting for reason why he was denied. The Chief has his officers turn on their body cams whenever he tries to speak with an officer. He would like to know why the Chief is treating him like this. He would like the Chief to please stop what he is doing behind the scenes. He feels Chief is the main reason why a lot of these police departments have turned a blind eye to him. He has four other pistol permits that have come in two weeks. This one they are waiting until the 30th day. Mrs. Rosendahl informs him that this is the wrong forum. The Mayor and Council cannot answer his questions. Any complaint or concern about an officer or Chief should be put in writing and given to the Police Department. An internal affairs investigation would then be opened. He wanted to let the Council know that these issues are going on. Ms. Rosendahl again informs him that the governing body cannot do anything. Mr. Dolphy states that he has go to the Police Department that is avoiding him completely, not saying hello to him. The Chief tells his officers not to speak to him. He asked where will the written complaint go. Ms. Rosendahl answered internal affairs. He continues that

he was told to come to the meeting. He has faced a lot of racism in this town. He feels things are being done out of spite and malice.

MAYOR AND COUNCIL REPORTS

Council President DeLisio – reported on the grants. Borough was awarded the NJDOT Municipal Aid grant of \$225,680 for paving of Veterans Drive. We were also awarded \$28,000 for the American Rescue Plan Firefighter grant program for turnout gear, hoses, and SBA bottles. The Bergen County Community Development block grant was submitted today. Police report – on December 9th, Officer Sedano and Lt. Alise received the Knights of Columbus Shield Award in recognition of their outstanding service to our community. On December 11th, Chief Ostrow participated in the Holiday Wreath Ceremony For Our Heroes at Paramus Veterans Home that was sponsored by the Bergen County Police Chiefs Association honoring and remembering our Bergen County Veterans. Each municipality received a wreath which is displayed at Borough Hall. Northern Valley Greenway had a virtual meeting last Thursday.

Councilwoman McMorrow – Northern Valley Chamber of Commerce had their holiday meeting/dinner at Olar on December 13th. There is a new slate of officers. Their new website is officially active. The Ambulance Corps next meeting is December 20th. Ambulance Corps calls for November were 10. We are still looking for new members.

Councilman Devlin – Fire Department approved a new roof. Fire Prevention conducted 29 inspections, 14 reinspections. The Senior Center is good. Golden Age is good.

Councilman Hogan – The Building Department issued 20 permits for the month of November for a total of \$41,194. The year to date is \$249,372. The budgeted amount for the year was \$200,000 so we are well ahead of schedule. The Planning/Zoning Board meeting was on December 7th. He was unable to vote since he lives within 200' of the 417 Frances Lane application. It was a continuation and hopefully final application of 411 Clinton Avenue. A small variation was granted. The next meeting is scheduled for January 4, 2023.

Councilman Argiro – the Library is still in search of a new head Librarian. The staff has done a good job. The Library is still in the process of asbestos remediation. The entrance to the Library is now by the Preschool during construction. The Library programs are being held in the Senior Center. The Friends of the Library had a fundraiser at Growler & Grill with the proceeds going to the Library. Councilman-Elect Mattessich was there bartending. Recreation has been quiet. Indoor soccer and basketball are underway. Recreation is discussing introducing volleyball for youth in the Spring.

Councilman McGuire – the Northvale School has a half day on 12/23 and will return to school on 1/2/23. The bonds were sold for the referendum project. The original tax increase per household valued at \$400,000 was going to be \$50/house. The interest rate at that time was projected at 4.25% but the bond was sold at 3.85% dropping the increase per household to \$39/household. Congratulations to the High School Golden Knights football group 3 state champions in New Jersey. A great victory for our very own Coach Brian Dunn and the team. Preschool is moving everything over to digital format including tuition and registration for 2023. The parents and kids enjoyed participating in the tree lighting and are looking forward to participating in more events.

Mayor Marana – met with the current and former CFOs on Saturday. The good news is that we are going to have a \$400,000-\$500,000 surplus this year. It might be higher. If it gets to \$450,000 the projection that was made in the budget letter will turn out to be exactly correct. If that projection is correct the total surplus funds available effective January 1, 2023 would be \$1.5M. The roll over should be January 15, 2023. They expect to be working on the Annual Financial Statement by January 15th. The AFS is the bottom line truth of how the Borough operated in 2022. The annual tax sale is scheduled for the 16th but it might not happen.

BOROUGH ENGINEER REPORT

Ms. Raffay - reported that the Veterans Drive 2022 DOT project is complete. Paris/Livingston Streetscape lights are still not on. The Electrician is working with O&R. Clinton Avenue paving is finished. Riverside Coop next meeting is in January. They will be making a list of the roads to be paved. The emergency sewer contract starts December 1st. The CDBG Senior Center women’s bathroom grant was submitted today. It will take 9-10 months for a decision.

BOROUGH ATTORNEY REPORT

Ms. Rosendahl has items for closed session.

CLOSED SESSION – Mayor Marana asked for a motion and second to go into Closed Session. Action may be taken when we are back in open. Motion was made by Council President DeLisio and seconded by Councilman Devlin.

Action may not be taken upon return to open session.

RESOLUTION #2022-179

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

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.

Mayor Marana asked for a Roll Call Vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Yes	Councilwoman McMorrow	Yes

CLOSED SESSION – The Council went into Closed Session at 7:51 PM.

RETURN TO OPEN SESSION – The Council returned to Open Session at 8:09 PM.

Mayor Marana asked for a motion and second to approve Resolution #2022-180 to extend the contract with Interstate Waste Services. Motion made by Council President DeLisio, seconded by Councilman Devlin.

RESOLUTION #2022-180

TITLE: RESOLUTION AUTHORIZING MAYOR TO EXECUTE CONTRACT WITH INTERSTATE WASTE SERVICES OF NEW JERSEY, INC.

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications in accordance with the New Jersey Public Contracts Law, N.J.S.A.40A:11-1 et seq., and specifically N.J.S.A. 40A:11-23, the Borough of Northvale (the “Borough”) solicited bid proposals for Solid Waste Collection and Disposal Services, including collection of recyclable materials, for a five (5) year period; and

WHEREAS, by way of Resolution 2017-164 adopted December 26, 2017 by the Borough’s Governing Body, Miele Sanitation, Inc. was determined by the Borough to be the lowest complying and responsible bidder for the providing of Solid Waste Collection and Disposal Services, including collection of recyclable materials, and awarded a contract to Miele Sanitation, Inc. (the “Contract”) for a five (5) year period commencing January 1, 2018 and terminating December 31, 2022; and

WHEREAS, subsequent to the Borough awarding the Contract to Miele Sanitation, Inc., Interstate Waste Services of New Jersey, Inc. (“IWS”) entered into an agreement with Miele Sanitation, Inc. pursuant to which IWS assumed all rights and responsibilities in and to, among other things, the Contract, which assignment of the Contract to IWS was authorized by the Governing Body by Resolution 2018-66 adopted April 11, 2018 and IWS now provides Solid Waste Collection and Disposal Services, including collection of recyclable materials, to the Borough pursuant to the Contract; and

WHEREAS, the Governing Body of the Borough has determined that it is in the best interests of the Borough and its taxpayers and residents to extend the term of the Contract for a period of time not to exceed one hundred twenty (120) days (commencing January 1, 2023 and expiring May 1, 2023) on the same terms and conditions of the Contract, except for the following fee amounts which amend the fees currently being charged by IWS to the Borough for Year 5 of the Contract pursuant to Paragraph 3 of the Contract, which fees to be charged by IWS and to be paid by the Borough during the extension period as authorized by this Resolution shall not exceed the following sums:

Year	Solid Waste	Recyclables	Tipping Fees	TOTAL
2023 (For a Period Not to Exceed 120 Days Commencing January 1, 2023 and expiring May 1, 2023)	\$224,797.80	\$40,934.43	Included	\$265,732.23

; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15, the Borough finds that IWS has performed all services provided under the Contract in an effective and efficient manner; and

WHEREAS, the Borough has determined that the extending of the term of the Contract with IWS for Solid Waste Collection and Disposal Services, including collection of recyclable materials, for a period of time not to exceed one hundred twenty (120) days (commencing January 1, 2023 and expiring May 1, 2023) is necessary for the efficient operations of the Borough and is in the best interests of the Borough and its taxpayers and residents as the Borough requires additional time to finalize the and complete the public bidding process previously commenced for the awarding of a new contract in accordance with applicable law; and

WHEREAS, IWS has expressed to the Borough its willingness to enter into a contract with the Borough extending the term of the Contract for a period of time not to exceed one hundred twenty (120) days on the same terms and conditions of the Contract except for the amending of the fees for Year 5 of the Contract as said amended fees are identified in this Resolution.

NOW, THEREFORE BE IT RESOLVED, that the Mayor shall be and hereby is authorized and directed to execute the contract with Interstate Waste Services of New Jersey, Inc. in the form attached to this Resolution, extending the term of the Contract previously awarded by Resolution 2017-164 adopted by the Governing Body on December 26, 2017 for a period of time not to exceed one hundred twenty (120) days (commencing January 1, 2023 and expiring May 1, 2023) and amending the fees to be charged by Interstate Waste Services of New Jersey, Inc. pursuant thereto during the extension period, subject to any revisions thereto as may be recommended by legal counsel to the Borough of Northvale.

Mayor Marana asked for a Roll Call Vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Yes	Councilwoman McMorrow	Yes

ADJOURNMENT

Motion was made by Council President DeLisio, seconded by Councilman Hogan to adjourn the meeting at 8:12 PM. All were in favor to adjourn.

Patrick J. Marana

Mayor

ATTEST:

Frances M. Weston

Frances M. Weston
Municipal Clerk

Approved: December 27, 2022

