

MINUTES
Regular Council Meeting
Council Chambers
Monday, July 11, 2016
8:00pm

CALL THE MEETING TO ORDER

Council President Bromberg called the meeting to order at 8:00 pm in the Council Chambers located at 406 Rivervale Road, River Vale, New Jersey 07675.

SALUTE TO FLAG

Council President Bromberg asked all in attendance to rise and join him in a Salute to the Flag.

SUNSHINE LAW STATEMENT

Council President Bromberg read the Sunshine Statement into the record, as follows:

"In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the Municipal Office."

ROLL CALL

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg were present.

Also present: Mayor Glen Jasionowski, Business Administrator Gennaro Rotella, Township Attorney Silvana Raso, Township Engineer Christopher Statile and Township Clerk, Karen Campanelli.

Mayor's Comments

Mayor Jasionowski commented that there are two Boy Scouts attending this evenings meeting; both are working on their Government Citizenship badge. The Mayor also announced that the road paving program is starting tomorrow.

The Mayor reported that as everyone is aware they have been working on a plan for a new Police Department. Mayor Jasionowski and the Police Chief are also preparing a joint press release to update the public on the project. The Mayor would also like to have a public discussion on the subject and invite the firm that prepared the report. This would give the public the opportunity to ask any questions, show what the current Police Department looks like and the proposed new facility. The Mayor would like to hold the public discussion at the Holdrum School on September 26th. He would also like to have a separate meeting for the Council; possibly during a Work Session before the public meeting. Mayor Jasionowski is also going to schedule tours of the current Police Department for any members of the public interested in seeing the existing facility and the problems they are challenged with.

Council Comments

Councilman Ben-Yishay stated that the way the Mayor has mapped out the proposed Police Department is an excellent idea and very transparent. This gives the residents and opportunity to voice their support or concerns and to be involved.

Councilmembers Donovan, Sieg and Criscuolo had no comments this evening.

Council President Bromberg commented that in light of all that is going on; he wanted to voice their support their Police and all law enforcement and they are very appreciative of the job they do.

Administrator’s Report

Mr. Rotella announced that today for the first day of work for the Township’s new Treasurer and Deputy Tax Collector, Dawn Wheeler. Dawn took the place of Lauren Roehrer. He also reported that the tax rate has been struck and the tax bills aren’t printed yet but are now in the cue to be prepared. Mr. Rotella also announced that the band Flash Back of the Rat Pack will be performing on July 28th at the amphitheater.

Mayor Jasionowski announced that both Gennaro and Joanne have been working on and are very close to releasing a Facebook page for the Township. This is a great idea and way to get information out to the resident and to receive their comments.

Engineer’s Report

Mr. Statile reported that the Road resurfacing program is starting tomorrow and will take approximately 6 days to complete. Also, there are no start dates set for PSE&G’s gas main replacement projects on either Rivervale Road from Coopers to the Harrington Park border or on Montgomery Lane.

Mr. Statile next reported that Caroline Reiter, the Township Planner is currently working on updating the Master Plan. He anticipates the updates will be presented to the Planning Board at their July 18th meeting. Mr. Statile concluded with an update on pending grant applications.

1st Hearing of the Public

Motion by Councilman Criscuolo; second by Councilman Donovan to open the meeting to the public.

Bob Fortsch—511 Bernita Drive—Mr. Fortsch commented that Bergen Catholic held their 5th Cigar Night at the River Vale County Club. The event was well attended and made a nice profit as well. Mr. Fortsch added that Chief Giordano attended the event and would like to propose that Don Bosco hold a similar event. The Chief also suggested the possibility of combining with Bergen Catholic and making the golf competitive.

Mr. Fortsch also commented that the recently held Town wide Garage Sale was both a great idea and success.

There being no further questions or comments motion by Councilman Criscuolo; seconded by Councilman Donovan to close the meeting to the public.

RESOLUTIONS

Motion by Councilman Ben-Yishay; seconded by Councilwoman Sieg to approve Resolution #2016-156 as follows:

Resolution #2016-156

RESOLUTION APPROVING MINUTES MAY 23, 2016 REGULAR MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the May 23, 2016 Regular Meeting of the Township Council are hereby approved.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilwoman Sieg and Council President Bromberg voted yes. Councilmen Criscuolo and Donovan abstained.

Motion by Councilman Donovan; seconded by Councilwoman Sieg to approve Resolutions #2016-157 through 162 as a Consent Agenda as follows:

Resolution #2016-157

REFUND

(Camp Have Some Fun Registration Fee)

WHEREAS, the following residents have requested either a full or partial refund of the Camp Have Some Fun registration fee; and

WHEREAS, the Treasurer has certified the availability of funds in the Recreation Account.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that said refund are approved and the Treasurer is hereby authorized to issue municipal checks payable as follows:

Trish Tarna
600 Park Place
River Vale, NJ 07675

Joanna Karangis
536 Forest Drive
River Vale, NJ 07675

\$ 30.00

\$ 275.00

Resolution #2016-158

REFUND

(Golf Clinic)

WHEREAS, the following resident has requested a refund of the Golf Clinic registration fee; and

WHEREAS, the Treasurer has certified the availability of funds in the Golf Course Fees Account.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that said refund is approved and the Treasurer is hereby authorized to issue a municipal check payable as follows:

Trish Julis
608 Bernita Drive
River Vale, NJ 07675

\$ 199.00

Resolution #2016-159

RESOLUTION AMENDING FUNDS TRANSFER AGREEMENT

BE IT RESOLVED by the Township Council of the Township of River Vale that funds transfer agreement is hereby amended and the following officers of this Corporation are hereby authorized to enter into a Funds Transfer Agreement with Oritani Bank (the "Bank") for the transfer of funds by wire from account(s) of this Corporation at the Bank to any other account with the Bank or to an account at another bank, such agreement to contain such terms and conditions as may be mutually agreeable to the Bank and such officers, the execution thereof by any such officer to constitute conclusive evidence of the exercise of the discretion herein conferred:

<u>Name</u>	<u>Title</u>
Ada Vassallo	Tax Collector
Dawn Wheeler	Treasurer/Deputy Tax Collector
Karen Campanelli	Township Clerk

BE IT FURTHER RESOLVED, that the foregoing officers are hereby authorized to appoint and/or delete, from time to time, in their sole discretion, officers and/or employees of, or other persons to act on behalf of, this Corporation, to receive personal identification numbers and codes used to authenticate, requests or orders for the transfer of funds for this Corporation or to initiate such transfers in accordance with the aforesaid agreement or to otherwise act in accordance with the aforesaid agreement.

BE IT FURTHER RESOLVED, that the authority conferred herein shall continue in full force and effect until written notice of its revocation shall be received by the Bank, if by first class U.S. mail at the following address: 160 Broadway, Woodcliff Lake, New Jersey 07677 Attention: Manager, Funds Transfer Department; and

BE IT FURTHER RESOLVED, that the officers of this Corporation are hereby authorized to execute and deliver any amendments, exhibits or schedules to the aforesaid agreement and any and all instruments, certificates and other documents, and to take all such other actions, as are necessary advisable or appropriate to affect the foregoing resolutions.

Resolution #2016-160

RESOLUTION

REFUND OF TAX OVERPAYMENTS

WHEREAS, tax overpayments have been received for the 2nd quarter of 2016 and the property owners have requested a refund of said overpayments.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale, that the Treasurer is hereby authorized to issue municipal checks as follows:

- | | |
|---|---|
| 1. Block 302, Lot 9.01
667 Woodside Avenue
\$516.56

CoreLogic
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887 | \$3,211.48

CoreLogic
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887 |
| 2. Block 605, Lot 3
673 Orangeburg Rd
\$1,050.00

Barsoumian, Hagop & Shake
673 Orangeburg Road
River Vale, NJ 07675 | 6. Block 1301, Lot 2 Qual. CT111
111 Holiday Lane
\$2,147.81

CoreLogic
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887 |
| 3. Block 904, Lot 12
561 Prospect Avenue
\$4,118.40

CoreLogic
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887 | 7. Block 1301.01, Lot 2 Qual. C314A
521 Piermont Ave. Apt. 314
\$643.91

Lee, Sungkuk & Young sun
521 Piermont Ave. Apt. 314
River Vale, NJ 07675 |
| 4. Block 905, Lot 9
588 Baylor Avenue
\$2,641.50

CoreLogic
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887 | 8. Block 1301.01, Lot 2, C421A
521 Piermont Avenue Apt. 421
\$1,258.54

CoreLogic
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887 |
| 5. Block 1001.01, Lot 5
604 John Street | 9. Block 1702, Lot 24
570 Herrman Avenue
\$589.34

Ward, Florence |

570 Herrmann Avenue
River Vale, NJ 07675

110 Terbell Pkwy
\$5,405.09

10. Block 1710, Lot 17
234 Fondiller Street
\$559.33

CoreLogic
Refund Department
PO Box 961250

CoreLogic
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887

13. Block 2106, Lot 26.01
107 Ivy Lane
\$500.00

Enax, Elissa
107 Ivy Lane
River Vale, NJ 07675

11. Block 1714, Lot 2.02
239 Kociemba Drive
\$4,328.54

CoreLogic
Refund Department
PO Box 961250
Fort Worth, TX 76161-9887

14. Block 2206, Lot 10
637 Westwood Avenue
\$224.46

Stern, James & Doub, Jeannene
637 Westwood Avenue
River Vale, NJ 07675

12. Block 2106, Lot 3

Resolution #2016-161

RESOLUTION

**STATE TAX APPEAL
REFUND OF TAX OVERPAYMENTS**

WHEREAS, the property owner of 790 Mattner Court (Block 1901, Lot 33) were rendered a State Tax Appeal decision for a reduced assessment for the following years as follows:

<u>Year</u>	<u>Refund Amount</u>
2013	\$ 2,333.76
2014	\$ 2,378.78
2015	\$ 2,458.36
2016 (1 st & 2 nd Qtrs.)	\$ 1,229.18

And

WHEREAS, the property owner is requesting a refund for overpayment of their taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale, that the Treasurer is hereby authorized to issue a municipal check payable as follows:

“Mariniello & Mariniello, PC, Attorney Trust Account”

Joseph R. Mariniello, Jr., Esq.
265 Columbia Avenue
Fort Lee, NJ 07624

\$ 8,400.08

Resolution #2016-162

RESOLUTION
CHAPTER 159

WHEREAS, N.J.S.A. 40A:4087 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item has been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of River Vale hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$9,876.00 which is now available from the Bergen County Department of Health Services for the Township’s participation in the Alliance to Prevent Substance Abuse program.

BE IT FURTHER RESOLVED that the sum of \$ 9,876.00 is hereby appropriated under the caption of Public and Private Programs.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

Ordinances for 1st Reading

ORDINANCE #316-2016

Motion to Introduce: Councilman Criscuolo

Motion Seconded: Councilman Donovan

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 81 "VEHICLES AND TRAFFIC" ARTICLE II OF THE CODE ENTITLED "THROUGH STREETS AND STOP STREETS"

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 81 of the Code is amended as follows:

§ 81-6.2. Stop intersections.

A. The following described intersection is hereby designated as a stop intersection:

Intersection

Stop Sign on

Russell Snow and Thurnau Drive

Southeast corner of Russell Snow Drive at Thurnau Drive.

This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

Ordinances for 2nd Reading & Public Hearing

ORDINANCE #315-2016

Motion to Adopt: Councilman Criscuolo

Motion Seconded: Councilman Donovan

Motion by Councilman Ben-Yishay; seconded by Councilman Donovan to open the Public Hearing on Ordinance #315-2016.

There being no questions or comments. Motion by Councilman Criscuolo; seconded by Councilman Ben-Yishay to close the Public Hearing on Ordinance #315-2016.

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE REQUIRING THE REGISTRATION AND MAINTENANCE OF PROPERTIES THAT ARE VACANT OR IN FORECLOSURE

WHEREAS, The Township of River Vale contains properties which are vacant and/or abandoned in whole or large part; and

WHEREAS, in many cases, the owners or responsible parties of these properties are neglectful of them, are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned properties cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, the Township incurs disproportionate costs in order to deal with the problems of vacant and abandoned properties, including but not limited to , excessive police calls, fire calls and property inspections; and

WHEREAS, it is in the public interest for the Township to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned properties in order to protect the health, safety and general welfare of the residents of the Township; and

WHEREAS, it is in the public interest for the Township to impose a fee in conjunction with registration of vacant and abandoned properties in light of the disproportionate costs imposed on the Township by the presence of these properties; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.12s, a municipality may adopt an ordinance to regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned properties on which a summons and complaint in an action to foreclose has been filed; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of River Vale

Section 1. Purpose.

The provisions of this chapter to protect and preserve the public health, safety and welfare and security and quiet enjoyment of residents and neighborhoods by (i) requiring all property owners, including lenders, trustees and service companies to properly maintain vacant and/or foreclosing properties, and (ii) regulating the maintenance of vacant and/or foreclosing properties in order to prevent blighted and unsecured properties.

Section 2. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When consistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

"Township" means the Township of River Vale.

"Creditor" means the creditor having a right of foreclosure, including but not limited to the holder of a mortgage on a property, and any agent, servant or employee of the creditor, a loan servicing company,

or any successor in interest and/or assignee of the creditor's rights, interests or obligations under the document granting foreclosure rights.

"Days" mean consecutive calendar days.

"Foreclosing" means the legal process by which the creditor of a title holder of a parcel of property, which has been placed as collateral or security for a financial obligation, seeks to divest the title holder of his rights to the property and have the property sold at a sheriff's sale to satisfy the debt after the title holder defaults on the aforesaid financial obligation.

"Non-Residential Property" means any commercial, industrial and mixed-use real estate, or portion thereof, located in the Township of River Vale, including improvements thereon.

"Nuisance" means:

- a. Any nuisance known at common law or inequity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the Township
- b. Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, boats, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation, such as poison ivy, oak or sumac, which may prove to be a hazard for inquisitive minors.
- c. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.
- d. Insufficient ventilation or illumination in violation of this Code.
- e. Inadequate or unsanitary sewage or plumbing facilities in violation of this Code.
- f. Unsanitary conditions or anything offensive to the senses or dangerous to health in violation of this Code.
- g. Fire hazards.

"Owner" means any person who, alone or jointly with several others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or who shall have charge, care or control of any property unit as owner or agent of the owner, including but not limited to a lessee, executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a foreclosing mortgagee or mortgagee in possession, regardless of how that possession was obtained. Any person who is a lessee subletting or assigning any part of any property or property unit shall be deemed to be co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

"Property" means any real estate, including residential, commercial, industrial and mixed-use, or portion thereof, located in the Township of River Vale, including any improvements thereon.

"Residential property" means any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

"Security" means measures taken to ensure that the property is inaccessible to unauthorized persons.

"Vacant" means, with regard to any property, that no portion of the property is legally occupied. A property shall not be deemed "vacant," for purposes of this Ordinance: (a) where there is a building on the property containing multiple residential units, if any of the residential units are legally occupied; (b) where the legal occupant has temporarily left the property for vacation or other purposes for a period not exceeding 180 days, possessing both the intent to return and the legal right to return, such as a residential property owner or tenant who resides in another municipality or state for a portion of the year; or (c) where the building is under construction with current valid construction permits, and work is being performed on the property on a regular basis. A mixed-use property is considered "vacant" if the portion of the property dedicated to commercial use is not legally occupied even though one or more residential units may be legally occupied.

Section 3. Registration of vacant properties; designation of responsible individual.

- a. All owners of vacant residential property must register such vacant properties with the Township of River Vale Clerk within ten (10) days of such property becoming vacant. The registration must be renewed annually as set forth below for as long as the property remains vacant.
- b. All owners of vacant non-residential property must register such vacant properties with the Township of River Vale Clerk within thirty (30) days of such property becoming vacant. The registration must be renewed annually as set forth below for as long as the property remains vacant.
- c. Owners of vacant properties shall designate an individual or property management company responsible for the security and maintenance of the property. The individual or property management company responsible for the security and maintenance of the property shall have an office located in New Jersey within twenty five miles of the property.
- d. The registration required by this section must contain the following information:
 1. The owner's name, telephone number, and mailing address. The mailing address may not be a P.O. Box.
 2. The street address and tax map designation (lot and block) of the property,
 3. Whether the property is residential, non-residential, commercial or mixed use.
 4. The name, telephone number, e-mail address and mailing address of an individual or property management company located in the State of New Jersey which is responsible for the security and maintenance of the property. The mailing address may not be a P.O. Box.
 5. A statement from the owner certifying that the property was inspected as required by this Ordinance.
 6. Proof of utility (gas, electric, water) connections or disconnections.
 7. Proof of insurance meeting the requirements of Section 7(c) of this Ordinance.

- e. The owner shall have a continuing duty to notify the Township of any changes to the information contained in the registration between registration cycles.
- f. The Clerk of the Township of River Vale may promulgate forms on which the information in the registration must be provided.
- g. The owner must notify the Township of River Vale Clerk if, at any time subsequent to registration as a vacant property, the property is no longer vacant, and provide proof that the property is no longer vacant.

Section 4. Registration Fees for Vacant Properties.

- a. The initial registration fee for vacant residential property shall be five hundred dollars (\$500.00) and must accompany the registration form. The initial registration shall be valid for the remainder of the calendar year in which the property is registered. Renewals for subsequent calendar years shall run from January 1 to December 31, and payment of the renewal registration fee shall be due by January 15th of the relevant year. The fee for the first annual renewal shall be one thousand dollars (\$1,000.00); the fee for the second annual renewal shall be three thousand dollars (\$3,000.00); and the fee for the third and subsequent renewals shall be five thousand (\$5,000.00). Registration fees and renewal fees will not be prorated or refunded.
- b. No fee shall be charged at the time the owner registers vacant non-residential property with the Township. If a tenant is not secured for the registered vacant non-residential property within six (6) months of the date of registration of the vacant non-residential property, an initial registration fee of five hundred dollars (\$500.00) shall be charged to the owner. The initial registration shall be valid for the remainder of the calendar year in which the property is registered. Renewals for subsequent calendar years shall run from January 1 to December 31, and payment of the renewal registration fee shall be due by January 15th of the relevant year. The fee for the first annual renewal shall be one thousand dollars (\$1,000.00); the fee for the second annual renewal shall be three thousand dollars (\$3,000.00); and the fee for the third and subsequent renewals shall be five thousand (\$5,000.00). Registration fees and renewal fees will not be prorated or refunded.
- c. No governmental agency shall be required to pay the initial or renewal registration fee.

Section 5. Registration of foreclosing properties; designation of responsible individual.

- a. A creditor serving a summons and complaint in an action to foreclose on a mortgage or other lien against any property in this Township, including but not limited to residential property, shall, within 10 days of serving the summons and complaint, file a registration with the Township of River Vale Clerk. The registration must be renewed as set forth below until title to the property has been transferred to a new owner or the foreclosure action is dismissed. A creditor who

takes title to a vacant property shall then be required to register as an owner of such vacant property, and to renew such registration for as long as the property remains vacant.

- b. If the property is vacant or the creditor is located outside the State of New Jersey, the creditor must designate an individual or property management company responsible for the security and maintenance of the property. The individual or property management company responsible for the security and maintenance of the property shall have an office in New Jersey located within twenty five miles of the property.
- c. The registration shall contain the following information:
 - 1. The creditor's name, telephone number, e-mail address and mailing address. The mailing address may not be a P.O. Box.
 - 2. The street address and tax map designation (lot and block) of the property for which foreclosure has been sought.
 - 3. Whether the property is residential, non-residential, commercial or mixed use.
 - 4. The name, telephone number, e-mail address and mailing address of a designated representative of the creditor who is located in the State of New Jersey and is responsible for receiving complaints of property maintenance and code violations for that property. The mailing address may not be a P.O. Box.
 - 5. If the property is vacant, the name, telephone number, and mailing address of an individual or property management company located in the State of New Jersey which is responsible for the care, maintenance, security and upkeep of the property. The mailing address may not be a P.O. Box.
 - 6. If the property is vacant, a statement from the creditor certifying that the property was inspected as required by this Ordinance.
 - 7. If the property is vacant, proof of utility (gas, electric, water) connections or disconnections.
 - 8. If the property is vacant, proof of insurance meeting the requirements of Section 6(c) of this Ordinance.
- d. The creditor shall have a continuing duty to notify the Township of any changes to the information contained in the registration between registration cycles.
- e. The Township of River Vale Clerk may promulgate forms on which the information in the registration must be provided.
- f. Pursuant to N.J.S.A. 40:48-2.12s.c.(1), an out-of-State creditor's failure to appoint an in-State representative or agent for residential properties is subject to fines set forth in Section 10b of this Ordinance.
- g. Once the foreclosure action has terminated, either through dismissal, *or* transfer of title, the creditor must provide proof of such termination, sale, transfer or occupancy to the enforcement authority within thirty (30) days of sale, exchange or transfer.

Section 6. Registration Fees For Foreclosing Properties.

- a. The initial registration fee shall be five hundred dollars (\$500.00) and must accompany the registration form. The initial registration shall be valid for the remainder of the calendar year in which the property is registered. Renewals for subsequent calendar years shall run from January 1 to December 31, and payment of the renewal registration fee shall be due by January 15th of the relevant year. The fee for the first annual renewal shall be one thousand dollars (\$1,000.00); the fee for the second annual renewal shall be three thousand dollars (\$3,000.00); and the fee for the third and subsequent renewals shall be five thousand (\$5,000.00). Registration fees and renewal fees will not be prorated or refunded.
- b. No governmental agency shall be required to pay the initial or renewal registration fee.

Section 7. Maintenance requirements.

- a. Properties subject to the requirements of this Ordinance must be maintained in accordance with the all applicable federal, state and local laws, ordinances, rules and regulations. The owner, creditor, local individual or local property management company, as appropriate, must inspect the property twice a month for the duration of the vacancy or foreclosure as appropriate.
- b. In addition to, and not in lieu of meeting all other applicable federal, state, and local laws, ordinances, rules and regulations owners, creditors, local individual or local property management companies must maintain property that is subject to this chapter as follows:
 - i. Property shall be kept free of accumulated snow and ice, weeds, dry brush, dead vegetation, trash, junk, debris, building materials, unregistered vehicles, any accumulation of newspapers, circulars, flyers, notices (except those required by law), and discarded personal items including but not limited to furniture, clothing, large and small appliances, printed material or any other items giving the appearance that the property is vacant.
 - ii. Property shall be kept free of graffiti, tagging, or similar markings. In the event that any graffiti, tagging, or similar markings are placed on the Property, it/they shall either be removed or painted over with an exterior-grade paint matching the color of the portion of the structure where the graffiti, tagging, or similar marking was placed.
 - iii. Front yards, rear yards, and side yards of properties subject to the requirements of this Ordinance shall be landscaped and maintained to neighborhood standards. Landscaping and maintenance shall include, but is not limited to, care of grass, mulch, decorative rock, artificial turf/sod specifically designed for residential or commercial installation, or other ground cover, bushes, shrubs, hedges, trees, or similar plantings, removal or repair of gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar material, in addition to regular watering, irrigation, cutting, pruning and mowing of required vegetation and removal of all trimmings.
 - iv. Any pool, spa, or other standing body of water shall either be kept in working order so the water remains clear and free of growth, pollutants, and debris, and does not become a

harborage for vermin or insects; or drained and kept dry. In either case, properties with pools or spas must comply with the security fencing requirements of the Township.

- c. The owner of any vacant property shall acquire and maintain liability insurance covering injury or damage to any person or any property in not less than \$300,000 for residential buildings, and \$1,000,000 for non-residential buildings or property.
- d. The owner shall be responsible for property maintenance. However, if the owner of a property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a property is or becomes vacant at the time of or at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the property is found to be a nuisance or in violation of any applicable State or local code, the enforcement authority shall notify the creditor, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or Township ordinance. The enforcement authority shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of thirty (30) days (or ten (10) days if the violation presents an imminent threat to public health and safety) from the creditor's receipt of the notice for the creditor to remedy the violation. The issuance of a notice of violation pursuant to this section shall constitute proof that a property is "vacant and abandoned" for the purposes of N.J.S.A. 2A:50-73. If the creditor fails to remedy the violation within that time period, the Township may impose the penalties allowed for the violation of municipal ordinances pursuant to Section 10 of this Ordinance against the creditor to the same extent as they could be imposed against the owner of the property.
- e. Adherence to this Ordinance does not relieve the owner or creditor of obligations set forth in any other statute, regulation, ordinance, or other source of authority or obligation.

Section 8. Inspections.

The enforcement authority shall have the authority to inspect the properties subject to this chapter for compliance and to issue summonses for any violations.

Section 9. Enforcement.

Enforcement authority shall be vested in the River Vale Department of Administration (Mayor and/or Business Administrator), the River Vale Building Department, and the River Vale Department of Health, and their respective officials and inspectors. The River Vale Police Department and Department of Public Works shall also have enforcement authority with respect to this Ordinance. The Mayor and/or Business Administrator may also designate, when necessary, enforcement duties to other Township departments.

Section 10. Penalties.

- a. Violation of any of the terms of this Ordinance (except for those violations which pertain to out-of-State creditors set forth in Sections 10b and 10c of this Ordinance) shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor greater than two thousand dollars (\$2,000.00) per occurrence in addition to any registration fee or renewal fee that may be due

and owing. Each subsequent occurrence shall result in an increased penalty.

b. Pursuant to N.J.S.A. 40:48-2.12s.c.(1), an out-of-State creditor's failure to appoint an in-State representative or agent for residential properties within ten (10) days of the service of the foreclosure summons and complaint shall be subject to a fine of \$2,500.00 for each day of the violation.

c. Pursuant to N.J.S.A. 40:48-2.12s.c.(2), an out-of-State creditor's failure to correct a care, maintenance, security or upkeep violation on a residential property within thirty (30) days of service of the notice of violation (or ten (10) days if the violation presents an imminent threat to public health and safety) shall be subject to a fine of \$1,500.00 for each day of the violation.

Section 11. Township's authority to abate and impose lien.

Nothing contained herein shall prevent the Township from taking action to abate a nuisance or correct a violation where the owner or creditor, as applicable, has failed to abate the nuisance or correct the violation on a vacant property or a property in foreclosure after notice and the opportunity to abate or correct. In such situations, the Township may impose a lien against the property for costs to correct the violation or abate the nuisance. Such lien shall hereafter form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as such taxes to be collected and enforced by the same officers and in the same manner as such taxes.

Section 12. Governmental entities exempt.

No governmental entity shall be required to register under this Ordinance. However, nothing contained herein shall be construed as granting exemption to the governmental entity from property maintenance or other obligations imposed by any other statute, regulation, or ordinance.

Section 13. Implementation.

a. Upon the effective date of this Ordinance, the owner of any currently vacant property and a creditor pursuing a pending foreclosure shall have thirty (30) days within which to comply with the provisions of this Ordinance.

Section 14. Severability.

If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

Section 15. Repealer.

All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

Section 16. Effective Date.

This Ordinance shall take effect twenty days following adoption and publication in accordance with the laws of the State of New Jersey.

Section 17. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 18. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 19. This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes

2nd Hearing of the Public

Motion by Councilman Ben-Yishay; second by Councilman Donovan to open the meeting to the public.

There being no questions or comments from the public motion by Councilman Criscuolo; second by Councilman Donovan to close the meeting to the public.

ADJOURNMENT

Motion by Councilman Criscuolo; seconded by Councilman Ben-Yishay to adjourn the meeting at 8:30 pm.

ATTEST:
Karen Campanelli
Township Clerk

Council President
Mark Bromberg