

MINUTES
Regular Council Meeting
Council Chambers
Monday, September 12, 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, Township Attorney Silvana Raso, Township Engineer Christopher Statile, Township Clerk, Karen Campanelli and Code Enforcement Official Mike Sartori.

Mayor's Comments

Mayor Jasionowski commented that the he attended 9-11 Ceremony held last night. He was pleased to report that they had an excellent turn out and extended his thanks and appreciation to all those who participated. The Mayor next reported that he has requested that the Council President remove the resolution awarding recycling service from the agenda. He next gave his reason for removing the resolution. The Mayor explained that the Township went out to bid and only one (1) bid was received. He added that based on the one bid received; if the Township continued with single stream collection service the cost would go up 206% or roughly \$170,000. The Mayor further explained that if the Township decided to return to the dual stream collection service the cost would increase 110% or \$61,000. The Mayor doesn't feel this is quite right. He has requested that Gennaro contact our neighboring Towns regarding the recycling contracts they have in place and to setup a meeting with the company that did bid to help explain the large increase.

The Mayor next gave an update on the resident who requested a traffic light (at Prospect and Rivervale Road). The Mayor reiterated that the Traffic Officer and Chief of Police both reported that there is no need for a traffic light at that location. However, the resident still believes there is a need for a light. The Mayor has setup a meeting with the Traffic Officer, Chief of Police, himself and any residents to discuss further.

Mayor Jasionowski commented on the concerns of some residents regarding the sanctuary and properties on Poplar Road. In order to determine what can and cannot be done with regard to removing downed trees and making other modifications in these areas the Mayor met with various agencies including New Jersey Open Space, the Bergen County Audubon Society and Bergen Swan. He explained that it was made very clear that Township used the Open Space funds to buy and preserve these areas as a nature sanctuary. This includes making no disturbance to the landscape that would impact the wildlife or potentially harm the ecosystem. The Mayor has been advised by these agencies to not remove any of the downed trees and to only keep the walking paths clear.

Council Comments

Councilman Ben-Yishay had no comments.

Councilman Donovan echoed the Mayor's comments. He attended the 9-11 Memorial and he was very impressed with the turnout and it was particularly refreshing to see the amount of young people in attendance.

Councilwoman Sieg also attended the 9-11 ceremony and she too was very pleased to see the big turn out and all the young people with their families.

Councilman Criscuolo had no comments this evening.

Council President Bromberg has attended the 9-11 ceremony for the past several years and he too was pleased to see the large turn out this year. He added that it was great to see the community come out for this event.

Engineer's Report

Mr. Statile commented that dead trees are good for the habitat and do serve a purpose because birds feed on the insects in the trees.

Mr. Statile reported that they are finishing up the Road Program and completing the catch basin repairs. He and the Township Planner will be meeting with the Planning Board next Monday night to further discuss the Master Plan updates. At that time they will have draft language changes for the Planning Board review and approval. Mr. Statile plans on having a public hearing regarding these changes at the October 24th Planning Board meeting. Thereafter the changes would be presented to the Mayor and Council for their consideration and adoption.

Mr. Statile next gave a brief update on several pending grant applications; including the Open Space application for pond aerators at the Golf Course. He also plans on resubmitting a grant application for additional funding for the handicap renovations project of the Ambulance Corps restrooms. He also reported that the Cherrywood development is complete and the performance guarantee can be released and converted to a maintenance guarantee.

1st Hearing of the Public

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

~~Fred Epstein—625 Poplar Road~~—Mr. Epstein attended the last Council meeting. He commented that after the last meeting he contacted Paul Hummel who is a writer with a local paper. Also, the day after the meeting both Gennaro and Rich were outside his house and walked around his property. Mr. Epstein said they discussed what things could be done and overall it was a good conversation. He further commented that later that same day the DPW were working and cleaning up in the Sanctuary. Mr. Epstein added how wonderful it was to see this so he contacted Mr. Hummel about what happened. Mr. Epstein intention was to make things happier and closer between the residents and government. Unfortunately, that did not happen and the article it did not come across that positive. Mr. Epstein thanked the Mayor and Council and thinks they re great.

~~Paul Hummel—Pascaek Press~~—commented that he quoted Fred and exactly what he said at the meeting and it wasn't intended to be a negative article. Mr. Hummel added that he was on a deadline and unable to include that the DPW was on site the next day. He also tried to present both sides of the story, to be fair and unbiased.

Mr. Hummel further commented there will be an entirely new article based on the Mayor's report on what has transpired and Mr. Epstein comments this evening.

~~Chris Wahmann—611 Poplar Road~~—Mr. Wahmann asked the Mayor to repeat his comments regarding Poplar Road. The Mayor repeated his earlier comments to Mr. Wahmann adding that he is following the recommendations of State recognized experts.

Mr. Wahmann commented that he does not agree and that the Town should clean the property up so it looks nice. Mr. Wahmann commented that the various different parcels of property including the Sanctuary do not fall under the same precedent. He also suggested approaching the water company about maintaining their properties under Ordinance 316 and should be charged accordingly.

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

RESOLUTIONS

Motion by Councilman Ben-Yishay; seconded by Councilman Donovan to approve Resolutions #2016-191 through 198 as a Consent Agenda as follows:

Resolution #2016-191

RESOLUTION
REFUND OF TAX OVERPAYMENTS

WHEREAS, tax overpayments have been received for the 3rd 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 2206
Lot 12
\$6,253.99

Refund to:
Lakeland Bank
250 Oak Ridge Road
Oak Ridge, NJ 07438

2. Block 2001
Lot 16
\$3,430.68

Refund to:
Wells Fargo Real Estate Tax Services,
LLC
Attn: Refunds/Financial Support
1 Home Campus
CASH: MAC# X2302-04D
Des Moines, Iowa 50328-0001

3. Block 1714
Lot 51
\$2,822.23

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

4. Block 1710
Lot 6
\$2,941.56

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

5. Block 2206
Lot 7
\$2,947.15

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

6. Block 2101
Lot 46
\$2,675.56

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

Resolution #2016-192

REFUND

(First Friends Registration Fee)

WHEREAS, the following residents have requested a refund of the First Friends 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 refunds are approved and the Treasurer is hereby authorized to issue municipal checks payable as follows:

Veronica Cadoppi
580 Brook Avenue
River Vale, NJ 07675

\$ 75.00

Becky Yoon
155 Terbell Parkway
River Vale, NJ 07675

\$ 75.00

Resolution #2016-193

RESOLUTION

(Builders Escrow Release)

WHEREAS, the Eckerd Corp/Rite Aid had posted escrow as requested by the Planning Board for site improvements for the property located at 650 Westwood Avenue (Block 1719, Lots 3,4); and

WHEREAS, this project is complete and therefor the Escrow Deposit may be released.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the Escrow Deposit be released from the following account:

- **B-13-56-856-230 \$ 19,296.61**

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

Payable to:

“Rite Aid”

~~Mailing Address:~~
Rite Aid Hdqtrs & Subsidiaries
200 Newberry commons
Etters, PA 17319
Attn: Tina Noaker

\$ 19,296.61

Resolution #2016-194

**ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT GRANT APPLICATION FOR
2017-2018 SENIOR CITIZEN ACTIVITIES**

WHEREAS, a Bergen County Community Development grant of \$ 6,000 has been proposed by Township of River Vale for Senior Citizen Activities in the municipality of the Township of River Vale, and

WHEREAS, pursuant to the State of Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in best interest of the people of the Township of River Vale, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of aforesaid CD funds.

NOW, THEREFOR, BE IT RESOLVED that the Governing Body of the Township of River Vale hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Resolution #2016-195

**RESOLUTION AUTHORIZING A CONTRACT
LEAF DISPOSAL FACILITY 2016-2017**

WHEREAS, the Mayor and Council recognize the Township need for a facility to dispose of leaves collected each year; and

WHEREAS, as per *N.J.S.A. 40A:11-5(s)*, recycling contracts are not subject to public bidding requirements; and

WHEREAS, it is recommended that the Township award a contract to Organic Recycling, Inc., 117A Route 303, Tappan, New York 10983 at the following price for leaves that are delivered to their facility pursuant to their proposal:

**\$11.45 per cubic yard for compacted leaves
\$10.30 per cubic yard for loose leaves**

WHEREAS, the Chief Financial Officer has certified that funds are available in the Current Operating Account.

NOW THEREFORE BE RESOLVED by the Township Council of the Township of River Vale that the Business Administration/CFO is hereby authorized to execute a contract with Organic Recycling Inc., for the disposal of leaves for the term of October 2016 through February 2017.

Resolution #2016-196

**RESOLUTION APPROVING THE RAFFLE LICENSE FOR PARENTS GUILD IMMACULATE
CONCEPTION HIGH SCHOOL**

BE IT RESOLVED that the following license to conduct an off premises 50/50 raffle is issued to:

NAME: Parents Guild Immaculate Conception HS
258 South Main Street
Lodi, NJ 07644

LOCATION OF RAFFLE: Florentine Gardens
97 Rivervale Road
River Vale, NJ 07675

DATE OF RAFFLE: October 26, 2016 (6:30pm to 10:00pm)

I.D. #: 263-5-5856

RAFFLE LICENSE: RL 473

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Resolution #2016-197

RESOLUTION

(Soil Moving Escrow Refund)

WHEREAS, the resident of 608 New Street (Bl 1401, Lt 15) had posted escrow for a soil moving permit as requested by the Township Engineer; and

WHEREAS, the resident has decided to not move forward with this project and therefore the escrow may be released.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the Escrow Deposit be released.

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that the Treasurer is hereby directed to issue a municipal check as follows:

Payable to:

“Adriana Corso”

Mailing Address:

608 New Street
River Vale, NJ 07675
\$ 120.00

Resolution #2016-198

RESOLUTION

(Release Performance Guarantee)

WHEREAS, the developer Renaissance of Upper Saddle River, LLC had posted escrow as requested by the Planning Board for a Subdivision located at 517 Brook Avenue (Block 1501.02, Lot 2); and

WHEREAS, the Township Engineer has determined that all required site improvements are complete and therefor the Performance Guarantee may be released.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the Escrow Deposits be released from the following account(s):

- **B-13-56-856-260 \$ 29,515.55**
- **P-13-56-858-350 \$ 895.58**
- **S-13-56-585-493 \$ 323.00**

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

Payable to:

“Renaissance of Upper Saddle River, LLC”

Mailing Address:
519 Brook Avenue
River Vale, NJ 07675
Attn: John Gloria
\$ 30,734.13

ROLL CALL VOTE

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

Ordinances for 1st Reading

ORDINANCE #318-2016

Motion to Introduce: Councilman Donovan

Second: Councilman Ben-Yishay

AN ORDINANCE AMENDING AND ADJUSTING MUNICIPAL CLASS POSITION TITLES AND SALARY RANGES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF RIVER VALE

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF RIVER VALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY, as follows, until a subsequent salary ordinance is adopted:

Section 1. The salary ranges per annum for the following officer(s) and employee(s) of the Township of River Vale in the Classified Service (staff) shall be as follows:

Human Resources Coordinator	\$1.00 - \$5,000
Municipal Tax Collector	\$45,000 - \$51,590
Municipal Deputy Tax Collector	\$1.00 - \$5,000
Treasurer	\$50,000 - \$72,000

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.

ORDINANCE #319-2016

~~Motion to Introduce:~~ Councilman Donovan

~~Second:~~ Councilman Criscuolo

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, COUNTY OF BERGEN NEW JERSEY AMENDING CHAPTER 43 OF THE CODE ENTITLED "AFFORDABLE HOUSING" ARTICLE II DEVELOPMENT FEES

1. Purpose

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low-and moderate-income housing. This ordinance shall be interpreted within the framework of the Superior Court of New Jersey's rulings on development fees.

2. Basic requirements

- a) The Township of River Vale shall not spend development fees until the Superior Court has approved a plan for spending such fees.

3. Definitions

a) The following terms, as used in this ordinance, shall have the following meanings:

i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

ii. "COAH" means the New Jersey Council on Affordable Housing.

iii. "Development fee" means funds paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

iv. "Equalized assessed value" means the value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal tax assessor.

v. The Superior Court of New Jersey means the court with jurisdiction over the Township's affordable housing development and obligation.

4. Residential Development fees

a) Within the A, A-1, B, PRD and SHD Residential Zoning Districts, residential developers shall pay a fee of 1 percent of the equalized assessed value for residential development, provided no increased density is permitted.

b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6 percent of the equalized assessed value for each additional unit that may be realized. **If the zoning on a site has changed during the two-year period preceding the filing of the "d" variance application, the base density for the purpose of calculating the bonus developments fee shall be the highest density permitted by right during the two-year period filing of the "d" variance application.**

5. Non-residential Development fees

a) Within the C, PO and EO Zoning Districts, non-residential developers shall pay a fee of 2 percent of the equalized assessed value for non-residential development.

b) If an increase in floor area ratio is approved pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6 percent of the equalized assessed value for non-residential development. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application,

the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.

6. Eligible exactions, ineligible exactions and exemptions

a) Affordable housing developments shall be exempt from development fees. All other forms of new construction shall be subject to development fees.

b) Developments that have received preliminary or final approval prior to the imposition of a municipal development fee shall be exempt from development fees unless the developer seeks a substantial change in the approval.

7. Collection of fees

a) Fifty percent of the development fee will be collected at the time of issuance of the building permit. The remaining portion will be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

8. Contested fees

a) Imposed and collected development fees that are challenged shall be placed in an interest bearing escrow account by the Township of River Vale. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

9. Affordable Housing trust fund

a) There is hereby created a separate, interest-bearing housing trust fund in a depository designated by the Township for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this ordinance shall be deposited into this fund.

b) Within seven days from the opening of the trust fund account, the Township of River Vale shall provide the Superior Court with written authorization, in the form of a three-party escrow agreement between the municipality, the depository, and the Superior Court to permit the Superior Court to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).

- c) No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by the Superior Court. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Superior Court.

10. Use of funds

- a) Funds deposited in the housing trust fund may be used for any activity approved by the Superior Court to address the municipal fair share. Such activities include, but are not limited to: rehabilitation, new construction, RCAs subject to the provisions of N.J.A.C. 5:94-4.4(d), ECHO housing, purchase of land for affordable housing, improvement of land to be used for affordable housing, purchase of housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the Housing Element and Fair Share Plan. The expenditure of all funds shall conform to a spending plan approved by the Superior Court.
- b) Funds shall not be expended to reimburse the Township of River Vale for past housing activities.
- c) After subtracting development fees collected to finance an RCA, a rehabilitation program or a new construction project that are necessary to address the Township of River Vale affordable housing obligation, at least 30 percent of the balance remaining shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, and rental assistance.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the third round municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle River Vale to bonus credits pursuant to N.J.A.C. 5:94-4.22.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

- d) The Township of River Vale may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.
- e) No more than 20 percent of the revenues collected from development fees each year, exclusive of the fees used to fund an RCA, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Superior Court's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

11. Monitoring

- a) The Township of River Vale shall complete and return to the Superior Court all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls, and the expenditure of revenues and implementation of the plan certified by the Superior Court. All monitoring reports shall be completed on forms designed by the Superior Court.

12. Ongoing collection of fees

- a) The ability for the Township of River Vale to impose, collect and expend development fees shall expire with its substantive certification on July 26, 2015 unless the Township of River Vale has filed an adopted Housing Element and Fair Share Plan with the Superior Court, has petitioned for substantive certification, and has received the Superior Court's approval of its development fee ordinance. If the Township of River Vale fails to renew its ability to impose and collect development fees prior to July 26, 2015, it may resume the imposition and collection of development fees only by complying with the requirements of N.J.A.C. 5:94-6. The Township of River Vale shall not impose a development fee on a development that receives preliminary or final approval after the expiration of its substantive certification on July 26, 2015, nor will the Township of River Vale retroactively impose a development fee on such a development. The Township of River Vale will not expend development fees after the expiration of its substantive certification on July 26, 2015.

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 and Public Hearing

ORDINANCE #316-2016

~~Motion to Adopt:~~ Councilman Criscuolo

~~Second:~~ Councilwoman Sieg

Motion by Councilman Ben-Yishay; seconded by Councilman Criscuolo to open the Public Hearing on Ordinance #316-2016.

There being no questions or comments. Motion by Councilman Criscuolo; seconded by Councilman Ben-Yishay to close the Public Hearing on Ordinance #316-2016.

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 and Councilwoman Sieg voted yes. Council President Bromberg voted no.

ORDINANCE #317-2016

~~Motion to Adopt:~~ Councilman Donovan

~~Second:~~ Councilman Ben-Yishay

Motion by Councilman Criscuolo; seconded by Councilman Ben-Yishay to open the Public Hearing on Ordinance #317-2016.

There being no questions or comments. Motion by Councilman Criscuolo; seconded by Councilman Donovan to close the Public Hearing on Ordinance #317-2016.

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 18 OF THE CODE ENTITLED "FIRE DEPARTMENT BYLAWS"

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 18 of the Code is amended as follows:

ARTICLE I. Name

§ 18-1. Name of Department.

The name of this organization shall be the "River Vale Volunteer Fire Department," located at 330 River Vale Road, River Vale, New Jersey. It is referred to in the following as "this Department" or as "the Department."

ARTICLE II. Purpose

§ 18-2. Purpose of Department.

The purpose of this Department shall be the protection of life and property from fire and other emergencies and the procuring of personnel.

ARTICLE III. Members

§ 18-3. Composition of Department.

This Department shall consist of active, probationary, inactive, exempt, honorary and active life members.

§ 18-4. Qualifications of active members.

A.

An active member in good standing shall be:

(1)

A citizen of the United States;

(2)

A resident for at least six months prior to his/her application:

(a)

Of the Township of River Vale, New Jersey; or

(b)

Of a surrounding township in the State of New Jersey and residing no more than three miles from a Department firehouse;

(3)

Able to read and write the English language;

(4)

At least 18 years of age with proof of birth;

(5)

Able to pass the state physical examination; and

(6)

Fingerprinted and investigated by the River Vale Police Department.

B.

During the period commencing October 1st of each year through September 30th of the subsequent year, active members in good standing shall be required to:

(1)

Accept a minimum of 60% of all calls per year;

(2)

Attend a minimum of 6 Chief's Report meetings per year; and

(3)

Participate in a minimum of 10 drills per year.

C.

Any active member not attending at least 30% of fire calls (October 1 of the preceding year to September

30 of the current year) will be dropped from membership in the River Vale Volunteer Fire Department.

D.

Each year that an active member meets the criteria set forth in subsection B shall be counted toward that member's active life membership.

§ 18-5. Application for membership.

Each application for active membership shall be made in writing using the state standard form. The application shall be forwarded to the membership committee, and, upon favorable report of same at the monthly meeting of the Board of Fire Officers, the applicant shall be recommended to the Mayor for the appointment as a probationary firefighter for a period of not less than one year.

§ 18-6. Probationary members.

A probationary member shall be an individual whose membership has been conditionally accepted by the Board of Fire Officers but has not completed the necessary fire courses. Upon appointment as a probationary firefighter by the Mayor, the member must meet the requirements of an active member, but he/she will not be eligible to vote, nominate, hold office or become a qualified driver. Upon determination by the Board of Fire Officers that a probationary member has satisfactorily completed Firefighter I and any other required courses at the Bergen County Police and Fire Academy or equivalent, and his/her probationary period, he/she shall be accepted as an active member.

§ 18-7. Inactive members.

A.

Any active member in good standing may request to be put on the inactive membership list. This request must be made in writing and submitted to the Board of Fire Officers. The Board of Fire Officers will make a determination whether the request is justified, on a case-by-case basis, before or during its next meeting.

B.

The Board of Fire Officers may grant an active member inactive membership for a period of up to six months. At this time, the member on inactive status may request in writing an extension or further extension of up to six months.

C.

No member shall be granted inactive membership for a period exceeding 12 months unless said member has:

(1)

Been a member in good standing for a period of three years prior to his/her request;

(2)

Is actively serving in the military; or

(3)

Is enrolled in an accredited college or higher educational program and is actively working in furtherance of obtaining a degree.

D.

An inactive member may attend meetings and answer fire alarms.

E.

An inactive member is not required to attend his/her specified percentage of fires or meetings until he/she returns to the active list.

F.

An inactive member may not nominate or vote for any line officers of the active Fire Department nor shall such member be permitted to hold office.

G.

An inactive member may request to be returned to the active list at any time during his/her inactive membership. This request shall be made in writing and shall be presented to the Board of Fire Officers for their acceptance or rejection.

§ 18-8. Exempt members.

An exempt membership to the Department shall be available, in accordance with the requirements of the laws of the State of New Jersey, to any person who shall be an active member of the Department at the time of his/her application. No member of the Department shall be granted a certificate as an exempt firefighter unless evidence is presented, sufficient in law to justify such issuance. Any active member joining that is over the state-required age will be granted exempt status through the Mayor after completion of all state requirements for exempt status.

§ 18-9. Honorary members.

Honorary membership to the Department shall be available, by election by the members of the Department, to any person for outstanding service to the Department. Such election shall require

a favorable vote of at least 3/4 of the members present at a regular meeting.

§ 18-10. Active life members.

Upon service in the River Vale Fire Department for a period of not less than 20 years, as an active member in good standing, said member shall be reclassified as an "active life member" who shall enjoy the privileges of an active member, but shall not be required to attend fire calls or drills. All requirements set forth in section 18-4 must be met in order for active life members to nominate members for office, vote for members to hold or hold office himself or herself.

§ 18-10.1. Civilian defense members.

A civilian defense membership to the Department shall be available to allow the recruitment and retention of trained firefighters from other municipalities within the State of New Jersey who either work or live in the Township of River Vale. A civilian defense member shall be required to comply with the following conditions:

A.

A civilian defense member must meet all qualifications for active membership as detailed in § 18-4 (Qualifications of active members).

B.

A civilian defense member must be an active member in good standing of another New Jersey fire department in order to apply to be a civilian defense member and must provide written proof from the department that holds his/her New Jersey State firefighter's line number at the time of application. In addition, the applicant must provide a complete copy of his/her records from the department holding his/her New Jersey State firefighter's line number during the application period to the River Vale Fire Department Investigative Committee.

C.

A civilian defense member is not required to attend his/her specified percentage of fire calls or meetings in the Township of River Vale. However, said member shall be required to maintain his/her good standing with the department that holds his/her New Jersey State firefighter's line number and must provide annual proof of same to the Board of Fire Officers.

D.

A civilian defense member may not nominate or vote for any line officers of the active Fire Department.

E.

A civilian defense member may not be nominated or run for any officer position in the active Fire Department.

ARTICLE IV. Board of Fire Officers

§ 18-11. Members.

Members of the Board of Fire Officers shall consist of a Chief, Deputy Chief, one Senior Captain, one Captain and a Lieutenant for each line apparatus, and such other officers of the Fire Department as shall be provided pursuant to ordinance.

§ 18-12. Members ex officio.

The members ex officio of the Board shall be the President of the River Vale Fire Department Association and Fire Marshal.

§ 18-13. Regular meetings.

The Board shall hold regular monthly meetings; the time, date and place to be determined by the Board Chairman with the approval of the majority of the Board members, and the Board may hold special meetings upon notice as hereinafter provided.

§ 18-14. Special meetings.

Special meetings may be called at the discretion of the Chairman of the Board, and are intended to address unforeseen circumstances, including emergency or death in the Department, where an immediate decision is required to ensure the proper operation of the Department.

§ 18-15. Quorum.

A quorum shall consist of no less than a majority of the qualified members in order that business may be transacted at either regular or special meetings.

§ 18-16. Rules of procedure for regular and special meetings.

A.

For all regular and special meetings, the Chief shall automatically be Chairman of the Board and, in his/her absence, the Board shall be chaired by the Deputy Chief. In the case where both the Chief and Deputy Chief are unavailable, and a special meeting is necessary, the next available senior officer will act as Chairman of the Board. No regular meeting may be held in the absence of the Chief and the Deputy Chief. One member of the Board shall be designated by the Chairman as Secretary to keep complete records of all regular and special meetings.

B.

Transaction of business at all regular Board meetings shall proceed in the following order:

(1)

Reading of the minutes.

(2)

Reading of communications.

(3)

Chiefs report.

(a)

Department conditions.

(b)

New members.

(c)

Grievances.

(4)

Reports of committees.

(5)

Unfinished business.

(6)

New business.

(7)

Good of the Department.

(8)

Adjournment.

C.

Transaction of business at all special meetings shall proceed in the following order:

(1)

Report as to the purpose of the meeting.

(2)

Transaction of business for which the meeting was called.

(3)

Adjournment.

D.

A majority vote of Board members shall be required to pass any and all Board decisions.

E.

Meetings shall be conducted in accordance with all applicable State and local laws, regulations and ordinances.

§ 18-17. Interpretation of code.

Any question as to the interpretation, intention or meaning of this Code or Code of Control of the River Vale Volunteer Fire Department, or any parts hereof, shall be determined by a majority vote of the members of the Board, at any regular meeting, provided a quorum is present. Any decision shall be transmitted to the active Department at its next regular meeting and a copy retained in a separate file for future reference. It shall be the duty of every member of the Board to respect and enforce the Code to the best of said member's ability in order that the Board may operate efficiently and in order to ensure that the Department shall function with due regularity and maximum performance.

§ 18-18. Duties.

Duties shall be as follows:

A.

To formulate, prepare and effect a code for the control and management of the River Vale Volunteer Fire Department.

B.

To determine and recommend exemption certificates for members of the Fire Department who have served the time prescribed by law and have performed the yearly fire duty required of them for a period equal in years to the number of years required by the laws of the State of New Jersey.

C.

To prepare and formulate necessary rules and regulations for Board procedures as it may deem necessary, within the guidelines laid down herein.

D.

To prescribe and determine procedure for the election of departmental officers, determine qualification for office and report the results of elections through the Chief and/or Director of Fire to the Mayor for his approval.

E.

The Chairman of the Board shall appoint from the active Fire Department membership, members to serve on all existing committees. In addition, the Chairman may create any committees which the Chairman deems necessary to assist the Board.

F.

The Chairman shall appoint two active Ex-Chiefs, one exempt member, and two at large members to serve on the five member Grievance Committee. Current members of the Board shall not serve on the Grievance Committee.

G.

To appoint three active members from the active membership of the Department to serve on the Membership Committee.

H.

To have sole jurisdiction in the assignment of members to serve fire stations and on fire apparatus.

I.

To appoint a member of the Fire Department to maintain records of members' percentages.

§ 18-19. Voting requirements.

In determining decisions to be made by the Board of Fire Officers, a majority vote shall be required, provided that a quorum is in attendance, at any regular or special meeting, and the said members of the Board of Fire Officers, in order to qualify to have their vote valid and effective, must be active and qualified members entitled to vote in the River Vale Volunteer Fire Department.

§ 18-20. Grievance process.

A.

All grievances against any elected officer or a member must be submitted to the Chief in writing and signed by a member or members in good standing, or brought by the Chief directly. The Chief will review the filed grievance and, based on the supporting evidence and seriousness of the alleged grievance, can immediately impose a temporary suspension of a member's active status of up to 90 days or until final disposition of the grievance by the Grievance Committee or the Board of Fire Officers (if appealed). The member may not attend meetings or serve at fires until the final outcome of the charges is determined and made known to him in writing. If no temporary suspension is ordered, the accused shall be entitled to continue as an active member of the Department in all respects. The Chief's action is not subject to appeal.

B.

If the seriousness of the alleged grievances merit a letter of reprimand, additional suspension time greater than 90 days, or termination of membership, the Chief must submit the written grievance and a request for review to the Grievance Committee. The Grievance Committee will meet as soon as practicable to review the merits of the charges, and take, by majority vote, one of the following actions:

(1)

Dismiss the grievance: This action automatically returns the member to active status, removes any letters of reprimand related to the grievance that were filed against the member, and credits the member for all missed fire calls, drills and mandatory meetings while suspended;

(2)

Find that the grievance is justified and impose additional penalties, if warranted; or

(3)

Find that the grievance is justified, and modify penalties imposed.

C.

Appeals to the Board of Fire Officers.

(1)

The member aggrieved by the decision and penalty of the Grievance Committee can appeal said decision and penalty to the Board of Fire Officers. Such appeal shall be taken by filing a written appeal to the Board of Fire Officers within 10 days after notice of the decision by the Grievance Committee.

(2)

Upon receipt of the written notice of appeal, the Board of Fire Officers shall schedule a time and date to review the findings of the Grievance Committee as soon as practicable, and must give adequate notice (at least seven days) to the member appealing the decision of the Grievance Committee of the date and time of the review.

(3)

The Board of Fire Officers will, by majority vote, affirm, overturn, or modify the decision of the Grievance Committee.

(4)

The accused may appeal the decision of the Board of Fire Officers to the Mayor within 10 days in writing directed to the Township Clerk. The determination both as to the charges and penalty shall be consistent with the rules and procedures of the Office of the Mayor and decided by said Mayor, and the Mayor's decision shall be final.

(5)

In the event an alleged grievance is found to be unjustified by the Grievance Committee, the

Board of Fire Officers or the Office of the Mayor, then he/she shall be immediately entitled to resume all rights and privileges as a member of the Department in the event suspension has occurred, or, in the event of no suspension, his/her status shall be that of a member in good standing as though no charges had been brought.

D.

Penalties. The Grievance Committee and Board of Fire Officers shall have the authority and the right:

(1)

To suspend for any term and in any manner any member against whom valid grievances have been filed. In the event said member is suspended, he/she shall remain inactive and may not attend meetings or serve at fires and any compensation from the Township shall cease as of the date of his/her suspension;

(2)

To order the removal from Department membership of any member against whom valid grievances have been filed. In the event of discharge of a member of the Department, the member shall no longer be entitled to the rights and privileges of a member of the Department and all compensation shall cease as of the date of discharge;

(3)

To submit letters of reprimand into any member's personnel file against whom valid grievances have been filed.

ARTICLE V. Election of Officers

§ 18-21. Officers enumerated.

The following line officers shall be elected for a term of one year at the regular Department meeting in the month of November:

A.

Chief.

B.

Deputy Chief.

C.

Two Captains-at-large, one senior.

D.

One Lieutenant for each piece of fire apparatus.

§ 18-22. Nominations.

A.

At the Chief's Report meeting held in the month of October, active members in good standing shall nominate members to fill the offices of Chief, Deputy Chief, Captain-at-large and Lieutenant in accordance with the requirements of this Code and subject to the qualifications set forth in Section 18-27 of this Code.

B.

No nomination will be considered after the close of the October Chief's Report meeting.

C.

The incumbent Deputy Chief shall be permitted to run for the office of Chief without the need of a formal nomination from other active members in good standing.

D.

Members shall not run for more than one office. A member must accept his or her nomination by letter submitted to the Chairman of the Board or in person at the October Chief's Report meeting. Nominations not accepted at the conclusion of the nominations portion of the Chief's Report meeting shall be disregarded.

§ 18-23. Notice of election.

The Board shall notify all Department members of the date, time and place of said election at least five days prior to the election.

§ 18-24. Balloting.

All elections shall be by a plurality of ballots cast and shall be by secret ballot. Absentee ballots may be cast according to rules prescribed by the Board of Fire Officers.

§ 18-25. Nominations to fill vacancies.

If any office shall be vacated by death, resignation or otherwise, the Board of Fire Officers shall call a special election. Nominations shall be made to the Board of Fire Officers at a meeting to

be held at least five days before the date set in the notice of the special election meeting.

§ 18-26. Rerun in case of tie.

If no candidate for an office receives a plurality of ballots cast, an immediate rerun election shall be held between all candidates receiving an equal number of votes. Absentee ballots will be considered on all rerun elections.

§ 18-27. Qualifications.

A.

No member shall be eligible to hold office of Chief or Deputy Chief, unless he/she shall have at least five years of active fire duty, including at least one year in office as Captain.

B.

No member shall be eligible to hold the office of Captain unless he/she shall have served satisfactorily as a Lieutenant at least one year active fire duty.

C.

No member shall be eligible to hold the office of Lieutenant unless he/she shall have at least two years active fire duty, said period to include all probationary periods, and have completed the course in Firefighter I and any other municipal, county, state, or federally required officer training courses conducted by the Bergen County Fire Academy or other municipal, county, state or federal agency.

D.

Members running for office must be qualified drivers of any apparatus operated by such office for a period of at least six months prior to running for office.

§ 18-28. Appointment to fill vacancy.

The Board of Fire Officers may appoint, in the event of a vacancy in office, a member not fully qualified, to fill said office, for a period of 90 days. The Board of Fire Officers can continue to reappoint a member not fully qualified until the vacancy is filled through regular or special election.

ARTICLE VI. Installation of Officers

§ 18-29. When installation takes place.

The duly elected officers will assume their duties on January 1 of each year at 0001 hours (12:01 a.m.).

Article VII. Duties of Officers

§ 18-30. Chief.

A.

The Chief shall have exclusive control and supervision at all fires, Department inspections, drills and reviews or other fire duties.

B.

The Chief shall also have supervision of all fire equipment, of all officers and members of the Department.

C.

The Chief shall hold the members and officers of the Department strictly to account for neglect of duties, and may suspend any member or officer at any time for refusing to obey orders or for any reason that would promote discord or decrease efficiency in the Department.

D.

The Chief shall enforce rules and regulations of the Department.

E.

The Chief shall have crews drill on fire duty as often as he/she deems necessary.

F.

The Chief shall hold at least one drill each month.

G.

The Chief shall check and report to the proper authority all faulty hydrant conditions.

H.

The Chief shall be required to select and submit to the Department and the Township the names of all drivers of apparatus during his/her term in office and in this respect, for purposes, among others, of being that of securing insurance coverage for said appointed drivers.

I.

The Chief shall be the Chief Executive Officer of the Department.

J.

The Chief shall appoint the Purchasing and Budget Officer, to maintain proper records and

provide monthly reports of budget and purchasing matters to the Chief.

K.

The Chief shall appoint a Training Officer and a Radio Officer. At the end of their terms of office, both the Radio and Training Officers shall surrender all properties of the Department to their successors in office.

L.

The Chief shall appoint a Board Secretary from the Board of Fire Officers to prepare the official minutes during all regular and special meetings.

M.

At the conclusion of his or her term in office, the Chief shall surrender all Department property to his or her successor.

§ 18-31. Deputy Chief.

A.

The Deputy Chief shall perform the duties of the Chief in the absence of the Chief and such other duties prescribed by departmental rules.

B.

At the conclusion of his or her term in office, the Deputy Chief shall surrender all Department property to his or her successor.

§ 18-32. Captain.

A.

The Captains shall be assigned to a fire station. The fire station to which they are assigned shall be at the discretion of the Chief.

B.

Each Captain shall be responsible for the fire apparatus and all Department equipment assigned to his/her fire station.

C.

It shall be the duty of each Captain to see that the truck room is always kept clean and in perfect order and to assume charge of his/her respective apparatus and other appliances pertaining thereto so that they are in complete order and working condition.

D.

At every alarm of fire or emergency, each Captain is responsible for those firefighters under his/her command and to ensure that each firefighter does his/her duty.

E.

Each Captain shall obtain the discharge of his/her station from the Chief or officer acting as Chief after the fire has been extinguished and the roll called.

F.

Each Captain shall maintain the discipline of the station under his/her command and instruct the members in their duties.

G.

Each Captain shall carry out the orders of the Chief or officer acting as Chief.

H.

Each Captain shall report to the Chief at the time of duty at fires, the conditions thereof and the conditions relating to positions assigned and shall make recommendations where needed to more effectively control said fire.

I.

At the conclusion of his or her term in office, the Captain shall surrender all Department property to his or her successor.

§ 18-33. Lieutenants.

A.

Lieutenants shall be obligated to encourage the members in performance of duties and enforce all orders given by active officers senior in rank.

B.

It shall be the duty of each Lieutenant on his/her respective apparatus to properly instruct the persons assigned to that apparatus in the use of the equipment and appliances and to recommend qualified drivers to the Chief.

C.

At the conclusion of his or her term in office, the Lieutenant shall surrender all Department property to his or her successor.

§ 18-34. Temporary officers.

At an alarm of fire, the first officer to arrive at the fire acts as Chief and performs the duties of Chief until his/her superior arrives. If no officer arrives, then the drivers of each truck shall take charge until an officer arrives. If no officers arrive, then the drivers shall continue in charge until the fire is extinguished.

§ 18-38. Fire Police.

The Department can designate Fire Police to assist at the scene of an alarm, active fire, accident, or other emergency, consistent with state 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 Criscuolo; second by Councilwoman Sieg to open the meeting to the public.

~~Fred Epstein - 625 Poplar Road~~ - Mr. Epstein commented that these areas are open to the public and could possibly be dangerous.

~~Chris Wahmann - 611 Poplar Road~~ - Mr. Wahmann asked the Governing Body if they would mind if he went to the JIF and requested that they check the properties and the insurance as to whether the Township has a liability to clean up the properties. Mr. Wahmann further offered to go to the JIF, the County and the County Prosecutors office.

The Township Attorney stated that any member of the public may speak to anyone they wish. However that member of the public may do so on their own behalf and not as a representative of the Township.

There being no further questions or comments from the public motion by Councilman Criscuolo; second by Councilman Ben-Yishay to close the meeting to the public.

Construction Code Official Report

Council President Bromberg announced that Code Official Mike Sartori is present this evening to discuss some issues in Town and possible solutions.

Mike Sartori distributed photos to the Council of a particular property taken from neighboring properties. Mr. Sartori requested assistance from the professionals both legal and engineering to help determine how the property got to where it is today and how to bring it back into compliance.

Mr. Sartori is at a loss as to what to do. Council President Bromberg clarified that the first issue is a commercial property on Rivervale Road with noise, fumes and congestion concerns. The property is being used to store large commercial trucks. Mr. Sartori added that the trucks are being started and left idling in the early morning hours and it is affecting the quality of life of the adjoining neighbors in residential zones. Silvana Raso stated that the issue in question is the zoning of the property. She explained that if the property is zoned for office use then generally large commercial vehicles would not be idling for all hours of the day in an office location. Therefore the question is whether this property is being used in conformance for what it is zoned for. The Township Attorney will look into this issue further and follow-up with the Code Official. She further explained that if the property is not being used in accordance with the zoning ordinance then the property owner must be notified that the property can no longer be used for the purpose which it is being used. Ms. Raso will take a closer look at the zoning ordinances to determine whether it violates the use for which the property was approved. Council President Bromberg surmised that more research will be done regarding this issue.

Chris Statile suggested asking the property owner for proof or evidence that use was at one time legal.

Councilman Donovan recalled an application that came before during the Zoning Board. The owner of the small fitness facility building, located next to the Joy building, also owns a landscaping business and was required to come before the Board to get permission to park his landscaping equipment behind his building. Councilman Donovan explained ordinance did not permit the storage of equipment.

The next issue for discussion pertained to driveway location. Mr. Sartori would like the Mayor and Council to consider a setback requirement with respect to driveways. Currently, you can pave right to your property line and this would be an addendum to the zoning ordinance. Mr. Sartori added that you can present this issue to the Planning Board, ask for a recommendation and then bring back to the Mayor and Council. Councilman Donovan feels that both the Planning and Zoning Boards would be receptive because it is an item they try to include with approvals. He added that typically the Board tries to get a setback even though the ordinance doesn't require one the reason being; complaints from neighbors. Mr. Statile suggested discussing this item at their next Planning Board meeting and possibly incorporating it with the Master Plan. Councilman Donovan suggested that the setbacks are based upon the property zone.

Mr. Sartori next discussed dumpsters and that currently there are no permit requirements for dumpsters. He has received complaints from numerous neighbors regarding a dumpster placed in the middle of someone's lawn. Council President Bromberg commented that this is similar to the problem they experienced with PODs and dumpsters falls outside that ordinance. Councilwoman Sieg questioned if someone is doing work on their home and has a dumpster in their driveway what is the permitted timeframe allowed to get the work done. Mr. Sartori explained that a construction permit does not expire unless you stop work for a period of six months and therefore you could have a container on your property for a few years. Mr. Sartori suggested that typically a dumpster permit is for (2) weeks and you would then have several extensions. Mayor Jasionowski expressed his concerns; the first being that not every situation is the same. He explained that some people may take a long time working on their home due to financial or health reasons. The Mayor doesn't want to become so rigid and make things difficult for people trying to do the right thing. He agrees that when you put things in place it gives Mike the ability to both enforce and allow a resident who is well intended. Council President Bromberg feels the focus should be on the egregious situations and not be onerous to the average citizen.

Councilman Donovan added that as a contractor there are numerous Towns that require a permit for a dumpster. He agrees that a permit and nominal fee are completely fair to prevent any issues. He added that rarely do projects go as planned and in fact usually take longer to complete. Councilman Donovan suggested giving both homeowners and contractors a fair amount of time to use the dumpster. He also suggested looking at Harrington Park whose permit offers a fair amount of time.

Councilman Donovan supports giving Mike the ability to enforce regulations on any issues that become problematic.

Council President Bromberg questioned whether the Code Official could foresee an accommodation to find a reasonable timeframe.

Mike Sartor added that what the dumpster is being used for should have a lot to do with how much time is given. He stated that someone building a new home will need a dumpster for a longer period time than someone cleaning out their home because they're moving.

Mr. Sartori next discussed some verbiage changes to the Zoning Ordinance which would assist him with permits for driveways and impervious coverage. Presently he has no way to enforce. He will work with the Township Attorney on this issue. Mr. Sartori explained what brought about this request. He recently had a contractor that paved (7) driveways in three days and there was nothing he could do to stop him. He was only able to write him a summons because he was posting his contractor signs on the residents' property.

Mr. Sartori also noted that every municipality has different laws and there are many inconsistencies among the Towns with regard to permits. For example, Emerson requires a dumpster permit but River Vale does not, in River Vale you need a permit to remove trees and in Emerson you do not. Because of these inconsistencies, contractors think they know and don't bother to ask which then results in the Code Official pursuing the contractor to comply. Mr. Sartori would like to see the Township more uniform as well. Mr. Statile added that the construction code official should always have the option to request a current survey. Council President Bromberg asked if this was needed in the ordinance. Mr. Sartori assured that in his many years of experience he has never had the need to ask for an updated survey.

The final issue discussed was masonry mailbox supports. Mr. Sartori distributed photos and is seeking guidance as to whether someone can install a masonry pillar mailbox in the Township right-of-way. Council President Bromberg clarified that this type of structure can impede access for both the Town and Utility companies to perform any necessary work. Mr. Sartori explained the reason this issue arose was because a resident came in for a building and zoning permit to install a masonry pillar. He explained that in order to install a masonry pillar you would need to dig down 3 feet and install the proper footings. Mr. Sartori further explained that a masonry pillar is considered an accessory structure and there are no accessory structures permitted in the front yard or in the right-of-way. Mr. Statile added that this is a hazy area because you are required to have a mailbox. He also stated that Upper Saddle River has implemented requirements limiting the height and size of the masonry pillars because they were becoming too large and problematic.

Council President Bromberg questioned if the only concerns are accessing the utilities. Mr. Statile suggested limiting the size as well. Council President Bromberg agreed with the suggestion of having size limitations on masonry mailboxes. Council President Bromberg asked for a consensus of Council on this issue. The Council was in agreement that there is not an issue but rather just one homeowner with this request and to possibly inform the resident to proceed at their own risk.

Mayor Jasionowski suggested the Council come up with a consensus of what they would like to address from the issues discussed this evening. He reminded all that the window to adopt an ordinance before the end of the year is closing and additionally some of these issues would need Planning Board approval. Councilwoman Sieg asked Mike Sartori which issues he felt were the most important for his purposes. Mr. Sartori responded items 3 and 4 which pertained to the dumpsters and the zoning language verbiage changes.

ADJOURNMENT

Motion by Councilwoman Sieg; seconded by Councilman Donovan to adjourn the meeting at 9:25 pm.

ATTEST:
Karen Campanelli
Township Clerk

Council President
Mark Bromberg