

**MINUTES**  
**Regular Council Meeting**  
**Monday, April 8, 2019**  
**8:00pm**

**CALL THE MEETING TO ORDER**

Council President Bromberg called the meeting to order at 8:01pm 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, Councilwoman Criscuolo, Councilwoman Sieg and Council President Bromberg were present.

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

**Mayor's Comments**

Mayor Jasionowski reported that he and Ian O'Connor were at the Golf Course this weekend for their official opening. The Mayor added that Ian hit the ceremonial first drive of the season and it was a pleasure having him at the course. He also reported that the Golf Course was rated best in Bergen and was the only public Course mentioned.

The Mayor next announced that the Easter Egg Hunt will be held on Saturday the 13<sup>th</sup> at the Golf Course driving range weather permitting; if not the event will be held at Holdrum.

Mayor Jasionowski wanted to thank Karen Campanelli. He explained that the Township has been visited by the Bergen County Clerk's "Around the County," program and he has received a lot of excellent feedback about this program and how much time it saves the residents. He reported that Karen discovered that you can also have Motor Vehicles come to the Township and she is scheduling that satellite visit. Mayor Jasionowski added that he greatly appreciates these ideas which are a great benefit to the residents and our community.

**Council Comments**

There were no Council comments at this time.

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**Business Administrator's Report**

Mr. Rotella reported that the Easter Egg Hunt is scheduled for this Saturday and all the seating's for the Brunch are full. He next reported that Saturday, April 27<sup>th</sup> the Township is participating in the Bi-State Water Shed Clean Up and they are looking for volunteers. Mr. Rotella announced that the Township will also be holding their annual Town Wide Garage Sale on June 1<sup>st</sup>.

**Township Engineer's Report**

Mr. Statile reported that he and Gennaro had a meeting with PSE&G regarding their upcoming project to reconstruct and replace approximately 20,000 linear feet of gas mains in Town; of that 17,000 linear feet will be in 15 streets in Town. PSE&G will be opening up these roads to upgrade and improve service and pressure and install safety enhancements to the gas mains; the majority of the work is confined to the northeast

portion of the Township. Mr. Statile explained they discussed the restoration requirements of the roads; several of which were resurfaced within the past (5) five years. Gennaro is working with PSE&G to have the entire street repaved after the work is complete. Mr. Statile added that PSE&G plans on starting this project in the next few weeks, they will also take care of notification to the residents and any complaints should be directed to their company.

Mr. Statile next announced that the Township received a \$200,000 grant from the NJDOT for improvements to Rolling Hill Drive. He next reported that the Sidewalk Project is ready to be sent to the State for their approval; once this is done they can go out to bid for the work.

Council President Bromberg questioned if there was any way to confirm with the utility company the roads that are scheduled to be resurfaced and the roads they have planned to open for improvements. Mr. Rotella responded that every year they notify the utilities about the roads scheduled to be paved. He added that he is working on an agreement requesting any road paved in the past five (5) years; to be restored and paved curb to curb. Mayor Jasionowski commented that these improvements to the infrastructure are good for the residents.

Mr. Statile next gave a brief update on the Fairways at Edgewood development. The traffic engineer gave their testimony at the March 28<sup>th</sup> meeting and the landscape architect will be the next meeting to testify. Mr. Statile expects these meetings to continue into June. Mr. Statile further reported that the Township received grant contracts for both the Amphitheater and Enterprise Memorial; they can now start coming up with ideas for both projects.

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## **Council Discussion**

### **Deer Management**

Council President Bromberg asked the Mayor to open the discussion on this topic. The Mayor thanked the Council President for bringing this issue to a discussion so quickly and having a call to action on this issue. The Mayor added that this is both an important and emotional issue for everyone.

The Mayor read the following statement into the record:

For the past several years the governing body of River Vale has listened to numerous requests, opinions, threats and demands as the deer population continues to increase at an alarming rate. In my 15 years on the dais deer related incidents and complaints are at an all-time high. It is incredibly evident how emotional an issue this is for people regardless of what solution they support. Our passions, emotions and beliefs are critical to who we are, and I respect each of you for your convictions and dedication. The easiest thing for this governing body to do would be ignore the issue and not act. In the interest of public health and safety that is not an option or risk I am willing to take. My biggest fear is without action one day that phone call will come that we have had a fatal accident caused by deer. As a resident and elected official, a hunt was not on the table for me. I have always been willing to listen to opposite opinions and decided I needed to hear all solutions and supporting data regardless of my feelings. When I was elected I promised I would always make decisions based on fact and with the best interest of the River Vale resident first! That means at times having to make decisions I personally have challenges with.

As a township we have reviewed numerous expert reports, articles, testimonies and opinions. We have listened with an open mind and have reviewed the presentation materials provided by the NJ Division of Fish and Wildlife as well as the Animal Protection league and others. Everyone has been allowed to express their beliefs, opinions and research to this governing body. The amount of information we had to review was extensive and incredibly educational. Once we remove the emotion and opinions from the issue, I am left with very little choice. The State of New Jersey to date has not approved any non-lethal plans. My review of all the facts proves to me the only effective option is to cull the herd. My administration recommends a controlled hunt on our golf courses and on appropriate nonresidential open spaces. The plan will be in accordance with Fish Game and Wildlife state regulations and be coordinated with our police department prioritizing the highest level of safety for all our residents.

I know many of you will be upset with this decision and I respect that. Please understand how difficult this was for me and respect the fact I am doing what I believe to be best for the Residents of River Vale.

“If we don’t take on the toughest and most controversial issues as elected officials we have failed our residents, community and ourselves.”

Thank You.

Council President Bromberg commented that as the Mayor stated this issue has been before them for several years. He explained that when this first started there were complaints of the deer eating shrubbery and then concerns about Lyme disease. Council President Bromberg further explained that now the issue that is really moving this Administration and Governing Body is the increase in motor vehicle accidents. He stated that they have to act and something has to be done. Everyone on the dais came from different personal feelings and views and as a Governing Body they listened to the experts on all sides of this issue. Council President Bromberg stated that after listening to all options from both the lethal and non-lethal experts; he’s come to the understanding and is in agreement with the Mayor that the best solution for the residents of River Vale is to cull the herd. He explained that this would be a controlled situation, on public property that will be managed. Council President Bromberg feels this is will give them the best success at achieving the results that they need before there’s a fatal car accident.

Council President Bromberg asked if the Council had any comments.

Councilman Ben-Yishay read the following statement into the record:

Thank you Council President. I’d like to make a prepared statement regarding this very difficult deer overpopulation issue. In my years on the town council no other matter has evoked more emotion and diverging opinions than this one. I truly wish it was an issue that we did not need to address. But unfortunately that is not the case. We cannot avoid addressing it any longer.

This issue has taken on more significance and urgency as the population of deer has greatly increased over the past few years. This increase is indisputable and the problems it is causing can no longer be ignored. A lack of predators and an abundance of food in a protected environment has contributed to the dramatic increase in deer numbers. This is despite a “do not feed” ordinance that has already been passed. Complaints from town residents about deer amassing on and damaging their properties have been steadily increasing. The pleas to address this problem in a meaningful way have greatly exceeded the requests to cohabitate with and tolerate the increasing deer numbers. Estimates are that the deer herd size is doubling annually with does giving birth to an average of 2-3 fawns a year. I think everyone is concerned about this rapid population growth which has contributed to a dramatic increase in deer related MVA’s in our town, progressive severe overgrazing damage to our open spaces and homeowner properties and an increased incidence of deer related illnesses such as Lyme’s. Other tick borne illnesses that rely almost exclusively on deer as a vector, such as the Lone Star tick and the debilitating diseases it causes, are increasing in frequency and the range of this tick is quickly expanding northward. Human tick borne diseases and their association with increasing deer populations are strongly supported by innumerable unbiased scientific studies and published in peer reviewed scientific journals. The claim that deer numbers do not contribute to the risks of Lyme’s disease is unsupported by objective literature. In fact the opposite is true. Multiple studies have demonstrated a strong correlation between reduction in deer populations and a reduction in tick numbers and reported tick related illnesses. Left unaddressed, we can expect the number of deer in our town to continue to increase since they have not yet exceeded the biological carrying capacity of this area.

I am very sympathetic and understanding of those who oppose lethal methods of deer control. This is a highly emotional issue. I personally have never participated in hunting for recreation and have no taste for it. Recreational hunting is not an option that is being considering here. And emotions, although a factor to consider, cannot be the primary guiding force in addressing our expanding deer population. Some effective action must be taken. Simply allowing the deer population to continue to double annually is frankly undefendable.

I, along with my fellow councilman have listened carefully and have reviewed the presentation materials provided by the NJ Division of Fish and Wildlife as well as the APL of NJ. They present conflicting approaches and recommendations. We’ve independently made efforts to review additional objective, unbiased studies and research papers to form conclusions that are reasonable. The excellent and comprehensive Cornell study performed between 2007 and 2014 yields a great deal of very useful data. I personally believe that doing nothing to address the growing problem is a bad option. The population will continue to increase and solutions will only be more difficult and costly to implement. Non- lethal means, such as capture and sterilization, are expensive, labor intensive, are very controversial as far as effectiveness is concerned, and most importantly, are not approved by the State of NJ. In fact, this method of deer population control is not being performed and is not currently authorized anywhere in the entire state. Sterilization of deer is simply not an option available to us at this time. This is a critical factor we must consider. Suggesting that the township sue the state of NJ to authorize sterilizations is not a viable option in getting this policy overturned at this time or in the immediate future. Other non-lethal management options do nothing to actually reduce the deer population, let alone slow its growth. Installing 8’ high fences, nettings and placing white markers

on all roads also do not reduce deer populations or reduce reproductive rates. In essence we have to choose between 2 options, it is really that simple: cohabitation with an annually doubling deer population or consideration for a regulated and carefully controlled professional cull to begin reducing the herd size. I believe that at this time the only viable option is unfortunately the latter. If non-lethal alternatives that are effective become practical and available in the future then those methods could be considered on their merits at that time. I would urge the APL to continue their campaign to get non-lethal methods of deer control studied and if they can be proven effective, then approved by the state. But at this time I agree with the administration that moving ahead with a controlled bow hunt on our golf courses and on carefully selected nonresidential open spaces, be implemented with oversight and guidance from the Division of Fish and wildlife in coordination with our police department to ensure maximal safety and control. I believe that at this time, this is the only practical option for our town and residents. I will continue to be open minded about non-lethal methods of deer control in the future, as long as they can offer a proven and viable alternative. Thank you.

Councilman Donovan expressed that he has wrestled with this issue as much as everyone else. He stated that he is not a hunter and he has not opposition to those that are. Councilman Donovan stated that this issue came down to three items; the first being health and public safety. He explained that he is a statistics guy; he has reviewed the police reports and plotted them on Goggle Maps. Councilman Donovan determined where the majority of the accidents have been occurring and the increase from year-to-year. He explained that almost 2/3 of the accidents occurred on Rivervale Road within three-quarters of a mile from the River Val Country Club; which is the suggested location to cull the herd. Councilman Donovan added that these facts alone mean that they can do something about the issue.

Councilman Donovan next commented; with all due respect to the Animal Protection League, that he's received two message from residents in opposition. However, he has spoken to many more people who would like to see something done about this issue. Lastly, Councilman Donovan commented on the economics of this problem with regard to property and car damage. He cited a report from the National Highway Safety Board; stating that there were approximately one million car/deer collisions last year resulting in over 200 human fatalities. Councilman Donovan explained that these statistics may seem low considering the amount of car accidents; however, he is not willing to take a chance. Councilman Donovan also found in studying the car/deer accident reports; that less than half involve River Vale residents. Most of the accidents involve people passing through Town on Rivervale Road. Councilman Donovan stated that for this reason he is also willing to support the Administration in pursuing what would needed to be done to cull the herd.

However, Councilman Donovan stated that he is putting conditions on his approval. He explained that as this moves forward he would like see an attempt by both the Administration and Governing Body to obtain an assessment of the size of the herd. He further explained that he would need these numbers to help determine how effective they are being and suggested the use of drones. Councilman Donovan added that this information is one of his primary conditions needed in order to vote in favor of an ordinance in the future.

Councilman Donovan next stated that his other condition refers back to Councilman Ben-Yishay's statement. Councilman Donovan is also frustrated that they have no other option available to them from the State. Therefore, Councilman Donovan made a commitment in agreeing to work towards culling the herd, he will also personally write letters to the State requesting they give Towns like River Vale other options. He would like to; as concerned citizens, make an attempt to effectuate change and provide options to help manage the deer population. Councilman Donovan concluded that he supports the Mayor moving forward given these few conditions.

Councilwoman Sieg commented that this has been very hard for her and throughout she has been very sympathetic toward non-lethal methods with regard to the deer. She referenced the comments of both Councilman Donovan and Ben-Yishay that they were elected by River Vale residents. Councilwoman Sieg explained that these resident have come to them with tears in their eyes reporting how both they and their children have Lyme disease, the car accidents and property damage. She further explained that she cannot sit here and personalize it; she has to think about her residents.

Councilwoman Sieg stated that she too; with a heavy heart, supports and stands behind the Administration to curtail the deer population.

Councilman Criscuolo commented that like Councilman Ben-Yishay he is not a hunter. He is not fundamentally against it and does not see it as a sport. Councilman Criscuolo does see the need to further analyze procedures to cull the herd. He stated the fact that River Vale has a significant problem that is causing conditions that are dangerous to our residents. And their most important job is taking care of the health and safety of their residents. Councilman Criscuolo further stated that the State is not approving non-lethal methods and even if they did there would be residents against it. He explained that their number

one priority is to ensure the safety of their residents which leaves them with literally one option. Councilman Criscuolo stressed that they cannot forgo action now with the hope that a solution comes down the road. He also gave his support to the Mayor and Administration in further analyzing culling the herd.

Council President Bromberg commented that after listening to expert testimony and comments from residents on both sides of this issue; it appears the Council unanimously supports the Mayor in doing something that he never wanted to do.

Mayor Jasionowski thanked everyone for their effort; and with regard to Councilman Donovan's comments, he is absolutely willing to pen a letter to the State encouraging them to look at other options.

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Council President Bromberg reported that their next discussion item are two resolutions for consideration that have been passed by other Towns. The first being a resolution opposing the proposed Vegetative Management Response Act. He explained that a number of other local Towns have passed this resolution urging the State to not allow the Utility companies to come in and work without communicating or advising either the municipality or private home owners. Council President Bromberg feels the utilities do a great job and appreciates their work; however, he feels the lines of communication should remain open between all groups involved. Council President Bromberg would like the Council to consider passing this resolution. Councilman Donovan fully supports this resolution. He added that he has read this Act and it basically gives every Utility in the State permission to unilaterally enter either private/Town property to remove trees etc. that they deem are in the way of their utility without any input from the Town or property owner.

The second proposed resolution supports urging the NJ Board of Public Utilities to enact regulations Telephone Service Utilities to prevent Robocalls from reaching customers.

The Council agreed to consider both resolutions as future agenda items.

### **1st Hearing of the Public**

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

Marie Buchert—31 Orchard Drive, Emerson—Ms. Buchert commented as a neighbor of River Vale she feels they share a lot of the same demographics; watershed properties, two golf courses. She finds it interesting that River Vale has a completely different mindset than Emerson. She explained that everyone is appreciative of the wildlife and diversity. Ms. Buchert also spoke to one of her Council members and asked if there has been any talk in Emerson about deer problems; and their response was no. Ms. Buchert stated that Lyme disease is a universal problem and not the fault of the deer. She also questioned if the general rate of Motor Vehicle accidents has increased since last year.

Council President Bromberg commented that he can't speak to numbers regarding that question; however, he is aware of the sky rocketing number of Motor Vehicle Accidents involving deer.

Ms. Buchert questioned why her neighboring Town has a bigger problem than the Town where she lives. She also doesn't think you can blame your residents having Lyme disease on the deer.

Dennis Ruby—625 Fairway Terrace—Mr. Ruby has lived in Town since 1974 and understands that we have expanded and encroached on the deer. He has a herd of 13 in his neighborhood. Mr. Ruby monitors how they circle the neighborhood and he's not certain how far they travel before coming back in the afternoon. Mr. Ruby feels the deer are domesticated; he also is not a hunter and does not have a problem with the approach the Town is taking. He questioned is if they hunt in public areas; such as the fields and golf courses, how are you going to draw in the deer from his herd.

The Mayor responded that they just decided to cull the herd and their next step would be to go back to the experts and look at what the options are. The Mayor assured that he will not sign off on anything until he goes back to the Council and speaks to the Police Department. He wants to make certain they are doing everything by regulation and in the safest and most effective manner possible. Mayor Jasionowski also agreed with Councilman Donovan comments that in order to be effective they have to determine the size and location of the population.

Mayor Jasionowski added that there is still a lot of work to do and they will come back and present to the Council and residents what is suggested by the experts.

Richard Tax—630 Montview Place—Mr. Tax reported three (3) cases of Lyme disease in his neighborhood and he is very concerned from a health standpoint. Mr. Tax suggested having a speaker at the Library to give a presentation on Lyme disease. He also thanked the Mayor and Council for the work they've done. Mayor Jasionowski thinks this is a great idea and suggesting using the Library.

Pamela Sturt—42 Maple Ave., Hillsdale—Ms. Sturt stated that she is concerned about the well-being of the deer. She commented that Fish & Wildlife are driven by money, they have an agenda which they are unbiased about. Ms. Sturt also commented that when there is a cull the relief will only be temporary, other deer will come in to fill that space and it is not a humane or permanent solution. Ms. Sturt objects to any kind of hunt; in particular a bow hunt, which she feels is inhumane and has a 50% wounding rate. She also commented that killing the deer will not stop Lyme disease. Ms. Sturt explained that all mammals can carry the tick that spreads Lyme disease.

Ms. Sturt feels that it is not right and the needs of the deer are not being considered. She also understands that this was a difficult decision for them and she sympathizes with them.

Jeff Albrechtson—711 Rivervale Road—Mr. Albrechtson lives directly across the street from the Golf Course. Several years ago he asked the Golf Course to remove a portion of fence so the deer could cross the road. Mr. Albrechtson explained that they get very stressed in his home; when he sees 10 deer waiting to cross the road. He has on occasion stopped traffic so they could cross safely; however he stopped doing this because it's too dangerous.

Mr. Albrechtson is anti-kill and he does not believe it's their fault; we have over-developed the Town and the State. He also hopes if they decide to have a hunt; that they also have a Town Hall meeting and specifically inform the residents in the area where the hunt will occur.

Mr. Albrechtson also feels there needs to be a regionalized effort and he appreciates the statements of the Mayor and Council.

Mayor Jasionowski commented over the past several years there have been numerous Town Hall discussions about this issue. The Mayor assured that as they progress they will advertise the meetings.

Charles Nadler—288 Highland Ave., Wood Ridge—Mr. Nadler commented that they seem to be a very compassionate group of people that are trying to not have the killing happen. Mr. Nadler commented that NJ Fish & Wildlife are hunters and to please keep that in mind when you are making your decision.

Bob Fortsch—511 Bernita Dr.— Mr. Fortsch commented that after attending the recent Planning Board meetings he decided he does not like the Community Center. He suggested turning the Community Center into a new Police Department.

The Mayor explained that the new Police Department will be located at the site but not in the Community Center and he did agree that looking back the building could have been done better. The Mayor noted that the Community Center is used every day of the month and they could never shut it down.

Tom Bellini—624 Fairway Terrace—Mr. Bellini knows this is not an easy decision and he commended the Mayor and Council for the job they're doing. Mr. Bellini is an animal lover and a New York State hunter for the past 35 years. He's not sure of how the hunt will work; as far as permits and will it be during hunting season. Mayor Jasionowski responded that the details have not been worked out.

Mr. Bellini explained that he knows no one wants to see a deer get shot; however, it is the only way to maintain land management. He has also seen more deer in the past two (2) years; he also believes that they do not travel miles and miles away and instead maintain the same pattern. Mr. Bellini does believe culling the herd will work. He also feels the deer can be aggressive especially when they're in the rut; he also saw an aggressive deer hoof his neighbor's dog and kill it.

Mr. Bellini added that he doesn't envy the decisions they have to make and doesn't believe it should be the responsibility of the Town to determine the population of the deer but rather the Div. of Fish & Wildlife.

Kim Nagelhout—45 Parkview Drive Park Ridge—Ms. Nagelhout is extremely disappointed in their decision and feels they have not implemented all non-lethal methods such as better lighting and addressing speeding. She explained that the deer are not the problem; it's the over development. Ms. Nagelhout thinks we need to work together, all the Mayors as a community because we share the deer. She also offered to pay herself to put burlap on the signs as this helps decrease accidents.

Ms. Nagelhout is concerned if an arrow hits a child or a pet because there are homes close to the property. She is also a nature photographer, is on the Board of a Nature Conservancy; these also loving animals and feels they should look at other ways before they have the hunt.

Mark Nagelhout—45 Parkview Drive, Park Ridge—Mr. Nagelhout is also very disappointed; he understands they have to make a decision but they were given a lot of information about non-lethal solutions. He suggested the damminix tick tubes and putting more information on your website to help educate the residents.

Mr. Nagelhout applauded the Mayor and Council for doing a count of the deer population; however, it's unfortunate that the State will not approve a sterilization plan. He commented that when you remove the deer, more will come in and the fertility of the remaining deer will go up. He further commented that this is a vicious cycle that Fish & Wildlife want to keep the money going.

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

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**RESOLUTIONS**

Motion by Councilman Criscuolo; second by Councilwoman Sieg to approve Resolution #2019-129 as follows:

**Resolution #2019-129**

**RESOLUTION APPROVING MINUTES MARCH 25, 2019 REGULAR MEETING**

**BE IT RESOLVED**, by the Township Council of the Township of River Vale that the minutes of the March 25, 2019 Regular meeting of the Township Council are hereby approved.

**ROLL CALL VOTE**

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

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Motion by Councilman Donovan; second by Councilman Ben-Yishay to approve Resolution #2019-130 through #2019-135 as a Consent Agenda as follows:

**Resolution #2019-130**

**RESOLUTION APPOINTING MUNICIPAL COORDINATORS FOR THE TOWNSHIP'S EMERGENCY TELEPHONE SYSTEM**

**WHEREAS**, the Township of River Vale is required pursuant to State law and the regulations of the State Department of Treasury to appoint a coordinator for the Township's emergency telephone system (9-1-1 System); and

**WHEREAS**, the municipal coordinator of the 9-1-1 System is responsible for maintaining a plan for enhanced emergency services throughout the Township and for developing such revisions to the plan as may be necessary for review by the Mayor and Council of the Township; and

**WHEREAS**, the Township is empowered by law to appoint and employ professionals, technical advisors and experts as the Township may determine to be necessary for its efficient operation; and

**WHEREAS**, the Township has received a written recommendation from Sean Scheidle, Chief of Police of the River Vale Police Department, requesting the appointment of Lt. John DeVoe and Sgt. John Guglielmotti as the municipal coordinators of the 9-1-1 System; and

**WHEREAS**, the Mayor and Council of the Township are desirous of appointing both Lt. DeVoe and Sgt. Guglielmotti to serve as municipal coordinators for the 9-1-1 System in accordance with the requirements and procedures mandated under N.J.S.A. 52:17C-1 *et seq.*, and N.J.A.C. 17:24-5., 1 *et seq.*

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of River Vale as follows:

1. That Lt. John DeVoe and Sgt. John Guglielmotti of the River Vale Police Department are hereby appointed to serve and the municipal coordinators for the Township's 9-1-1 System.

2. That Lt. DeVoe and Sgt. Guglielmotti shall perform all such duties and carry out all of the responsibilities as set forth in the existing plan for enhanced emergency services through the Township and in accordance with the requirements and procedures mandated under N.J.S.A. 52:17C-1 *et seq*, and N.J.A.C. 17:24-5., 1 *et seq*.,
3. That no further action of the Township of River Vale shall be required.

**Resolution #2019-131**

**RESOLUTION AUTHORIZING NOT TO EXCEED LIMITATIONS FOR RICCIARDELLA ELECTRIC INC. (RVCC)**

**WHEREAS**, on April 1, 2019 Ricciardella Electric Inc., 1 Columbus Avenue, Closter, New Jersey submitted a proposal for various electrical work to be performed at the River Vale Country Club at the following price:

- **Electric Work: \$23,140.00**

and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds in the Golf Operating Account.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of River Vale that not to exceed limitations are hereby approved and established in the amount of \$ 23,140.00 for Ricciardella Electric Inc.

**Resolution #2019-132**

**RESOLUTION**  
(Escrow Refund)

**WHEREAS**, Landscape Systems, Inc., 42 Laura Lane, Park Ridge, New Jersey had posted a \$5,000 Bond for tree restitution for the property located at 750 Beechcrest Drive (Block 815, Lot 5); and

**WHEREAS**, both the Township Engineer and Construction Code Official have inspected this project and deemed it complete and therefore the escrow may be released. The contractor has also made the required \$1,400.00 contribution to the Township Shade Tree Fund in lieu of on-site planting as requested by the Township Engineer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of River Vale that the remaining 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:**

**“Landscape Systems, Inc.”**

**Mailing Address:**

42 Laura Lane  
Park Ridge, NJ 07656

**\$ 3,606.47**

**Account: B-13-56-856-269**

**Resolution #2019-133**

**RESOLUTION**  
**REFUND TAX OVERPAYMENT**

**WHEREAS**, a tax overpayment was received for the 2<sup>nd</sup> quarter of 2019 and the property owner has requested a refund of said overpayment.

**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 as follows:

**Payable to:**

Mario Medici

**Mail to:**  
614 Sloat Place  
River Vale, NJ 07675  
(Block 1715, Lot 50)

**Refund amount \$ 394.86**

**Resolution #2019-134**

**RESOLUTION CONFIRMING CONTRACT WITH APPROVED STATE VENDOR FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a (BEN SHAFFER RECREATION INC.)**

**WHEREAS**, the Township of River Vale, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Township of River Vale has the need on a timely basis to purchase the necessary seating, tables, litter and recycling receptacles for the Mark Lane Pavilion utilizing State contracts; and

**WHEREAS**, the Chief Financial Officer has determined that sufficient funds in an amount not-to-exceed \$ 20,618.24 are available in the General Capital Account; and

**WHEREAS**, the Township of River Vale intends to enter into a contract with Ben Shaffer Recreation Inc., P.O. Box 844, Lake Hopatcong, New Jersey (NJ State Contract #16-FLEET-00135) through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts.

**NOW THEREFORE BE IT RESOLVED**, that the Township of River Vale authorizes the Purchasing Agent to purchase the above listed equipment from Ben Shaffer Recreation In., pursuant to all conditions of the individual State contracts.

**Resolution #2019-135**

**(Attached)**

**ROLL CALL VOTE**

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

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**Ordinances for 1<sup>st</sup> Reading**

There were no Ordinances for 1<sup>st</sup> Reading this evening.

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**Ordinance for 2<sup>nd</sup> Reading & Public Hearing**

Motion to Adopt: Councilman Donovan

Second: Councilman Ben-Yishay

Motion by Councilman Criscuolo; second by Councilman Ben-Yishay to open the Public Hearing on Ordinance #352-2019.

There being no questions or comments from the public; motion by Councilman Criscuolo second by Councilwoman Sieg to close the Public Hearing on Ordinance# 352-2019.

**ORDINANCE #352-2019**

**AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, BERGEN COUNTY, NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14) FOR CALENDAR YEAR 2019**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

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

**WHEREAS**, the Governing Body of the Township of River Vale in the County of Bergen finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Governing Body hereby determines that a 1.0% increase in the budget of said year, amounting to \$111,538 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW, THEREFORE BE IT ORDAINED**, by the Governing Body of the Township of River Vale, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of River Vale shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by up to 3.5%, amounting to \$390,383, and that the CY 2019 municipal budget for the Township of River Vale be approved and adopted in accordance with this ordinance; and,

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

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

**ROLL CALL VOTE**

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

**Ordinance for 2<sup>nd</sup> Reading & Public Hearing**

Motion to Adopt: Councilman Donovan

Second: Councilman Criscuolo

Motion by Councilman Criscuolo; second by Councilman Donovan to open the Public Hearing on Ordinance #353-2019.

There being no questions or comments from the public; motion by Councilman Criscuolo second by Councilwoman Sieg to close the Public Hearing on Ordinance# 353-2019.

**ORDINANCE #353-2019**

**AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF RIVER VALE AND APPROPRIATING \$1,353,490 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,225,816 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP OF RIVER VALE TO FINANCE THE SAME**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of River Vale, in the County of Bergen, New Jersey (the "Township"), as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$1,353,490, including the aggregate sum of (a) \$60,000 in moneys now held by the Township and previously contributed by the Borough of Montvale for the purposes set forth in Sections 3(e) of this bond ordinance and (b) \$67,674 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,225,816 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: Park improvements, including, but not limited to, improvements at Veterans Memorial Park, playground security systems at Mark Lane Complex and Giordano Playground, and electronic locking systems for the senior center, ballfields and country club, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$163,680
<u>Maximum Amount of Bonds or Notes:</u>	\$155,496
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$8,184

- (b) Purpose: Acquisition of information technology and telecommunications equipment, including items with a unit cost less than \$5,000, including, but not limited to, portable radios for the Volunteer Ambulance Corps, pagers, radios and communication equipment for the Volunteer Fire Department and computers for the Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$42,405
<u>Maximum Amount of Bonds or Notes:</u>	\$40,285
<u>Period or Average Period of Usefulness:</u>	5 years

Amount of Down Payment: \$2,120

- (c) Purpose: Acquisition of equipment for the Township’s Volunteer Fire Department, including, but not limited to, firefighter personal protective equipment, and hose, nozzle, appliances and equipment, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$38,700  
Maximum Amount of Bonds or Notes: \$36,765  
Period or Average Period of Usefulness: 10 years  
Amount of Down Payment: \$1,935

- (d) Purpose: Acquisition of equipment for the Township’s Volunteer Fire Department, including, but not limited to, search, rescue and extrication equipment, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$71,405  
Maximum Amount of Bonds or Notes: \$67,835  
Period or Average Period of Usefulness: 15 years  
Amount of Down Payment: \$3,570

- (e) Purpose: Acquisition of vehicles (excluding passenger car and station wagon) for the Department of Public Works, including, but not limited to, mason dump truck, dump truck, pickup trucks and sewer truck and push cameras, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$443,300  
Maximum Amount of Bonds or Notes: \$361,135  
Period or Average Period of Usefulness: 5 years  
Amount of Down Payment: \$22,165  
Montvale contribution: \$60,000

- (f) Purpose: Acquisition of vehicles (excluding passenger car and station wagon), including Police Chief’s vehicle, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$50,600  
Maximum Amount of Bonds or Notes: \$48,070  
Period or Average Period of Usefulness: 5 years  
Amount of Down Payment: \$2,530

- (g) Purpose: Acquisition of information technology and telecommunications equipment with a unit cost greater than \$5,000, including, but not limited to, fingerprinting machine, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$26,400  
Maximum Amount of Bonds or Notes: \$25,080  
Period or Average Period of Usefulness: 7 years  
Amount of Down Payment: \$1,320

- (h) Purpose: Construction of a salt shed storage building for the Department of Public Works, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$77,000  
Maximum Amount of Bonds or Notes: \$73,150  
Period or Average Period of Usefulness: 20 years  
Amount of Down Payment: \$3,850

- (i) Purpose: Reconstruction and resurfacing of various streets and roads in the Township to Class A standards, as provided in the Local Bond Law, as identified on a

list on file in the office of the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$440,000
<u>Maximum Amount of Bonds or Notes:</u>	\$418,000
<u>Period or Average Period of Usefulness:</u>	20 years
<u>Amount of Down Payment:</u>	\$ 22,000

(j) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(k) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 13.02 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,225,816, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$123,045 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Township reasonably expects to commence acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the several improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code

with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ROLL CALL VOTE**

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

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**2<sup>nd</sup> Hearing of the Public**

Motion by Councilman Criscuolo; second by Councilman Ben-Yishay 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.

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Mayor Jasionowski thanked everyone; this has been an incredibly difficult and emotional issue for the past several years. He believes as elected officials they needed to step up and make a decision. The Mayor stated that Saddle River blazed the path; however, he believes you will start to see other Towns fall in line and look at the issue. The Mayor added that he has been approached by other Mayors who are watching very closely what happens in River Vale.

Council President Bromberg praised the Mayor stating he had a lot of guts standing up and taking the lead on this issue especially knowing personally how he felt and how he's stated his opinion in the past. The Mayor listened to the residents, had the experts speak from both sides and everyone one approached this issue with an open mind. Council President Bromberg appreciates that the Mayor and his fellow Council members had the guts to make this very difficult decision.

Councilman Donovan added that Mr. Nagelhout made a very good point that we should try to educate our residents about Lyme disease.

The Mayor agreed and they will also take Mr. Tax's suggestion to have a speaker at the Library or Community Center.

**ADJOURNMENT**

Motion by Councilman Criscuolo; second by Councilwoman Sieg to adjourn the meeting at 9:31pm.

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ATTEST:  
Karen Campanelli, Township Clerk

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Council President  
Mark Bromberg

