

MINUTES
Regular Meeting of the Township Council
Monday, April 9, 2007
8:00 PM

CALL THE MEETING TO ORDER

Council President Jasionowski called the meeting to order at 8:02 P.M. in the Council Chambers of the Municipal Building located at 406 Rivervale Road, River Vale, New Jersey 07675.

SALUTE TO FLAG

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

SUNSHINE LAW STATEMENT

Council President Jasionowski 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 Bromberg, Councilman de Stefan, Councilwoman Sieg, and Council President Jasionowski were present. Councilman Matos was absent.

Also present: Mayor Joseph Blundo, Robert J. Gallione, Jr., Business Administrator, Holly Schepisi, Township Attorney, Gennaro Rotella, CFO and Karen Padva, Township Deputy Clerk.

RECOGNITION OF ADAM MORRA

Mayor Blundo presented River Vale resident Adam Morra with a certificate of recognition for his fundraising effort and donation of pet resuscitation masks to local fire departments. The Mayor also presented Adam with certificates from Bergen County Executive, Dennis McNerney and the Board of Chosen Freeholders. In addition, Assemblyman John Rooney was present to award Adam with a Resolution of Special Recognition on behalf of himself and Assemblywoman Vandervalk.

SPORTS CERTIFICATES—PVISL Girls D4 County Champions

Mayor Blundo along with the coaches presented Certificates of Recognition the following girls' soccer team:

Victoria Canavan, Alecia Christiano, Kaitlin Curley, Amelia Della Perca, Gabrielle Droste, Shelby Freedman, Colleen Gargiulo, Gabrielle Greco, Kalyn Herburger, Chelsea Katz, Justine LaRocca, Shauna Menzella, Katie Roberts, Kaylee Slattery, Erin Smith, Mia Stern, Victoria Volpe, Allison Waldman, Madison Weis, Kelsey Witt

Dr. Verducci, Superintendent of River Vale Schools presented the Mayor and Council with a DVD prepared by the students of Holdrum School. The DVD was a Centennial project comprised of music, photos and videotape documenting River Vale history.

TOWNSHIP COMMUNICATION

1. Mayor's Comments

Mayor Blundo commented on the success of the Breakfast with the Easter Bunny event. The Mayor commended Helene Blumenthal who did an outstanding job organizing the entire event and the Board of Education for hosting. The Mayor also offered his thanks to Forcellati Brothers and Florentine Gardens for their generous donations.

Mayor Blundo also gave an update regarding the FAA flight plans and that the Pascack Valley Mayor's Association has retained an attorney to continue to monitor the situation. Lastly, the Mayor gave an update on the possible development in Orangetown, New York and how the Township is working closely to monitor that situation as well.

2. Council Comments

Councilman de Stefan offered his thanks to all those who organized the Easter breakfast. Councilman de Stefan also supports Ordinance #178-2007 Steep Slope which is up for a 2nd reading this evening. He supports the Ordinance as long it has Michael Hakim's recommended changes. The Township Attorney assured Councilman de Stefan that Mr. Hakim's changes have been incorporated into the Ordinance.

Lastly, Councilman de Stefan thanked his colleagues for supporting the time of decision rule in order to preserve the integrity of the town.

Councilman Bromberg offered his congratulations to both Adam Morra and girls' soccer team. He also thanked Dr. Verducci for the DVD project on the history of River Vale. Councilman Bromberg also encouraged all residents to contact the FAA in order to create more attention toward to possible flight plan changes over the Pascack Valley.

Councilwoman Sieg complimented Adam Morra on being a fine citizen. She also congratulated the girls' soccer team. Councilwoman Sieg complimented Helene Blumenthal and all the volunteers for organizing a very successful Easter Breakfast. In Addition, She thanked the Schools for hosting the event.

Council President Jasionowski thanked Adam for all his fine work. The Council President also thanked Assemblyman Rooney for taking time out of his schedule to attend the Council meeting. He also expressed his appreciation to the County Executive, the Chairman of the County Freeholders, and all the EMS volunteers for their recognition of Adam.

Council President Jasionowski gave an update on the Rutgers Certification program being held on April 16th from 7:00 – 10:00pm in the Library.

The Business Administrator reported on the Post Stroke Group that meets every Tuesday morning in the Council Chambers.

HEARING OF THE PUBLIC

Motion by Councilman Bromberg; seconded by Councilman de Stefan to open the meeting to the public.

Council President Jasionowski read the following statement into the record.

“Each person wishing to address the Council shall step up to the microphone, shall give his or her name in an audible tone for the record. All member of the public are expected to conduct themselves in a proper manner. Any derogatory, abusive or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and terminate any further comments.”

Dr. Jeffery Maftus – 692 Alden Court - offered his congratulations to all the kids and parents on their achievements. He also had comments on both the High School and Local School budgets.

Joseph Massin – 68 Holiday Court – Commented on the state funded pension system. He urged local officials to organize and speak out about short falls and under funded programs. Mr. Massin stated that errors on the State level should not be shouldered by local governments

Robert Fortsch – 511 Bernita Drive – spoke about the deterioration of the Holdrum Creek that runs through his property.

Ira Cohen – 536 Bernita Drive – stressed the importance of not letting Pascack Valley Hospital close down. Mr. Cohen offered to gather the resident to help show support.

Mayor Blundo added that at the next Pascack Valley Mayor's meeting they will be discussing Pascack Valley Hospital and the need to urge the State to step-up on this issue.

Howard Lawrence – 605 Montview Place – spoke about flooding issues on his property.

Mayor Blundo added that the Council and Township Engineer are close to following up with him on this matter.

There being no questions or comments from the public; motion by Councilman Bromberg; seconded by Councilman de Stefan to close the meeting to the public.

RESOLUTIONS –

Motion by Councilman Bromberg; seconded by Councilman de Stefan to approve Resolutions 2007-92 through 2007-98 on consent agenda, as follows:

Resolution #2007-92

RESOLUTION APPROVING MINUTES – March 19, 2007

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the March 19, 2007 Special Meeting of the Township Council are hereby approved.

Resolution #2007-93

RESOLUTION APPROVING RAFFLE LICENSE FOR PFA WOODCLIFF LAKE

BE IT HEREBY RESOLVED, that the following license to conduct a Raffle be issued to:

NAME: PFA Woodcliff Lake
100 Dorchester Road
Woodcliff Lake, NJ 07677

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

DATE OF RAFFLE: May 10, 2007 6:30pm

I.D. #: 560-5-34855

RAFFLE LICENSE: RL 286

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 #2007-94

RESOLUTION APPROVING RAFFLE LICENSE FOR TABLE TO TABLE, INC.

BE IT HEREBY RESOLVED, that the following license to conduct a Raffle be issued to:

NAME: Table to Table, Inc.
PO Box 1051
Teaneck, NJ 07666

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

DATE OF RAFFLE: May 30, 2007 6:00pm

I.D. #: 109-4-36274

RAFFLE LICENSE: RL 287

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 #2007-95

RESOLUTION APPROVING RELEASE OF RETAINAGE AND ACCEPTANCE OF MAINTENANCE BOND FORM ZUCCARO & SONS—FOUR CORNERS PROJECT

BE IT RESOLVED by the Township Council of the Township of River Vale that the above mention maintenance bond be released.

Resolution #2007-96

RESOLUTION

REFUND OF TAX OVERPAYMENT

WHEREAS, a tax overpayment have been received for the fourth quarter of 2006, and the property owner has requested a refund of said tax overpayment;

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

Giuseppe Santonocito 605 Montview Place \$ 1,870.00

Resolution #2007-97

RESOLUTION OPPOSING S-457 AND A-3870, AMENDING THE TIME OF DECISION RULE

WHEREAS, Senate bill S-457 and Assembly bill A-3870 are intended to modify the “time of decision” rule which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

WHEREAS, under the bill the ordinances in effect at the time of an application is submitted shall govern the review of that application, and any decision made following upon that review;

WHEREAS, “the time of decision rule” is a judicially recognized principal that decisions are to be made on the basis of laws, ordinances and regulations in effect at the time the decision is rendered; and

WHEREAS, courts have applied the “time of decision rule” to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed;

WHEREAS, the “time of decision rule” has permitted a municipality to give additional legislative consideration to serious and substantial land use planning concerns that, for whatever reason, had not been previously addresses in the ordinances;

WHEREAS, application and zoning changes require public discussion and hearings, and s-457/A-3870; would permit developers to “beat the clock” by filing applications and freezing the ability of local officials to act;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of River Vale urges our State Legislators to oppose S-457/A-3870;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Gerald Cardinale, Assemblyman John E. Rooney, Assemblywoman Charlotte Vandervalk, the sponsors of S-457 and A-3870, members of the Senate Community and Urban Affairs Committee and the Assembly Housing and Local Government committee, the New Jersey State League of Municipalities and the Office of the Governor.

Resolution #2007-98

RESOLUTION AUTHORIZING THE MAYOR TO SIGN PITNEY BOWES POSTAGE MACHINE LEASE

BE IT RESOLVED by the Township Council of the Township of River Vale that the Mayor is authorized to sign the above mentioned lease agreement for a five (5) year term.

ROLL CALL VOTE: Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos was absent

Resolution 2007-99

Motion by Councilman de Stefan; seconded by Councilman Bromberg to table Resolution 2007-99

RESOLUTION APPROVING SETTLEMENT AND CONTRIBUTION AGREEMENT BY AND BETWEEN JEWISH HOME ASSISTED LIVING AND THE TOWNSHIP OF RIVER VALE.

WHEREAS, JEWISH HOME ASSISTED LIVING, a not-for-profit corporation of the State of New Jersey, with offices at 10 Link Drive, Rockleigh, New Jersey 07674 (hereinafter referred to as the "Sponsor"), is in the process of constructing an assisted-living housing project in the Township of River Vale, Bergen County, New Jersey (the "Municipality") , with 107 living units on a site described as Lot 2.01 in Block 2101 (formerly Lots 2, 3 and 28) as shown on the Official Assessment Map of the Municipality and commonly known as 685 Westwood Avenue (the "Project"); pursuant to a Certificate of Need issued by the New Jersey Department of Health and Senior Services (CN# ER961055-02-37 ET); and

WHEREAS, the Project will include no less than two units to meet the criteria of the Council on Affordable Housing for low income or moderate income occupants, which will entitle the Municipality to COAH credits, and

WHEREAS, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

WHEREAS, a condition of Preliminary Site Plan approval, both in the Planning Board Resolution of July 21, 2003 ("Res. 1") and as amended July 19, 2004 ("Res. 2") is the requirement that the Sponsor make payments to the Municipality in lieu of tax payments "in an amount determined by the [Sponsor] and the Township Council" (Res. 1), with the "details of such payments . . . set forth in the Developer's Agreement" (Res. 2); and

WHEREAS, the ensuing Developer's Agreement implements the forgoing directive but without establishing a specific sum, deferring instead to a negotiated sum to be established by the Sponsor and the Township Council, as follows:

13. PAYMENTS TO TOWNSHIP IN LIEU OF TAX PAYMENTS

The Developer shall payments to the Township in lieu of tax payments. The amount and payment schedule shall be determined by the Developer and the Township Council.

WHEREAS, notwithstanding the terms of the Developer's Agreement, the Sponsor has continued to make tax payments to the Municipality on the land as a result of continued receipt from the Municipality of tax statements; and

WHEREAS, the Sponsor has filed tax appeals with the Tax Court requesting exemptions from real property taxes for the calendar years 2005, 2006 and 2007; and

WHEREAS, the Municipality and the Sponsor have agreed to settle the current tax dispute and enter into a Stipulation of Settlement and Dismissal for such tax dispute;

WHEREAS, the Municipality and the Sponsor further have agreed to enter into a Settlement and Contribution Agreement in which the Municipality agrees to settle the tax appeal with the Sponsor and exempt the property as a not-for-profit corporation from real property taxes for a period of seven (7) years in exchange for a contribution from the Sponsor to compensate the

Municipality for the anticipated increased burden on certain services in the Municipality, including but not limited to, ambulance, fire and police services.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of River Vale (the "Council") that:

(1) The Council finds and determines that the proposed Project will meet or meets an existing housing need;

(2) The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of issuance of a certificate of occupancy for the Project, including both the land and improvements thereon, will be exempt from real property taxation, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the Municipality in such amounts and manner set forth in the form of Settlement and Contribution Agreement attached hereto as Exhibit "A";

(3) The Council hereby authorizes and directs the Mayor of the Township of River Vale to execute, on behalf of the Municipality, the Settlement and Contribution Agreement in substantially the form annexed hereto as Exhibit "A"; and

(4) As part of said Agreement, the Council hereby authorizes and directs the Mayor of the Township of River Vale to execute, on behalf of the Municipality, the Stipulation of Settlement and Dismissal in the form (or substantially similar to the form) that is annexed to that Agreement.

Council Discussion

The Township Attorney explained Resolution #99 which proposes a settlement and contribution agreement with the Jewish Home. The agreement offered that in lieu of a refund there would be a possible credit in 2007 for the years 2005 and 2006 or a reduction of \$40,000 for the 2007 payment. In addition the Jewish Home would make a contribution toward the pocket park.

Councilman de Stefan had questions of whether this issue had to be decided tonight. The Township Attorney stated that the passing of this agreement would be helpful to the Jewish Home with regard to obtaining their Certificate of Occupancy. Councilman Bromberg questioned how the dollar amount was derived. Mayor Blundo answered that the previous and current administration negotiated the \$68,000. The Mayor explained that the Jewish Home lost their tax exempt status when the Township asked them to demolish their building as part of the Four Corners project. Councilman Bromberg added that he wanted to be certain that this agreement would be in the best interest of the Township

ROLL CALL VOTE: Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos was absent.

ORDINANCES 2nd READING

Motion: Councilman de Stefan

Second: Councilman Bromberg

ORDINANCE #176-2007

TOWNSHIP OF RIVER VALE BERGEN COUNTY, NEW JERSEY CALENDAR YEAR 2007 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14)

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 Township Council of the Township of River Vale in the County of Bergen finds its advisable and necessary to increase its CY 2007 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 Township Council hereby determines that a 1.0% increase in the budget of said year, amount to \$70,550 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW, THEREFORE BE IT ORDAINED, by the Township Council 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 2007 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 \$246,926, and that the CY 2007 municipal budget for the Township of River Vale be approved and adopted in accordance with this ordinance; and,

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

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

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

Open Public Hearing

Motion by Councilman de Stefan; seconded by Councilman Bromberg to open the public hearing on Ordinance 176-2007:

Joseph Massin – 68 Holiday Court – asked to define what a CAP Bank is and the reason for the increase. The Mayor explained that the reason for the increase are unpaid legal bills, health insurance, salary, the retirement of a police offered and the settlement of litigation. Mr. Massin had additional remarks about paying for unused sick time.

Dr. Jeffrey Maftus – 692 Alden Court – remarked about the CAP Ordinance. He expressed that any monies left over should be returned to the taxpayers. Dr. Maftus stressed being accountable.

Close Public Hearing

Motion by Councilman de Stefan; seconded by Councilman Bromberg to close the public hearing on Ordinance 176-2007

ROLL CALL VOTE: Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos was absent.

Motion: Councilman Bromberg

Second: Councilman de Stefan

ORDINANCE #177-2007

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 \$1,615,125 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,534,369 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 \$1,615,125, including the aggregate sum of \$80,756 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 \$1,534,369 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: Purchase of computer equipment for the Township's Police Department, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 37,000
<u>Maximum Amount of Bonds or Notes:</u>	\$ 35,150
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 1,850

- (b) Purpose: Acquisition of equipment, including, but not limited to, Turnout gear, S.C.B.A equipment and upgrades and portable radios and pagers, all for the Fire Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 70,625
<u>Maximum Amount of Bonds or Notes:</u>	\$ 67,094
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 3,531

- (c) Purpose: Acquisition of various equipment for the Municipal Court, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 5,000
<u>Maximum Amount of Bonds or Notes:</u>	\$ 4,750
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 250

- (d) Purpose: Acquisition of various equipment and trucks for the Public Works Department, as per 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>	\$ 300,000
<u>Maximum Amount of Bonds or Notes:</u>	\$ 285,000
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 15,000

- (e) Purpose: Crack sealing of various roads in the Township, a complete list on file in the office of the Township Clerk, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 10,000
<u>Maximum Amount of Bonds or Notes:</u>	\$ 9,500
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 500

- (f) Purpose: Pavement overlay of various roads in the Township, a complete list of which is on file in the office of the Township Clerk, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 200,000
<u>Maximum Amount of Bonds or Notes:</u>	\$ 190,000
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 10,000

- (g) Purpose: Construction and/or reconstruction of sidewalks at various locations, as per a list on file in the office of the Township Clerk, and including

all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 20,000
Maximum Amount of Bonds or Notes: \$ 19,000
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$ 1,000

- (h) Purpose: Construction and/or reconstruction of curbs at various locations, as per a list on file in the office of the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 25,000
Maximum Amount of Bonds or Notes: \$ 23,750
Period or Average Period of Usefulness: 10 years
Amount of Down Payment:
\$ 1,250

- (i) Purpose: Improvements to various fields in the Township, as per a list on file in the office of the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 20,000
Maximum Amount of Bonds or Notes: \$ 19,000
Period or Average Period of Usefulness: 15 years
Amount of Down Payment:
\$ 1,000

- (j) Purpose: Replacement of the stormwater catch basin, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 25,000
Maximum Amount of Bonds or Notes: \$ 23,750
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 1,250

- (k) Purpose: Construction of a Department of Public Works garage in and for the Township as shown on and in accordance with the specifications on file in the office of the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 400,000
Maximum Amount of Bonds or Notes: \$ 380,000
Period or Average Period of Usefulness: 40 years
Amount of Down Payment: \$ 20,000

- (l) Purpose: Renovations to Field Houses in and for the Township as shown on and in accordance with the specifications on file in the office of the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 20,000
Maximum Amount of Bonds or Notes: \$ 19,000
Period or Average Period of Usefulness: 20 years
Amount of Down Payment: \$ 1,000

- (m) Purpose: Purchase and installation of lighting at various parks in the Township, as per 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>	\$ 62,500
<u>Maximum Amount of Bonds or Notes:</u>	\$ 59,375
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 3,125

- (n) Purpose: Various parking and drainage improvements at the Senior Center and North Firehouse, as per plans 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>	\$ 320,000
<u>Maximum Amount of Bonds or Notes:</u>	\$ 304,000
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 16,000

- (o) Purpose: Renovations to the North Firehouse, as per plans 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>	\$ 100,000
<u>Maximum Amount of Bonds or Notes:</u>	\$ 95,000
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 5,000

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

(q) 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 not less than 99% of par and accrued interest, 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 18.25787 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 \$1,534,369, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 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. 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is hereby approved.

Open Public Hearing

Motion by Councilman de Stefan; seconded by Councilwoman Sieg to open the public hearing on Ordinance 177-2007:

Dr. Jeffrey Maftus – 692 Alden Court – questioned whether this bond included the artificial field. Council President Jasionowski answered that the down payment is in the O & E portion of the budget not in the bond.

Close Public Hearing

Motion by Councilman de Stefan; seconded by Councilman Bromberg to close the public hearing on Ordinance 177-2007

Council Discussion

Councilman Bromberg pointed out that the figures on page 14 on the bond ordinance for curbs and sidewalks were reversed.

ROLL CALL VOTE: Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos was absent.

Council Discussion

The Township Attorney explained the revisions to the Slope Ordinance. She did not include the tree survey because the developers are required to do a site plan that would include a location survey of all existing topography.

Motion: Councilman Bromberg

Second: Councilwoman Sieg

ORDINANCE #178-2007

AN ORDINANCE AMENDING STEEP SLOPE ORDINANCE NUMBER 144-2006, FINALLY ADOPTED MARCH 13, 2006 REGULATING THE INTENSITY OF USE IN AREAS OF STEEPLY SLOPING TERRAIN IN THE TOWNSHIP OF RIVER VALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY

BE IT ORDAINED, by the Township Council of the Township of River Vale, in the County of Bergen and State of New Jersey as follows:

The Steep Slope Ordinance No. 144-2006 of the Township of River Vale, in the County of Bergen and State of New Jersey, finally adopted March, 2006, (the “Prior Ordinance”) is hereby amended in its entirety to provide as follows:

Part 9 “Zoning” of Chapter 175 “Land Use” of the Township of River Vale shall be amended to create a new section Article LVIII, B “Regulation of the Intensity of the Use in Areas of Steeply Sloping Terrain” as follows:

Section 1. PURPOSE.

The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive storm water runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land.

Section 2. APPLICABILITY.

This ordinance shall be applicable to any, subdivision, site plan, or land disturbance application located in the Township as defined in the Township Land Use Law or any project defined by the Soil Erosion and Sediment Control Act. Land Disturbance for the purpose of this ordinance shall mean any activity involving the clearing, cutting, excavation, grading, filling, storing, transporting, or the covering by artificial or natural materials, of land or any other activity which causes land to be exposed to the danger of erosion.

Section 3. SLOPE CLASS REQUIREMENTS.

(A) Except as set forth in Section 3(F), on slopes of 25% or greater, no land disturbance, re-grading or stripping of vegetation shall be permitted. Land disturbance for roadway crossings, utility, or storm or sanitary sewer construction in areas of 25% slopes or greater are considered variance conditions and the applicant must affirmatively demonstrate that the roadway or utility improvements are necessary in the sloped area and that alternate means are not available to applicant. The sloped area to be developed, re-graded or stripped of vegetation shall be drawn on the development plans for each individual lot.

(B) The maximum disturbance allowed in slope areas between 20.0% to 24.9% shall be 15%.

(C) The maximum disturbance allowed in slope areas between 15.0% and 19.9% shall be 30%.

(D) The maximum disturbance allowed in slope areas between 0 to 14.9% may be 100%, provided that other coverage limitations are in compliance with all applicable ordinances.

(E) Site design and grading on slopes greater than 15% shall provide the minimum disruption of view corridors and scenic vistas and shall preserve significant natural topographic features and vegetation to the greatest extent possible.

(F) Steep Slope disturbance of an area less than four hundred (400) square feet shall be permitted on any parcel.

Section 4. SITE PLAN SUBMISSION REQUIREMENTS.

All earth moving or disturbance activities on existing, pre-development slopes of ten (10%) percent or greater, shall be accompanied by a site plan prepared by a Licensed Professional Engineer and shall be submitted with all site plan and subdivision applications, and all other land development applications. For land disturbances not part of land development applications, a site plan shall be submitted to the Construction Official, who shall refer it to Township Engineer for review and determination of completeness. The Township Engineer shall recommend within 45 days receipt of a complete application either acceptance, rejection, and/or provide recommendations for compliance with the slope ordinances. Site Plans will include at a minimum the following:

(A) Slopes in classes of 0-14.9%, 15-24.9%, and greater than 25% based on two foot (2') contours analyzed on ten foot (10') vertical intervals.

(B) Location of all existing natural and topographic features (including any live, woody perennial tree having a diameter of six inches or greater measured at a point 4 1/2 feet above the ground (diameter breast height)), water bodies including but not limited to

streams, lakes, and wetlands and their respective transition areas as affirmed by the New Jersey Department of Environmental Protection.

(C) Location of all proposed and existing buildings, impervious surfaces and streets.

(D) Location of all existing vegetation including meadow, forest and scrub lands broken down by those areas of vegetation which will be removed as well as vegetation to be preserved; specifications for re-vegetation shall also be included.

(E) Soil erosion and sedimentation controls shall be in accordance with the current edition of the “Standards for Soil Erosion and Sediment Control in New Jersey” by the NJ Soil Conservation Committee.

(F) A statement and description of the stability of the soils on site and the appropriateness of the construction method proposed. If it is determined that vegetative means will be proposed to stabilize the disturbed slopes (which is a preferred methodology), then the revegetation plans shall be certified by a Certified Landscape Architect

(G) Hydrology, drainage and flooding analysis to include a statement on the effect of the proposed development upon water bodies or wetlands in the vicinity of the project.

(H) A statement describing the underlying geology attesting to the stability of the site.

(I) Calculations of the area of proposed disturbance of each slope class on each proposed lot as well as within any proposed road right-of-way.

(J) Grading plan for the construction site and all access routes.

(K) The Township Engineer shall render a report to the Construction Official to accept or reject the plan as submitted and/or require specific conditions be complied with in order for the plan to meet approval. No construction or soil movement permits shall be issued and no grading or site clearing shall occur until a site plan including all of the above items has been reviewed and approved by the Township Engineer.

Section 5. PERFORMANCE STANDARDS.

All development proposals which propose development on steep slopes shall conform to the following performance standards:

(A) Lands to be preserved in one-hundred (100%) percent open space due to the presence of steep slopes may be offered for dedication to the Township, a private land trust, or a non-profit agency in order to preserve and maintain the area in its natural state or,

(B) Shall be preserved in perpetuity through the preparation of deed restrictions filed with the County Recording Officer in the form and description approved by the Township Engineer.

Section 6. EXEMPTIONS.

Land development plans which were granted and perfected final approval prior to the adoption date of this ordinance shall be exempt from these requirements.

Section 7. COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS.

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or

approvals for activities regulated by other applicable codes, rules, acts or ordinances. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, general welfare and the protection of water quality.

Section 8. SEVERABILITY.

If the provisions of any part of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of this ordinance.

Open Public Hearing

Motion by Councilman de Stefan; seconded by Councilman Bromberg to open the public hearing on Ordinance 178-2007:

No Comments

Close Public Hearing

Motion by Councilman Bromberg; seconded by Councilwoman Dieg to close the public hearing on Ordinance 178-2007

ROLL CALL VOTE: Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos was absent.

HEARING OF THE PUBLIC

Motion by Councilman de Stefan; seconded by Councilwoman Sieg to open the meeting to the public.

Dr. Jeffrey Maftus – 692 Alden Court – had various question regarding the local and high school budget with regard to taxes in the township.

Joe Massin – 68 Holiday Court – commented on payments in lieu of taxes with regard to the County owned Golf Course. Mr. Massin noted that both the Golf Course and Jewish Home will be provided services from the Township and the Township should be compensated. Mayor Blundo answered that he would ask the county for the possibility of payment in lieu of taxes regarding the Golf Course. The Mayor added that the County cannot do it for one town and not another.

John Donovan – 63 Rivervale Road – questioned whether the County Golf course which is running a catering service should be paying taxes.

Ed Carter – 664 Woodside Avenue – spoke about the deterioration of the Cherry Brook which runs though his property. The Business Administrator commented that the Township Engineer would be in the office this Thursday to possibly answer any questions.

There being no questions or comments from the public; motion by Councilman Bromberg; seconded by Councilman de Stefan to close the meeting to the public.

ADJOURNMENT –

Motion by Councilman Bromberg; seconded by Councilman de Stefan to adjourn the meeting to closed Session at 10:10pm. The Council will not take action upon adjourning from closed session.

Glen Jasionowski
Council President

ATTEST:
Karen Padva, Deputy Clerk