

MINUTES
Regular Council Meeting
Monday, March 27, 2023
Council Chambers 7:30pm

CALL THE MEETING TO ORDER

Council President Criscuolo called the meeting to order at 7:32pm.

SALUTE TO FLAG

Council President Criscuolo asked all in attendance to join him in a Salute to the Flag.

SUNSHINE LAW STATEMENT

Council President Criscuolo 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 Tolomeo, Councilman Donovan, and Council President Criscuolo were present. Councilmembers Ben-Yishay and Sieg were absent.

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

Mayor's Comments

The Mayor reported that the Administration has completed the 2023 Budget which will be presented to the Township Council. He explained that despite the unprecedented high inflation, reduced energy tax receipts from the State, a 23% increase in employee healthcare and other obstacles, they were able to keep the budget in check, and the tax increase will be similar to last year. The Mayor thanked Gennaro for all of his diligence and hard work on this year's budget. He further reported that the Council will be provided with the Auditors Report for their review as well.

***Councilwoman Sieg arrived at 7:36pm.**

Council Comments

Council Tolomeo reported that he was very fortunate to be able to attend River Vale's first ever Ramadan Crescent Lighting ceremony. Also, in attendance were Gennaro and Councilwoman Sieg. He recalled a story a woman shared at the event. She explained how she used to have to hide celebrating Ramadan. And now, thanks to our Town and others she can celebrate Ramadan openly with her family. He commented that it was an eye opening and very positive event, and he learned a great deal about Islam and Ramadan. Councilman Tolomeo added that Gennaro did a great job selecting the Crescent Moon. He further reported that over 100 people attended, which is amazing, and he is very thankful to have been a part of this event.

Councilman Donovan spoke to the crowd this evening as he was an Eagle Scout with Troop 335, and it always warms his heart to see Scouts attend a Council meeting. Councilman Donovan asked the Scouts that if there's anything they need that from the Governing Body, they are always here to help. He added that they should feel free to contact him, as he always has time to spend with the Scouts.

Councilwoman Sieg reported that she also attended the Ramadan celebration, and found this event very rewarding. She complimented Councilman Tolomeo who did an excellent job introducing and explaining the meaning of the Ramadan Celebration. Councilwoman Sieg was also very moved when the woman spoke about how she had to hide her Ramadan celebration. She

added that River Vale is very diverse, and this is what makes us special and she's grateful the Township took the steps to recognize this wonderful celebration.

Councilwoman Sieg also welcomed the Scouts, and she is very happy to see them here this evening.

Council President Criscuolo welcomed the Scouts and echoed the comments of his colleagues regarding the Ramadan Celebration. He thanked Councilman Tolomeo and Council Vice President Sieg for attending the event. Council President Criscuolo also thanked the Administration for moving forward and organizing the event.

Business Administrator Report

Mr. Rotella commented on the Green Acres DPW property acquisition. The presentation was well received by Veolia, the DEP, and the various other State agencies. He further reported that they will be meeting again and continue to move forward some items the DEP has requested be added.

He next reported on the Golf Course Diving Range Confinement Netting project. He explained the reason the netting is needed is to prevent golf balls from entering the future development at the Meskers property and the roadway.

Councilman Donovan asked when will the DEP have a decision on the DPW property acquisition. Mr. Statile responded that they have the final hearing in May. He explained that the decision is made by the Board and the presentation is by Veolia as it is their property. He added that the Township is a bystander in the process.

Township Engineer Report

Mr. Statile explained the design build process for the netting at the Golf Course. He reported on the Old Tappan Road Bridge project and that they're currently driving in sheathing and working on the excavation for the new foundation.

He next reported that the Sprinkler System at the DPW Building is complete, and he is working on securing the permit for the new storage shed at the Golf Course. Mr. Statile added that with regard to the DPW property acquisition, his office is preparing a riparian mitigation landscape plan for the May presentation.

Mr. Statile is meeting with the contractor for the new cell tower at the Meskers site to discuss the set-up for their equipment. He noted that the plans have been revised to give the contractor more space for their equipment. Mr. Rotella added that they are still working with PSE&G to move the poles at the site.

Councilwoman Sieg questioned the status of the Pickleball Courts. Mr. Rotella responded that the final phase of the electronic system was completed this past Friday and over the next month people will be able to start registering.

Councilman Donovan commented that he spoke to a friend, who is also a Councilman in Old Tappan and a long-term Pickleball player who plays in National Tournaments. He was asked to commend the Governing Body because he feels River Vale has the nicest Pickleball Courts in the Tri-State area and rivals some of the national courts he has played on as well.

1st Hearing of the Public

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

Max Gerhardt—317 High Road—Max questioned what the netting is going to be used for, is it to protect something or keep animals out. Mayor Bromberg responded that the netting is to keep golf balls from the Golf Course Driving Range from entering a new housing development.

Julian Morris—323 Spring Street—Julian commented that he will be working on his Eagle Scout project soon and if there’s anything that they needed done. Councilman Donovan referred to Gennaro who maintains a list for Eagle Scout projects. Mr. Rotella added that he will be happy to talk to Julian and hear what his thoughts are on the project.

There being no further questions or comments from the public. Motion by Councilwoman Sieg; second by Councilman Donovan to close the hearing of the public.

RESOLUTIONS

Motion by Councilman Tolomeo; second by Councilwoman Sieg to approve Resolution #2023-101 as follows:

Resolution #2023-101

RESOLUTION APPROVING MINUTES FEBRUARY 27, 2023, COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the February 27, 2023, Council meeting of the Township Council are hereby approved.

ROLL CALL VOTE

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

Motion by Councilman Tolomeo; second by Councilman Donovan to approve Resolution #2023-102 as follows:

Resolution #2023-102

RESOLUTION APPROVING MINUTES MARCH 13, 2023, COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the March 13, 2023, Council meeting of the Township Council are hereby approved.

ROLL CALL VOTE

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

Motion by Councilman Tolomeo; second by Councilman Donovan to approve Resolutions #2023-103 through #2023-108 as a Consent Agenda as follows:

Resolution #2023-103

RESOLUTION

REFUND 1st QUARTER PROPERTY TAX OVERPAYMENT

WHEREAS, a tax overpayment was received for the 1st quarter of 2023 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 payable as follows:

Block 1704, Lot 2

549 Herrman Avenue

Check payable to:

Monica Luciano

549 Herrman Avenue

River Vale, NJ 07675

Refund \$ 3,171.92

Resolution #2023-104

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN REVISED ADDENDUM TO THE
DPW SHARED SERVICES AGREEMENT WITH THE BOROUGH OF MONTVALE**

WHEREAS, on August 27, 2013, the Township of River Vale entered into a Shared Services Agreement with the Borough of Montvale whereas River Vale provides shared Department of Public Works services to Montvale in accordance with the Uniform Shared Services and Consolidation Act, P.L. 2007, c.63 (C.40A:65-1, *et seq.*); and,

WHEREAS, on or about September 24, 2019, both parties agreed to revise and extend the agreement for an additional 10-year term commencing on January 1, 2020; and,

WHEREAS, Sections IV.C, III.C, and III.A of the Shared Services Agreement are to be amended; and,

WHEREAS, the Township Attorney has reviewed and approved said amendments.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the revised addendum to the agreement is hereby approved.

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the revised addendum to the Shared Services Agreement with the Borough of Montvale.

Resolution #2023-105

RESOLUTION

(Escrow Refund)

WHEREAS, the owner of 97 Coopers Lane (Block 2001, Lot 20) had posted escrow for a Subdivision and Bulk Variance Application; and

WHEREAS, the Subdivision Application was approved by the Planning Board on April 28, 2021, therefore the escrow balance may be released as per 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:

"Vincent Barcelona"

Mailing Address:

97 Coopers Lane

River Vale, NJ 07675

Refund Amount: \$ 500.00

Resolution #2023-106

RESOLUTION CALLING FOR THE REVIEW AND REFORM OF OPRA

WHEREAS, the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., enacted in 2002, has been in effect long enough to review the impact on Municipalities; and

WHEREAS, it is the position of the Bergen County League of Municipalities (BCLOM), which represents all 70 municipalities in Bergen County, that OPRA can and must be improved upon to make it less onerous on municipalities and protect the safety and welfare of the public; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who bombard municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, municipalities are already required by state law to post and provide certain information and documentation on their municipal websites, including but not limited to, annual budgets, annual financial statements, annual audits, public meeting notices and meeting minutes; and

WHEREAS, under existing law, OPRA fees are woefully inadequate for the amount of time and effort needed to search for documents; it takes valuable time away from staff not only in the Clerk's office but also among other departments that may be involved in the same request; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor and, a requestor who prevails in any proceeding in appealing a denial of access is permitted to collect exorbitant attorney's fees; conversely, however, the resources and guidance available to record custodians and municipal counsel tasked with responding to such requests has narrowed drastically in the ever-changing OPRA arena, muddled by subsequent, voluminous and often-conflicting court decisions that contradict the original intent of the law and will continue to do so in the absence of necessary legislative reform; and

WHEREAS, OPRA law allows outside businesses, and activist groups to utilize municipal time and services for marketing leads or private commercial gain, and for litigants to use OPRA as a method of discovery; and

WHEREAS, a clear distinction needs to be made between individual and commercial and discovery requests; and

WHEREAS, serious concerns about breaches or misuse of personal information exist along with the potential for OPRA to be exploited and abused by requestors, as a threat, harassment, or retaliatory measure to bury local governments in hundreds of requests, not necessarily because the requested records are of any particular interest, but merely because they can and have been emboldened by the courts to do so, to the significant detriment of all other municipal business; and

WHEREAS, most importantly, OPRA must be reformed to enable municipalities, their respective record custodians, and legal counsels to protect the safety and welfare of the general public; and

WHEREAS, over the years, court decisions have chipped away at the reasonable expectation of privacy provision of the law, thus allowing the law to be molded and wielded as a tool that severs any sensible balance of transparency, and instead, now perpetuates rampant and dangerous degrees of for-profit datamining, unsolicited marketing and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, and all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, the pandemic has resulted in a startling and exponential rise in fraud and identity theft, crimes that were already notoriously difficult to investigate, track and prosecute; OPRA, left unchecked and unreformed, continues to add fuel to this already dangerous fire; and

WHEREAS, in a most reprehensible instance in the midst of the pandemic, the unthinkable happened when the young son of a U.S. District Court Judge was senselessly killed by an individual who had managed to compile a dossier of personal information about the Judge including a home address, ushering in the passage of Daniel's Law; and

WHEREAS, while this law as intentioned provides for necessary strides and long overdue amendments to OPRA, the scope of protection provided is critically deficient, the implementation creates challenges for custodians and municipal officials that remain unaddressed by law, with limited channels for guidance, while the vast remainder of the Open Public Records Act continues to be left recklessly unreformed, potentially leaving any officials not covered under Daniel's Law or even, the general public at-large exposed to the whim of any nefarious OPRA requestor lurking in the shadows of those demanding transparency at any cost;

WHEREAS, Assembly Bill No. 4894, introduced January 17, 2019, calling for the creation of a study commission to review OPRA, to-date, has been left negligently stagnant and, to-date the legislative approach to addressing the dangers of OPRA have been fragmented, haphazard and contradictory at best, leading to a dire need for streamlined overhaul and reform, which, at a minimum should include the following:

- Immediate creation of a study commission on OPRA.

- Uniformity under the law: municipalities shall not be subject to any provision under OPRA that the legislature or other state agencies are, by contrast, exempt from.
- Provide a universal platform for clear and concise guidance for records custodians. Such guidance should be in place prior to any laws that impact OPRA going into effect.
- Require that official OPRA Request forms be used in order to be considered valid, including certifications by the requestor of (1) non-conviction of an indictable offense and (2) that information obtained will not be used for profit, solicitation, marketing or commercial gain, or published as part of a separate internet database or search engine.
- Prohibit OPRA requestors from remaining anonymous.
- Require that requestors provide a State of New Jersey address in order to be valid (OPRA should not apply to out-of-state requests).
- Prohibit requests for commercial purposes.
- Exempt email addresses (also serves as a deterrent to spoofing, phishing and other cyber scams and crimes).
- Exempt information maintained for emergency notification purposes.
- Exempt any information related to minor individuals, disabled persons, and senior citizens as well as classes of citizens who are vulnerable to exploitation of their information.
- Exempt personal identifying information from Motor Vehicle Accident Reports, including driver's license numbers, dates of birth (DOBs), home addresses, VINs and registration/plate numbers, unless the requestor is a subject of the record, or their designated legal or insurance representative.
- Exempt pet license information to a need-to-know basis only (health department, police department, veterinarian of record, hospital, bite victim) to deter rising pet thefts and potential for targeted thefts of non-large-breed dog owners.
- Reaffirm exemption of unlisted telephone numbers, including personal cell phones.
- Exempt property owner names, CAMA Data and reaffirm the exemption of property record cards.
- Protections afforded under Daniel's Law should be afforded to all government officials, employees, volunteers, and members of the general public as the threats from the disclosure of personal information is not unique to those rightfully protected under Daniel's Law.
- Provide a carve out for fee-shifting where a municipality in good faith and without clear guidance through Statute or case law denies a request or redacts information which could reasonably be interpreted as not subject to disclosure.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of River Vale finds it imperative that the New Jersey Senate and Assembly review and reform the New Jersey Open Public Records Act.

BE IT FURTHER RESOLVED, that copies of this resolution are sent to all New Jersey State Legislators, the New Jersey State League of Municipalities, the New Jersey Municipal Clerks' Association, the Bergen County Municipal Clerks' Association, the New Jersey State Association of Chiefs of Police, and the Bergen County Police Chiefs' Association.

Resolution #2023-107

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN OPEN LETTER TO THE LEGISLATURE AND ADMINISTRATION SUPPORTING THE RESTORATION OF THE ENERGY TAX RECEIPTS PROPERTY TAX RELIEF FUND TO MUNICIPALITIES

WHEREAS, the New Jersey Urban Mayor's Association, the New Jersey League of Municipalities and the New Jersey Conference of Mayors are requesting all New Jersey Mayors to sign an open letter to the Legislature and Administration supporting the full restoration of the Energy Tax Receipts Property Tax Relief Fund to municipalities; and,

WHEREAS, the State allocated \$75 million in new funds in their Fiscal Year budget identified as the Municipal Relief Fund. This was a positive step; however, fully restoring the funding is a crucial step in addressing property tax affordability in the State.

NOW, THEREFORE BE IT RESOLVED, the Township Council of the Township of River Vale hereby authorizes the Mayor to sign the open letter to the Legislature and Administration supporting the full restoration of the Energy Tax Receipts Property Tax Relief Fund to all municipalities.

Resolution #2023-108

PAYMENT OF BILLS

BE IT RESOLVED by the Township Council of the Township of River Vale that the Business Administrator is hereby authorized to pay the following claims:

CURRENT ACCOUNT claims in the amount of:	\$	264,259.42
RESERVE CURRENT ACCOUNT claims in the amount of:	\$	77,983.68
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	112,666.99
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:	\$	11,693.36
UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:		
ANIMAL TRUST ACCOUNT claims in the amount of:	\$	714.60
PAYROLL AGENCY ACCOUNT claims in the amount of:		
RECREATION TRUST ACCOUNT claims in the amount of:	\$	483.00
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:		
SNOW TRUST ACCOUNT claims in the amount of:		
HOUSING TRUST ACCOUNT claims in the amount of:		
JUNIOR POLICE ACADEMY TRUST ACCOUNT claims in the amount of:		
GOLF COURSE UTILITY CAPITAL ACCOUNT claims in the amount of:		
OPEN SPACE TRUST ACCOUNT claims in the amount of:		
CAPITAL ACCOUNT claims in the amount of:	\$	39,920.02
PLANNING BOARD TRUST ACCOUNT claims in the amount of:	\$	2,962.50
SPECIAL TRUST ACCOUNT claims in the amount of:	\$	480.00
ZONING BOARD TRUST ACCOUNT claims in the amount of:		
TOTAL CLAIMS TO BE PAID	\$	511,163.57

BE IT FURTHER RESOLVED by the Township Council of the Township of River Vale that the following claims have been paid by the Business Administrator prior to the Bill List Resolution in the following amounts:

CURRENT ACCOUNT claims in the amount of:	\$	3,356,174.28
RESERVE CURRENT ACCOUNT claims in the amount of:		
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	80,940.95
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:		
ACCUMULATED ABSENCES TRUST ACCOUNT claims in the amount of:		
ANIMAL TRUST ACCOUNT claims in the amount of:		
SNOW REMOVAL TRUST claims in the amount of:		
RECREATION TRUST ACCOUNT claims in the amount of:		
PAYROLL AGENCY TRUST ACCOUNT claims in the amount of:		

PRIVATE DUTY TRUST ACCOUNT claims in the amount of:

TAX SALE REDEMPTION TRUST ACCOUNT claims in the amount of:

TAX SALE PREMIUM TRUST ACCOUNT claims in the amount of:

UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:

UCC CODE ENF TRUST ACCOUNT claims in the amount of:

UTILITY CAPITAL ACCOUNT claims in the amount of:

CAPITAL ACCOUNT claims in the amount of:

BOND TRUST claims in the amount of:

SPECIAL TRUST ACCOUNT claims in the amount of: \$ 455.00

ZONING BOARD TRUST ACCOUNT claims in the amount of:

TOTAL CLAIMS PAID \$ 3,437,570.23

TOTAL BILL LIST RESOLUTION \$ 3,948,733.80

MANUAL DISBURSEMENTS

BILL LIST FOR March 27, 2023

2/28/2023 Transfer Payroll \$ 324,466.30

3/15/2023 Transfer Payroll \$ 359,628.30

TOTAL STATUTORY ACCOUNT DISTRIBUTIONS \$ 684,094.60

ROLL CALL VOTE

Councilman Tolomeo, Councilman Donovan, Councilwoman Sieg and Council President Criscuolo voted yes. Councilman Ben-Yishay was absent.

There were no Ordinances for 1st or 2nd Reading this evening.

2nd Hearing of the Public

Motion by Councilwoman Sieg, second by Councilman Donovan to open the meeting to the public.

There being no questions or comments from the public. Motion by Councilman Donovan, second by Councilman Tolomeo to close the hearing of the public.

ADJOURNMENT

Motion by Councilwoman Sieg; second by Councilman Tolomeo to adjourn the meeting at 8:00pm.

Council President Paul Criscuolo

ATTEST:
Karen Campanelli, Township Clerk

ROLL CALL VOTE

Councilman Tolomeo, Councilman Donovan, Councilwoman Sieg and Council President Criscuolo voted yes. Councilman Ben-Yishay was absent.

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