

**MINUTES**  
**Regular Council Meeting**  
**Monday, May 9, 2022**  
**Council Chambers 7:30pm**

**CALL THE MEETING TO ORDER**

Council President Bromberg called the meeting to order at 7:33pm.

**SALUTE TO FLAG**

Council President Bromberg asked all in attendance to 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 Sieg and Council President Bromberg were present. Councilman Criscuolo was absent.

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

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Council President Bromberg announced that they are going to take care of the financial Resolutions and Ordinances first this evening.

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**PUBLIC HEARING 2022 MUNICIPAL BUDGET**

Motion by Councilman Ben-Yishay; second by Councilwoman Sieg to open the Public Hearing on the 2022 Municipal Budget.

There being no comments from the public. Motion by Councilman Donovan; second by Councilman Ben-Yishay to close the public hearing on the 2022 Municipal Budget.

**RESOLUTIONS**

Motion by Councilman Ben-Yishay; second by Councilwoman Sieg to approve Resolutions #2022-115 and #2022-116 as follows:

**Resolution #2022-115**

**AUTHORIZE SELF EXAMINATION OF BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Township of River Vale* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2022 budget year.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the *Township of River Vale* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
- 2 That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

**Resolution #2022-116**

**Adopt 2022 Budget**

**(Attached)**

**ROLL CALL VOTE**

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

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**Ordinances 2<sup>nd</sup> Reading & Public Hearing**

**ORDINANCE #399-2022**

Motion to Adopt: Councilman Donovan

Second: Councilwoman Sieg

Motion by Councilman Ben-Yishay; second by Councilwoman Sieg to open the public hearing on Ordinance #399-2022.

There being no questions or comments for the public; motion by Councilman Donovan second by Councilwoman Sieg to close the public hearing on Ordinance #399-2022.

**AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS AT THE RIVER VALE COUNTRY CLUB GOLF COURSE IN AND FOR THE TOWNSHIP AND APPROPRIATING \$825,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$825,000 IN 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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of River Vale, in the County of Bergen, New Jersey (the "Township"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated \$825,000. No down payment is required in connection with the improvement or purpose for which obligations are authorized as provided in Section 3 hereof as said purpose is deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(f) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$825,000 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. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is driving range netting and the installation of a storage building at the River Vale Country Club Golf Course in the Township, and including all work and materials necessary therefor on incidental thereto.

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

(c) The estimated cost of the improvement or purpose 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 improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Township may lawfully undertake as a self-liquidating improvement of a municipal public utility, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, is fifteen (15) 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 \$825,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$75,000 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 improvement or purpose 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.

(f) This bond ordinance authorizes obligations of the Township solely for a purpose described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement 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 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 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.

**ROLL CALL VOTE**

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

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**ORDINANCE #400-2022**

Motion to Adopt: Councilman Ben-Yishay

Second: Councilwoman Sieg

Motion by Councilman Ben-Yishay; second by Councilwoman Sieg to open the public hearing on Ordinance #400-2022.

There being no questions or comments for the public; motion by Councilman Donovan second by Councilwoman Sieg to close the public hearing on Ordinance #400-2022.

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF RIVER VALE AND APPROPRIATING \$1,499,730 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,364,742 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 \$1,499,730, 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 purpose set forth in Section 3(e) of this bond ordinance, and (b) \$74,988 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 \$1,364,742 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: Department of Public Works site remediation, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$187,000
<u>Maximum Amount of Bonds or Notes:</u>	\$177,650
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$9,350

- (b) Purpose: Acquisition of real property for Department of Public Works, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$258,500
<u>Maximum Amount of Bonds or Notes:</u>	\$245,575
<u>Period or Average Period of Usefulness:</u>	40 years
<u>Amount of Down Payment:</u>	\$12,925

- (c) Purpose: Improvements to public buildings and properties, including, without limitation, installation of handicap doors for Community Center, replace garage doors at South Fire House, construction of catch basins and fencing at Upper Grove Field, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$692,450
<u>Maximum Amount of Bonds or Notes:</u>	\$657,827
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$34,623

- (d) Purpose: Acquisition of information technology and telecommunications equipment, including items with a unit cost less than

\$5,000, including, but not limited to, radios for the Volunteer Fire Department, radios and pagers for the River Vale Volunteer Ambulance Corps and radios and pagers for the Volunteer Fire Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$26,294
<u>Maximum Amount of Bonds or Notes:</u>	\$24,979
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$1,315

- (e) Purpose: Acquisition of vehicles (excluding passenger car and station wagon except alternative fuel automotive vehicles) for the Department of Public Works, including, but not limited to, two (2) pick-up trucks with plow and hook lift truck with plow and salter, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$275,000
<u>Maximum Amount of Bonds or Notes:</u>	\$201,250
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$13,750
<u>Montvale contribution:</u>	\$60,000

- (f) Purpose: Acquisition of equipment for the Township's Volunteer Fire Department, including, but not limited to, firefighter personal protective equipment, Knox Box replacement and hoses, nozzles, appliances and equipment, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$60,486
<u>Maximum Amount of Bonds or Notes:</u>	\$57,461
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$3,025

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

(h) 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 17.63 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 \$1,364,742, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$119,339 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 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.

The foregoing bond ordinance is hereby approved.

### **ROLL CALL VOTE**

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

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### **Council Comments**

Councilman Donovan commented that he was happy to see the public here this evening.

Councilman Ben-Yishay hopes Councilman Donovan feels better.

Councilwoman Sieg was also happy to see residents at this evening meeting and she is looking forward to hearing what they want to share with the Council. She also thanked Councilman Donovan for making it to this evenings meeting despite not feeling well.

Council President Bromberg also thanked Councilman Donovan. He explained that for specific agenda items they need a certain amount of members present. Council President Bromberg added that they always help each other out when they have an issue in order to take care of important business.

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### **Administrator's Report**

Mr. Rotella had no comments this evening.

### **Engineer's Report**

Mr. Statile reported that they are going back out to bid for the Confinement Netting at the Golf Course Driving Range and the affordable housing at Meskers will be on the Planning Board agenda for a hearing shortly. He next reported that the Construction Management Company has reviewed the bid specifications for the new Public Safety Complex and he and the Architect have addressed their comments. Mr. Statile is also working with PSE&G on the relocation of (4) utility poles at the site.

He next reported that SUEZ is continuing with the paving in the areas where they installed new water mains on Bailey, Alpine Circle and Whitenack; this will complete their work for the year. Mr. Statile submitted the 2022 Open Space Grant application on May 6<sup>th</sup> for new LED Lighting at Mark Lane Sports Complex; this item is also on the agenda this evening for a Public Hearing. The Road Program is ready to go out to bid once the Council approves their budget. He explained that the Road Program includes two local aid projects totaling \$900,000 to \$1 million in road work being done this year.

Mr. Statile reported that they are re-advertising the Pickleball Courts contract. They are reducing the Scope of Work and hoping the project will come in under budget. Mr. Statile reported on potential grant opportunities from the Federal government under the Safe Streets and Roads for All Program. He reported that the Federal government is going to be putting away \$1billion a year for (5) years for these types of projects nationwide.

Mr. Statile added that the grant opens in mid-May and applications are sent directly to the Federal government.

Councilwoman Sieg had questions regarding the Pickleball Courts being over bid and whether it is due to the supply chain issues that are increasing prices. Mr. Statile responded the yes the material costs are increasing by as much as 10%. He has also taken (2) items out of the bid and made them alternates; the first being the sound proofing and they have reduced the fence height as a cost saving measure.

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### **1<sup>st</sup> Hearing of the Public**

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

Ryan Krauchick—506 Cedar Place—Mr. Krauchick asked his neighbors if they felt the same way he did regarding a local business. He and members of the surrounding neighborhood on Cedar Place, Cedar Lane, Herrmann Avenue, Elizabeth Avenue and Oak are here to speak about the property at 272 Cedar Lane which is known as the Pet Lodge & Day Spa.

He commented that under in the Township's 1967 Zoning Laws; Zone B was established as a residence district for one family dwellings and detailed the restrictions of a B Zone. He added that this evening there are residents that have been in their homes for more than 30 years. And recently there has been a change with the business which has created a dramatic change to the neighborhood; specifically in the last year.

Mr. Krauchick reported that they are subject to 8 ½ hours of constant barking and howling from the facility as the business has expanded to all day outdoor services. He added that the noise levels often exceed 65 decibels which is against the New Jersey Noise Control Act created by the New Jersey Department of Environmental Protection. He further noted that the facility can peak at 73 decibels and this has forced him to purchase expensive decibel reading monitoring equipment. He also has to run fans and air filters to drown out the noise.

He next reported that the referenced property was grand fathered in as a Kennel that predated the 1967 Zoning laws. Mr. Krauchick cited online posts from the owners that the Pet Lodge was originally a breeding facility in the early 80's and in 2005 the Pet Lodge was converted to just boarding and grooming was added later. He further commented that the grandfather clause is an exception that allows an old rule to continue to apply to existing situations when new rules such as zoning laws apply to future situations. Mr. Krauchick added that the use is generally restricted to what existed when the Zoning ordinance was adopted. Additionally, the grand fathered property is not permitted to substantially change the uses affect on the neighborhood and intensity.

Mr. Krauchick recalled that last time he attended a meeting he spoke of meeting minutes and resolutions from 1985 and 1992; when neighbors objected to an expansion of the property that was unrelated to the business at that time. At that time, the kennel was documented as an indoor facility where dogs were only allowed outside twice a day in two hour blocks to allow for feeding and sanitation of the facility. He added that during these meeting the Town suggested reducing the hours for good neighborliness.

He continued that they now have seen constant expansion at a rate that the owners cannot maintain without dramatically impacting the surrounding neighborhood. Mr. Krauchick next referenced Chapter 159 section 6; that it is unlawful for any person to make, continue or cause any loud, unnecessary or unusual noise that disrupts, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. He added that loud disturbing noises are linked to health issues and that he suffers from Shingles; which is a stress induced illness.

Mr. Krauchick next cited the word unnecessary and that under the State of New Jersey's Administrative Code Chapter 8 Section 23A 1-6; which relates to dogs and indoor kennels, and references that the dogs need to be exercised at least twice a day. He added that this is why the previous owners legally had the (2) two hour times for the dogs to be outdoors. Mr. Krauchick further commented that the business's expansion further breaks legal precedence and he cited other cases with regard to grand fathered businesses.

He added that they are not looking to close the business and are trying to be neighborly. Several of the people here this evening have used the business in the past. He commented that they are heavily against the expansion that was not approved and has negatively affected their neighborhood. Mr. Krauchick explained that they can't have barbecues, enjoy holidays outside and inside their homes without constant noise and disturbances. In conclusion, they are looking for help to mitigate the problem which is getting increasingly difficult to deal with.

Councilwoman commented that she visited the neighborhood and agrees there is a problem.

Council President Bromberg added that they have their attention and he understands the gravity of the situation. He reported that the Council liaison to the Planning Board has been doing research as well as the Town Hall staff regarding this situation. Council President Bromberg noted that they have brought up different aspects to the problem that may pertain to the Board of Health.

Mr. Rotella added that the Board of Health is looking at the issue regarding the noise from the Health Department standpoint.

Mr. Raso added that the Council is exploring this issue. More specifically what was the permitted use; which is the question that has to be determined first, as to whether or not they are in compliance with what is permitted. Ms. Raso continued that even if they are in compliance; then it becomes an issue of whether or not the permitted use is becoming a nuisance.

Mr. Krauchick added that he has reached out to people that have worked at the Pet Lodge before the new owners and they are willing to attest to what the services were if needed.

Councilwoman Sieg commented that it's a reality and way of life and that they do encourage commerce in Town. She further commented that they are looking at every aspect; what was given permission, what it's turned into because back then it was all woods and there was no Cedar Place. Councilwoman Sieg added that this is being taken seriously because no one deserves to not have a quality of life in River Vale.

Kim Alvarado—530 Elizabeth Avenue—Ms. Alvarado has lived in River Vale for more than 20 years; she originally lived on Highland Court before buying her home on Elizabeth. She explained that they did come to learn that there was a kennel there; which they did hear but it was nothing like it is now. Ms. Alvarado added that her kids are grown, they are thinking of selling their home and this is affecting her property value. She recalled that before last year it was only two hours in the morning and two hours in the afternoon; which was what was expected and it wasn't as loud.

Ms. Alvarado reported that on April 15<sup>th</sup>; which is also her Birthday, there were three hours of straight barking. Ms. Alvarado then went to the Pet Lodge and spoke to the owner explaining that the noise is very much out of control. Ms. Alvarado commented that the response she received was cursing, that they are being stressed out and they have increased the business three times what it was. Ms. Alvarado noted that she brings her own dog to the Pet lodge to be groomed. She told the owner that she is not trying to hurt their business but rather she is asking for some respect be shown to the people that live nearby. Ms. Alvarado added that she told the owner there is a noise ordinance in Bergen County; the owner responded that doesn't affect them because they're grandfathered in. Ms. Alvarado added that 20 minutes of howling or barking is considered a problem in Bergen County; and even though River Vale doesn't have the numbers of minutes in their ordinance, if it's unreasonable and affecting the quiet and enjoyment of others then you're breaking the law.

Ms. Alvarado further reported that she didn't want to call the Police on the issue but did. The responding officer told her they have had a lot of complaints and told her to not go there but to please call them instead. She is asking that there be a time limit in our ordinance/code similar to Saddle River; who has a 15-20 minute limit on barking and Bergen County has a 20 minute time limit.

Ms. Alvarado also does not think the business is being used for its intended purpose. She also suggested that they put up noise barriers and urged the Council that something has to be done.

Vince Saparito—504 Cedar Place—commented that he has a 2 and 4 year old who have asked that they not be outside and instead go to their grandma's house for Easter. Mr. Sapartio has also called the Police who advised him of the process of filing a complaint and possibly appearing in Court; he is very saddened that it has gotten this far.

Suzanne Cauder—502 Cedar Place—lives on the corner of Cedar and there are people parking near her driveway, hitting her mail box and throwing trash on her property. Also, no one wants to come to her house for a barbecue, she's lived here for 18 years and can no longer can use her backyard. She also stated that her son has epilepsy and becomes very stressed if he can't sleep. She has noise fans and other sound proofing

items and it's still not enough to help the noise. She also hopes that something can be done and did recall that in 2005; when she bought her home, the kennel was shut down and there was no business there.

Melissa Simone—512 Herrmann—Ms. Simone has lived here for 5 years and the dogs were only out for an hour or two in the morning and afternoon. Ms. Simone also has two toddlers and her children cannot take naps, she can't have family over and even in her home with the windows shut; you can hear the dogs for 8 hours a day. She added that they can't enjoy their backyards and it's not fair as a neighbor.

Kathleen Lacey—513 Herrmann—Ms. Lacey has lived here for 27 years, she is very used to the kennel as her yard backs up to it. She explained that years ago there was no problem; however, last year everything changed and got very loud. Ms. Lacey stated there is no peace at all, you can't sit in your back yard. The barking starts first thing in the morning and is non-stop.

Councilman Donovan asked how early it starts. Ms. Lacey responded by 8:00 in the morning.

Ms. Lacey also used to take her dog there and they told her they wanted to put on an expansion and that they were going to come around with a petition to be filed or signed. Ms. Lacey recalled that no one ever came around and clearly something was done there. She can see the expansion and that they have many more dogs and questioned that they would have needed a permit.

Councilman Donovan agreed that if they've expanded the building they would have needed a permit. He added that these are the items they're looking into.

Ms. Lacey stressed the quality of life issues, that they can't sit in their backyards or have people over.

Councilman Donovan lives at 559 Herrmann Avenue; he is working diligently to make certain everything they do will stand and added that government does not move as quickly as we'd like. Councilman Donovan has also heard the dogs before 7:00. He added that post pandemic the business has grown significantly; due to similar business closing.

Councilman Donovan commented that the fact that everyone is here doesn't go unnoticed. There is a lot going on behind the scenes to verify what was and should be permitted. Also, the garage door doesn't look like a garage door and in the resolution it states the garage was not to be part of the kennel. Councilman Donovan wants to be certain that when they put all the facts together they want to be sure they can do something that will help.

There was further discussion about a fence that was put up on the property and the permit for the expansion.

Councilwoman Sieg suggested having the Building Inspector look at the property to ensure that it's within the guidelines and approved.

Alfredo Alvarado—530 Elizabeth— Mr. Alvarado asked Ms. Raso about her understanding of the ordinance, what the next steps are and if they are in compliance with the ordinance are they looking at amending or changing the ordinance.

Council President Bromberg commented that they have to be careful about spot zoning,

Ms. Raso clarified that they are speaking about the noise ordinance. Mr. Alvarado responded yes the noise ordinance and how they claim they are grandfathered in.

Ms. Raso responded that there are two paths they are looking at. The first being, is the use in compliance with the permission given to use the property as a kennel. She added that this is something they have to determine. Ms. Raso continued that if they are outside the scope of what they're permitted to do; then that's a violation that needs to be addressed. The second path is that they are in compliance with what is the allowed use on the property but the use of the property is a nuisance which is understood. The question in this case is how to enforce the noise ordinance. Ms. Raso added that there are two issues that need to be looked at, she provides legal advice to the Council of what their options are and the enforcement is handled in other arenas.

Council President Bromberg stated that the issue is still being investigated.

Mr. Adeboye—517 Herrmann—Mr. Adeboye moved here in 2017. He explained this a success story and how not many businesses can say they effectively grew their business through the pandemic. But sometimes you outgrow your location. He added that you can't be a continued nuisance for the good citizens that live here. He also asked about the timeline specific to the steps involved; this way they can stay informed and perhaps not to have to call the Police.

Mr. Rotella responded that they are meeting with the owner of the property. He has made an inquiry about fencing and noise proofing. Mr. Rotella added that there has been a lot of discussion this evening, he's taking notes on these items which he will start to address tomorrow. Council President Bromberg explained the ordinance process which includes legal review, first and second readings and the estoppel period before it would become law.

Mr. Adeboye understands that this is a lot at one time but can there be a commitment to a time depending on the different options. He understands the ordinance process could takes months; however, this is a daily pain your citizens are feeling and summer is coming and people are looking forward to being outside. He concluded that any information that can be given as to where we are in the process would help.

Michele Kidd—514 Herrmann Avenue—Ms. Kidd reported that there is no parking and the employees park on Cedar Lane where there is a horrible curve in the road.

Mr. Rotella noted that Cedar Lane is a County Road which is different than a controlled municipal street. He will ask the Police to look at this issue.

Kelly Adeboye—517 Herrmann Avenue—Ms. Adeboye commented that it's inhumane the way the dogs are kept. She questioned if this is an issue the Town could look into.

Councilman Donovan responded that it's a Board of Health matter. He explained that the Town can collect the fee for them to have a license to operate; the inspections for the animal welfare and operation itself are handled by the Health Department. He further explained that they come in once a year to check. Councilman Donovan shared that as a dog lover himself and someone with a lot of knowledge about this type of business; the regulations for what's required for the animals would make most of us upset and how little the dogs are respected by the laws.

Councilman Donovan commented that in two Council meetings from now; they will have some kind of an answer for them. He added that the problem is they have expanded from what they were originally doing and there is a balance that needs to be found.

Patrick—550 Alosio Drive—commented that he is a sophomore in high school and he is very interested in law and politics. His teacher suggested that he come to a Council meeting which is why he is here this evening. Patrick commented that he is astounded by what he has seen. He explained that it's incredible to see the citizens motivated to bring a problem to their local government and hear that their problems are being fixed. And it was impressive to see what motivated citizens can do and he does hope that they get their peace and quiet.

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

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**PUBLIC HEARING 2022 BERGEN COUNTY TRUST FUND GRANT APPLICATION FOR PARK DEVELOPMENT GRANT FUNDING Project(s):** Mark Lane Field Complex Replacement of Park Lighting with LED's

Motion by Councilman Ben-Yishay; second by Councilwoman Sieg to open the Public Hearing ark Lane Field Complex Replacement of Park Lighting.

There being no questions or comments from the Public. Motion by Councilman Ben-Yishay second by Councilman Donovan to close the Public Hearing.

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**RESOLUTIONS**

Motion by Councilman Ben-Yishay; second by Councilwoman Sieg to approve Resolutions #2022-117 through #2022-124 as a Consent Agenda as follows:

**Resolution #2022-117**

Approve Temporary Capital Budget

(Attached)

**Resolution #2022-118**

**RESOLUTION APPROVING MINUTES APRIL 25, 2022 COUNCIL MEETING**

**BE IT RESOLVED**, by the Township Council of the Township of River Vale that the minutes of the April 25, 2022 Regular meeting of the Township Council are hereby approved.

**Resolution #2022-119**

**RESOLUTION APPROVING THE FIREWORKS PERMIT FOR EDGEWOOD COUNTRY CLUB – JULY 2, 2022 (RAIN DATE JULY 1, 2022)**

**BE IT RESOLVED**, by the Township Council of the Township of River Vale that the fireworks permit for Edgewood Country Club located at 449 Rivervale Road is hereby approved.

**BE IT FURTHER RESOLVED**, that the River Vale Fire Prevention Bureau permit fees have been paid in full; and

**BE IT FURTHER RESOLVED**, that the Fire Prevention Official has received all pertinent applications and approvals according to Township Ordinances and Statutes of the State of New Jersey.

**Resolution #2022-120**

**RESOLUTION ENDORSING COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR NEW CONCEPTS FOR LIVING**

**WHEREAS**, a Bergen County Community Development grant of \$45,000 been proposed by New Concepts for Living for improvements to the Roof, Windows, Exterior Doors and Portico at their community residence in the municipality of River Vale; and,

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

**WHEREAS**, the aforesaid project is in the best interest of the people of River Vale and the residents at 687 Rivervale Road; and,

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

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of River Vale hereby confirms endorsement of the aforesaid project.

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

**Resolution #2022-121**

**Enabling Resolution 2022 Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund Grant Municipal Park Improvement Program**

**WHEREAS**, the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

**WHEREAS**, the Township of River Vale desires to further the public interest by obtaining a matching grant of \$100,000 from the County Trust Fund to fund the following projects: Replacement of Lighting at Mark Lane Field Complex with LEDs; and,



**WHEREAS**, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund for the Municipal Park Improvement Program application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

**WHEREAS**, as part of the application process, the governing body/board received held the required Public Hearing to receive public comments on the proposed park improvements in the application on May 9, 2022; and,

**WHEREAS**, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

**WHEREAS**, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of May 6, 2022, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Township Council of the Township of River Vale has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Township Council of the Township of River Vale is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Township Council of the Township of River Vale agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

**Resolution #2022-122**

**REFUND**

**(Camp Have Some Fun Registration Fee)**

**WHEREAS**, the following individuals have requested a refund of their Camp Have Some Fun registration fees; and

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

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

**Payable to:**

Jacqueline Tovar  
215 Highland Avenue  
River Vale, NJ 07675

**Refund Amount: \$ 760.00**

**Payable to:**

Gilbert Hawkins  
602 Hudson Avenue  
River Vale, NJ 07675

**Refund Amount: \$ 395.00**

**Resolution #2022-123**

**RESOLUTION**

**REFUND 2<sup>ND</sup> QUARTER PROPERTY TAX OVERPAYMENT**

**WHEREAS**, a tax overpayment was received for the 2<sup>nd</sup> quarter of 2022 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:

**Payable to:**

Mohamad & Carol Allahyari

**Mail to:**

2202 Mackay Avenue

Fort Lee, NJ 07024

**Refund Amount \$ 6,134.62**

571 Brook Avenue (Block 1501.01, Lot 4)

**Resolution #2022-124**

**RESOLUTION APPROVING REFUND**

**BUILDING PERMIT FEE**

**(551 Whitenack Road)**

**WHEREAS**, the resident of 551 Whitenack Road has withdrawn their application for a generator and is subsequently requesting a refund of the permit fee paid for the installation of a transfer switch; and

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

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

Payable to:

**“Joan Pressimone”**

Mail to:

551 Whitenack Road

River Vale, NJ 07675

**Refund Amount: \$ 71.00**

**ROLL CALL VOTE**

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

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**2nd Hearing of the Public**

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

Kim Alvarado—530 Elizabeth Avenue—Ms. Alvarado questioned that if it’s found after investigation that the original use of the property was for an indoor kennel; we would need to know the definition of an indoor kennel. She continued if there was nothing ever done to expand under River Vale’s regulations; then this should be an indoor kennel and be limited by the Bergen County noise ordinance of 20 minutes.

Ms. Raso agreed that if they have expanded beyond the use that was permitted then at that point enforcement has to step in to stop the use that is not permitted under the Zoning Ordinances. Ms. Alvarado added that this is what’s being investigated.

Ms. Alvarado asked about enforcement and referenced a case in Saddle River that they were fining \$1,000 per incident; she suggested adding this in if they're beyond 20 minutes.

Ms. Raso clarified that a summons would have to be issued first, then a determination that they were in fact in violation and then the fine. Council President Bromberg added that this would have to be adjudicated in Court by a Judge.

Vincent Saparito—504 Cedar Place—Commented that they have a non-conforming grandfathered use.

Ms. Raso stated that if that is the case she is not sure.

Mr. Saparito commented that Suzanne had said the place was shut down and does that extend for the location.

Ms. Raso responded that this is a legal issue that would have to be looked at; which is if you've abandoned a non-conforming use then the argument can be made that the use was abandoned and therefore cannot be recommenced after a period of time. She added that the question would be how long was it stopped for; this is the information needed to make a determination.

Mr. Saparito questioned if this agreement would need to be filed or extended. Ms. Raso responded that permission would have to be granted by the Zoning/Planning Board to use the property as such; therefore it exists and runs with the owner. The question would be how it is being used in conformance with the permission granted.

Mr. Saparito questioned if it was inherent to the property and that when they purchased do they have to back to the Town with the non-conforming agreement to have it extended. He added that when they've asked for documentation they couldn't find any. Ms. Raso suggested they file an OPRA request which Mr. Saparito did. Ms. Raso added that the first issue would be the permit for the use and the Board approval by resolution that would describe what the use is.

Mr. Saparito questioned that when the ownership changes is there any paperwork that needs to be filed to extend the usage. Ms. Raso responded that a Certificate of Occupancy has to be obtained.

Ryan Krauchick—506 Cedar Place—commented that they had put together an OPRA request and there was no indication when ownership changed that they had filed to continue to use the property in this manner.

Mr. Krauchick noted that they have added fencing on the interior of the fence to allow segregation of the dogs; he believes the fencing is new since 2021. He also referenced the use of the garage and in the 1985 resolution it was specifically stated that the single garage was not to be used for the kennel business.

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

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## **ADJOURNMENT**

Motion by Councilman Donovan; second by Councilwoman Sieg to adjourn the meeting at 8:57pm.

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Council President Bromberg

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ATTEST:

*Karen Campanelli, Township Clerk*

