

MINUTES
Regular Council Meeting
Monday, July 11, 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.

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

Council Comments

There were no Council comments this evening.

Councilman Criscuolo arrived at 7:38pm.

Administrator's Report

Mr. Rotella commented on Resolution #159; a not to exceed for ACE Telecom Consulting. He explained that they are a subcontractor of Munisite; the consultant for our cell tower. Mr. Rotella reported that they are putting out a bid for the monopole at the Meskers site. He added that the cell tower will be a great source of revenue, and provide improved cell service to residents in the north end of Town and serve as the Police Department's antenna as well.

He was next happy to report that he received confirmation from Green Acres that we will receive another \$500,000 from Green Acres funding for the River Vale Country Club. Mr. Rotella added that he will try again next year when the funding rounds open up. Councilwoman Sieg thanked Gennaro for securing this grant money.

Mr. Rotella next reported that they recently did an analysis of the zoning fees in the Construction Code department; which hasn't been undated since early the 2000's. He added that our zoning fees are low and not in line with other Towns. Mr. Rotella will provide the Council with the research and keep the Council updated. Councilwoman Sieg commented that they are looking at the Montvale DPW Shared Services agreement. She reported that they had a very positive meeting a month ago and Montvale is very pleased with the service. Councilwoman Sieg further reported that they are looking to get more funding to help defer some costs and possibly buying equipment as well.

Councilwoman Sieg thanked Gennaro and Chris for their work on getting grants; which also helps our residents. She added that they have a good working relationship with Montvale.

Gennaro agreed that the relationship is good. He also agreed that things have changes and costs have gone up. Councilwoman Sieg commented that it's important the residents know that the

administration is doing whatever they can to curtail some of the expenses that would be passed on to the residents.

Council President Bromberg echoed the accolades to Gennaro on securing a \$500,000 grant from Green Acres; he also understands and appreciates all the behind the scenes work that is required for these grant applications.

Engineer's Report

Mr. Rotella reported that the Township received their second and final installment; \$500,000 from the American Recue Plan Program.

Mr. Statile reported that there are four projects they will be using FEMA funds; Wilson and Tiffany drainage improvements, catch basins for Beechcrest and correcting problems on both Beck Place and Barr Court. He added that they are receiving bids on September 8th and hopefully awarding a contract on September 12th.

He next gave an update on the Driving Range confinement netting project; and reported they are looking at a cage setup for the driving range so they won't need as much netting on the sides. Mr. Statile reported on the new storage garage at the Golf Course; Gennaro added that there is a process that has to be followed as per Green Acres.

Mr. Statile announced that on July 7th the Planning Board approved the plans for the new 24 unit affordable housing building at the Meskers site. In regard to the new Public Safety Complex; he is trying to move some utility poles and hopes to break ground on this project in the spring. He next gave an update that they will be having a pre-construction meeting with the contractor for the Pickle ball Courts; this will probably move into a fall project.

Mr. Statile reported on the list on roads for new PSE&G gas main service; he expects that this project will carryover in to 2023. He added that when the work is done and settled PSE&G will go back and curb to curb pave the streets. He next reported on the CDBG to renovate and make handicap accessible the bathrooms on the Golf Course. Gennaro added that they were approved for a \$50,000 grant for this project.

Council President Bromberg questioned the resolution to sign the Developer's Agreement for 870 Westwood Avenue and if it was consistent with what was approved last year. Mr. Statile responded that yes it was the agreement is consistent with what was approved by the Planning Board.

1st Hearing of the Public

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

Jim Hanna—381 Sunset Road—commented that over 20 years ago there was a project for an ADA fishing station off River Drive by Brian Court. He added that the project never came to fruition and is asking if this could possibly be looked at for next year. Mr. Hanna explained that this is where the river is closest to the road. He further commented that with New Concepts for Living in Town and he has a special needs son that would use the fishing station.

Mr. Statile added that SUEZ built a handicap accessible fishing platform in Woodcliff Lake. Council President Bromberg stated that this is something that they can look into using an ADA grant for funding.

Mark Deats—219 Fondiller—had a question about recycling. He reported that he had read a very disturbing article stating that Towns are throwing out the recycling with the garbage because it's very hard to find a company that will buy the recycled products.

Mr. Rotella responded that the Township has a contractor that picks up the recycling; which then goes to a recycling center. He continued that at the recycling center they determine if it's garage or recyclable; and unfortunately most of what we think is recyclable does not meet the criteria. Therefore, everything does go to the recycling center and is determined there. He further explained that the Township is doing their part. Mr. Rotella agreed with Mr. Deats and added that this is reason our recycling costs have gone up.

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

RESOLUTIONS

Motion by Councilman Criscuolo; second by Councilman Ben-Yishay to approve Resolutions #2022-158 through #2022-161 as a Consent Agenda as follows:

Resolution #2022-158

RESOLUTION APPROVING MINUTES JUNE 13, 2022 COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the June 13, 2022 Regular meeting of the Township Council are hereby approved.

Resolution #2022-159

RESOLUTION AUTHORIZING NOT TO EXCEED LIMITATIONS FOR ACE TELECOM CONSULTING

WHEREAS, ACE Telecom Consulting submitted a proposal for the preparation of bid specifications for a new wireless monopole at the site of the new Police Department as follows:

- **Preparation of Bid Specifications, Review of Submissions and Recommendations: \$7,800.00**

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

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of River Vale that not to exceed limitations are hereby approved and established in the amount of \$ 7,800.00 for ACE Telecom Consulting services.

Resolution #2022-160

RESOLUTION GRANTING TAX EXEMPT STATUS

DISABLED VETERAN AND AUTHORIZING REFUNDING PROPERTY TAXES PAID

WHEREAS, Lobsang T. Salaka, who resides at and is the owner of 396 Cedar Lane (Block 1501.02, Lot 1.01) in the Township of River Vale has been deemed a 100% permanently disabled veteran in accordance with the provisions of N.J.S.A. 54:4-3.30; and,

WHEREAS, Lobsang T. Salaka made the appropriate claim for tax exemption through the River Vale Tax Assessor’s Office as a 100% permanently disabled veteran and was approved effective April 20, 2022; and,

WHEREAS, Mr. Salaka submitted an official letter from the Department of Veterans Affairs with the River Vale Tax Assessor confirming this information; and,

WHEREAS, Mr. Salaka is seeking a refund for property taxes paid as follows:

- **2022 2nd Quarter: \$2,267.45**

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of River Vale that the property known as 396 Cedar Lane is hereby designated as a tax exempt property as the property owner, Lobsang T. Salaka, is a 100% permanently disabled veteran effective April 20, 2022.

BE IT FURTHER RESOLVED, that all property taxes on said property are hereby cancelled.

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that a refund of property taxes paid is hereby granted and the Treasurer is authorized to issue a municipal check payable as follows:

Payable to:

“Lobsang T. Salaka”

396 Cedar Lane

River Vale, New Jersey 07675

Refund Amount \$ 2,267.45

Resolution #2022-161

RESOLUTION AUTHORIZING THE MAYOR TO SIGN DEVELOPER'S AGREEMENT WITH BEAR BROOK BUILDERS, LLC (870 WESTWOOD AVENUE)

BE IT RESOLVED, that the Joint Planning Board has reviewed and approved the Developer's Agreement with Bear Brook Builders, LLC for 870 Westwood Avenue in the Township of River Vale.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the Developer's Agreement with Bear Brook Builders, LLC for the property located at 870 Westwood Avenue (Block 1901, Lot 6).

ROLL CALL VOTE

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

Ordinances for 1st Reading

ORDINANCE #402-2022

Motion to Introduce: Councilman Criscuolo

Second: Councilman Donovan

Council Comments

Mr. Rotella recalled that the Township passed this ordinance several years ago. He reported that both the Assembly and Senate have passed legislation which prompted changes to our ordinance. He added that certain municipalities were over charging. Mr. Rotella further reported that this ordinance has been thoroughly reviewed and updated by our lawyers in order to be compliant with the new laws effective the end of August.

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 180 OF THE CODE ENTITLED "PROPERTIES, VACANT OR ABANDONED"

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 180 of the Code entitled "Properties, Vacant or Abandoned" is hereby amended as follows:

§ 180-1 Purpose.

The provisions of this chapter have been enacted to protect and preserve the public health, safety, welfare, security and quiet enjoyment of residents and neighborhoods by: requiring all property owners, including lenders, trustees and service companies to properly maintain vacant and/or foreclosing properties; and regulating the maintenance of vacant and/or foreclosing properties in order to prevent blighted and unsecured properties.

§ 180-2 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When consistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

CREDITOR

An individual or entity having a right of foreclosure, including, but not limited to, a State-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the New Jersey Residential Mortgage Lending Act (sections 1 through 39 of P.L. 2009 c.53 (C.17:11C-51 through C.17:11C-89), any entity acting on behalf of the creditor named

in the debt obligation including, but not limited to, servicers, or any successor in interest and/or assignee of the creditor's rights, interests or obligations under the document granting foreclosure rights. A "creditor" shall not include the State, a political subdivision of the State, a State, county or local government entity, or their agent or assignee, such as the servicer.

DAYS

Consecutive calendar days.

FORECLOSING

The legal process by which the creditor of a title holder of a parcel of property, which has been placed as collateral or security for a financial obligation, seeks to divest the title holder of his rights to the property and have the property sold at a sheriff's sale to satisfy the debt after the title holder defaults on the aforesaid financial obligation.

NONRESIDENTIAL PROPERTY

Any commercial, industrial and mixed-use real estate, or portion thereof, located in the Township of River Vale, including improvements thereon.

NUISANCE

A.

Any nuisance known at common law or inequity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the Township.

B.

Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, boats, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation, such as poison ivy, oak or sumac, which may prove to be a hazard for inquisitive minors.

C.

Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.

D.

Insufficient ventilation or illumination in violation of this Code.

E.

Inadequate or unsanitary sewage or plumbing facilities in violation of this Code.

F.

Unsanitary conditions or anything offensive to the senses or dangerous to health in violation of this Code.

G.

Fire hazards.

OWNER

Any person who, alone or jointly with several others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or who shall have charge, care or control of any property unit as owner or agent of the owner, including, but not limited to, a lessee, executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a foreclosing mortgagee or mortgagee in possession, regardless of how that possession was obtained. Any person who is a lessee subletting or assigning any part of any property or property unit shall be deemed to be co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

PROPERTY

Any real estate, including residential, commercial, industrial and mixed use, or portion thereof, located in the Township of River Vale, including any improvements thereon.

RESIDENTIAL PROPERTY

Any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

SECURITY

Measures taken to ensure that the property is inaccessible to unauthorized persons.

TOWNSHIP

The Township of River Vale.

VACANT

With regard to any property, that no portion of the property is legally occupied. A property shall not be deemed "vacant," for purposes of this chapter:

A.

Where there is a building on the property containing multiple residential units, if any of the residential units are legally occupied;

B.

Where the legal occupant has temporarily left the property for vacation or other purposes for a period not exceeding 180 days, possessing both the intent to return and the legal right to return, such as a residential property owner or tenant who resides in another municipality or state for a portion of the year; or

C.

Where the building is under construction with current valid construction permits, and work is being performed on the property on a regular basis. A mixed-use property is considered vacant if the portion of the property dedicated to commercial use is not legally occupied even though one or more residential units may be legally occupied.

§ 180-3 Registration of vacant properties; designation of responsible individual.

A.

All owners of vacant residential property must register such vacant properties with the Township of River Vale Clerk within 10 days of such property becoming vacant. The registration must be renewed annually as set forth below for as long as the property remains vacant.

B.

All owners of vacant nonresidential property must register such vacant properties with the Township of River Vale Clerk within 30 days of such property becoming vacant. The registration must be renewed annually as set forth below for as long as the property remains vacant.

C.

Owners of vacant properties shall designate an individual or property management company responsible for the security and maintenance of the property. The individual or property management company responsible for the security and maintenance of the property shall have an office located in New Jersey within 25 miles of the property.

D.

The registration required by this section must contain the following information:

(1)

The owner's name, telephone number, and mailing address. The mailing address may not be a P.O. Box.

(2)

The street address and tax map designation (lot and block) of the property,

(3)

Whether the property is residential, nonresidential, commercial or mixed use.

(4)

The name, telephone number, e-mail address and mailing address of an individual or property management company located in the State of New Jersey which is responsible for the security and maintenance of the property. The mailing address may not be a P.O. Box.

(5)

A statement from the owner certifying that the property was inspected as required by this chapter.

(6)

Proof of utility (gas, electric, water) connections or disconnections.

(7)

Proof of insurance meeting the requirements of § 180-8C of this chapter.

E.

The owner shall have a continuing duty to notify the Township of any changes to the information contained in the registration between registration cycles.

F.

The Clerk of the Township of River Vale may promulgate forms on which the information in the registration must be provided.

G.

The owner must notify the Township of River Vale Clerk if, at any time subsequent to registration as a vacant property, the property is no longer vacant, and provide proof that the property is no longer vacant.

§ 180-4 Registration Fees for Vacant Properties.

A.

The initial registration fee for vacant residential property shall be \$500 and must accompany the registration form. The initial registration shall be valid for the remainder of the calendar year in which the property is registered. Renewals for subsequent calendar years shall run from January 1 to December 31, and payment of the renewal registration fee shall be due by January 15 of the relevant year. The fee for the first annual renewal shall be \$1,000; the fee for the second annual renewal shall be \$3,000 and the fee for the third and subsequent renewals shall be \$5,000. Registration fees and renewal fees will not be prorated or refunded.

B.

No fee shall be charged at the time the owner registers vacant nonresidential property with the Township. If a tenant is not secured for the registered vacant nonresidential property within six months of the date of registration of the vacant nonresidential property, an initial registration fee of \$500 shall be charged to the owner. The initial registration shall be valid for the remainder of the calendar year in which the property is registered. Renewals for subsequent calendar years shall run from January 1 to December 31, and payment of the renewal registration fee shall be due by January 15 of the relevant year. The fee for the first annual renewal shall be \$1,000; the fee for the second annual renewal shall be \$3,000; and the fee for the third and subsequent renewals shall be \$5,000. Registration fees and renewal fees will not be prorated or refunded.

C.

No governmental agency shall be required to pay the initial or renewal registration fee.

§180-5 Notification of Commercial Foreclosure; Nuisance regarding vacant or abandoned properties in Foreclosure.

- A. A creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property in the Township of River Vale shall, within 10 days of serving the summons and complaint, notify the River Vale Township Municipal Clerk and the Mayor of the Township of River Vale, in writing, that such summons and complaint to foreclose on a mortgage has been filed against the subject property. The notice shall contain the full name, address and telephone number for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations and the full name and contact information for any person or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security, or upkeep of the property. In the event the creditor that has served a summons and complaint in an action to foreclose on a commercial is located outside the State of New Jersey, then, in that instance, the notice shall also contain the full name, address and telephone number of an in-State representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned. The notice shall also include the street address, lot and block number of the property.
- B. If there is any change in the name, address, or telephone number for the representative, agent, or individual authorized to accept service on behalf of the creditor required to be provided in a notice pursuant to this §180-5 following the filing of the summons and complaint, the creditor shall provide a written notice to the River Vale Township Municipal Clerk containing the updated name, address, or telephone number within 10 days of the change in that information.
- C. All creditors that have initiated such a foreclosure proceeding on any commercial property located in the Township of River Vale that is pending in the Superior Court as of January 18, 2022 shall provide the River Vale Township Municipal Clerk with a listing of all such commercial properties in the Township of River Vale for which the creditor has foreclosure actions pending by street address and lot and block number no later than [August 25, 2002].
- D. If the owner of a commercial property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a commercial property becomes vacant at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against

the subject property, but prior to the vesting of title in the creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the River Vale Township Municipal Clerk, or other authorized municipal officer, shall notify the creditor or the representative or agent of an out-of-State creditor, as applicable, which shall have the responsibility to abate the nuisance or correct the violation(s) in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or municipal ordinance. Any notice sent by the Township of River Vale pursuant to this section shall include a description of the conditions that gave rise to the violation with the notice of violation. The creditor shall have 30 days from the date of receipt of the notice of violation to remedy the violation. If the creditor fails to remedy the violation within the time period, the Township of River Vale may impose penalties as allowed by the provisions of the River Vale Township Code.

- E. If the Township of River Vale expends public funds in order to abate a nuisance or correct a violation on a commercial property in which the creditor was given notice pursuant to the provisions of §180-11, but failed to abate the nuisance or correct the violation as directed, the Township of River Vale shall have the same recourse against the creditor as it would have against the title owner of the property, including, but not limited to, the recourse provided under section 23 of P.L. 2003 c.210 (C.55:19-100).

§ 180-6 Registration of foreclosing properties; designation of responsible individual.

A.

A creditor filing a summons and complaint in an action to foreclose on a mortgage or other lien against any property in this Township, including, but not limited to, commercial or residential property, shall, in addition to the notice required to be provided to the Township of River Vale as set forth in §180-5 above, within 10 days of filing the summons and complaint, register the property with the Township of River Vale Clerk, as a property in foreclosure and provide all information as required by §180-6(I) as part of the registration

B. The registration must be renewed as set forth below until title to the property has been transferred to a new owner or the foreclosure action is dismissed. A creditor who takes title to a vacant property shall then be required to register as an owner of such vacant property, and to renew such registration for as long as the property remains vacant.

C. If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor required to register a property pursuant to this §180-6 following the filing of the summons and complaint, the creditor shall update the property registration within 10 days of the change in that information.

D. Any creditor filing a summons and complaint in an action to foreclose shall, if the registered property becomes vacant and abandoned after the property is initially registered with the Township of River Vale, update the property registration with the Township of River Vale to reflect the change the property's status within 10 days of the date when the creditor learns that such property has become vacant and abandoned.

E. Any creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the Township of River Vale as a property that is the subject of an action to foreclose.

F. Any creditor that has filed an action to foreclose on a property located in the Township of River Vale, which is located out-of-State, shall be responsible for appointing an in-State representative or agent to for and on behalf of the creditor. The pertinent information related to the representative or agent shall be disclosed to the Township of River Vale in accordance with §180-5(A).

G. Any creditor that files a summons and complaint in an action to foreclose on a property in the Township of River Vale shall comply with the maintenance and care requirements set forth in this Chapter 180 and shall be subject to all penalties for any failure to maintain the property as set forth in §180-11. Further, a creditor that files a summons and complaint in an action to foreclose on a property in the Township of River Vale that is or becomes vacant and abandoned shall be responsible for the care, maintenance, security and upkeep of the exterior of that property, including, but not limited to, 1) securing the property against unauthorized entry, 2) posting a sign affixed on the inside of the property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State representative or agent for the purpose of receiving service of process, 3) procuring and maintaining a policy of insurance insuring the property against liability, which policy of insurance shall name the Township of River Vale as an additional insured, and which policy of insurance shall provide adequate coverage for any damage or injury to any person or any property caused by any physical condition of the property while registered with the Township of River Vale as a property subject to an action of foreclosure, in accordance with §180-8(C).

H. In addition to the definition of a "vacant" property found in §180-2, for purposes of this §180-6 a property in the Township of River Vale shall be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- a. Overgrown or neglected vegetation;
- b. The accumulation of newspapers, circulars, flyers, or mail on the property;
- c. Disconnected gas, electric, or water utility services to the property;
- d. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property; the accumulation of junk, litter, trash, or debris on the property;
- e. The absence of window treatments such as blinds, curtains, or shutters;
- f. The absence of furnishing and personal items;
- g. Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- h. Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- i. Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- j. A risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- k. An uncorrected violation of Township of River Vale building, housing, or similar code during the preceding year, or an order by River Vale Township authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- l. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- m. A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- n. Any other reasonable indicia of abandonment.

I.

The registration shall contain the following information:

(1)

The creditor's name, telephone number, e-mail address and mailing address. The mailing address may not be a P.O. Box.

(2)

The street address and tax map designation (lot and block) of the property for which foreclosure has been sought.

(3)

Whether the property is residential, nonresidential, commercial or mixed use.

(4)

The name, telephone number, e-mail address and mailing address of a designated representative of the creditor who is located in the State of New Jersey and is responsible for receiving complaints of property maintenance and code violations for that property. The mailing address may not be a P.O. Box.

(5) Identify whether the property is vacant and abandoned.

(6)

If the property is vacant, the name, telephone number, and mailing address of an individual or property management company located in the State of New Jersey which is responsible for the care, maintenance, security and upkeep of the property. The mailing address may not be a P.O. Box.

(7)

If the property is vacant, a statement from the creditor certifying that the property was inspected as required by this chapter.

(8)

If the property is vacant, proof of utility (gas, electric, water) connections or disconnections.

(9)

If the property is vacant, proof of insurance meeting the requirements of § 180-8C of this chapter.

(10) Identify the date the summons and complaint in an action foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing.

L.

The creditor shall have a continuing duty to notify the Township of any changes to the information contained in the registration between registration cycles.

K.

The Township of River Vale Clerk may promulgate forms on which the information in the registration must be provided.

L.

Pursuant to N.J.S.A. 40:48-2.12s3, an out-of-state creditor's failure to appoint an in-state representative or agent for residential properties is subject to fines set forth in § **180-11B** of this chapter.

M.

Once the foreclosure action has terminated, either through dismissal, or transfer of title, the creditor must provide proof of such termination, sale, transfer or occupancy to the enforcement authority within 30 days of sale, exchange or transfer.

§ 180-7 Registration fees for foreclosing properties.

A.

The initial registration fee to be paid by a creditor filing an action to foreclose on a property in the Township of River Vale shall be \$500 and must accompany the registration form. The initial registration shall be valid for the remainder of the calendar year in which the property is registered. Renewals for subsequent calendar

years shall run from January 1 to December 31, and payment of the renewal registration fee shall be due by January 15 of the relevant year. Each subsequent renewal fee shall be \$500. An additional \$2000 per year shall be due, for a total of \$2500 per year, if the property subject to an action for foreclosure is or becomes vacant and abandoned at any time while it is in foreclosure.

B.

No governmental agency shall be required to pay the initial or renewal registration fee.

§ 180-8 Maintenance requirements.

A.

Properties subject to the requirements of this chapter must be maintained in accordance with the all applicable federal, state and local laws, ordinances, rules and regulations. The owner, creditor, local individual or local property Management Company, as appropriate, must inspect the property twice a month for the duration of the vacancy or foreclosure as appropriate.

B.

In addition to, and not in lieu of meeting all other applicable federal, state, and local laws, ordinances, rules and regulations owners, creditors, local individual or local property management companies must maintain property that is subject to this chapter as follows:

(1)

Property shall be kept free of accumulated snow and ice, weeds, dry brush, dead vegetation, trash, junk, debris, building materials, unregistered vehicles, any accumulation of newspapers, circulars, flyers, notices (except those required by law), and discarded personal items, including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items giving the appearance that the property is vacant.

(2)

Property shall be kept free of graffiti, tagging, or similar markings. In the event that any graffiti, tagging, or similar markings are placed on the property, it/they shall either be removed or painted over with an exterior-grade paint matching the color of the portion of the structure where the graffiti, tagging, or similar marking was placed.

(3)

Front yards, rear yards, and side yards of properties subject to the requirements of this chapter shall be landscaped and maintained to neighborhood standards. Landscaping and maintenance shall include, but is not limited to, care of grass, mulch, decorative rock, artificial turf/sod specifically designed for residential or commercial installation, or other ground cover, bushes, shrubs, hedges, trees, or similar plantings, removal or repair of gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar material, in addition to regular watering, irrigation, cutting, pruning and mowing of required vegetation and removal of all trimmings.

(4)

Any pool, spa, or other standing body of water shall either be kept in working order so the water remains clear and free of growth, pollutants, and debris, and does not become a harborage for vermin or insects; or drained and kept dry. In either case, properties with pools or spas must comply with the security fencing requirements of the Township.

C.

The owner of any vacant property shall acquire and maintain liability insurance covering injury or damage to any person or any property in not less than \$300,000 for residential buildings, and \$1,000,000 for nonresidential buildings or property.

D.

The owner shall be responsible for property maintenance. However, if the owner of a property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a property is or becomes vacant at the time of or at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the property is found to be a nuisance or in violation of any applicable state or local code, the enforcement authority shall notify the creditor, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by state law or Township ordinance. The enforcement authority shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of 30 days (or 10 days if the violation presents an imminent threat to public health and safety) from the creditor's receipt of the notice for the creditor to remedy the violation. The issuance of a notice of violation pursuant to this section shall constitute proof that a property is vacant and abandoned for the purposes of N.J.S.A. 2A:50-73. If the creditor fails to remedy the violation within that time period, the Township may impose the penalties allowed for the violation of municipal ordinances pursuant to § **180-11** of this chapter against the creditor to the same extent as they could be imposed against the owner of the property.

E.

Adherence to this chapter does not relieve the owner or creditor of obligations set forth in any other statute, regulation, ordinance, or other source of authority or obligation.

§ 180-9 Inspections.

The enforcement authority shall have the authority to inspect the properties subject to this chapter for compliance and to issue summonses for any violations.

§ 180-10 Enforcement.

Enforcement authority shall be vested in the Mayor of River Vale, the River Vale Business Administrator, the River Vale Building Department, and the River Vale Department of Health, and their respective officials and inspectors. The River Vale Police Department and Department of Public Works shall also have enforcement authority with respect to this chapter. The Mayor and/or Business Administrator may also designate, when necessary, enforcement duties to other Township departments.

§ 180-11 Penalties.

A.

Any creditor subject to this Chapter 180 of the River Vale Township code found by the River Vale Township Municipal Court, to be in violation of any provision of this Chapter, excluding only a violation addressed by section 180-10B below, shall be subject to a fine of \$1500 for each day of the violation. Any fine imposed pursuant to this §180-11(A) shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice of violation.

B.

In addition to the provisions of section 180-10A above, pursuant to N.J.S.A. 40:48-2.12s3(g)(1), an out-of-state creditor's failure to appoint an in-state representative or agent for residential properties within 10 days of the service of the foreclosure summons and complaint shall be subject to a fine of \$2,500 for each day of the violation.

C.

§ 180-12 Township's authority to abate and impose lien.

Nothing contained herein shall prevent the Township from taking action to abate a nuisance or correct a violation where the owner or creditor, as applicable, has failed to abate the nuisance or correct the violation on a vacant property or a property in foreclosure after notice and the opportunity to abate or correct. In such situations, the Township may impose a lien against the property for costs to correct the violation or abate the nuisance. Such lien shall hereafter form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as such taxes to be collected and enforced by the same officers and in the same manner as such taxes.

§ 180-13 Governmental entities exempt.

No governmental entity shall be required to register under this chapter. However, nothing contained herein shall be construed as granting exemption to the governmental entity from property maintenance or other obligations imposed by any other statute, regulation, or ordinance.

§ 180-14 Implementation.

Upon the effective date of this chapter, the owner of any currently vacant property and a creditor pursuing a pending foreclosure shall have 30 days within which to comply with the provisions of this chapter.

ROLL CALL VOTE

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

Ordinances for 2nd Reading & Public Hearing

ORDINANCE #401-2022

Motion to Adopt: Councilman Ben-Yishay

Second: Councilman Donovan

Motion by Councilman Ben-Yishay; second by Councilman Criscuolo to Open the Public Hearing for Ordinance #401-2022.

There being no questions or comments from the public. Motions by Councilman Criscuolo second by Councilman Ben-Yishay to close the public hearing on Ordinance #401-2022.

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 112 OF THE CODE ENTITLED "FIRE PREVENTION"

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 112 of the Code entitled "Fire Prevention" is hereby amended as follows:

Article I. Administration and Enforcement

§ 112-1. Local enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383; N.J.S.A. 52:27D-192 et seq.), the New Jersey Uniform Fire Code shall be locally enforced in the Township of River Vale.

§ 112-2. Enforcing agency designated.

The local enforcing agency shall be the Bureau of Fire Prevention of the Township of River Vale. ~~Volunteer Fire Department.~~

§ 112-3. Duties of enforcing agency.

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Township of River Vale, other than owner-occupied one and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 112-4. Life-hazard uses.

The local enforcing agency established by § 112-2 of this article shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

§ 112-5. Organization of enforcing agency.

The local enforcing agency established by § 112-2 of this article shall be ~~a part of the River Vale Volunteer Fire Department and shall be~~ under the direct supervision and control of the Fire Marshal ~~and Fire Chief~~, reporting to the Mayor.

§ 112-6. Fire Marshal and other employees.

A. The local enforcing agency shall be under the direct supervision of the Fire Marshal who shall be appointed by the Mayor ~~upon the recommendation of the Fire Chief~~, with confirmation of the Township Council.

B. The Fire Marshal shall serve for a term of one year.

C. Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Mayor upon the recommendation of the Fire Marshal ~~and Fire Chief~~, with confirmation of the Township Council.

D. Inspectors and other employees of the enforcing agency shall be subject to removal by the Mayor for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ROLL CALL VOTE

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

2nd Hearing of the Public

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

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

RESOLUTION

Motion by Councilman Criscuolo; second by Councilman Ben-Yishay to approve Resolution #2022-162 as follows:

Resolution #2022-162

RESOLUTION AUTHORIZING THE COUNCIL TO ENTER INTO CLOSED SESSION

BE IT RESOLVED, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 *et seq.* the Township Council of the Township of River Vale will now convene into Closed Session to discuss Litigation matters.

BE IT FURTHER RESOLVED that upon adjourning from Closed Session no action will be taken.

ROLL CALL VOTE

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

Motion by Councilman Donovan; second by Councilwoman Sieg to adjourn from closed session.

ADJOURNMENT

Motion by Councilman Criscuolo; second by Councilman Donovan to adjourn the meeting at 8:35pm.

Council President Bromberg

ATTEST:
Karen Campanelli, Township Clerk

