

MINUTES
Regular Council Meeting
Monday, July 25, 2022
Council Chambers 7:30pm

CALL THE MEETING TO ORDER

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

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

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

Council Comments

Councilman Donovan hopes that everyone is having a safe and healthy summer.

Councilmembers Criscuolo, Sieg and Council President Bromberg had no comments this evening.

Administrator's Report

Mr. Rotella commented on Resolution 164 and that he is pleased to be moving forward with the contract with EPIC Management for the new Public Safety Complex. He next commented on the change order for the EMS Park; he encouraged everyone to visit the Park, the contractor did an excellent job on the pavers. Additionally, the contractor will be doing planting, trimmings and landscape borders.

Mr. Rotella reported that the bid came for the Road Program and (2) DOT Grant projects under budget which is good news.

He next commented on the Ordinance being introduced this evening updating the Zoning Fees. He explained that the fees haven't changed since 1993. This creates additional work in the office because we are constantly asking the applicant for more money to cover the fees. Mr. Rotella added that there are more changes coming in the Construction Code Department; both updating ordinances and fees.

Engineer's Report

Mr. Statile first reported that on August 9th there is going to be a pre-construction meeting regarding the Old Tappan Road Bridge reconstruction. Mr. Statile noted that the bridge is old; and is structurally deficient and will be closed during the reconstruction.

He reported that D&L was the low bidder for the Road Program; the price was better than expected and included the (2) DOT grant projects for \$400,000. Mr. Statile next reported that PSE&G is starting gas main work in August and hopefully will be finished in 2 to 3 months; the list of streets is in his report. The trenches will be settled in the winter and PSE&G will repave the streets in the spring. Mr. Statile noted that this will cause disruption. Mr. Rotella added that PSE&G will be working on Rivervale Road in front of Town hall for the

next couple of weeks. Mr. Statile clarified that this work was for the air conditioning units going in at Holdrum School; they needed to increase the gas supply.

Mr. Statile had the pre-construction meeting for the Pickle ball Courts; work should start in August.

Councilwoman Sieg questioned the design of the Veteran's Park and whether it will be similar to Hillsdale's Park. Mr. Statile responded that he hasn't done the design yet; however, it will look different from Hillsdale. Councilwoman Sieg also asked if the plaques for the trees at the EMS could be cleaned up.

1st Hearing of the Public

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

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

RESOLUTIONS

Motion by Councilman Criscuolo; second by Councilwoman Sieg to approve Resolution #2022-163 as follows:

Resolution #2022-163

RESOLUTION APPROVING MINUTES JUNE 27, 2022 COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the June 27, 2022 Regular meeting of the Township Council are hereby approved.

ROLL CALL VOTE

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

Motion by Councilman Criscuolo; second by Councilman Donovan to approve Resolutions #2022-164 through #2022-169 as a Consent Agenda as follows:

Resolution #2022-164

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH EPIC MANAGEMENT, INC. FOR THE PROVISION OF CONSTRUCTION MANAGEMENT SERVICES FOR THE NEW PUBLIC SAFETY COMPLEX

WHEREAS, on February 14, 2022 the Township awarded a contract to Epic Management, Inc., for the provision of Construction Management Services for the New Public Safety Complex; and

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

NOW THEREFORE BE IT RESOLVED that the Mayor is hereby authorized to sign the contract with Epic Management, Inc.

Resolution #2022-165

RESOLUTION AUTHORIZING THE MAYOR TO SIGN BERGEN COUNTY SNOW PLOWING AGREEMENT FOR THE 2022-2024 TERM

WHEREAS, the Board of Chosen Freeholders of the County of Bergen is authorized by N.J.S.A. 27:16-33, to cause snow to be plowed from the County owned or County controlled roads; and

WHEREAS, it is the desired plan of the County to employ the services of the Township of River Vale for snow plowing operations on County roads located within the Township of River Vale.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of River that the Mayor is hereby authorized to sign the above mentioned agreement with the County of Bergen.

Resolution #2022-166

RESOLUTION APPROVING CHANGE ORDER NO. 1 EMERGENCY SERVICES PARK IMPROVEMENTS PROJECT (INCREASE)

WHEREAS, on April 25, 2022 the Township of River Vale awarded the awarded the Emergency Services Park Improvements project to Watch Us Grow Landscape & Design, LLC; and

WHEREAS, there was a change during this project which is detailed in a statement prepared by the Contractor and on file in the Clerk’s Office; and

WHEREAS, this change order results in an increase to the contract sum.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that Change Order No. 1 for the above mentioned project be approved as follows:

Original Contract Sum	\$ 51,980.00
<u>Change Order #1 Increase</u>	<u>+ 11,055.00</u>
<u>New Contract Sum</u>	<u>\$ 63,035.00</u>

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified the availability of funds in the Capital Account and Public and Private Programs Account.

Resolution #2022-167

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM
ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of River Vale has previously obtained a loan of \$1,000,000 and/or a grant of \$7,045,000 from the State to fund the following project(s):

#0253-96-141 Watershed Property Acquisition; and

WHEREAS, the State and the Township of River Vale intend to increase Green Acres funding by \$500,000 in grant to a total of \$7,545,000 in grant; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED BY THE Township Council of the Township of River Vale in the County of Bergen and State of New Jersey that:

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Watershed Property Acquisition, and; **[Note: Please authorize only one official to sign the project agreement on behalf of the local government or nonprofit.]**
2. The applicant has its matching share of the project, if a match is required, in the amount of \$6,545,000.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;

4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

Resolution #2022-168

**RESOLUTION AWARDING THE BID FOR THE
2022 ROAD RESURFACING &
NJDOT MUNICIPAL AID PROGRAM**

WHEREAS, on July 21, 2022 the Township received bids for the 2022 Road Resurfacing and NJDOT Municipal Aid Program; and

WHEREAS, one bid received from D&L Paving Contractors Inc., 675 Franklin Avenue, Nutley, New Jersey has been reviewed and approved and is hereby accepted as the lowest responsible bidder at the price of

Base Bid: \$ 810,540.20

WHEREAS, the Chief Financial Officer has certified that funds are available in an amount not to exceed \$ 810,540.20 in the Capital Account and Public and Private Programs Account.

NOW THEREFORE BE IT RESOLVED the bid from D&L Paving Contractors Inc. is accepted as the lowest responsible bidder. The Mayor and Township Clerk are hereby authorized and requested to execute a Contract on behalf of the Township of River Vale for the 2022 Road Resurfacing and NJDOT Municipal Aid Program as described in the Bid Specifications.

Resolution #2022-169

PAYMENT OF BILLS

BE IT RESOLVED by the Township Council of the Township of River Vale

that the Business Administrator is hereby authorized to pay the following claims:

CURRENT ACCOUNT claims in the amount of:	\$	435,865.79
RESERVE CURRENT ACCOUNT claims in the amount of:	\$	2,266.87
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	85,937.94
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:		
FEDERAL/STATE GRANT ACCOUNT claims in the amount of:		
ANIMAL TRUST ACCOUNT claims in the amount of:		
SNOW REMOVAL TRUST ACCOUNT claims in the amount of:		
RECREATION TRUST ACCOUNT claims in the amount of:	\$	863.70
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:		
UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:		
HOUSING TRUST ACCOUNT claims in the amount of:		
JUNIOR POLICE ACADEMY TRUST ACCOUNT claims in the amount of:		
GOLF COURSE UTILITY CAPITAL ACCOUNT claims in the amount of:	\$	3,320.00
OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$	12,878.00
CAPITAL ACCOUNT claims in the amount of:	\$	11,355.00
PLANNING BOARD TRUST ACCOUNT claims in the amount of:	\$	560.00
SPECIAL TRUST ACCOUNT claims in the amount of:	\$	15,095.00
ZONING BOARD TRUST ACCOUNT claims in the amount of:		
TOTAL CLAIMS TO BE PAID	\$	568,142.30

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

CURRENT ACCOUNT claims in the amount of:	\$	3,717,901.55
RESERVE CURRENT ACCOUNT claims in the amount of:		
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	139,416.45
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:		
ACCUMULATED ABSENCES TRUST ACCOUNT claims in the amount of:		
ANIMAL TRUST ACCOUNT claims in the amount of:		
HOUSING TRUST claims in the amount of:		
RECREATION TRUST ACCOUNT claims in the amount of:	\$	6,519.94
PAYROLL AGENCY TRUST ACCOUNT claims in the amount of:	\$	8,067.50
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:		
TAX SALE REDEMPTION TRUST ACCOUNT claims in the amount of:		
TAX SALE PREMIUM TRUST ACCOUNT claims in the amount of:		
GRANT TRUST ACCOUNT claims in the amount of:		
UCC CODE ENF TRUST ACCOUNT claims in the amount of:	\$	200,954.00
UTILITY CAPITAL ACCOUNT claims in the amount of:		
CAPITAL ACCOUNT claims in the amount of:	\$	3,365,549.99
BOND TRUST claims in the amount of:		
SPECIAL TRUST ACCOUNT claims in the amount of:		
ZONING BOARD TRUST ACCOUNT claims in the amount of:		
TOTAL CLAIMS PAID	\$	7,438,409.43
TOTAL BILL LIST RESOLUTION	\$	8,006,551.73

MANUAL DISBURSEMENTS

BILL LIST FOR July 25, 2022

6/30/2022	Transfer Payroll	\$	395,600.11
7/15/2022	Transfer Payroll	\$	336,538.12

TOTAL STATUTORY ACCOUNT DISTRIBUTIONS **\$ 732,138.23**

ROLL CALL VOTE

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

Ordinances for 1st Reading

ORDINANCE #403-2022

Motion to Introduce: Councilman Donovan

Second: Councilman Criscuolo

Council Comments

Council Donovan commented that the spreadsheet Maria prepared was very helpful and showed how far behind our fees are. Council President Bromberg agreed that Maria did a lot of helpful research. Mr. Rotella added that Maria is preparing information sheets to give out to the residents regarding the zoning approval process so they're educated right from the beginning. He further commented that Maria is doing a phenomenal job.

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 142 OF THE CODE ENTITLED "LAND USE" ARTICLE VII "FEES AND DEPOSITS; APPLICATIONS"

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 142 of the Code entitled "Land Use" is hereby amended as follows:

§ 142-33. Fees.

A. An applicant for a building permit for the construction of a new single-family dwelling shall pay with the application the following trust account fees, upon issuance of a building permit:

- (1) Engineering review of a site plan: \$250.
- (2) Engineering review prior to issuance of a certificate of occupancy: \$250.

B. The following is a fee schedule for the payment of fees and costs for land development within the Township of River Vale, and the following fee schedule shall replace all similar applicable fees in various existing ordinances of the Township of River Vale heretofore in effect. The fees and deposits hereinafter provided for shall be applicable to the Joint Planning Board in acting on the applications hereinafter described, as follows:

- (1) Minor subdivision involving a division or assemblage of lots:
 - (a) Filing fee: ~~\$120.~~ \$500
 - (b) Deposit for costs: ~~\$400.~~ \$2,000
- (2) Minor subdivision involving boundary line alteration or relocation:
 - (a) Filing fee: ~~\$100.~~ \$250
 - (b) Deposit for costs: ~~\$250.~~ \$1,500
- (3) Major subdivision:
 - (a) Sketch plat:
 - [1] Filing fee: ~~\$200.~~ \$250
 - [2] Deposit for costs: \$2,500.
 - (b) Preliminary approval:
 - [1] Filing fee: ~~\$100,~~ plus \$10 per resulting lot. \$500
 - [2] Deposit for costs: ~~\$500,~~ plus \$100 per resulting lot. \$2,500
 - (c) Final approval:
 - [1] Filing fee: none. \$500

[2] Deposit for costs: ~~\$1,250.~~ \$1,500

[3] Upon submittal of bond estimate, such additional deposit for costs as incurred, not to exceed 7% of the estimated cost of improvements or of the cost of anticipated expenses as estimated by the Township Engineer, whichever is greater.

(4) Major site plan and conditional use applications:

(a) Preliminary approval:

[1] Filing fee: ~~\$350.~~ \$500

[2] Deposit for costs: \$2,500, together with such amount as shall be determined by the Joint Planning Board to be necessary to defray the costs of any engineering, legal, planning, traffic, drainage, hydraulic or other special studies or expenses as may be incurred by the Township in the course of the application.

(b) Final approval:

[1] Filing fee: ~~\$125.~~ \$500

[2] Deposit for costs: \$1,500.

[3] Upon submittal of bond estimate, such additional deposit for costs as incurred, not to exceed 7% of the estimated cost of improvements or of the cost of anticipated expenses as estimated by the Township Engineer, whichever is greater.

(5) Minor site plan, amended site plan and applications for changes in use or occupancy:

(a) Filing fee: ~~\$125.~~ \$250

(b) Deposit for costs: ~~\$250~~ \$1,000, together with such amount as may be determined by the Joint Planning Board to defray the cost of professional services or special studies required by the Township.

(6) Concept plan or other informal review:

(a) Filing fee: none.

(b) Deposit for costs: none (such other amount to be deposited as the Joint Planning Board may determine necessary to defray the anticipated cost of professional services or special studies required by the application).

(7) Part 9, Zoning, amendment:

(a) Filing fee: \$250.

(b) Deposit for costs: \$1,500, together with such other amount as the Joint Planning Board may determine necessary to defray necessary professional expenses or special studies incurred by the Township, including the remapping of districts, zone boundary line changes or other similar expenses.

(8) Use variance:

(a) Filing fee: \$350.

(b) Deposit for costs: \$1,500.

(9) Variance, other than use, sign, access, nonconforming use or lot area:

(a) Filing fee: ~~\$80.~~ \$150

(b) Deposit for costs: ~~\$120.~~ \$1,000

(c) Additional escrow fee per variance: \$250

(10) Variance, lot area:

(a) Filing fee: ~~\$100.~~ \$150

~~(b)~~ Deposit for costs: ~~\$150.~~ \$1,000

~~(11)~~ Variance, sign:

~~(a)~~ Filing fee: ~~\$80.~~ \$150

~~(b)~~ Deposit for costs: ~~\$120.~~ \$1,000

~~(12)~~ Variance, access:

~~(a)~~ Filing fee: ~~\$100.~~ \$150

~~(b)~~ Deposit for costs: ~~\$400.~~ \$500

~~(13)~~ Variances ancillary to Joint Planning Board jurisdiction:

~~(a)~~ Filing fee: no additional fee.

~~(14)~~ Any other application to the Joint Planning Board:

~~(a)~~ Filing fee: ~~\$125.~~

~~(b)~~ Deposit for costs: ~~\$300.~~

~~(15)~~ ~~(14)~~ Photocopying of minutes/maps: \$0.25 per page.

~~(16)~~ ~~(15)~~ Mailing copies of decisions, in addition to photocopying charges: \$1.

~~(17)~~ ~~(16)~~ Furnishing list of owners entitled to notice: \$10.

~~(18)~~ ~~(17)~~ (Reserved)

~~(19)~~ ~~(18)~~ Zoning permit, issued by Zoning Officer: \$25.

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

ROLL CALL VOTE

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

Ordinances for 2nd Reading & Public Hearing

ORDINANCE #402-2022

Motion to Adopt: Councilman Criscuolo

Second: Councilman Donovan

Motion by Councilman Donovan; second by Councilman Criscuolo to Open the Public Hearing for Ordinance #402-2022.

There being no questions or comments from the public. Motion by Councilman Criscuolo second by Councilwoman Sieg to close the public hearing on Ordinance #402-2022.

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

RESOLUTION

Motion by Councilman Criscuolo; second by Councilwoman Sieg to approve Resolution #2022-170 as follows:

Resolution #2022-170

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 action may be taken.

ROLL CALL VOTE

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

Motion by Councilman Criscuolo second by Councilwoman Sieg to adjourn from Closed Session.

2nd Hearing of the Public

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

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

ADJOURNMENT

Motion by Councilman Criscuolo; second by Councilman Donovan to adjourn the meeting at 8:10pm.

Council President Bromberg

ATTEST:

Karen Campanelli, Township Clerk

