

MINUTES
Regular Council Meeting
Monday, August 28, 2023
Council Chambers 7:30pm

CALL THE MEETING TO ORDER

Council President Criscuolo called the meeting to order at 7:30pm.

SALUTE TO FLAG

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

SUNSHINE LAW STATEMENT

Council President Criscuolo read the Sunshine Statement into the record, as follows:

"In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the Municipal Office."

ROLL CALL

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

Also present: Business Administrator/CFO Gennaro Rotella, Township Attorney Christian Hibinski, Township Engineer Chris Statile, and Township Clerk Karen Campanelli.

Council Comments

There were no Council comments this evening.

Business Administrator's Report

Mr. Rotella reported that the September 11th Remembrance Ceremony will be held at Veteran's Park, and we are moving the Council meeting to Tuesday, September 12th. Also, October 1st is River Vale Day from 12:00 to 4:00. Mr. Rotella announced that the Old Tappan Bridge should be re-opening the end of this week, which will help alleviate some of the traffic problems we've been experiencing on Polar Road.

Mr. Rotella next reported that they have a Girl Scout working on her Gold Award and her project is the Military Banners which you've probably seen in other towns. Gennaro showed the Council a sample of a banner and further discussed some on the criteria other towns have used for their military banners. He added that they are very excited and looking forward to moving forward with this project.

Council President Criscuolo has seen the banners in other Towns and loves the idea.

Township Engineer Report

Mr. Statile reported that he recently attended an OEM Emergency Action Plan meeting held in another Town, he explained that they analyzed the worst-case flooding scenarios regarding the reservoir system. Mr. Statile further explained that they reviewed (3) different failure modes, the first being the dam fails, the second the water over tops the dam, and the third is the embankment or mechanical failure of the dam during a storm. He added that the storm scenario they use is 36 inches of rain in 72 hours, this is a lot of rain considering we only get 48 inches a year. Mr. Statile stated that this topic will be further discussed next year when they will report the findings of their analysis. Mr. Rotella added that 1 inch of rain equals a foot of water in the reservoir.

Mr. Statile reported that the milling of the streets for the Road Program should start this Thursday or Friday and possibly Tuesday of next week, and the paving should start the week after. He also had a pre-construction meeting Ranco, the general contractor for the handicap accessible bathroom project on the Golf Course, and work should start sometime in October.

He next reported that they are scheduled to have a second pre-construction meeting on September 7th for the Library roofing project. Shortly, thereafter the work should begin replacing the old roof. Mr. Statile reported that Z-Tech will be installing the confinement netting at the Driving Range after Labor Day.

Council President Criscuolo questioned what happens to the netting in the winter. Mr. Rotella responded that they leave the netting up, it's snapped in and designed to break away.

Councilman Tolomeo commented that he knows the Library is replacing their HVAC system through PSE&G and questioned the timeframe. Mr. Rotella responded that the HVAC work will be scheduled after the roof is done.

Mr. Statile noted that the plans for Pasch Park Handicap Accessibility project have been sent to the County for their approval. He hopes to have this project done this year.

1st Hearing of the Public

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

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

RESOLUTIONS

Council President Criscuolo tabled Resolutions #2023-198–Resolution Approving Minutes June 12, 2023 Council Meeting and #2023-199-Resolution Approving Minutes July 24, 2023 Council Meeting.

Motion by Councilman Tolomeo second by Councilwoman Sieg to approve Resolutions #2023-200 through Resolution #2023-205 as a Consent Agenda as follows:

Resolution #2023-200

RESOLUTION APPROVING MINUTES AUGUST 14, 2023, COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the August 14, 2023, Council meeting of the Township Council are hereby approved.

Resolution #2023-201

RESOLUTION APPROVING LIQUOR LICENSE RENEWAL FOR THE JULY 1, 2023 THROUGH JUNE 30, 2024 TERM

WHEREAS, the following liquor license holder has submitted their renewal application through the POSSE ABC portal and paid the required fee as directed by the Division of Alcoholic Beverage Control; and

WHEREAS, the following liquor license holder has paid the municipal fee and a Tax Clearance Certificate has been received; and

WHEREAS, the applicant is qualified to be licensed per the standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Township Ordinances.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of River Vale hereby authorizes the renewal of the following liquor license for the July 1, 2023, through June 30, 2024, term.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to issue a liquor license as follows:

PLENARY RETAIL CONSUMPTION LICENSE

#0253-33-007-010

The Let's Meat Group
625 Rivervale Road
River Vale, NJ 07675

\$2,000.00

Resolution #2023-202

**RESOLUTION ENDORSING COUNTY OF BERGEN RECOMMENDATION TO REDUCE THE
SPEED LIMIT ON PIERMONT AVENUE TO 35MPH**

WHEREAS, at the request of the River Vale Police Department the Bergen County Sheriff's Office conducted a speed survey in May of 2023; and

WHEREAS, the Township and region have experienced major housing developments over the years that have significantly increased the volume of traffic on Piermont Avenue; and

WHEREAS, upon reviewing the data from the study the County recommends the speed limit on Piermont Avenue be lowered from 40MPH to 35MPH; and

WHEREAS, reducing the speed limit on Piermont Road is in the best interest of the residents and maintains a safe environment for motorists, cyclists and pedestrians.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of River Vale hereby support the County's recommendation to reduce the speed limit on Piermont Avenue to 35MPH.

BE IT FURTHER RESOLVED that a Certified Copy of this resolution be forwarded to the County of Bergen Department of Planning and Engineering.

Resolution #2023-203

**RESOLUTION PROCLAIMING THE MONTH OF SEPTEMBER 2023
AS PROSTATE CANCER AWARENESS MONTH**

WHEREAS, this year, approximately 288,300 men will be diagnosed with prostate cancer in the United States alone - one man every 2 minutes, and roughly 34,700 will die this year from the disease, about 3,500 more than 2020 - which is one man every 15 minutes; and

WHEREAS, in New Jersey, an estimated 9,460 new cases of prostate cancer will be diagnosed, and an estimated 730 deaths will occur in 2023; and

WHEREAS, men with relatives - father, brother, son - with a history of prostate cancer are twice as likely to develop the disease; and

WHEREAS, Prostate cancer is the most commonly diagnosed cancer in American Men and the third leading cause of cancer death behind lung and colon cancer; and

WHEREAS, 1 in 8 men are diagnosed with prostate cancer in their lifetime and 1 in 6 African American men will develop prostate cancer in their lifetime. Overall, African American men are 1.7 times more likely to be diagnosed with - and 2.1 times more likely to die from - prostate cancer than white men; and

WHEREAS, veterans who were exposed to herbicides like Agent Orange are at increased risk for developing prostate cancer, and are more likely to have an aggressive form of the disease; and

WHEREAS, education regarding prostate cancer and early detection strategies is critical to saving lives, preserving, and protecting our families. As well as the economic and social burden of prostate cancer is huge on families; and

WHEREAS, if caught early prostate cancer has a five-year survival rate of nearly 100%. However, for late-stage prostate cancer the five-year survival rate is 31%; and

WHEREAS, many more men will be diagnosed in 2023 at a later stage because of delayed screenings and treatment due to Covid-19; and

WHEREAS, all men are at risk for prostate cancer, and we encourage the residents of the Township of River Vale to increase the importance of prostate awareness and screenings.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby proclaim the month of September 2023 to be **PROSTATE CANCER AWARENESS MONTH** in the Township of River Vale.

Resolution #2023-204

Resolution Requesting Approval for Authorization of Emergency Appropriations in Accordance with N.J.S.A. 40A:4-48 –Down Payment on Improvements

WHEREAS, an emergency has arisen with respect to the projected cost estimate for the construction of a new public safety complex and an additional down payment required as a result thereof, and

WHEREAS, no adequate provision was made in the 2023 budget for the aforesaid purposes, and N.J.S.A. 40A:4-46 provides for the creation of emergency appropriations for the purposes above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriations to be created by this resolution is \$300,000 and, three percent (3%) of the total operating appropriations in the budget for the fiscal year 2023 is \$600,673.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

1. The Township hereby authorizes and approves emergency appropriations pursuant to N.J.S.A. 40A:4-48 as follows:

Current Fund

Capital Improvements

Down Payment on Improvements \$300,000

2. Said emergency appropriations shall be provided for in full in the 2024 budget.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of Local Government Services.

Resolution #2023-205

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:	\$	391,034.72
RESERVE CURRENT ACCOUNT claims in the amount of:	\$	8,789.46
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	147,102.65
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:		
ANIMAL TRUST ACCOUNT claims in the amount of:	\$	24.00
HOUSING TRUST ACCOUNT claims in the amount of:		
PAYROLL AGENCY ACCOUNT claims in the amount of:		
RECREATION TRUST ACCOUNT claims in the amount of:	\$	1,215.00
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:	\$	111,474.36
STATE & FEDERAL GRANT claims in the amount of:		
CONSTRUCTION CODE 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:	\$	4,780.00
OPEN SPACE TRUST ACCOUNT claims in the amount of:		
CAPITAL ACCOUNT claims in the amount of:	\$	44,661.50
PLANNING BOARD TRUST ACCOUNT claims in the amount of:	\$	4,510.00
SPECIAL TRUST ACCOUNT claims in the amount of:	\$	9,165.00
SNOW REMOVAL TRUST claims in the amount of	\$	2,038.50
ZONING BOARD TRUST ACCOUNT claims in the amount of:	\$	1,820.00
TOTAL CLAIMS TO BE PAID	\$	726,615.19

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:	\$	5,943,734.65
RESERVE CURRENT ACCOUNT claims in the amount of:	\$	300.00
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	583,096.25
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:		
SNOW REMOVAL 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:	\$	47,620.89
PAYROLL AGENCY TRUST ACCOUNT claims in the amount of:		
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:		
ACCUMULATED ABSENCES ACCOUNT claims in the amount of:	\$	109,000.00
U.C.C. TRUST ACCOUNT claims in the amount of:		
UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:		
OPEN SPACE TRUST claims in the amount of:		
UTILITY CAPITAL ACCOUNT claims in the amount of:	\$	10,900.00
CAPITAL ACCOUNT claims in the amount of:		
PLANNING BOARD claims in the amount of:	\$	7,005.00
SPECIAL TRUST ACCOUNT claims in the amount of:	\$	360.00
ZONING BOARD TRUST ACCOUNT claims in the amount of:		
TOTAL CLAIMS PAID	\$	6,702,016.79
TOTAL BILL LIST RESOLUTION	\$	7,428,631.98

MANUAL DISBURSEMENTS

BILL LIST FOR August 28, 2023

7/28/2023	Transfer Payroll	\$	346,456.68
8/15/2023	Transfer Payroll	\$	339,819.04

ROLL CALL VOTE

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

Ordinances for 1st Reading

Motion to Introduce: Councilwoman Sieg

Second: Councilman Tolomeo

Council Discussion

Gennaro Rotella reported that the estimate for the New Public Safety Complex was done in 2021, and the price inflation cost factor has increased dramatically over the past few years. He explained that we went out to bid and received (2) bids. Mr. Rotella further investigated the items not included in the bid prepared by the architect and concluded that they will need more money.

He also looked at projects in other Towns as a comparison, Dumont built a facility budgeted at \$14.9 million and by the time the project was complete it was over \$24 million. In Bogota they're building a Community Center estimated at \$4 million and came in at \$8 million. Mr. Rotella explained that this will certainly put us in a much better position and we will go out to bid again in September for about 6 weeks and award at one on the November meetings.

Councilman Tolomeo questioned what happens to the money we don't use. Gennaro explained that they are not borrowing the money, they are financing and what we don't use they can cancel.

ORDINANCE #417-2023

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN NEW JERSEY, PROVIDING FOR A SUPPLEMENTAL APPROPRIATION OF \$6,000,000 FOR THE CONSTRUCTION OF A PUBLIC SAFETY COMPLEX IN THE TOWNSHIP AND APPROPRIATING \$6,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$5,700,000 IN BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of River Vale, in the County of Bergen, New Jersey (the "Township"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the supplemental amount of \$6,000,000, such sum being in addition to the \$14,000,000 appropriated in bond ordinance number 385-2021 of the Township finally adopted July 26, 2021 and including the amount of \$300,000 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of an emergency appropriation adopted by the Township Council.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$5,700,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is for the construction of a Public Safety Complex in the Township, including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$19,000,000, including the \$13,300,000 of bonds or notes authorized by Ordinance No. 385-2021 of the Township finally adopted July 26, 2021, and the \$5,700,000 of bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$20,000,000, including the \$14,000,000 appropriated by Ordinance No. 385-2021 of the Township finally adopted July 26, 2021, and the \$6,000,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$5,700,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$2,000,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$1,500,000 was estimated for such items of expense in Ordinance No. 385-2021 of the Township finally adopted July 26, 2021, and an additional \$500,000 is estimated therefor herein.

(e) The Township reasonably expects to commence acquisition and/or construction of the improvement described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the

taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ROLL CALL VOTE

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

2nd Hearing of the Public

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

Frank Tercovich—605 Blue Hill Rd.—Mr. Tercovich has been a resident for 39 years and this is his first time before the Town Council as a complainant. He explained his reason for being here this evening was to express his dissatisfaction shown to him by some Township Officials and that they need to be reminded that they work with the residents and taxpayers. Mr. Tercovich state that the Business Administrator/CFO Gennaro Rotella refuses to accept responsibility for the maintenance of a Township property Block 102, Lot 7. He explained that there are tree limbs and branches over hanging his property and stated that this situation poses a personal safety and property damage issues. He further explained that Township Lot 7 transgresses the Pascack Brook and is adjacent to his driveway and backyard.

Mr. Tercovich stated that the Business Administrator's position is that it is his responsibility to remove tree limbs and branches that are on Township property and infringe on his property. Mr. Tercovich feels this position is incredulous and not realistic. He also stated that Mr. Rotella told him he would forward his request to the Township Attorney and to contact his insurance company for legal representation. Mr. Tercovich questioned why he needs legal representation. He also reported that two weeks ago he sent a letter to the Mayor and Council describing his situation and then asked if they had received the letter and had any questions. Council President Criscuolo responded that they have received the letter. Mr. Tercovich stated that in conclusion he asks that the Mayor and Council review his situation and authorize the work necessary to correct the infringements on his property. He added how can it be his responsibility to cut tree

limbs on Township property. Additionally, he has spoken to some tree service companies who all said they won't perform the work unless the Township requests the work and it is done under the Town's supervision.

Council President Criscuolo thanked Mr. Tercovich for bringing this to their attention. Council President Criscuolo commented that he had the same situation with a neighbor when their trees were encroaching on his side of the property. He asked his neighbor if he could do the work and he paid for the trees to be trimmed back. Council President Criscuolo explained that it was a healthy tree, and his neighbor was under no obligation to trim the tree. He added that he believes it is the same case for Township property.

Mr. Tercovich added that the tree limbs are 30 to 40 feet high and to cut the tree limbs you have to go on Township property. Council President Criscuolo stated that if you wanted to access Township property or have someone else, he's assuming that could be worked out and we could give permission to trim what was needed.

Council President Criscuolo added that there are hundreds and hundreds of trees throughout the Township, and if they began cutting back trees that people felt were too large or egregious, we would be spending our entire tax budget on cutting trees. Mr. Tercovich also feels the trees are competing for air space. Council President Criscuolo further added that the Township did have an arborist look and the trees and they identified one tree that was dead, and the others were deemed healthy. He further explained that in this situation the Township does not make it a policy to cut down or trim back healthy trees. Council President Criscuolo clarified that if Mr. Tercovich wanted to do the work, the Township could work this out or have an agreement allowing the work to be done.

Mr. Tercovich commented that the tree service company stated that they will not go on Township property unless they have permission and there's a Town representative supervising the work. Council President Criscuolo suggested that they could schedule a meeting with DPW to determine what needs to be supervised in order to make whoever is cutting to be comfortable when accessing the property to do the work. Mr. Tercovich does not feel that is very neighborly or courteous and disagrees.

Mr. Statile commented that the Township has about 80 miles of roadside, not including all the parks and streams. He noted that Bergen County does not trim trees on County roads as a policy. Mr. Statile explained that any property owner is allowed to cut at their property line straight up, which is totally legal. Mr. Tercovich stated that this is a different and a unique case, he feels as a good neighbor the Town should do this, and that is not a major expense. Council President Criscuolo understands that this might not be a major expense to him; however, what happens if the Township does his property and a neighbor requests the same and soon, we are spending our entire budget trimming trees.

Mr. Tercovich repeated that his situation is unique, and Council President Criscuolo questioned how it was unique. Mr. Tercovich responded that it was unique because of where the Lot is and the Pascack Brook. Council President Criscuolo responded that he wished he could help but you're asking them to make an exception for him only, to cut back trees that are otherwise healthy and no risk, for no other reason than Mr. Tercovich feels they are encroaching on his property. The Council President stated that Mr. Tercovich is fully within his rights to trim the trees back. He further stated that if you need to access the Township property, he's confident that can be worked out.

Mr. Tercovich requested a legal, notarized document stating he has access to Township property. Mr. Rotella commented that they are very familiar with the tree companies that work in the area, and that he can prepare a letter authoring the work.

Mr. Tercovich asked to go on the record regarding the letter he sent and to give a copy to the Clerk, Council President Criscuolo assured that they already have the letter.

Mr. Tercovich next asked why he needs legal representation. Mr. Rotella responded that when Mr. Tercovich sent an email stating that you contacted your insurance company which officially put us on notice, then the insurance company can have a discussion with the municipality. Mr. Tercovich explained that he asked his insurance company for advice and there is no notice or claim, the insurance company told him to send a notarized letter to the Town Council which he did.

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

ADJOURNMENT

Motion by Councilman Tolomeo; second by Councilman Ben-Yishay to adjourn the meeting at 8:10pm.

Council President Criscuolo

ATTEST:

Karen Campanelli, Township Clerk

