

MINUTES
Regular Council Meeting
Tuesday, September 12, 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, Councilman Donovan, Councilwoman Sieg, and Council President Criscuolo were present.

Also present: Mayor Mark Bromberg, Business Administrator/CFO Gennaro Rotella, Township Attorney Silvana Raso, Township Engineer Chris Statile, Township Clerk Karen Campanelli, Judge Michael Garrett, former Police Chief Sean Scheidle and Senator Holly Schepisi.

Mayor's Comments

Mayor Bromberg had no comments.

Council Comments

Councilman Tolomeo welcomed everyone to this evening's meeting. Councilman Tolomeo reported that he attended the Police Department Cigar Night Fundraiser at Florentine Gardens last week, which was very well attended. He also attended the 9-11 Ceremony, which was beautiful and very well attended as well. Also, the Pena family attended, they lost Angel on 9-11. Councilman Tolomeo added that Rachel and Amy, our Social and Cultural Affairs team members did a great job organizing this event.

Councilman Tolomeo next offered his congratulations to Chief Bulger, and it's been a pleasure to know him the 25 years he's lived in Town. He also extended his congratulations to Officers Iozia and Gonzalez and welcomed them to the best Department in Bergen County.

Lastly, Councilman Tolomeo thanked Chief Bulger and his entire department for their unyielding service to the residents of River Vale and we are very lucky to have you.

Councilman Ben-Yishay welcomed everyone on this great night when new officers are being sworn in and even more special because our Chief is being sworn in.

Councilman Donovan had no comments.

Councilwoman Sieg commented on a personal note that she would like to thank the River Vale Police Department for being there for her and her family during a very difficult time. She expressed gratitude for the love and support the department has shown her family, especially when they all came to the Memorial for Chuck. Councilwoman Sieg added that they all mean the world to her, and we probably have the best Police Department in the State of New Jersey.

Councilwoman Sieg complimented Chris Bulger stating that he's an amazing leader and generous when sharing his knowledge. She thanked everyone again for being there for her and her family when they were going through a very tough time.

Council President Criscuolo echoed the sentiments of his colleagues. He also offered his congratulations and thanked the officers for everything they do. Council President Criscuolo acknowledged and thanked the families. He explained that what they do requires a significant sacrifice from not only the officers but their families as well.

SWEAR IN CHRISTOPHER BULGER—POLICE CHIEF

Mayor Bromberg read a brief bio for Chief Bulger into the record:

Christopher Bulger was born and raised in River Vale and joined the Police Department in 1998.

Chris was promoted to the rank of Sergeant in 2010, Lieutenant in 2018, Captain in 2021, and Acting Chief in February 2023.

Chris has attended various trainings, including the High Intensity Drug Trafficking Area course, Certified Drug Recognition Expert program, and he is a graduate of the Mid-Atlantic Law Enforcement Executive Development Seminar. He has had numerous duties during his time with the Police Department including being a Field Training Officer, a Traffic Officer, and the Warrant and Scheduling Officer for the agency.

Among the awards received during his 25 years of service, Chris was honored by PBA Local 206 with the Exceptional Duty Medal for an incident in 2010 that led to the arrest of a DWI suspect who had struck and killed a pedestrian in Jersey City and then fled the scene.

Mayor Bromberg added that Chris worked his way up through the ranks, earning the respect of his peers and has a great record of productivity and achievements. The Mayor further added that it is his honor and fortune to have Chris sworn in as Chief.

Holding the Bible will be his son Joseph and pinning his Badge will be his wife, Lauren.

Judge Garrett administered the Oath of Office to Chief Christopher Bulger.

Chief Bulger thanked the Mayor for his comments, and he thanked and appreciates everyone here this evening. He first thanked his wife and son Joey; without them this wouldn't be possible, and he owes them everything. The Chief also thanked his Mom and entire family who have all been nothing but supportive his entire career. He next thanked the entire crowd here this evening and promised to give them the best version of himself. The Chief added that he has the best department. He also thanked Chief Scheidle noting that a lot of this would not have been possible without him, and he owes him so much. Chief Bulger thanked all of his friends and members of the football team he coaches, as well as former members, he is honored to have them here this evening.

SWEAR IN NEW POLICE OFFICERS

Tyler Iozia

Dylan Gonzalez

Mayor Bromberg read a brief bio for Officer Tyler Iozia into the record:

Officer Tyler Iozia grew up in Rochelle Park, New Jersey. Tyler went to Paramus Catholic High School and then went on to attend William Paterson University. He played basketball in both high school and college. Tyler attended the Passaic County Police Academy and prior to joining the River Vale Police Department, he worked for the New Milford Police Department.

Holding the Bible will be Tyler's Mom Jennifer Iozia and pinning his Badge will be Tyler's girlfriend Maylene Angeles.

Judge Garrett administered the Oath of Office to Officer Tyler Iozia.

Mayor Bromberg read a brief bio for Officer Dylan Gonzalez into the record:

Officer Dylan Gonzalez was born and raised in Little Ferry, New Jersey. Dylan attended Ridgefield Park Jr./Sr. High School and was a member and captain of the football team. He went on to attend Fairleigh Dickinson University where he continued both his academic and athletic career and earned a bachelor's degree in Sports Administration. Dylan graduated from the Essex County Police Academy in March of 2022. Prior to joining the River Vale Police Department, he served as a police officer in the Borough of Madison in Morris County.

Holding the Bible will be Dylan's Mom Diana Pombo-Gonzalez & his stepfather Victor Lucatorto (Ret. Hoboken PD). And pinning his Badge will be Dylan's Fiancé Anna Dalton.

Judge Garrett administered the Oath of Office to Officer Dylan Gonzalez.

Mayor Bromberg commented that we truly have amassed the best of the best. They have created a system whereby they make certain that everyone is a good fit, has a great attitude and exemplifies to protect and serve the community.

Council President Criscuolo called for a brief recess at 7:55pm. The Council reconvened at 8:02pm.

ROLL CALL

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

Business Administrator's Report

Mr. Rotella commented that everyone has received various fliers for Town Day. He next reported that the Motor Vehicle Commission Mobile Unit will be at Town Hall on Monday, September 18th from 10:00am to 2:00pm.

Township Engineer Report

Mr. Statile reported that the netting is being installed at the driving range, the old Library roof has been removed and they were pleased to find that the roof is in good condition. He further reported that the New Public Safety Complex is currently advertised and out to bid.

1st Hearing of the Public

Motion by Councilwoman Sieg; second by Councilman Tolomeo 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.

RESOLUTIONS

Motion by Councilman Tolomeo second by Councilwoman Sieg to approve Resolution #2023-206 as follows:

Resolution #2023-206

RESOLUTION APPROVING MINUTES JUNE 12, 2023, COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the June 12, 2023, Council meeting of the Township Council are hereby approved.

ROLL CALL VOTE

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

Motion by Councilman Donovan second by Councilwoman Sieg to approve Resolution #2023-207 as follows:

Resolution #2023-207

RESOLUTION APPROVING MINUTES JULY 24, 2023, COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the July 24, 2023, Council meeting of the Township Council are hereby approved.

ROLL CALL VOTE

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

Motion by Councilman Tolomeo second by Councilwoman Sieg to approve Resolution #2023-208 as follows:

Resolution #2023-208

RESOLUTION APPROVING MINUTES AUGUST 28, 2023, COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the August 28, 2023, Council meeting of the Township Council are hereby approved.

ROLL CALL VOTE

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

Motion by Councilman Ben-Yishay second by Councilman Tolomeo to approve Resolutions #2023-209 through Resolution #2023-216 as a Consent Agenda as follows:

Resolution #2023-209

RESOLUTION

CHAPTER 159

Click It or Ticket

WHEREAS, N.J.S.A. 40A:4087 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item has been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$ 6,930.00 which is now available from the New Jersey Division of Highway Traffic Safety Law and Public Safety Program.

BE IT FURTHER RESOLVED that the sum of \$ 6,930.00 is hereby appropriated under the caption of Public and Private Programs.

Resolution #2023-210

REFUND

(Farmers Market Vendor Registration Fee)

WHEREAS, the following vendor signed up as a part-time vendor and paid the vendor registration fee for the 2023 Farmers Market; and

WHEREAS, the vendor is withdrawing from the market and is requesting a refund of their remaining registration fee; and

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

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

Payable to:

“Rolling Pita”

17 West Road

Mahwah, New Jersey 07430

Refund Amount: \$ 80.00

Resolution #2023-211

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE DEVELOPER’S AGREEMENT WITH 234-238 RIVERVALE, LLC (BLOCK 1801, LOTS 7 & 8)

WHEREAS, the owner and Developer, 234-238 Rivervale, LLC, submitted an application to the Joint Planning Board for a Major Subdivision and Improvements to Block 1801, Lots 7 and 8; and,

WHEREAS, the Joint Planning Board approved the Preliminary and Final Major Site Plan, Use Variance, Bulk Variance, and Soil Moving application by Resolution on February 15, 2023.

NOW THEREFOR 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 234-238 Rivervale, LLC for a Site Plan and Major Subdivision located at Block 1801, Lots 7 & 8 in the Township of River Vale.

Resolution #2023-212

AUTHORIZE MAYOR TO SIGN CDBG AGREEMENT FOR THE PASCH PARK BARRIER FREE IMPROVEMENTS PROJECT

BE IT RESOLVED that the Mayor and Council of the Township of River Vale wish to enter into a grant agreement with the County of Bergen for the purposes of using \$ 70,745.00 in FY2023 Community Development Block Grant funds for the Pasch Park Barrier Free Improvements project located at 503 Westwood Avenue (1603, 2) in the Township of River Vale; and,

BE IT FURTHER RESOLVED that the Township Council hereby authorizes Mayor Mark Bromberg to be a signatory for the aforesaid grant agreement; and,

BE IT FURTHER RESOLVED that the Mayor and Township Council hereby authorizes Gennaro Rotella, Business Administrator/CFO to sign all County vouchers submitted in connection with the aforesaid project; and,

BE IT FURTHER RESOLVED that the Mayor and Council recognizes that the Township of River Vale is liable for any funds not spent in accordance with the Grant agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

Resolution #2023-213

ATTACHED—CAPITAL BUDGET AMENDMENT

Resolution #2023-214

RESOLUTION

Cash Performance Bond Release

WHEREAS, the developer/owner 234-238 Rivervale, LLC had posted a Cash Performance Bond Estimate as required by the Township Engineer for a Preliminary and Final Site Plan and Soil Moving Application for the property located at Block 1801, Lots 7 and 8; and

WHEREAS, the developer/owner is requesting the cash portion of the Performance Bond be released and has re-issued to the Township a Site Improvement Bond in the amount of \$6,852.75; and,

WHEREAS, the Township received the Site Improvement Bond on September 5, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the cash portion of the Performance Bond and any accrued interest be released from the following account:

- **\$ 6,852.75 B-13-56-856-277 - Collignon Estates LLC B1801/L 7 & 8**

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that the Treasurer is hereby directed to issue a municipal check payable as follows:

Payable to:

“Collignon Estates, LLC”

Mailing Address:

18 Wyckoff Avenue, Suite 204

Waldwick, NJ 07463

Attn: Joe Colaianni

Amount: \$ 6,852.75

Resolution #2023-215

RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO SIGN THE TEMPORARY SHARED SERVICE AGREEMENT WITH THE COUNTY OF BERGEN FOR TREE REMOVAL ON COUNTY ROADS

WHEREAS, while it is not the responsibility of the County to remove dead or dying trees within the municipalities of Bergen County, as part of the County’s concept of providing shared services to local municipalities, the County of Bergen cooperates with local municipalities in removing dead or dying trees located within the public right of way along County roadways; and,

WHEREAS, in order to aid Bergen County municipalities in the removal of dead or dying non-County trees, municipalities may send a written request under the Counties tree program. As a courtesy, the County will determine if the requested tree falls within its removal criteria; and,

WHEREAS, the County is now requiring that this Agreement be entered into by the County and the municipality in order to perform the work as well as a Hold Harmless Agreement for each removal request.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of River Vale that the Business Administrator and/or his designee are hereby authorized to sign the Temporary Shared

Services Agreement for the removal of trees on the County Roads in accordance with the terms and conditions of said agreement.

Resolution #2023-216

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:	\$	102,312.47
RESERVE CURRENT ACCOUNT claims in the amount of:		
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	10,947.66
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:		
ANIMAL TRUST ACCOUNT claims in the amount of:		
HOUSING TRUST ACCOUNT claims in the amount of:		
PAYROLL AGENCY ACCOUNT claims in the amount of:		
RECREATION TRUST ACCOUNT claims in the amount of:	\$	6,625.19
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:		
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:		
OPEN SPACE TRUST ACCOUNT claims in the amount of:		
CAPITAL ACCOUNT claims in the amount of:	\$	34,014.36
PLANNING BOARD TRUST ACCOUNT claims in the amount of:		
SPECIAL TRUST ACCOUNT claims in the amount of:		
SNOW REMOVAL TRUST claims in the amount of		
ZONING BOARD TRUST ACCOUNT claims in the amount of:		
TOTAL CLAIMS TO BE PAID	\$	153,899.68

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:	\$	2,078,939.71
RESERVE CURRENT ACCOUNT claims in the amount of:	\$	1,328.30
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	107,705.20
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:	\$	3,128.00
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:

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:

CAPITAL ACCOUNT claims in the amount of:

PLANNING BOARD 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 \$ 2,191,101.21

TOTAL BILL LIST RESOLUTION \$ 2,345,000.89

MANUAL DISBURSEMENTS

BILL LIST FOR September 12, 2023

8/30/2023 Transfer Payroll \$ 343,241.02

TOTAL STATUTORY ACCOUNT DISTRIBUTIONS \$ 343,241.02

ROLL CALL VOTE

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

There are no Ordinances for 1st Reading

Ordinances for 2nd Reading & Public Hearing

Motion to Adopt: **Councilwoman Sieg**

Second: **Councilman Tolomeo**

Motion by Councilman Ben-Yishay second by Councilwoman Sieg to open the public hearing on Ordinance #417-2023.

Charles Siegel -766 Rolling Hill Drive—Mr. Siegel commented that he has been a resident for 40 plus years. He recalled a Council meeting he attended regarding the new police department, pre-pandemic, and the Mayor at the time said the cost would be \$6 million, he was going to request \$8 million and that he was positive it was not going to cost that much. Mr. Siegel stated that now he hears it's \$20 million and he has no idea what justifies this jump in expenditure. He also noted that he had a 4.3% increase in his taxes, and he has no idea what the effect of this project will have on his taxes. Mr. Siegel would like to know what that number will be.

Mr. Siegel commented that he ran a very large company before he retired and that this would never happen in a business environment. He did note that he is not familiar with municipal government and how it works. Mr. Siegel would like to be enlightened and ask why they are spending this money and when was the last time a needs assessment was done for this particular type of building. Mr. Siegel would also like this information to be made accessible to the public.

Mayor Bromberg responded that the facility our Police Department has been using grossly inadequate for a number of reasons, and there a safety issues as well. Mr. Rotella added that in 2016 a Spatial Needs Assessment report was done. The Mayor commented that over time they have put this project off. However, it needs to be done for safety and practical reasons.

Mr. Siegel fully understands that the Police Department needs something far more efficient to work in, but he can't understand the cost of \$20 million. Mayor Bromberg clarified that they had estimated a certain amount, between \$12 to \$14 million, and the bids came in at \$16 million. This is the reason they had to request more funding. He added that in the last few years, there has been sky rocketing inflation and an increased cost of goods and materials.

Mr. Siegel has no qualms about inflation, the cost of goods, or supply chain issues, he would like to know what a \$20 million facility will do for us and can we afford it. He stated they we have a great Police Department, and they deserve the best we can afford.

Council President Criscuolo doesn't disagree, it is a lot of money and they have trimmed where they could trim, however, they need it. He explained that it is also a safety issue. Council President Criscuolo addressed Mr. Siegel's comment regarding the last meeting he attended which was pre-Covid. He explained that since then they have gone through a global pandemic and sky rocketing inflation and unfortunately, this is the reality we are living in.

Mr. Siegel stated that he needs to understand and asked why we need what we are getting.

Councilwoman Sieg commented that they have asked the same questions. She explained that every year they delayed has cost them. Councilwoman Sieg added that the current police department doesn't have secure or proper cells and only (1) bathroom for both male and female officers and the prisoners. Councilwoman Sieg further explained that the State and County have placed many demands on Police Department specifications, therefor they have very little control over the costs. She also used the example of the new Library roof costing over \$700,000. Councilwoman Sieg noted that the Town is growing, and we have an excellent Police Department with great morale which she appreciates considering their working conditions. She also suggested that a tour of the current Police Department could be arranged.

Councilwoman Sieg understands their frustration as she is a taxpayer too. She further explained that the taxes are high because we don't have industry in Town which helps with revenue, but unfortunately, we don't.

Mr. Siegel clarified that \$20 million from the original \$6 to \$8 million amount is an outrageous multiple, and he understands that the Police need and should be given the space. He also stated that he was not able to find any documents regarding the Police Department on our website. Nor could he find an explanation of what they would get for \$8 million, and this is what we will get for \$20 million and the reasons why we need the building. Mr. Siegel suggested preparing an information packet and emailing to all the residents. He further stated that he finds out who is going to be at the Farmers Market and when soccer registration is but he doesn't find out about what could possibly increase his taxes by \$1,500 a year.

Mr. Rotella reported that the proposed increase will be \$300 on the average assessed home of \$592,000.

Council President Criscuolo recommended that if Mr. Siegel had any further questions to please reach out to Gennaro.

John Verdall—128 Terbell Pkwy—questioned why this was not put up for a referendum. Mr. Verdall next questioned why nothing was sent out letting the citizens know the compelling reasons, or a fact sheet, why we need this building. He also asked for the cost benefit analysis, considering the cost of the project, perhaps they should put it off because it is a large amount of money. Mr. Verdall next asked what the occupancy of the building will be, and could there be more clarity for the public of the absolute need and specifics of why we need the building.

Mr. Rotella reported that a Spatial Needs Assessment was done and 95% of the current building is out of compliance, the jails cells have failed for the past 10 years and are no longer being utilized. He explained that when you're doing a new building it's not only the architect but also the Federal Department of Justice,

Juvenile Department of Justice and the Courts all have a roll in the compliance of what the building is required to have, which will add to the cost of the building.

Mr. Vedral asked if any of these agencies are willing to contribute to the funding for the building.

Mayor Bromberg added that there are increased insurance and liability costs in the event there is an issue emanating from of a non-compliant building. The Mayor noted that his regret is that they weren't able to move forward with this project five years ago before inflation and supply chain issues had escalated the cost of the project. He explained that the building will be relatively spartan but will still meet the requirements for now and the foreseeable future.

Mr. Vedral asked if they would consider joining another Police Department.

The Mayor responded that there are shared services that they have looked into and are working phenomenally which is our Shared DPW with Montvale. He explained that sometimes with regionalization, there is less community response and attention given to our residents and there's still a cost involved.

Mr. Vedral stated that there's been a dip in the cost of lumber and other materials and that building costs are nowhere near what they were 2 years ago. Additionally, interest rates are very high, therefore whatever is borrowed will be at a very high rate for a while. Mr. Vedral also suggested getting out all the particulars on this project to the citizens.

David Rice—539 Bernita – stated that they are not getting the information out and keep people informed. He's looked for this information and has for years and suggested making it available at Town Hall to help people understand. Mr. Rice explained that he's from Montgomery County in Maryland where there is one Police Department, one school and all are operated by the County. He added that maybe we need to change, and this is the only way to save and reduce taxes.

There being no further questions or comments from the public. Motion by Councilwoman Sieg second by Councilman Donovan to close the public hearing on Ordinance #417-2023.

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 voted no.

2nd Hearing of the Public

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

Frank Tercovich—605 Blue Hill Rd.—Mr. Tercovich questioned if the Council meeting is being recorded. He stated that he is here this evening to follow-up on his August 28th presentation regarding Township Block 102 lot 7, the maintenance and safety responsibilities. Mr. Tercovich stated that he had a legal question for the Township Attorney which was not based on hypotheticals. He explained that the Township of River Vale is the owner of block 102, lot 7, which is adjacent to his property lot 8. There are tree limbs that originate on Township lot 7 which encroach on his property causing physical and property damage concerns. Mr. Tercovich continued that in his opinion, the only viable solution to correct this problem is for the Township to hire a licensed tree service contractor and authorize them to go on Township property and cut tree limbs. He next asked the Township Attorney who is legally responsible for the maintenance and safety of block 102, lot 7.

Ms. Raso responded that the question he’s asking is regarding his request to the Town to trim tree limbs that are over hanging on his property and in order for this to happen the Township would have to go on his property which it is not allowed to do and will not do. Ms. Raso further commented that she cannot give him legal advice and if he feels the Township should be taking a different position regarding this issue his option would be to hire counsel and have his counsel provide answers to his questions. She explained that as the Township Counsel she gives advice to her client, and she does not give advice for legal opinions to members of the public.

Mr. Tercovich questioned that the Town cannot go on his property even if he gave permission. Ms. Raso clarified that the Town cannot go on someone’s property even with their permission to take action on their property. Mr. Tercovich stated that they have done this before. Ms. Raso further clarified that in this instance the Town has taken the position that they will not be trimming over hanging branches on his property.

Mr. Tercovich referenced his September 4th letter as to why he disagrees with their conclusion. He also questioned if anyone had visited his property as he suggested.

Mayor Bromberg noted that the Township DPW Superintendent and an arborist have been out to his property and evaluated the situation. The Mayor commented that there was a dead tree on Township property that was a potential issue which was removed.

Ms. Raso commented that Mr. Tercovich is asking for maintenance of a tree so that it does not hang his property. She added that this is something the Township is not required to do.

The Mayor stated that it is his understanding that Mr. Tercovich has a right to trim trees up to the property line. Mr. Tercovich understands; however, that does not give him the right to go on his neighbor's property.

Council President Criscuolo stated the resolution to Mr. Tercovich's issue is that he could hire someone to trim the trees up to the property line. Ms. Raso added that Mr. Tercovich is making an assumption that the tree limbs over hanging his property cannot be trimmed unless he goes on Township property and that is not the case here.

Mr. Tercovich stated that he understands; however, two years from now they will grow if you don't cut the limb. Ms. Raso repeated that he can trim branches on his property.

John Verdal—128 Terbell Pkwy - remarked that the Town should be a good neighbor and trim the tree. Mr. Verdal commented that several years ago when the Edgewood Country Club subdivision was being discussed the Mayor at the time mentioned that we could expect approximately a 10% reduction in our taxes due to the revenue the Town would receive from the homes being built. He questioned if anyone knew when they might see the 10% reduction in our taxes. Mr. Verdal also questioned if anyone knew how much additional taxes, we've received from this development so far and what the ultimate expectation is.

Mr. Rotella responded that they're slow building these homes and they should see an impact in 2024, exactly how much he is not sure. Mr. Rotella's conservative estimate is a minimum of a \$1,500 credit per home.

Tom Shine—Fire Chief - Chief Shine provided an update for the Mayor and Council. The Chief was pleased to report that the new radio system is up and working flawlessly. He next reported that the Pascack Valley Chiefs and County have had discussions about switching over to this radio system and they have updated their apparatus identifiers in the system.

As a training requirement Chief Shine reported that River Vale is hosting a Hazmat Incident Commander Class. This type of training is something new to Bergen County and currently there are 30 people enrolled for the class, 7 are from River Vale.

Chief Shine reported that last week River Vale assisted Orangeburg when they attended the Rockland County Fire Chief's Parade. River Vale provided an engine to cover, they had three calls, two fire alarms and a serious car accident on Route 303. The Chief was happy to report that they performed beyond their expectations and have been invited to cover for them next year.

He next reported that this week is the Annual Fireman's Convention in Wildwood. He has spoken to the Fire Chief in Old Tappan, and starting Thursday to Sunday, River Vale will be on dual dispatch for both Towns to ensure adequate coverage.

The Chief concluded with a report of the Department's call status; 235 calls year to date, he expects to exceed 300 calls this year. During the recent storm they had (9) calls in 2 hours, for downed power lines and basement flooding and 13 calls for the entire day.

Chief Shine stated that if they continue to have this much call volume, they will have to start having conversations about daytime turnout for manpower.

The Mayor asked if other Towns are seeing a similar increase. The Chief can't speak for other Towns but said they are 105 calls ahead of Old Tappan. The Mayor next asked the breakdown of the calls. The Chief responded that there have been (4) fires in Town, and a tremendous amount of mutual aid. He added that they have a good reputation as a reliable agency.

Councilman Tolomeo questioned what the fire fighter response is during the day. The Chief responded it's tough and they are limited with drivers particularly for the ladder truck. He usually has the same 3 to 5 people show up during the day and he stressed that it's not due to a lack of volunteerism and is mostly due to people having to work.

Councilman Donovan commented that has spoken to Tom about the future and that they have to work on the language in their ordinances.

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

ADJOURNMENT

Motion by Councilman Tolomeo; second by Councilwoman Sieg to adjourn the meeting at 9:20pm.

Council President Criscuolo

ATTEST:

Karen Campanelli, Township Clerk

