

MINUTES
Regular Council Meeting
Tuesday, October 10, 2023
Council Chambers 7:30pm

CALL THE MEETING TO ORDER

Council President Criscuolo called the meeting to order at 7:31pm.

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, Township Attorney Christian Hibinski, Township Engineer Chris Statile, and Township Clerk Karen Campanelli.

Mayor's Comments

Mayor Bromberg had no comments this evening.

Council Comments

Councilman Tolomeo reported that he attended River Vale Day on October 1st which was a great event and very well attended. He added that Amy and Rachel really hit it out of the park with this event.

Councilman Ben-Yishay had no comments this evening.

Councilman Donovan commented that unfortunately he was unable to attend River Vale Day but heard feedback that the event was fantastic this year. He also commended the Fire Department who had a lot of activities at the event which were very well received.

Councilwoman Sieg reported that she also attended Town Day which turned out to be a beautiful day, very well attended and a success all around. Councilwoman Sieg next commented on a couple of residents who have questioned her regarding the landscaping at the Country Club. She assured the residents that taxpayer dollars did not pay for the landscaping at the River Vale Country Club. She explained that the Country Club is self-sustained and the reason the work was done was for beautification and to help with erosion of the property. Councilwoman Sieg emphasized that taxpayer dollars do not fund the Golf Course.

Council President Criscuolo had no comments this evening.

Township Engineer Report

Mr. Statile reported that the Library roof is about 60% complete. He was also happy to report that they should be receiving a credit because the plywood under the roof was in good condition and did not need to be replaced. This project should be completed in 2 – 3 weeks.

He next reported that the Township received a \$45,000 grant to map all the storm drains in Town. Mr. Statile added that the State is requiring the storm drains to be mapped by 2026 and he plans to map the sanitary sewers as well.

Councilman Donovan questioned if they will physically be mapping the locations. Mr. Statile responded that they have software for their cameras, and when they take a picture, the location is recorded and is sent back to a database on their computers. Additionally, they have already located all the outfalls in Town.

Mr. Statile next reported that the 2023 Road Program is complete, and the project came in about \$30,000 under budget. He further reported that the Golf Course Driving Range Netting project is also complete.

His office is applying for a \$500,000 grant through the DCA called the Infrastructure Resiliency Program for Hurricane Ida Disaster Recovery and Mitigation. Mr. Statile further explained that they are looking to file an application to remedy the flooding on Wilson and Tiffany.

Councilwoman Sieg reported on complaints regarding the sidewalks by Woodside School, she's aware that we received a grant for the sidewalks by Roberge. She questioned if the Township has applied for another grant for Woodside. Mr. Statile responded that they have applied for the sidewalks but haven't received a response yet.

Councilman Tolomeo asked if they will have a decision on the day of the hearing for the SUEZ/DPW property. Mr. Hibinski responded that someone from their office will be in attendance and report back on the result of the appeal process. Mr. Statile added that he's not certain they'll have a decision that same day.

1st Hearing of the Public

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

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

RESOLUTIONS

Motion by Councilman Tolomeo second by Councilman Ben-Yishay to approve Resolution #2023-217 as through Resolution #2023-220 as a Consent Agenda as follows:

Resolution #2023-217

RESOLUTION APPROVING MINUTES SEPTEMBER 12, 2023, COUNCIL MEETING

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

Resolution #2023-218

RESOLUTION

CHAPTER 159

Pasch Park Barrier Free Improvements

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 \$ 70,745.00 which is now available from the Community Development Block Grant Program for the Pasch Park Barrier Free Improvements Project.

BE IT FURTHER RESOLVED that the sum of \$70,745.00 is hereby appropriated under the caption of Public and Private Programs.

Resolution #2023-219

**RESOLUTION AMENDING THE EMPLOYEE HANDBOOK
(NON-CIVIL SERVICE JURISDICTION)**

WHEREAS, on October 25, 2021, the Township adopted an Employee Handbook as recommended by the Municipal Excess Liability Joint Insurance Fund (MEL) to serve as a comprehensive document containing essential information for all employees; and,

WHEREAS, the Administration is recommending the Employee Handbook be amended to ensure compliance with current JIF requirements and sound practice in regard to administration by the Township.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale that the amendments to the Employee Handbook are hereby approved.

Resolution #2023-220

**REFUND
(Yoga Class Registration Fees)**

WHEREAS, due to low enrollment the Yoga classes were cancelled, and the following residents have requested a refund of their registration fees; and,

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

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

<u>Payable to:</u>	<u>Payable to:</u>	<u>Payable to:</u>
Anastasia Barnett	Janice Orr	Laura Favorito
661 Woodside Ave.	540 Wittich Terrace	723 Beechcrest Drive
River Vale, NJ	River Vale, NJ	River Vale, NJ
<u>Refund Amount: \$ 40.00</u>	<u>Refund Amount: \$ 40.00</u>	<u>Refund Amount: \$ 40.00</u>

ROLL CALL VOTE

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

Ordinances for 1st Reading

Motion to Introduce: Councilman Donovan

Second: Councilman Ben-Yishay

ORDINANCE OF THE TOWNSHIP OF RIVER VALE, COUNTY OF BERGEN, NEW JERSEY, APPROVING APPLICATION FOR LONG TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF

FINANCIAL AGREEMENT WITH LAKE TAPPAN URBAN RENEWAL LLC, PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ.

WHEREAS, LAKE TAPPAN URBAN RENEWAL LLC, an urban renewal entity formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. (the "Long Term Tax Exemption Law"), having its principal office at 103 Magazine Street, Newark, New Jersey, 07105 ("Entity"), submitted to the Mayor of the **TOWNSHIP OF RIVER VALE**, a municipal corporation of the State of New Jersey, having its principal office at 406 Rivervale Road, River Vale, New Jersey 07675 ("Township") an Application for the approval of a plan for the construction, maintenance and operation of a housing project consisting of twenty-four (24), 100% affordable rental housing units (the "Project") on land identified on the Tax Maps of the Township as Block 701, Lot 8.02 (the "Project Site" or "Property"); and

WHEREAS, the Township entered a settlement agreement dated September 8, 2017 ("Settlement Agreement") with Fair Share Housing Center ("FSHC") in the Matter of the Application of the Township of River Vale, Docket No. BER-L-6277-15 for the Township's compliance with the Mount Laurel Doctrine and Fair Share Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., through the Third Round; and

WHEREAS, the Project is part of the satisfaction of the Township's obligation under the Settlement Agreement with FSHC; and

WHEREAS, there was also submitted to the Mayor by the Entity a Financial Agreement (copy attached hereto) requesting tax exemption of the Project; and

WHEREAS, the Mayor has submitted the Application and accompanying Financial Agreement to the Township with his recommendation.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Township of River Vale, New Jersey, that:

1. The Town Council makes the following findings:

A. The Project satisfies the Township's obligation under the Settlement Agreement with FSHC as it relates to the Project Site. The Project also complies with the Township's Housing Element and Fair Share Plan for the development of twenty-four (24), 100% affordable rental housing units at the Property.

B. The Project represents a desired use of the Project Site and will result in significant infrastructure improvements within the Township.

C. The Property currently generates \$0 in real estate tax revenue to the Township as the Property is owned by the Township and tax exempt. The projected Annual Service Charge over the term of the tax exemption will generate an average annual revenue to the Township of approximately \$50,157.00.

D. The Project will create 79 jobs during the period of construction.

E. The tax exemption authorized by this Ordinance is necessary for the successful completion of the Project because, among other reasons, (1) the relative stability and predictability of the annual service charges will make the Project financially feasible, and (2) the relative stability and predictability of the service charges will allow the Entity to stabilize its operating budget, allowing a high level of maintenance to the improvement over the life of the Project, which will insure the likelihood of the success of the Project.

2. The Application of Lake Tappan Urban Renewal LLC for the development, maintenance and operation of an affordable housing project described in the Application is hereby approved in accordance with the Mayor's recommendation.

3. An exemption from taxation as set forth in the Financial Agreement is hereby granted to the Entity, with respect to the Project on the Property for the term set forth in the Financial Agreement, but in no event shall the tax exemption exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement or (ii) to the extent permitted by N.J.S.A. 40A:20-13, thirty (30) years from the Entity's receipt of a Certificate of Occupancy for the Project and only so long as the Entity remains subject to and complies with the Financial Agreement and the Long Term Tax Exemption Law and upon the further condition that the Entity does not file a petition of tax appeal for the premises on which the Project is to be located, excepting any appeal filed prior to the adoption of this Ordinance.

4. This Ordinance does not exempt the Entity from the obligation to pay special improvement district assessments or other assessments which may be imposed on the Project Site by law.
5. The Mayor is hereby authorized to execute, on the Township's behalf, the Financial Agreement.
6. The executed copy of the Financial Agreement shall be certified by the Township Clerk and filed with the Office of the Township Clerk.
7. The Project shall conform with all Federal and State law and ordinances and regulations of the Township relating to its construction and use.
8. The Entity shall in the operation of the Project comply with all laws so that no person shall, because of race, religious principles, color, national origin or ancestry, gender or sexual orientation, be subject to any discrimination.
9. The Entity shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in Section 4.01 in the Financial Agreement.
10. The following occurrences are express conditions to the grant of this tax exemption to be performed by the Entity:
 - (a) The Entity shall not, without prior consent of the Township as set forth in the Financial Agreement, convey, mortgage or transfer all or any part of the Project which would sever, disconnect or divide the improvements being tax exempted under the Financial Agreement from the land underlying the exempted improvements.
 - (b) The Entity shall complete the Project within the timeframes set forth in the Redevelopment Agreement.
11. The Township shall be paid an administrative fee amounting to 2% of the Annual Service Charge pursuant to N.J.S.A. 40A:20-10(d) for the processing of any request for municipal consent made pursuant to N.J.S.A. 40A:20-10(a), (b), or (c).
12. The Entity shall submit a certified construction cost audit to the Township within thirty (30) days of the completion of the Project.
13. The Entity shall submit a certified total project cost audit to the Township within ninety (90) days following issuance of the certificate of occupancy or the completion of the Project.

The Mayor and/or Township Administrator are hereby authorized to execute and/or amend, modify or make such necessary changes to the Application, the Mayor's Recommendation, the Financial Agreement and any other agreements necessary to effectuate the Financial Agreement, provided that such changes do not substantially alter any provisions of the Financial Agreement.

ROLL CALL VOTE

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

There are no Ordinances for 2nd Reading

2nd Hearing of the Public

Motion by Councilwoman Sieg, second by Councilman Donovan 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.

ADJOURNMENT

Motion by Councilman Donovan; second by Councilwoman Sieg to adjourn the meeting at 7:50pm.

Council President Criscuolo

ATTEST:
Karen Campanelli, Township Clerk

