

MINUTES
Regular Council Meeting
Tuesday, October 24, 2022
Council Chambers 7:30pm

CALL THE MEETING TO ORDER

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

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

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

Council Comments

Councilwoman Sieg reported that the Town Day event was very enjoyable, and the weather was perfect. It was wonderful to see all the River Vale families and their kids, and Rachel and Monica did a phenomenal job planning the event. Councilwoman Sieg added that it was great to see everyone out enjoying themselves.

Councilman Criscuolo had no comments this evening.

Council President Bromberg echoed Councilwoman Sieg's comments regarding Town Day being a great event. He added that the Touch-a-Truck event sponsored by the Police Department was also a great event that was very well received.

Councilwoman Sieg added her compliments to the Police Department for being so dedicated and hands on with the residents. She recalled the Police Academy as a good example, and how it helped establish an understanding between a middle schooler and the Police Department.

Business Administrator Report

Mr. Rotella reported on the Resolution acknowledging the Best Practices Checklist. He explained that this list is prepared and put out by the Division of Local Government Services for each municipality to complete. He further explained that the Division is looking for certain standards to be achieved and River Vale is always well above and beyond the standard. Mr. Rotella added that if a Town doesn't meet certain requirements, then the final payment of their municipal aid may be withheld.

He next reported on Resolution #207, the Project Labor Agreement. Mr. Rotella explained that the Township is going out to bid for a new Public Safety Complex for the Police Department. He further explained that they've decided to enter into labor agreements with the Labor Unions to ensure that when we go out to bid the guidelines are clear, in place and will have to be abided by. Mr. Rotella added that this measure protects the Township, holds the unions to a different standard and will help avoid delays and keep the project moving.

Mr. Rotella also commented on the Touch a Truck event and agreed the event received a very positive response from the kids. He added that the Chief said it was one of the best responses they've had for an event.

Township Engineer Report

Mr. Statile reported that all the streets in the 2022 Road Program have been paved, there is still drainage work to be completed on Beechcrest and Beck Place. He hopes the work will be done by the end of the week. Councilwoman Sieg questioned the number of catch basins being added on Barr Court. Mr. Statile believes they are adding four catch basins to help with drainage problems. Councilwoman Sieg also questioned if he has notified the residents of Barr Court. Mr. Statile responded that yes, they have notified the residents regarding the work being done. Mr. Statile also reported that they paved the inside of the Salt Shed for Rich Campanelli.

He is continuing working with SUEZ on the final water connection for the sprinkler system at the DPW garage, hopefully this will be complete by early November. Mr. Statile is meeting with PSE&G tomorrow to discuss the relocation of the utility poles in preparation of the new Public Safety Complex.

Mr. Statile reported that PSE&G is about 60% complete on the 6,000 feet of gas main replacement work, now they have 125 house services to complete. He added that they can do about 3 a day, which will carry the project into the winter.

He had a pre-construction meeting with the contractor for the Ranges Field Barrier-free Improvements project, and work should be starting in November. Mr. Statile also reported that he met with the residents of Forest Court regarding work that is being done on the greens and bunkers at Edgewood Country Club. He commented that to help alleviate their concerns, they will be doing some extra drainage work to ensure there is no run-off on to their properties.

1st Hearing of the Public

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

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

RESOLUTIONS

Council President Bromberg tables Resolution #2022-204.

Motion by Councilman Criscuolo; second by Councilwoman Sieg to approve Resolutions #2022-205 through #2022-208 as a Consent Agenda as follows:

Resolution #2022-205

RESOLUTION ACKNOWLEDGING REVIEW AND DISCUSSION OF THE BEST PRACTICE INVENTORY (2022)

BE IT RESOLVED, by the Township Council of the Township of River Vale that all members of the governing body present at the regularly scheduled meeting of the Township Council on October 24, 2022 have reviewed and discussed the 2022 Best Practice Inventory prepared by the Chief Financial Officer.

Resolution #2022-206

RESOLUTION CONFIRMING APPOINTMENT OF FIRE PREVENTION OFFICER

(UNEXPIRED TERM)

WHEREAS, effective November 1, 2022, the Fire Prevention Officer for the Township of River will be retired creating a vacancy; and,

WHEREAS, the administration has conducted interviews and recommends the appointment of David Haenelt as Fire Prevention Officer; and,

WHEREAS, Mr. Haenelt possesses all the necessary certifications to perform the duties of a Fire Prevention Officer as required by New Jersey State Uniform Fire Code.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale that David Haenelt is hereby appointed at the Fire Prevention Officer for an unexpired term ending December 31, 2022.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Department of Community Affairs Division of Fire Safety.

Resolution #2022-207

**RESOLUTION AUTHORIZING THE UTILIZATION OF
PROJECT LABOR AGREEMENTS FOR PUBLIC WORKS PROJECTS
UNDERTAKEN BY THE TOWNSHIP IN EXCESS OF FIVE-MILLION DOLLARS**

WHEREAS, the Project Labor Agreement Act ("PLA"), P.L. 2002, Chapter 44, was signed into law on July 21, 2002; and,

WHEREAS, project labor agreements are pre-hire collective bargaining agreements with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project; and,

WHEREAS, the use of project labor agreements is beneficial for construction projects in excess of five million dollars as they lead to less disputes, delays, fair and agreed to employment terms and more efficient project management; and,

WHEREAS, the Township of River Vale (the "Township") finds the use of such agreements for projects in excess of five million dollars beneficial, as they:

- (a) Set forth effective, immediate and mutually binding procedures for resolving jurisdictional, labor disputes and grievances arising before the completion of work;
- (b) Contain guarantees against strikes, lockouts, or other similar actions; and
- (c) Standardize the terms and conditions of employment of labor on the public works projects;
- (d) Permit flexibility in work scheduling and shift hours and times;
- (e) Ensure a reliable source of skilled and experienced labor; and
- (f) Further public policy objectives by improving employment opportunities for minorities, women and the economically disadvantaged; and permit the selection of the lowest responsible bidder, without regard to union or non-union status at other construction sites; and
- (g) Are on all contractors and subcontractors, or whatever tier, on the public works project through the inclusion of appropriate bid specifications in all relevant documents; and

WHEREAS, the Township endorses project labor agreements and pledges to utilize same for construction projects in excess of five million dollars.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of River Vale, County of Bergen, State of New Jersey as follows:

1. That the Governing Body does hereby endorse the use of project labor agreements for construction projects in excess of five million dollars and pledges to utilize same for such projects; and
2. That a certified copy of this resolution be forwarded to the Chief Financial Officer,

Resolution #2022-208

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:	\$	610,884.52
RESERVE CURRENT ACCOUNT claims in the amount of:	\$	44,596.42
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	103,008.16
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:	\$	5,500.00
FEDERAL/STATE GRANT ACCOUNT claims in the amount of:		
ANIMAL TRUST ACCOUNT claims in the amount of:	\$	45.60
SNOW REMOVAL TRUST ACCOUNT claims in the amount of:		
RECREATION TRUST ACCOUNT claims in the amount of:		
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:	\$	52,951.04
FIRE PREVENTION PENALTY ACCOUNT claims in the amount of:	\$	1,890.00
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:	\$	2,342.50
OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$	7,360.00
CAPITAL ACCOUNT claims in the amount of:	\$	176,582.49
PLANNING BOARD TRUST ACCOUNT claims in the amount of:		
SPECIAL TRUST ACCOUNT claims in the amount of:		
ZONING BOARD TRUST ACCOUNT claims in the amount of:		
TOTAL CLAIMS TO BE PAID	\$	1,005,160.73

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:	\$	4,605,661.70
RESERVE CURRENT ACCOUNT claims in the amount of:		
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	647,792.22
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:	\$	2,000.00
HOUSING TRUST claims in the amount of:	\$	2,018.50
RECREATION TRUST ACCOUNT claims in the amount of:	\$	21,541.34
PAYROLL AGENCY TRUST ACCOUNT claims in the amount of:	\$	3,307.00
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:		
OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$	100,000.00

UCC CODE ENF TRUST ACCOUNT claims in the amount of:

UTILITY CAPITAL ACCOUNT claims in the amount of: \$ 2,650.00

CAPITAL ACCOUNT claims in the amount of: \$ 6,625.50

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 \$ 5,391,596.26

TOTAL BILL LIST RESOLUTION \$ 6,396,756.99

MANUAL DISBURSEMENTS

**BILL LIST FOR October 24,
2022**

9/15/2022 Transfer Payroll \$ 333,677.36

9/30/2022 Transfer Payroll \$ 350,231.97

10/14/2022 Transfer Payroll \$ 321,177.63

TOTAL STATUTORY ACCOUNT DISTRIBUTIONS \$ 1,005,086.96

ROLL CALL VOTE

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

Ordinances for 1st Reading

ORDINANCE #406-2022

Motion to Introduce: Councilwoman Sieg

Second: Councilman Criscuolo

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, ESTABLISHING RESTRICTIONS FOR THE PLANTING, GROWING OR CULTIVATING OF BAMBOO IN THE TOWNSHIP OF RIVER VALE

WHEREAS, the Township Council wishes to establish an ordinance to preserve and protect public and private property within the Township of River Vale from the damaging spread of bamboo, a non-native invasive plant, by prohibiting the planting, growing, maintaining or cultivation of bamboo within the Township; and,

WHEREAS, the planting and uncontrolled growth of bamboo is known to threaten other vegetation and endanger existing ecosystems, and is disruptive to the general health and welfare of a community.

NOW THEREFOR BE IT ORDAINED by the Township Council of the Township of River Vale that the following restrictions are hereby established:

§ Purpose.

This chapter is adopted to control the planting, cultivating, or growing of bamboo in the Township of River Vale; and to require barriers to prevent the spread of existing bamboo into other areas of the Township.

§ Planting, growing, or cultivating restricted.

Subject to certain exemptions set forth in this chapter, no persons, or other property owners or others in possession or control of real property or tenants shall plant, cultivate or cause to grow bamboo on any lot or parcel of land within the Township of River Vale, subject to the following exceptions:

A. The root system of such bamboo plants is entirely contained within an aboveground level planter, barrel, or other vessel of such design, material, and location to entirely prevent the spread or growth of the bamboo plant's root system beyond the container in which it is planted; and

B. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed, and maintained so that no part of the plant shall be closer than 10 feet to any property line or right-of-way.

§ Exemptions.

This chapter shall not apply to any landowner or possessor who, prior to the effective date of this chapter, has planted or caused to grow bamboo on any property within the Township limits unless the Code Enforcement Officer determines that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such landowner, tenant, or any possessor of said land.

§ Complaint notice; order for removal and compliance.

Whenever a complaint is received by the Township regarding the encroachment of any bamboo plant or root, or whenever the Township determines that there is an encroachment of bamboo plants or roots onto the property of another, the Township, through its delegated official, shall forward a notice of violation to the alleged offending person, property owner, or other in possession of such property (hereinafter the "violator"), which notice shall be substantially as follows:

A. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and also by first class mail. Notice by certified mail shall be deemed served on the date of personal delivery, or the date the certified mail is marked "refused" or "unclaimed" or otherwise undeliverable by the United States Post Office.

B. The notice shall specify the nature of the violation.

C. The notice shall state that the violation must be cured within 30 days from the date of the received or returned mailing.

D. The notice shall state specifically what must be done by the violator to correct the violation.

§ Repealer.

All ordinances of the Township of River Vale which are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.

§ Violations and penalties.

A. Any violator determined by any court of competent jurisdiction to have violated this chapter shall be subject to pay a fine of not less than \$25 per day, nor more than \$100 per day, for each day the violation exists after the date for cure as set forth in the notice. Each day of a continuing violation shall constitute a separate offense, for which an additional fine can be levied. The per-day fine will be in addition to a penalty for failure to comply with the Bamboo Ordinance. This fine can be up \$1,000.

B. If the violation is not remedied within the time set forth in the aforesaid notice, the Township is hereby authorized, but not obligated, to remove or have removed any encroaching bamboo and to take all reasonable steps to eradicate the regrowth of the bamboo on the public rights-of-way, including sidewalks, and to restore such land to its normal condition, prior to such removal and eradication.

C. The Township's cost of the corrective action together with any civil penalties, legal fees and other costs shall be recoverable from the violator.

§ Severability.

If any section, subsection, clause, or phrase of this chapter is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this chapter.

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

ROLL CALL VOTE

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

ORDINANCE #407-2022

Motion to Introduce: Councilman Criscuolo

Second: Councilwoman Sieg

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY AMENDING CHAPTER 142 OF THE CODE ENTITLED "LAND USE" PART 9 ZONING, ARTICLE LIV "FENCES" SECTION 142-246 "FEES"

BE IT ORDAINED by the Township Council of the Township of River Vale that the Chapter 142-246 of the Code is hereby amended as follows:

§ 142-246. Fee.

The fee for a permit for a new or replacement fences shall be \$25. Please refer to Chapter 90-4(s) of the Code for fee information.

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

ROLL CALL VOTE

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

Ordinances for 2nd Reading & Public Hearing

There were no ordinances for 2nd reading.

2nd 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 Councilwoman Sieg to close the hearing of the public.

RESOLUTION

Motion by Councilman Criscuolo; second by Councilwoman Sieg to approve Resolution #2022-209 as follows:

Resolution #2022-209

RESOLUTION AUTHORIZING THE COUNCIL TO ENTER INTO CLOSED SESSION

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

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

ROLL CALL VOTE

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

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

ADJOURNMENT

Motion by Councilman Criscuolo; second by Councilwoman Sieg to adjourn the meeting at 8:40pm.

Council President Bromberg

ATTEST:

Karen Campanelli, Township Clerk

