

MINUTES
Wednesday, December 30, 2013
7:00 PM

CALL THE MEETING TO ORDER

Mayor Bazela called the meeting to order at 7:02 PM in the Council Chambers of the Municipal building located at 116 Paris Avenue, Northvale, New Jersey 07647.

STATEMENT –

Mayor Bazela read the “Sunshine Statement” into the record as follows:

“This is a Combined Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting has been advertised in the official Newspapers of the Borough, filed with the Borough Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at public meetings.”

SALUTE TO THE FLAG – SILENT PRAYER –

Troy Essmann led everyone in the salute to the flag. Mayor Bazela asked everyone for a moment of silent prayer to remember the military.

ROLL CALL –

Mayor Bazela, Councilwoman Libby, Councilman Marana, Councilman Piehler, Councilman Shepard, Councilman Sokoloski and Councilman Sotiropoulos were present.

Also present: Mr. Gregg Paster, Borough Attorney, Mr. Paul Niehoff, Borough Engineer, Mrs. Frances Weston, Deputy Borough Clerk.

APPOINTMENTS & PERSONNEL CHANGES –

Motion by Councilman Marana, seconded by Councilwoman Libby to approve the appointment of Christina Ferencevych, Alejandro Delgado, and Charles Albanese to the Northvale Police Department, effective January 1, 2014.

ROLL CALL VOTE: All present in favor.

Motion by Councilman Sotiropoulos, seconded by Councilman Shepard to approve the promotion of William Essmann from Lieutenant to Captain, effective January 1, 2014.

ROLL CALL VOTE: All present in favor.

Motion by Councilman Piehler, seconded by Councilman Sokoloski to approve the promotion of Howard Ostrow from Sergeant to Lieutenant, effective January 1, 2014.

ROLL CALL VOTE: All present in favor.

Mayor Bazela administered the oath of office to the new and promoted officers.

RECOGNITIONS –

Mayor Bazela presented retiring Captain Charles Amorosso of the Northvale Police Department with a plaque for his many years of service.

APPROVAL OF MINUTES –

Motion by Councilman Piehler, seconded by Councilman Shepard to approve the minutes of the December 11, 2013 Combined Meeting.

ROLL CALL VOTE: All present in favor.

MONTHLY REPORTS – (Correspondence on file in Borough Clerks Office)

Tax Collector
Police Department
Fire Prevention
Municipal Court
Building Department

CORRESPONDENCE –

1. Letter – Maser Consulting – December 11, 2013
re: LSRP Environmental Services – DPW
2. Letter – Maser Consulting – December 11, 2013
re: LSRP Environmental Services – White Avenue Pump Station
3. Letter – BCUA – December 23, 2014
re: Wastewater Management Plan

Mr. Rob Zelle of Maser Consulting updated the Mayor and Council on the 5 projects in process.

RESOLUTIONS –

Motion by Councilman Sotiropoulos, seconded by Councilman Piehler to approve Resolutions #2013-144 through #2013-150 on Consent Agenda as follows:

RESOLUTION #2013-144

Authorize the Chief Financial Officer to Refund Taxes Overpaid Due to State Tax Court Judgment

BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale, that the Chief Financial Officer is hereby authorized to refund the following overpayment of taxes due to State Tax Board Judgments:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
1102	10	Salvatore & Roselle Costa	\$ 2,177.79	2009
		185 LeGrande Avenue	<u>\$ 4,513.27</u>	2010
		Northvale, NJ 07647	\$ 6,691.06	

WHEREAS, statutory interest pursuant to N.J.S.A. 54:3-27.2 having been waived by the taxpayers, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment.

BE IT FURTHER RESOLVED by the Mayor and council of the Borough of Northvale that the Chief Financial Officer shall issue a check in the amount of \$6,691.06 to the Tax Collector Borough of Northvale to pay delinquent taxes still outstanding on Block 1102 Lot 10.

RESOLUTION #2013-145

**IN THE MATTER OF ADOPTING THE FAIR AND OPEN PROCESS FOR
AWARDING OF PROFESSIONAL SERVICES CONTRACTS FOR THE YEAR
OF 2014**

WHEREAS, the Borough of Northvale, a body corporate and politic and a political subdivision of the State of New Jersey, seeks qualifications and proposals from qualified professionals to provide essential services for the Borough's operations and functions pursuant to N.J.S.A. 40:14B-1 et seq.; and

WHEREAS, the Borough of Northvale seeks to employ a 'Fair and Open Process' as defined in N.J.S.A. 19:44A-20.4, 20.5 et seq. for the purpose of soliciting qualified professionals to provide services as required by the Borough for the year 2014.

NOW THEREFORE, BE IT RESOLVED this 13th day of November 2013, that the Borough Clerk and Borough Attorney be and are hereby authorized to take, or cause to be taken, all acts necessary to publish the Legal Notice required to solicit for professional qualifications for all professional positions required by the Borough in the usual course of business pursuant to N.J.S.A. 19:44A-20.4, 20.5 et. seq in a newspaper of general circulation for the Borough of Northvale, and/or on the Borough of Northvale website, www.boroughofnorthvale.com.

**Planning Board Attorney
Real Estate Consultant**

RESOLUTION #2013-146

SPECIAL EMERGENCY RESOLUTION N.J.S.A. 40A:4-53

WHEREAS, an ordinance has been adopted creating a special emergency appropriation of \$86,500 for severance liabilities for Payment of Accrued Vacation and Sick Time and no adequate provision was made in the 2013 budget for the aforesaid purpose, and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of Emergency Appropriations created including the appropriation to be created by this resolution is.....\$86,500

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-53 and 40A:4-55:

1. A special emergency appropriation be and the same is hereby made for Severance Liabilities for Payment of Accrued Vacation and Sick Time\$86,500
2. Total amount per ordinance is for \$86,500 and the Mayor and Council hereby requests that an exclusion from the "Cap" be granted by the Director of the Division of Local Government Services in accordance with P.L. 1981 Chapter 56 in the amount of \$17,300 per year in the budgets of the next five succeeding years commencing with the budgets of 2014 in accordance with 40A:4-55 (c).
3. That a special emergency note or notes be authorized not in excess of \$86,500, the amount appropriated by ordinance as stated above.
4. Such notes are hereby authorized to be issued pursuant to the Ordinance and this resolution and shall be negotiable notes payable to bearer, or registered notes, and shall bear interest at a rate per annum within the limitations prescribed by law, and such interest shall be payable at the maturity of such notes. The notes shall be dated on or about the date of their issuance and may

be renewed from time to time, but at least 1/5 of the total amount of notes hereby authorized, and the renewals thereof, shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution. The issuing officers are authorized to provide that the notes may be redeemable at the option of the Borough.

5. The Mayor and the Chief Financial Officer are hereby authorized to execute said notes, and the Borough Clerk is hereby authorized to affix the seal of the Borough to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.
6. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at public or private sale, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefor.
7. That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.
8. This resolution shall take effect immediately upon its adoption.

RESOLUTION #2013-147

AUTHORIZE THE CFO TO CANCEL UNEXPENDED BALANCES FROM 2013 CURRENT FUND

WHEREAS, unexpended balances exist in the 2013 Operating Budget for Current Fund; and

WHEREAS, it is necessary to officially cancel such balances so funds can be transferred to Surplus at year-end, and anticipated as Revenue item in the following year budget; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale, County of Bergen, New Jersey, that unexpended balances in the amount of \$75,000.00, listed below, be cancelled and lapsed to Surplus.

Police (SW)	18,000.00
Employee Group Insurance (OE)	5,000.00
Electricity (OE)	21,000.00
Street Lighting (OE)	5,000.00
Telephone (OE)	7,000.00
Natural Gas (OE)	4,000.00
Gasoline (OE)	2,000.00
Library (OE)	10,000.00
Solid Waste Collection (OE)	1,000.00
Solid Waste Disposal (OE)	1,000.00
Interest on Notes (OE)	1,000.00

RESOLUTION #2013-148

Transfer of Funds

WHEREAS, N.J.S.A.40:4-49 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budgeted appropriations;

NOW THEREFORE, BE IT RESOLVED, that the following transfers are hereby authorized;

FROM:

Administrative & Executive (SW)	1,500.00
Financial Administration (OE)	3,000.00
Tax Collection (OE)	3,000.00
Legal Services (OE)	3,000.00
Engineering Services (OE)	3,000.00
Planning Board (OE)	5,000.00
Affordable Housing (OE)	12,500.00
Construction Code (OE)	2,500.00
Other Insurance (OE)	1,000.00
Fire Prevention (OE)	1,000.00
DPW – Streets & Roads (SW)	2,000.00
Senior Van (SW)	2,000.00
Board of Health (OE)	3,000.00
Municipal Court (SW)	1,500.00
Municipal Court (OE)	1,000.00

TO:

Administrative & Executive (OE)	12,000.00
Mayor and Council (SW)	500.00
Mayor and Council (OE)	300.00
Financial Administration (SW)	7,200.00
Tax Assessment (SW)	2,300.00
Construction Code (SW)	3,600.00
Ambulance Contribution (OE)	3,100.00
Ambulance Maintenance (OE)	2,000.00
DPW – Streets & Roads (OE)	8,000.00
Recycling (OE)	3,000.00
Buildings & Grounds (OE)	2,000.00
Water (OE)	1,000.00

TOTAL	\$45,000.00	\$45,000.00
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RESOLUTION #2013-149

PAYMENT OF BILLS

WHEREAS, claims have been submitted to the Borough of Northvale in the following amounts under various funds of the borough:

Current Appropriations	\$58,214.70
General Capital Fund	\$6,055.00
Animal License Trust	\$462.00
Developer’s Escrow Trust	\$3,161.25
Recreation Trust	\$2,610.00
Summer Recreation	
TOTAL	\$70,502.95

WHEREAS, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, council liaison, finance committee, and the chief financial officer; and

WHEREAS, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Northvale, and that the claims specified on the schedule attached hereto, following examination and approval by the finance committee, be paid and checks issued accordingly; and

WHEREAS, claims have already been paid in the following amounts for the purpose specified below:

Payroll	12/06/2013	\$149,560.97
Payroll	12/20/2013	\$225,749.42
Health Benefits	December 2013	\$37,841.37
School Taxes Local	December 2013	\$717,525.00
School Taxes Regional		
TOTAL		\$1,130,676.76

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Northvale that the claims totaling **\$1,201,179.71** and ratified respectively.

The bill list is as follows:

vendor	checkno	chktotal	description
MASER CONSULTING P.A.	0	3161.25	VARIOUS
MGL PRINTING SOLUTIONS	145	462.00	EXPENDITURES ANIMAL TRUST
MASER CONSULTING P.A.	604	6055.00	
A.C. DAUGHTRY, INC.	8605	345.00	Buildings & Grounds
AAA EMERGENCY SUPPLY CO.,INC.	8606	304.00	Fire O/E
ACTION RUBBER IND'L SUPL,INC.	8607	97.25	DPW Streets & Roads O/E
ALL ACCESS GARAGE DOORS	8608	404.00	Buildings & Grounds
ALLAN SEEBACH SR.	8609	153.95	DPW Streets & Roads O/E
AMERICAN HOSE & HYD	8610	490.00	Recycling O/E
ANITA TIRE	8611	908.00	Recycling O/E
ANNETTE MATTESSICH	8612	500.00	DPW Streets & Roads O/E
AW DIRECT TRUCK ACCESS,INC.	8613	179.08	DPW Streets & Roads O/E
BI-STATE BRAKE CO., INC.	8614	723.06	VARIOUS
BOB SZAPKA	8615	176.70	DPW Streets & Roads O/E
BOROUGH OF NORWOOD	8616	198.72	DPW Streets & Roads O/E
CHROMATE INDUSTRIAL CORP.	8617	688.53	DPW Streets & Roads O/E
CLIFFSIDE BODY CORPORATION	8618	220.05	DPW Streets & Roads O/E
COOPER ELECTRIC SUPPLY CO.	8619	54.07	Buildings & Grounds
CSX TRANSPORTATION	8620	1445.03	Administrative & Executive O/E
DRAEGER SAFETY DIAGNOSTICS INC	8621	240.00	Appropriated Grants
FERRAIOLI, WIELKOTZ, CERULLO & GEMPLER'S	8622	535.00	VARIOUS
HACKENSACK SPRING	8623	586.15	Appropriated Grants
HARRINGTON PK BOARD EDUCATION	8624	3015.95	DPW Streets & Roads O/E
INTERSTATE BATTERY OF NEW JERS	8625	12343.79	Administrative & Executive O/E
JEFFRY MARCASON	8626	616.75	Recycling O/E
KEN-JIL ELECTL CONTRACTORS,INC	8627	112.51	DPW Streets & Roads O/E
LIFESAVER INC.	8628	175.00	Buildings & Grounds
LINDA SUE CLARK	8629	34.72	Police O/E
MAGELLAN HILL TECHNOLOGIES	8630	75.00	Police O/E
MASER CONSULTING P.A.	8631	1583.74	Telephone
MIELE SANITATION CO	8632	8810.00	VARIOUS
NATIONAL CREATIVE ENTERPRISES	8633	500.00	Recycling O/E
NORTHVALE AMBULANCE	8634	176.00	Police O/E
NORTHVALE BOARD OF EDUCATION	8635	9096.00	VARIOUS
NORWOOD CAR CARE	8636	588.00	Parks & Playgrounds
POLAND SPRING WATER CO.	8637	494.99	Police O/E
REED SYSTEMS,LTD	8638	208.23	Administrative & Executive O/E
RICK CARBAUGH	8639	1118.23	DPW Streets & Roads O/E
RUDY'S RISTORNATE & PIZZERIA	8640	200.00	DPW Streets & Roads O/E
	8641	117.00	Recreation Senior Bus Trips

SCHULTZ FORD, INC.	8642	118.11	DPW Streets & Roads O/E
SHAW'S COMPLETE SECURITY	8643	292.00	Library O/E
STAPLES BUSINESS ADVANTAGE	8644	767.59	VARIOUS
SUBURBAN GLASS & MIRROR	8645	18.00	Buildings & Grounds
TAX COLLECTOR	8646	6691.06	TAX OVERPAYMENTS
TOTAL OFFICE INTERIORS	8647	1354.32	Police O/E
TYCO ANIMAL CONTROL SERVICES	8648	550.00	Animal Control O/E
VERIZON/BELL ATLANTIC	8649	113.17	Telephone
TREASURER - COUNTY OF BERGEN	8650	795.95	COUNTY TAX
RICK BEDFORD	10114	2610.00	RESERVE RECREATIO BASKETBALL

ORDINANCES – 2nd reading –

ORDINANCE #930-2013 - AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION NJS 40A:4-53

Motion by Councilman Marana, seconded by Councilman Sokoloski to approve the 2nd reading of Ordinance #930-2013, as follows:

BOROUGH OF NORTHVALE

**County of Bergen
State of New Jersey**

ORDINANCE #930-2013

AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S. 40A:4-53

BE IT ORDAINED by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, that pursuant to N.J.S. 40A:4-53 (Ch. 48, P.L. 1956 as amended, including Ch. 46, P.L. 2010 and Ch. 38, P.L. 1969) the sum of \$86,500 is hereby appropriated for severance liabilities for the Payment of Accrued Vacation and Sick Time and shall be deemed a special emergency appropriation as defined and provided for in N.J.S. 40A:4-53.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S. 40A:4-55).

BE IT FURTHER ORDAINED that this ordinance shall take effect at the time and in the manner provided by law.

Mayor Bazela opened the meeting to the public. There being no questions from the public, Mayor Bazela closed the meeting to the public.

ROLL CALL VOTE: All present in favor.

HEARING OF THE PUBLIC –

Mayor Bazela opened the meeting to the public.

Mr. Frank Pawloski, Hughes Street – stated that the VFW building will be closed as of December 31st and would like to have an extension to keep it opened. Mayor Bazela explained that it was the VFW National that made the decision, not the Mayor and Council.

Mr. Bob Murphy – stated that it is a sad situation but they do not have many members. They had their last meeting last Saturday. They only have about 4 or 5 participants.

Mr. Brian England, 312 Danny Lane – explained the requirements to have the VFW kept opened, which they do not have. Mr. England said it is sad but it will have to close.

The Mayor informed them that the American Legion offered to let the VFW members conduct their meetings at the Legion. The Mayor will also set up a meeting with Jeff Marcason as to what the DPW will have to do for the building. The Mayor also instructed Mr. England to give any pictures or plaques to Mr. Peter Perretti who is on the Historical Society.

MAYOR & COUNCIL REPORTS –

There were no Mayor & Council reports at this time.

BOROUGH ENGINEER REPORTS –

Mr. Paul Niehoff had no report at this time.

BOROUGH ATTORNEY REPORTS –

Mr. Gregg Paster had no report at this time. He had an issue to discuss in closed session.

CLOSED SESSION –

Motion by Councilman Sotiropoulos, seconded by Councilman Piehler to move into closed session and approve Resolution #2013-151 as follows:

RESOLUTION #2013-151

Providing for a Meeting not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act

WHEREAS, the Council of the Borough of Northvale is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6, et seq; and

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Council of the Borough of Northvale to discuss in session not open to the public certain matter relating to an item or items authorized by NJSA 10:4-12b, as listed below:

1. Matters required by law to be confidential
2. Matter involving individual privacy
3. Matters relating to a collective bargaining agreement

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Northvale that immediately after the adoption of this resolution the Council shall enter into closed session.

ROLL CALL VOTE: All present in favor.

Motion by Councilman Sokoloski, seconded by Councilman Marana to return to open session with action being taken.

ROLL CALL VOTE: All present in favor.

Motion by Councilman Marana, seconded by Councilman Piehler to approve #2013-152, as follows:

RESOLUTION # 2013-152

Approve the Stipulation of Settlement for George Kessel Associates – 234 Pegasus Avenue

WHEREAS, George Kessel Associates is the record owner of property situated at Block 301, Lot 7, with a street address of 234 Pegasus Avenue located in the Borough of Northvale, New Jersey, and

WHEREAS, George Kessel Associates is the Plaintiff in legal actions against the Borough of Northvale in the Tax Court of New Jersey, specifically Docket Nos.: 009273-2011, 007583-2012 and 006916-2013, challenging the actions of the Bergen County Board of Taxation with respect to the assessment of its property, and

WHEREAS, the parties now wish to amicably resolve the outstanding issues regarding the assessment of the property and settle the lawsuits between them pending in the Tax Court of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, that Florio and Kenny, L.L.P., Tax Appeal Counsel for the Borough of Northvale, is hereby authorized to execute on behalf of the Borough of Northvale, a Stipulation of Settlement resolving the Complaints filed by:

1) George Kessel Associates, for property situated at Block 301, Lot 7, with a street address of 234 Pegasus Avenue located in the Borough of Northvale, New Jersey.

2) For tax years 2011, 2012 and 2013

Assessment reduced:

Block: 301
 Lot: 7
 Street Address: 234 Pegasus Avenue
 Year: 2011

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	\$855,000	Direct	\$855,000
Impvts	<u>\$2,873,700</u>	Appeal	<u>\$2,785,000</u>
Total	\$3,728,700		\$3,640,000

Year: 2012

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	\$855,000	Direct	\$855,000
Impvts	<u>\$2,873,700</u>	Appeal	<u>\$2,645,000</u>
Total	\$3,728,700		\$3,500,000

Year: 2013

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	\$855,000	Direct	\$855,000
Impvts	<u>\$2,873,700</u>	Appeal	<u>\$2,645,000</u>
Total	\$3,728,700		\$3,500,000

Interest on any refund due is waived; provided the refund is made within 60 days of the date judgment is issued by the Court.

All in accordance with the discussions held at a certain meeting of the Borough Council on December 30, 2013.

ROLL CALL VOTE: Councilman Marana, Councilman Piehler, Councilwoman Libby, Councilman Shepard, Councilman Sokoloski and Councilman Sotiropoulos voted yes.

ADJOURNMENT –

Motion by Councilman Sotiropoulos, seconded by Councilman Piehler to adjourn the meeting at 8:33 PM.

ROLL CALL VOTE: All present in favor.

PAUL J. BAZELA, MAYOR

ATTEST:

Frances Weston
Deputy Borough Clerk

Wanda A. Worner
Borough Clerk

Approved: February 11, 2014