

**A G E N D A**  
**Combined Meeting of the Mayor and Council**  
**Wednesday, April 9, 2014**  
**7:30 PM**

**CALL THE MEETING TO ORDER –**

**STATEMENT –**

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 –**

**CORRESPONDENCE –**

1. Letter – [Democratic County Committee](#) – March 18, 2014  
re: Vacancy in Seat of Mayor & Recommendation of 3 Names for Replacement:
- a) Stanley E. Piehler
  - b) Patrick J. Marana
  - c) Gloria M. Libby

Motion by \_\_\_\_\_; 2<sup>nd</sup> by: \_\_\_\_\_

to nominate \_\_\_\_\_ as Mayor to fill the unexpired term ending, **November 4, 2014.**

**ROLL CALL VOTE:**

**OATH OF OFFICE –**

County Clerk John S. Hogan administers the Oath of Office to \_\_\_\_\_

**ROLL CALL -**

**APPOINTMENTS & PERSONNEL CHANGES –**

**Motion By: \_\_\_\_\_; 2<sup>nd</sup> by: \_\_\_\_\_**

**to nominate \_\_\_\_\_ as Council President**

**ROLL CALL VOTE:**

Approve the hiring of two (2) summer workers for the Department of Public Works (June – August @ \$10.00 per hour)

By: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ RC: \_\_\_\_\_

Approve the hiring of a summer intern for the Borough Hall (June – August @ \$10.00 per hour)

By: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ RC: \_\_\_\_\_

**MAYOR’S APPOINTMENT TO PLANNING BOARD/BD OF ADJUSTMENT –**

Move Lisa Walker from Alternate #2 to Alternate #1 to fill the unexpired term of Ed Devlin with a term ending 12/31/14.

Move William Sillery from Alternate #3 to Alternate #2 to fill the unexpired term of Lisa Walker with a term ending 12/31/14.

Move Robert Bargna from Alternate #4 to Alternate #3 to fill the unexpired term of William Sillery with a term ending 12/31/14.

Appoint \_\_\_\_\_ as Alternate #4 to fill the unexpired term of Robert Bargna with a term ending 12/31/14.

**APPROVAL OF MINUTES –**

Minutes of the Combined Meeting of [March 12, 2014](#)

By: \_\_\_\_\_ 2<sup>nd</sup>:

RC:

**MONTHLY CORRESPONDENCE – (on file in Borough Clerk’s office)**

Tax Collector  
Building Department  
Fire Prevention  
Police Department  
Municipal Court

**CORRESPONDENCE –**

1. Letter – [Northvale Historical Society](#) – March 12, 2014  
re: Northvale Centennial Celebration
2. Letter – [Woman’s Club of Norwood/Northvale](#) – March 18, 2014  
re: Planting of Tree/Plaque in Memory of H. Guercio at Borough Hall
3. Letter – [JFS Wheels for Meals](#) – March 27, 2014  
re: A Ride to Fight Hunger Event June 15, 2014
4. Letter – [Borough of Norwood](#) – Mayor James Barsa – March 31, 2014  
re: Thanking Northvale for Offer of Assistance After DPW Fire
5. Letter – [Woorimart](#) – April 1, 2014  
re: Request for Grand Opening Banner
6. Letter – [Maser Consulting](#) – April 4, 2014  
re: Bergen County Cooperative Curb Ramp Program
7. Letter – [Lisa Paillex Griffin](#) – March 20, 2014  
re: Proclamation for Parkinson’s Awareness Month
8. Letter – [Joint Insurance Fund](#) – March 2014  
re: Soliciting Donations on Roadways – Coin Tosses  
Request by Police Department for Ordinance
9. Letter – [IL Giordano](#) – April 4, 2014  
re: Request for Sign

**PROCLAMATIONS –**

[\*Parkinson’s Awareness Month\*](#)

**RESOLUTIONS –**

**#2014-27 Authorize the Agreement with Rockleigh for DPW Services**

By: \_\_\_\_\_ 2<sup>nd</sup>:

RC:

**#2014-38 Approve the Tonnage Grant Report and Application for 2013**

By: \_\_\_\_\_ 2<sup>nd</sup>:

RC:

**#2014-39 Authorizing Permit for Fireworks Display at Hogan Park**

By: \_\_\_\_\_ 2<sup>nd</sup>:

RC:

**#2014-40 Waive Fire Prevention Fee for Fireworks Display at Hogan Park**

By: 2<sup>nd</sup>: RC:

**#2014-41 Support and Participate in the Volunteer Tuition Credit Program (P.L. 1998, c.145)**

By: 2<sup>nd</sup>: RC:

**#2014-42 Award Contract for Bergen County Cooperative Ramp Program**

By: 2<sup>nd</sup>: RC:

INTRODUCTION OF BUDGET

AMEND TEMPORARY BUDGET

PAYMENT OF BILLS

**ORDINANCES – 2<sup>nd</sup> reading –**

**ORDINANCES – 1<sup>st</sup> reading –**

**ORDINANCE #934-2014 - AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE BOROUGH OF NORTHVALE, BERGEN COUNTY, NEW JERSEY FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF**

By: 2<sup>nd</sup>: RC:

**ORDINANCE #935-2014 - AN ORDINANCE AMENDING CHAPTER 147-16 OF THE CODE OF THE BOROUGH OF NORTHVALE TO REGULATE THE USE OF TEMPORARY COVERS ON DETERIORATED OR DAMAGED ROOFTOPS WITHIN THE BOROUGH OF NORTHVALE**

By: 2<sup>nd</sup>: RC:

CAP RATE ORDINANCE

GENERAL SALARY ORDINANCE

BOND ORDINANCE 2014 ROAD RESURFACING AND BERGEN COUNTY COOPERATIVE RAMP PROGRAM

**HEARING OF THE PUBLIC –**

**MAYOR & COUNCIL REPORTS –**

**BOROUGH ENGINEER REPORTS –**

**BOROUGH ATTORNEY REPORTS –**

**HEARING OF THE PUBLIC –**

**CLOSED SESSION –**

**HEARING OF THE PUBLIC –**

**ADJOURNMENT –**

By: 2<sup>nd</sup>: RC:



**BOROUGH OF NORTHVALE**  
**County of Bergen**  
**State of New Jersey**



MOTION:

SECOND:

**RESOLUTION #2014-27**

**AUTHORIZE THE EXECUTION OF THE AGREEMENT WITH THE  
BOROUGH OF ROCKLEIGH FOR THE PROVIDING OF PUBLIC WORKS  
SERVICES BY THE BOROUGH OF NORTHVALE**

WHEREAS, the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1, et. seq. permits a municipality to enter into an agreement with another municipality to receive any services which the respective parties are empowered to provide or receive: and

WHEREAS, an Agreement has been prepared whereby the Borough of Northvale would provide the Borough of Rockleigh with certain services to be performed by the Department of Public Works of Northvale, including maintaining and replacing street signs, brush chipping, lawn maintenance of municipal property and pot hole repair on streets, all within the Borough of Rockleigh; and

WHEREAS, the Agreement has been reviewed by the Mayor and Council and found to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that Mayor Paul Bazela and the Borough Clerk be and are hereby authorized to execute aforesaid agreement; and

BE IT FURTHER RESOLVED, that a copy of the Agreement, once executed by the respective municipalities, shall be filed with the Division of Local Government Services in the Department of Community Affairs pursuant to NJSA 40A:65-4b.

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their regular meeting held on \_\_\_\_\_, 2014

\_\_\_\_\_

Wanda A. Worner, Borough Clerk

Name	Yes	No	Absent	Abstain
Libby	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piehler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**BOROUGH OF NORTHVALE**  
County of Bergen  
State of New Jersey



MOTION:

SECOND:

**RESOLUTION #2014-38**

**Approve the Tonnage Grant Report and Application for 2013**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for such tonnage grants (for calendar year 2013) will memorialize the commitment of the municipality to recycling and to indicate the assent of the Northvale Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Northvale hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jeffry Marcason, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

DRAFT NOT APPROVED

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their regular meeting held on \_\_\_\_\_, 2014

\_\_\_\_\_  
Wanda A. Worner, Borough Clerk

	Yes	No	Absent	Abstain
Libby	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piehler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**BOROUGH OF NORTHVALE**  
**County of Bergen**  
**State of New Jersey**



MOTION:

SECOND:

**RESOLUTION #2014-39**

**RESOLUTION OF THE BOROUGH OF NORTHVALE COUNTY OF BERGEN, STATE OF NEW JERSEY AUTHORIZING PERMIT FOR FIREWORKS DISPLAY HOGAN PARK**

**WHEREAS**, application 14-01 was received from Legion Fireworks Co., Inc. of 10 Legion Drive, Wappingers Falls, NY 12590 has applied for a permit to perform a ground to air fireworks display on May 25, 2014; and (rain date 5/24/14)

**WHEREAS**, the vendor has provided necessary surety guarantees required by N.J.S.A. 21:3-5 and submitted the necessary permit application consistent with that section and all supporting materials; and

**WHEREAS**, the Chief of Police and Fire Chief of the Borough of Northvale have reviewed the application and have approved the issuance of the permit.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Northvale, County of Bergen, State of New Jersey that the application of Legion Fireworks Company for a permit to perform a ground to air fireworks display at Hogan Park on May 25, 2014, be and is hereby approved, with said permit to be issued in the name of the Mayor and Council of Northvale, upon preparation by the Borough Clerk, subject to execution by the Fire Chief and Chief of Police; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized and directed to provide a copy of this resolution to the New Jersey Department of Labor's Office of Safety Compliance, the vendor and the Chief's of the Fire and Police Departments of the Borough of Northvale.

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their regular meeting held on \_\_\_\_\_, 2014

\_\_\_\_\_  
 Frances Weston, Deputy Borough Clerk

Name	Yes	No	Absent	Abstain
Libby	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piehler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**BOROUGH OF NORTHVALE**  
**County of Bergen**  
**State of New Jersey**



MOTION:

SECOND:

**RESOLUTION #2014-40**

**Waive Fire Prevention Fee for the Fireworks**

BE IT RESOLVED that the above mentioned fee is hereby waived.

DRAFT NOT APPROVED

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their regular meeting held on \_\_\_\_\_, 2014

\_\_\_\_\_

Wanda A. Worner, Borough Clerk

Name	Yes	No	Absent	Abstain
Libby	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piehler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**BOROUGH OF NORTHVALE**  
**County of Bergen**  
**State of New Jersey**



MOTION:

SECOND:

**RESOLUTION #2014-41**

**Resolution to Support and Participate in the Volunteer Tuition Credit Program (P.L. 1998, c.145)**

WHEREAS, the Mayor and Council of the Borough of Northvale in the County of Bergen, deems it appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteers in the Borough of Northvale; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c.145 which permits municipal government to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Northvale in the County of Bergen that the Volunteer Tuition Program as set forth in P.L. 1998, c.145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED that Wanda A. Worner, Borough Clerk is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c.145, a copy of which is herewith made part of this resolution.

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their regular meeting held on \_\_\_\_\_, 2014

\_\_\_\_\_  
 Fran Weston, Deputy Borough Clerk

Name	Yes	No	Absent	Abstain
Libby	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piehler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**BOROUGH OF NORTHVALE**  
**County of Bergen**  
**State of New Jersey**



MOTION:

SECOND:

**RESOLUTION #2014-42**

**AWARD OF THE CONTRACT OF THE BERGEN COUNTY COOPERATIVE CURB RAMP PROGRAM**

**WHEREAS**, the Borough of Northvale desires to improve curb ramps at Bergen County approved locations; and,

**WHEREAS**, The Borough of Northvale has entered into a separate cooperative grant agreement with Bergen County to fund 100% of approved construction costs based on final as-built quantities for this project except for Borough Police services; and,

**WHEREAS**, The County of Bergen as the lead agency has previously publically bid the work and awarded a cooperative contract to Concrete Construction Corp. of 24 Pink Street P.O. Box 4063, South Hackensack, NJ 07601; and,

**WHEREAS**, The Borough of Northvale intends to utilize Bergen County Cooperative Curb Ramp program and the program contractor; and,

**WHEREAS**, Concrete Construction Corp. is a qualified contractor and has been found to be in compliance with the contract documents and technical specifications by the County of Bergen; and,

**NOW THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL** of the Borough of Northvale, at its meeting of April 9, 2014 hereby authorizes the award of the contract to Concrete Construction Corp in the amount not to exceed \$182,500 upon authorization from Bergen County as required per County Cooperative Curb Ramp program; and

**BE IT FURTHER RESOLVED**, that original signed and sealed copies of this resolution be forwarded to the Bergen County for their authorization of award.

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their regular meeting held on \_\_\_\_\_, 2014

\_\_\_\_\_  
 Frances Weston, Deputy Borough Clerk

Name	Yes	No	Absent	Abstain
Libby	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piehler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**BOROUGH OF NORTHVALE**  
**County of Bergen**  
**State of New Jersey**

**ORDINANCE #934-2014**

**AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE BOROUGH OF NORTHVALE, BERGEN COUNTY, NEW JERSEY FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Northvale, Bergen County, New Jersey that:

**SECTION 1.** Pursuant to the provisions of N.J.S.A. 48:17-10, N.J.S.A. 48:17-11 and N.J.S.A. and 48:17-12, permission and consent is hereby granted to Verizon New Jersey Inc. (the "Company"), its successors, and assigns to install, operate, inspect, maintain, repair replace and remove its communications facilities and other transmission or process equipment, including underground facilities, such as conduits, manholes, cables, wires and all other facilities appurtenant thereto, and above-ground facilities, such as cables, wires, antennas, poles, posts, supports, guys, pedestals, cable termination and distribution cabinets and all other facilities appurtenant thereto, in, through, upon, along, over, under and across all of the various public streets and ways, which include the road, avenues, right-of-way, sidewalks, highways, bridges, waterways and other public places and parts thereof, throughout their entire length and to effect the necessary street openings and lateral connections to curb poles, property lines and other facilities in the Borough of Northvale (the "Borough") for said Company's local and through lines and other communications facilities in connection with the transaction of its business. In the event that any public street or way where the Company has facilities is vacated by the Borough, the Borough agrees to reserve unto said Company the rights granted the Company by the present Ordinance.

**SECTION 2.** All poles, posts, pedestals, cabinets or other facilities shall be located and placed back of the curb lines where shown on the official map (s) of the Borough; the poles and posts, however, shall be located within eighteen (18) inches of the face of such curb line or as may otherwise be mutually agreed by both parties, or at the points or places now occupied by the poles, posts, pedestals, cabinets, or other facilities of the Company, its successors, and assigns and where there are no curb lines, at other convenient points or places i, upon, along, adjacent or across the public streets and ways as may be mutually agreed upon between the parties.

**SECTION 3.** The Company may bury its local and through communication facilities such as cables, conduit, manholes and associated equipment, fixtures, process equipment and appurtenances within the right-of-way of the various public streets and ways and at such locations as shall be mutually agreed upon by the parties for said Company's local and through lines and communications facilities. Underground conduits and associated facilities, as aforementioned, shall be placed at least eighteen (18) inches below the surface of said public streets and ways and with the exception of lateral branches to curb poles and property lines and other facilities, the same shall generally not be constructed more than ten (10) feet from the curb line, unless obstructions make it necessary to deviate from such course, or unless the parties mutually agree to another location. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining and operating the facilities, as aforementioned, which the Company may from time to time use in connection with its underground conduit system and shall be so constructed as to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

In the event the Company is required to excavate or construct within the right-of-way and in the further event that such excavation or construction requires relocation of the Borough's storm or sanitary sewer drains, then said relocation shall be done with the approval and supervision of the Borough Engineer and the cost of said relocation shall be borne by the Company **except to the extent expressly provided otherwise by applicable law.**

In the event that in furtherance of a legitimate and necessary governmental purpose the Borough **lawfully** requires relocation of a facility owned by **the Company** which is located within the Borough's right-of-way, then in such case **the Company** shall be required to relocate said facility, under the direction and supervision of the Borough Engineer and shall bear the entire cost of said relocation, **except to the extent expressly otherwise by applicable law.**

**SECTION 4.** Before proceeding with any new construction or relocation work in an area covered by this Ordinance, the Company shall give prior notice in writing thereof to the Borough, through its designated representative of its intention to perform such work. The Company shall obtain such street opening or excavation permits as may be lawfully required by any applicable ordinances regulating such openings or excavations. Any such area affected by the Company in constructing its facilities shall be restored to as good condition as it was before the commencement of work thereon. No public streets or ways shall be encumbered for a period longer than shall be reasonable to execute the work.

**SECTION 5.** The Company agrees to indemnify and save harmless the Borough from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of road conditions resulting from any negligent or faulty excavations, installation or maintenance

connected with the work or equipment of said Company, and not attributable to the fault or negligence of the Borough, except that if such injury or damage shall be caused by the joint or concurring negligence or fault of the Company and the Borough, the same shall be borne by them to the extent of their respective fault or negligence.

**SECTION 6.** Whenever a curb line shall be established on streets where one does not now exist or where an established curb line shall be relocated in order to widen an existing street in conjunction with road construction being performed by the Borough, the Company shall change the location of its above-ground facilities covered by this Ordinance in accordance with applicable law so that the same shall be back of, and adjacent to, the new curb line so long as the Borough has acted in accordance with applicable law and with reasonable care in establishing the new curb line and providing notice thereof.

**SECTION 7.** Any company or corporation having legal authority to place its facilities in the public streets and ways of the Borough may jointly use the Company's poles, posts, pedestals or other structures for all lawful purposes, provided the Company consents to such use, on terms and conditions acceptable to the Company and not inconsistent with the provisions of the present Ordinance.

**SECTION 8.** The Company shall provide space, to the extent available, on its poles so long as said poles are available in its main conduits existing on the date of passage of this Ordinance, but not exceeding one (1) duct of standard size, for the sole benefit of the Borough during the pendency of this Ordinance. Such space shall be provided for the exclusive use of the Borough which use shall be limited to accommodating the wires or electrical conductors required for one-way signal control in connection with municipal police patrol, fire alarm signal control and traffic signal control systems only; but for no other use or purposes, either along or in conjunction therewith; nor for circuits for the supply of electrical energy for traffic or other signals; nor for wires, conductors, cable or the equivalent which provide a means of transmitting any signal to a private, commercial or residential location, and which is normally provided by a nongovernmental supplier, provided, further, that no such use or attachment by the Borough shall interfere with the plant or facilities of or the use thereof by the Company. All costs or expenses incurred by the Company in connection therewith shall be paid by the Borough. It shall be the obligation of the Borough to attach its wires to the poles or place its electric conductors in the conduits or manholes of the Company, provided that before proceeding with said work, either by itself or by a person, firm or corporation engaged to perform such work, the Borough shall give the Company thirty (30) days prior notice in writing. all such work shall be performed under the supervision of said Company. The Borough agrees to indemnify and save harmless the Company from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of the Borough's installation, maintenance, operation or removal of wires or facilities or the Borough's use or enjoyment of the Company's plant or facilities as provided under this section, except that if such injury or damage shall be caused by joint or concurring

negligence of the Company and Borough, the same shall be borne by them to the extent of their respective fault or negligence.

**SECTION 9.** If any or all of the said streets or ways are later taken over the County of Bergen or the State of New Jersey, such County or State shall have such rights and privileges and be subject to the same terms, conditions and limitation of use as apply herein to the Borough, provided, however, that satisfactory prior arrangements as may be necessary are made with the Borough and the Company for the full protection of respective interest of each.

**SECTION 10.** The term "Borough" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Borough or any part thereof may at any time hereafter be changed, annexed or merged.

**SECTION 11.** The permission and consent hereby granted shall apply to and cover all communications facilities of the Company existing at any time, and related structures, process equipment and appurtenances heretofore or hereafter erected, constructed, reconstructed, removed, located, relocated, replaced, maintained, repaired or operated by the Company, its predecessors, successors or assigns within the Borough. This Ordinance shall cancel and supersede all prior consent ordinances between the Borough and the Company regarding the subject matter hereof.

**SECTION 12.** This Ordinance shall continue in full force and effect for a period of twenty (20) years from the date it becomes effective subject to the right of the Company to seek such changes herein as may be deemed necessary and reasonable from time to time prior to the expiration of said period, said changes to be approved by the Borough. The Company shall maintain its property within the Borough and shall comply with applicable law for the provision of safe, adequate and proper service within the Borough at just and reasonable rates. At and after expiration of the term of this Ordinance, the Company shall safeguard the public interest in continuous and uninterrupted service within the Borough.

**SECTION 13.** In the event that any provision herein shall for any reason be illegal and unenforceable under applicable law, such illegality or unenforceability shall not affect any other provisions of this Ordinance, and this Ordinance shall be construed as if such illegal or unenforceable provisions (s) had never been contained herein.

**SECTION 14.** The Company shall pay the expenses incurred for advertising required in connection with the passage of this Ordinance, after the date of its first reading, within (30) days after the Company has received a bill for said advertising from the publisher. Following final passage of this Ordinance, the Borough Clerk shall provide the Company with written notice thereof by certified mail. As provided by applicable law, this Ordinance, and any subsequent amendments, shall not become effective until acceptance thereof by the Company and approval thereof by the Board of Regulatory Commissioners.

**BOROUGH OF NORTHVALE**  
**County of Bergen**  
**State of New Jersey**

**ORDINANCE #935-2014**

**AN AMENDING CHAPTER 147-16 OF THE CODE OF THE BOROUGH OF NORTHVALE TO REGULATE THE USE OF TEMPORARY COVERS ON DETERIORATED OR DAMAGED ROOFTOPS WITHIN THE BOROUGH OF NORTHVALE**

**WHEREAS**, the use of Temporary Covers, also referred to as Tarps, to delay or avoid required repair to damaged or deteriorated roofing has increased within the territory of Northvale; and

**WHEREAS**, it is in the best interest of the residents of the Borough of Northvale to regulate the use of such Tarps to maintain the residential quality of the Borough as well as the visual impact in the Borough of Northvale; and

**WHEREAS**, the Mayor and Council have determined that the general health, welfare and safety of the residents of the Borough of Northvale will be improved by the regulation of the duration of time such Tarp may be placed over such deteriorated or damaged rooftop; and

**WHEREAS**, the Planning Board of the Borough of Northvale has recommended such regulation of temporary roof coverings and Tarps by licensing and zoning to control the use and placement of such coverings;

**BE IT HEREBY ORDAINED**, by the Mayor and Council of the Borough of Northvale, in the County of Bergen and State of New Jersey, that Chapter 147, Article II, of the Borough of Northvale Code be amended to include Chapter 147-16 (D) Roofing as hereinafter provided:

Section 1. Roofing. No tarp or other temporary roof covering, made of cloth, plastic or other, similar material, placed over a damaged or deteriorated roof to prevent leaking or additional damage on a temporary basis, and used in construction, repair or maintenance of the roof, shall be permitted to remain in place, in lieu of permanent replacement or repair of the roof, for a period exceeding ninety (90) days, except with the written permission of the Borough building inspector or code enforcement official, and then only for a period specified by the official granting the permission, and upon issuance of a building permit for the work required to be performed on the roof.

Section 2. Violation and Penalty. Any owner or occupier of property violating this section shall be liable for the penalties consistent with other violations of this Chapter.

Section 3. Repealer. All Ordinances or parts of Ordinances inconsistent herewith are repealed. If any portion of this Ordinance is determined to be improper or unenforceable by a court of competent jurisdiction, then that portion shall be repealed but the remainder of the Ordinance shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall take effect immediately upon passage and publication as required by law.

DRAFT NOT APPROVED