

MINUTES
Special Meeting of the Mayor and Council
Tuesday, April 29, 2014
7:30 PM

CALL THE MEETING TO ORDER –

Mayor Piehler called the meeting to order at 7:30 PM in the Council Chambers of the Municipal building located at 116 Paris Avenue, Northvale, NJ 07647.

STATEMENT –

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

“This is a Special 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 –

Mayor Piehler asked Ava-Rose Hogan to lead in the salute to the flag and everyone to remain standing for a moment of silent prayer to remember those families that are in need of prayers and the men and women serving our country.

ROLL CALL –

Mayor Piehler, Councilwoman Libby, Councilman Marana, Councilman Shepard, and Councilman Sotiropoulos were present. Councilman Sokoloski was not present.

Also present: Mr. Gregg Paster, Borough Attorney, Mr. Paul Niehoff, Borough Engineer, Ms. Wanda Worner, Borough Clerk, Mrs. Fran Weston, Deputy Borough Clerk.

CORRESPONDENCE –

1. Letter – Democratic County Committee – April 11, 2014
re: Vacancy in Seat of Council (Piehler) & Recommendation of 3 Names for Replacement:
 - a) Toni M. Macchio
 - b) Robert J. Bargna, Sr.
 - c) Leonard Capabianca

Motion by Councilman Marana, seconded by Councilwoman Libby to nominate Toni Macchio as Councilperson to fill the unexpired term ending, November 4, 2014.

ROLL CALL VOTE: All present in favor.

OATH OF OFFICE –

Mayor Piehler administered the Oath of Office to Toni Macchio.

ROLL CALL OF NEW MAYOR & COUNCIL –

RESOLUTIONS –

Motion by Councilman Marana, seconded by Councilwoman Macchio to approve Resolution #2014-48 as follows:

RESOLUTION #2014-48

AMENDING THE TEMPORARY CAPITAL BUDGET

WHEREAS, the Borough of Northvale desires to establish the 2014 Temporary Capital budget of said municipality by inserting the following project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Northvale as follows:

Section 1. The 2014 Temporary Capital Budget of the Borough of Northvale is hereby established by the adoption of the schedule to read as follows:

**Temporary Capital Budget of the
Borough of Northvale
County of Bergen, New Jersey
Project Scheduled for 2014
Method of Financing**

PROJECT	EST. COSTS	GRANTS	BUDGET APPR FUND	CAPITAL IMP FUND	BONDS	SELF LIQUIDATING BONDS
Various Public Improvements	\$835,000			\$40,000	\$795,000	

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2014 Temporary Capital Budget, to be included in the 2014 Permanent Capital Budget as adopted.

ROLL CALL VOTE: Councilman Marana, Councilwoman Macchio, Councilman Shepard, Councilman Sotiropoulos were in favor. Councilwoman Libby abstained.

ORDINANCES – 1st reading – (Public hearing on May 14, 2014 for questions or comments from the public)

Motion by Councilman Marana, seconded by Councilman Shepard to approve the first reading of Ordinance #936-2014 as follows:

ORDINANCE #936-2014 – AUTHORIZING THE PURCHASE OF REAL PROPERTY KNOWN AS BLOCK 501, LOT 18 ON THE TAX MAP OF THE BOROUGH OF NORTHVALE, MORE COMMONLY KNOWN AS 411 CLINTON AVENUE

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

ORDINANCE #936-2014

AUTHORIZING THE PURCHASE OF REAL PROPERTY KNOWN AS LOT 18 IN BLOCK 501 ON THE TAX MAP OF THE BOROUGH OF NORTHVALE, MORE COMMONLY KNOWN AS 411 CLINTON AVENUE

WHEREAS, the Borough of Northvale is currently seeking to acquire certain property situate within the borough, to wit, Lot 18 in Block 501 of the Northvale Tax Map, otherwise known as 411 Clinton Avenue; and

WHEREAS, it appears that the Borough seeks to purchase and the owner, East West Bank, has expressed a willingness to sell the said parcel of property, and;

WHEREAS, contractual terms have been informally negotiated and the Borough now seeks to execute a contract for acquisition of the property, and;

WHEREAS, the said parcel is adjacent to Board of Education property and is intended for use in improving school access and motorist and pedestrian safety, a dedicated public purpose; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to close the purchase of the property sought to be approved hereby.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Northvale, pursuant to N.J.S.A. 40A:12-5, that the Mayor, Borough Clerk, and Borough Attorney be and hereby are authorized to execute and close a contract for acquisition of the property Lot 18 in Block 501 of the Northvale Tax Map, otherwise known as 411 Clinton Avenue, for a purchase price of Three Hundred Fifty Thousand (\$350,000.00) Dollars, pending final adoption and publication hereof pursuant to statute; and

BE IT FURTHER RESOLVED, that a copy of this Ordinance shall be served upon the seller upon adoption and publication hereof.

BE IT FURTHER ORDAINED, that all steps necessary pursuant to the aforementioned statute section shall be complied with prior to entry closing of the sale of the said property, and

BE IT FURTHER ORDAINED, that if the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance, and

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency, and

BE IT FURTHER ORDAINED, this Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ROLL CALL VOTE: Councilman Marana, Councilman Shepard, Councilwoman Macchio, Councilman Sotiropoulos were in favor. Councilwoman Libby voted No.

Motion by Councilman Marana, seconded by Councilwoman Macchio to approve the first reading of Ordinance #942-2014 as follows:

ORDINANCE #942-2014 - BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY, NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$835,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

ORDINANCE #942-2014

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY, NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$835,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

BE IT ORDAINED by the Borough Council of the Borough of Northvale, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Northvale, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to acquire real property, new additional or replacement equipment and machinery, new communication and signal systems equipment, new information technology equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery and a new automotive vehicle, including original apparatus and equipment, for the use of the Department of Public Works consisting of (i) a dump truck with attachments and (ii) a wood chipper.

Appropriation and Estimated Cost	\$225,000
Down Payment Appropriated	\$ 10,750
Bonds and Notes Authorized	\$214,250
Period of Usefulness	5 years

B. Acquisition of new communication and signal systems equipment consisting of a telephone system upgrade at Borough Hall.

Appropriation and Estimated Cost	\$ 30,000
Down Payment Appropriated	\$ 1,450
Bonds and Notes Authorized	\$ 28,550
Period of Usefulness	10 years

C. Acquisition of new information technology equipment and a new automotive vehicle, including original apparatus and equipment, for the use of the Police Department consisting of (i) computer equipment and (ii) an SUV.

Appropriation and Estimated Cost	\$ 70,000
Down Payment Appropriated	\$ 3,400
Bonds and Notes Authorized	\$ 66,600
Period of Usefulness	5 years

D. Acquisition of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of the Fire Department consisting of (i) an infrared camera, (ii) a gas detector, (iii) a regulator, (iv) portable radios, (v) a base radio system, (vi) various firefighting equipment and (vii) air bottles.

Appropriation and Estimated Cost	\$ 40,000
Down Payment Appropriated	\$ 2,000
Bonds and Notes Authorized	\$ 38,000
Period of Usefulness	5 years

E. Acquisition of real property, including an existing structure, for municipal purposes. Said improvement shall include real estate transaction expenses, demolition of existing structure and site work. Said property being acquired is designated as Block 501, Lot 18 on the Tax Assessment Map of the Borough and has a street address of 411 Clinton Avenue, also known as the "EuroMed Building".

Appropriation and Estimated Cost	\$470,000
Down Payment Appropriated	\$ 22,400
Bonds and Notes Authorized	\$447,600
Period of Usefulness	40 years

Aggregate Appropriation and Estimated Cost	\$835,000
Aggregate Down Payment Appropriated	\$ 40,000
Aggregate Amount of Bonds and Notes Authorized	\$795,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$29,100 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. It is hereby determined and stated that moneys exceeding \$40,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough or heretofore appropriated for down payments or for the capital improvement fund by an emergency temporary appropriation, are now available to finance said purposes. The sum of \$40,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$795,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$795,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 24.88 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$795,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

On the Question: Councilman Marana explained the equipment that is included in this ordinance. Councilwoman Libby asked if 411 Clinton Avenue was included in this ordinance and also stated that she does not support the purchase of 411 Clinton Ave.

ROLL CALL VOTE: Councilman Marana, Councilwoman Macchio, Councilman Shepard, Councilman Sotiropoulos were in favor. Councilwoman Libby abstained.

DISCUSSION –

Mr. William Bauer, 216 Walnut Street – Mr. Bauer gave the Mayor and Council maps to refer to. He would like to have the access to the drainage ditch moved to the west side on Almar Court. He does not want the easement changed. Mr. Bauer and his wife purchased the property many years ago and would like to build a house on that property. Mr. Paul Niehoff will check with the DEP. If the DEP does not object, Mr. Paster sees no problem legally with the town.

HEARING OF THE PUBLIC –

There being no questions or comments from the public, Mayor Piehler closed the hearing of the public.

ADJOURNMENT –

Motion by Councilwoman Libby, seconded by Councilman Shepard to adjourn the meeting at 8:16 PM.

STANLEY “ED” PIEHLER
Mayor

ATTEST:

Frances Weston
Deputy Borough Clerk

Wanda A. Worner
Borough Clerk

Approved: June 11, 2014