

**A G E N D A**  
**Combined Meeting of the Mayor and Council**  
**Wednesday, October 11, 2017**  
**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.”*

**ROLL CALL –**

Name	Present	Absent
Mayor Piehler	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>

**SALUTE TO THE FLAG & SILENT PRAYER –**

**APPROVAL OF MINUTES –**

Combined Meeting of [September 13, 2017](#)

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PROCLAMATIONS –**

**APPOINTMENTS & PERSONNEL CHANGES –**

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**MONTHLY CORRESPONDENCE –** The following correspondence is on file in the Borough Clerk’s office and it can be viewed by the public between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

[Police Department](#) – Northvale/Rockleigh  
[Tax Collector](#)

Fire Prevention  
Building Department  
Municipal Court  
Recreation Committee

**RESOLUTIONS –**

**RESOLUTION #2017-123**

**TITLE: APPROVE THE 2016 AUDIT**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R. S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of

Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Northvale hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

[2016 Synopsis of Audit.doc](#)

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**RESOLUTION #2017-124**

**TITLE: WAIVE BUILDING DEPARTMENT FEE FOR THE NORTHVALE AMBULANCE CORPS FOR INSTALLATION OF A GENERATOR AT 196 FIRENZE STREET – BLOCK 910, LOT 3**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

WHEREAS, the Ambulance Corps has a need for a generator located at the above address and has applied for the proper permits for the installation of same; and

WHEREAS, the Construction Code Official, Joseph Zavardino is requesting that the fee of \$261.00 be waived per his memo dated September 25, 2017.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby waive the fee of \$261.00 for the Northvale Ambulance Corps.

[Memo - Zavardino - Waive Fee Ambulance Corps.doc](#)

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**RESOLUTION #2017-125**

**TITLE: APPROVE RAFFLE LICENSE #RL 191 ST. ANTHONY’S RC CHURCH – CASINO NIGHT**

Motion	Second	Name

<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

BE IT HEREBY RESOLVED, that the following license to conduct a Casino Night be issued to:

NAME: St. Anthony's RC Church

ADDRESS: 199 Walnut Street

LOCATION OF RAFFLE: 204 Washington Street

DATE OF RAFFLE: November 25, 2017 – 6PM – 12 AM

I.D.#: 353-1-146

RAFFLE LICENSE #: RL 191

BE IT FURTHER RESOLVED, that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION #2017-126**

**TITLE: RESOLUTION EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS REGARDING THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC RECORDS ACT**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

WHEREAS, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability

of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

WHEREAS, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Northvale, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

[1045 R1.pdf](#)

[1046 R1.pdf](#)

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**RESOLUTION #2017-127**

**TITLE: WAIVE BUILDING DEPARTMENT FEE FOR THE NORTHVALE FIRE DEPARTMENT FOR OPEN FLAME PRODUCING DEVICE IN A PUBLIC GATHERING**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

WHEREAS, the Northvale Fire Department is hosting the Firemen’s Parade on October 7, 2017 and has applied for a permit to have an open flame producing device in a public gathering as part of the festivities; and

WHEREAS, the Construction Code Official, Joseph Zavardino is requesting that the fee of \$43.00 be waived;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby waive the fee of \$43.00 for the Northvale Fire Department.

[Northvale Fire Department - Waive Fee - Firemen's Parade.doc](#)

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**RESOLUTION #2017-128**

**TITLE: APPROVE RAFFLE LICENSE #RL 192 FOR NORTHVALE VOLUNTEER FIRE ASSOCIATION**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

BE IT HEREBY RESOLVED, that the following license to conduct a Casino Night be issued to:

NAME: Northvale Volunteer Fire Association

ADDRESS: 204 Washington Street

LOCATION OF RAFFLE: 204 Washington Street

DATE OF RAFFLE: March 4, 2018

I.D.#: 353—9-29752

RAFFLE LICENSE #: RL 192

BE IT FURTHER RESOLVED, that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**RESOLUTION #2017-**

**TITLE:**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio

<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**ORDINANCE #980-2017**

**AN ORDINANCE OF THE BOROUGH OF NORTHVALE EXEMPTING BOROUGH FACILITIES (PROPERTIES) FROM ARTICLE III, SECTION 200-30 OF THE CODE – SIGNS**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

BE IT ORDAINED by the Mayor and Council of the Borough of Northvale as follows:

Section 1. That all Borough Facilities/Properties are hereby exempted from Article III, Section 200-30 of the Code entitled “Signs”.

Section 2. All other sections of this Ordinance shall remain in full force and effect.

Section 3. This Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

**OPEN PUBLIC HEARING –**

**CLOSE PUBLIC HEARING –**

**COUNCIL COMMENTS –**

**ROLLCALL VOTE:**

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ORDINANCE #981-2017**

**AN ORDINANCE OF THE BOROUGH OF NORTHVALE ENTITLED “RECREATION PROGRAM FEES”**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small

<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

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

Section 1. That the Code of the Borough of Northvale be amended to include a new section entitled "Recreation Fees", said fees shall be as follows:

<b>SPORT</b>		<b>FEE</b>
Baseball/Softball	T-Ball (includes shirt/hat)	\$45 - \$65
	Pee Wee and Freshman	\$70 - \$90
	Minor/Major	\$70 - \$90
	Sophomore/Junior	\$70 - \$90
	Knickerbockers/Senior	\$75 - \$130
	Clinic	\$25 - \$75
Soccer	Outdoor/Indoor	
	K/1 <sup>st</sup> /2 <sup>nd</sup> (includes shirt)	\$60 - \$100
	3 <sup>rd</sup> - 8 <sup>th</sup> grade	\$60 - \$100
Basketball (winter)		
	1 <sup>st</sup> /2 <sup>nd</sup> (includes shirt)	\$50 - \$70
	3 <sup>rd</sup> - 6 <sup>th</sup> grade	\$75 - \$90
	7 <sup>th</sup> /8 <sup>th</sup> grade	\$75 - \$100
Basketball (summer)		
	3 <sup>rd</sup> - 8 <sup>th</sup> grade	\$90 - \$110
Rifle		
	6 <sup>th</sup> grade and higher	\$65 - \$110
Volleyball Clinic		
	3 <sup>rd</sup> - 6 <sup>th</sup> grade girls	\$75 - \$125

Section 2. Repealer.

All Ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance.

Section 4. Effective Date.

This Ordinance shall take effect immediately upon passage and publication in accordance with the law.

**OPEN PUBLIC HEARING –**

**CLOSE PUBLIC HEARING –**

**COUNCIL COMMENTS –**

**ROLL CALL VOTE:**

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ORDINANCE #982-2017**

**AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE ENTITLED  
“ZONING” TO INCLUDE UNLAWFUL RESIDENTIAL UNITS**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

WHEREAS, The Mayor and Council hereby determines that the use and occupancy of illegal residential apartments, as set forth above, are detrimental to the general health, safety and welfare of the Borough, and that such illegal occupancies generate the utilization of Borough services, including fire, police, sanitation, public works and general administration, and further generate the use of motor vehicles which take parking spaces and create traffic, while escaping real estate taxation. The Borough finds this to be an unfair and inequitable situation; and

WHEREAS, the Mayor and Council of the Borough of Northvale finds it to be in the best interest of the Borough and its citizens to adopt an ordinance to prohibit such units and related provisions.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, as follows:

**UNLAWFUL RESIDENTIAL UNITS**

**Section 1. Definitions:**

For the purpose of this ordinance an “illegal Dwelling Unit” is defined as follows:

1. Dwelling unit shall mean (1) or more rooms occupied or intended for occupancy as a separate living quarters by one or more families, not common to the main residence and/or has only access from directly outside and/or has locked doors separating units. Dwelling unit is a separate area providing cooking, sleeping and sanitary facilities.
2. An additional dwelling unit, within a single family, for which no certificate of occupancy has been issued after 1965.
3. Any additional dwelling units, within any structure prior to 1965, that legal documentation cannot be shown built as “pre- existing non-conforming” or have a Board “Use Variance” per Northvale Zoning Ordinance.
4. A dwelling unit which is created without the necessary Building, Electric, Plumbing or Fire permits and approval after 1965.
5. Landlord shall be deemed to be owner in fee, irrespective of residency within building or any entity that owns or possess property due foreclosure.
6. Any other dwelling or rental unit which is in violation of any State, County or Municipal statute, regulation and/or ordinance.

**Section 2. Rental or payment for use prohibited.**

A. No person shall charge, demand, receive or accept any rent or other payment for the use or occupancy of any residential premises within the Borough of Northvale which is used or occupied in violation of the Zoning Ordinance of the Borough of Northvale. Each

such charge, demand, receipt or acceptance of such rent or other payment in violation hereof shall constitute a separate offense.

B. No person, specifically including but not limited to those persons commonly known as "real estate agents," "brokers" or "salespersons," shall assist, aid or facilitate in the rental, sale, use or occupancy of any residential premises within the Borough of Northvale which is used or occupied or intended to be used or occupied in violation of the Zoning Ordinance of the Borough of Northvale. For purposes of this article, the acts of listing for rental or sale, advertising or otherwise offering for rent, lease or sale any residential premises within the Borough of Northvale which are used or occupied or intended to be used or occupied in violation of the Zoning Ordinance of the Borough of Northvale shall be deemed to constitute a violation of this article. Any person who is to receive a commission, profit or other form of remuneration or emolument as a result of a rental, lease or sale of residential premises shall have a duty to make reasonable written inquiry to determine whether or not the use or occupancy or intended use or occupancy is or will be in violation of the Zoning Ordinance of the Borough of Northvale.

### **Section 3. Notification of occupants.**

A. The Zoning Official or designee shall issue a court summons, in violation of this ordinance, to the owner of record and an order to vacate shall be posted. Within 10 days following receipt of this notice to abate an unlawful occupancy in violation of the Zoning Ordinance of the Borough of Northvale or within 10 days following receipt of a summons for violation of this article or the Zoning Ordinance of the Borough of Northvale or prior to the institution of dispossession proceedings to correct an illegal occupancy, whichever first occurs, the owner of residential premises within the Borough of Northvale shall serve upon all of the unlawful occupants using or occupying said residential premises a copy of this article and shall post a copy of this article in a common area of the premises accessible to all the occupants thereof for inspection.

B. Upon written notification or violation by the Zoning Official that the apartment is illegal the Landlord shall place all prospective and future rent in an interest-bearing escrow account until finalization of the municipal action. The Landlord shall have an affirmative obligation to produce proof of this account to the Municipal Court Judge at summoned hearing.

C. In addition, other action or violations may be issued to the Landlord, as required, by the appropriate Borough Officials in regard to the Health, Safety and Welfare of the occupants.

### **Section 4. Violations and penalties.**

A. Any person violating and convicted of any provision of this article shall be subject to a fine of not less than \$1,000 or more than \$2,000 or by imprisonment for a term not exceeding 90 days, or both, for each separate violation of same.

B. In addition to requiring reimbursement from the owner-landlord of the structure for relocation assistance paid to a displaced tenant, and notwithstanding the provisions of Subsection A of this section, the Municipal Court may impose an additional fine for zoning or housing code violation for an illegal occupancy up to an amount equal to 6 times the monthly rental paid by the displaced person to be paid to the municipality by the owner-landlord of the structure pursuant to the provisions of N.J.S.A. 2A:18-61.1g(c). Notwithstanding the penalties provided above, a second or subsequent violation for an illegal occupancy as provided in this subsection by any owner-landlord for a second or subsequent violation, the Municipal Court may impose a fine equal to the annual tuition costs of any resident of the illegally occupied unit attending a public school, which fine shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to Penalty Enforcement Law of 1999, (N.J.S.A. 2A:58-10 et seq.). The Municipal Court and the Superior Court shall have jurisdiction of the proceedings for the enforcement of the penalty provided by this section. The tuition costs shall be determined in the manner prescribed for nonresident pupils pursuant to N.J.S.A. 18A:38-19, and the payment of the fines shall be remitted to the appropriate school district.

C. In those instances where a violation of this section is based on the maintenance of residential dwelling units above the number of units permitted by the Zoning Ordinance on a particular parcel of land (e.g., the maintenance of a structure with two residential dwelling units in a zoning district where single family homes are permitted), the defendant who is the owner of a property shall be required to permanently remove the kitchen, bathroom, bedroom, point of entrance/egress or any other offending illegal structure, appliance or fixture. The Borough Construction Official or his designee shall inspect the premises to insure that said removal is accomplished within 30 days of the date of the entry of the judgment of conviction by the Municipal Court.

**Section 4. Costs of moving to be borne by violator.**

A. Any tenant who receives a notice of eviction pursuant to the provisions of N.J.S.A. 2A:18-61.2 that results from zoning or code enforcement activity for an illegal occupancy shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six times the monthly rental paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of relocation assistance pursuant to this section.

B. The Borough of Northvale may pay relocation assistance to any displaced person who has not received the required payment from the owner-landlord of the structure at the time of eviction pursuant to Subsection A. All relocation assistance costs incurred by a municipality pursuant to this subsection shall be repaid by the owner-landlord of the structure to the municipality in the same manner as relocation costs are billed and collected under the provisions of N.J.S.A. 20:4-4.1 and N.J.S.A. 20:4-4.2.

**Section 5. Restitution to Borough.**

The Mayor and Council hereby determines that the use and occupancy of illegal residential apartments, as set forth above, are detrimental to the general health, safety and welfare of the Borough, and that such illegal occupancies generate the utilization of Borough services, including fire, police, sanitation, public works and general administration, and further generate the use of motor vehicles which take parking spaces and create traffic, while escaping real estate taxation. The Borough finds this to be an unfair and inequitable situation. The Borough further determines that the harm and detriment to the Borough is difficult to measure and hereby determines that the most reasonable way to calculate the damage and detriment caused to the Borough by illegal occupancies is by calculating same as a percentage of the rental payment charged by the owner to the occupant on account of the illegal occupancy. The Borough determines that a percentage of 10% of the rent to be fair and reasonable as a measure of the damage and detriment caused to the Borough, and the Mayor and Council may authorize the Borough Attorney to recover from any person who charges, demands, receives or accepts rent or payment for such an illegal occupancy to make restitution to the Borough for the damage and detriment caused to the Borough during a period of illegal occupancy.

**Section 6. Findings and declarations.**

The Mayor and Council hereby finds and declares that there has been a proliferation of what are commonly known as "illegal apartments," meaning residential dwelling units which are occupied in violation of zoning laws. These illegal apartments manifest themselves as a second residential unit in a building in a one-family zone. The Mayor and Council hereby further find and declare that such illegal units have a deleterious effect on the quality of life of Borough residents, require the provision of Borough services, generate young people who attend Borough schools, increase the utilization of Borough programs and services, contribute to the costs of the Borough by increasing the generation of refuse (garbage) and sewer flow, contribute to overcrowding, generate traffic within the Borough, generate automobiles which contribute to parking shortages throughout the Borough and lead to the maintenance of dwelling units which often fail to meet health, safety and building code standards. By their nature, such units generally escape taxation as their maintenance and existence is normally hidden and not used for tax assessment purposes. The use and maintenance of said illegal apartments is also unfair to the vast majority of Borough residents who abide by zoning laws.

**Section 7. Declaration of policy.**

The Borough of Northvale hereby declares it to be the policy of the Borough to eliminate all illegal dwelling units within the Borough of Northvale and prevent them from reoccurring.

**Section 8. Repealer.**

All Ordinance or parts of Ordinances inconsistent herewith are repealed.

**Section 9. Effective.**

This Ordinance shall take effect immediately after passage and publication according to law.

**OPEN PUBLIC HEARING –**

**CLOSE PUBLIC HEARING –**

**COUNCIL COMMENTS –**

**ROLL CALL VOTE:**

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**DISCUSSION –**

**HEARING OF THE PUBLIC –**

**MAYOR & COUNCIL REPORTS –**

**BOROUGH ENGINEER REPORTS –**

[171006-cpo-mayorcouncil.pdf](#)

**BOROUGH ATTORNEY REPORTS –**

**CLOSED SESSION – TIME: \_\_\_\_\_**

*Action may  not  be taken upon return to open session.*

**RESOLUTION #2017-**

**TITLE: PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

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.

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RETURN TO OPEN SESSION – TIME:** \_\_\_\_\_

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTIONS – (if action is to be taken)**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADJOURNMENT – TIME:** \_\_\_\_\_

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio

<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Macchio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sokoloski
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman DeLisio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Macchio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Small	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sokoloski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*This is a proposed agenda; it is subject to addition or deletion of items*