

**MINUTES**  
**Special Meeting of the Mayor and Council**  
**Tuesday, June 5, 2018**  
**7:00 PM**

**CALL THE MEETING TO ORDER –**

Mayor Piehler called the meeting to order at 7:00 pm in the Council Chambers of the Municipal Building located at 116 Paris Avenue, Northvale, New Jersey 07647.

**STATEMENT –**

Mayor Piehler read the “Sunshine Statement” into the records, 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 all in attendance to rise and join him in a Salute to the Flag and then called for a moment of Silent Prayer.

**ROLL CALL –**

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

Also present: Mr. John L. Shahdanian, II, Esq., Borough Attorney, Ms. Sunny Mullen, Borough Engineer, Mr. Steven Wielkotz, Borough Auditor, Mr. Shuaib Firozvi, Chief Financial Officer and Wanda A. Worner, Borough Clerk.

**RESOLUTIONS –**

**RESOLUTION #2018-81**

**TITLE: A RESOLUTION AUTHORIZING THE PUBLIC SALE AT AUCTION OF VACANT PARCELS OF PUBLIC LANDS COMMONLY KNOWN AS 411 CLINTON AVENUE, AND DESIGNATED AS BLOCK 501, LOTS 18.01, 18.02, 18.03 AND 18.04 (FORMERLY BLOCK 501, LOT 18) ON THE OFFICIAL TAX MAP OF THE BOROUGH OF NORTHVALE**

**ON THE QUESTION:** Councilman Sotiropoulos inquired whether the Mayor and Councilman DeLisio had the opportunity to meet with the school as yet. Councilman DeLisio stated that the meeting was set up but had to be canceled because the Mayor wasn’t feeling well. He stated that he spoke with Mr. Pinajian and let him know what the Mayor and he wanted to speak about. He is waiting for that meeting to be rescheduled.

Mayor Piehler asked Ms. Mullen to explain the DOT application for the Municipal work that will now be done by the Borough instead of the developer. Ms. Mullen explained the they will be submitting a DOT application for the municipal

improvements that were detailed in her e-mail about a month or two ago. She was asked if she anticipated any problems getting the grant and she responded that she did not.

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

WHEREAS, the Borough of Northvale is the owner of a certain vacant parcels of land commonly known as 411 Clinton Avenue, designated as Block 501, Lots 18.01, 18.02, 18.03 and 18.04 (Formerly Block 501, Lot 18) on the official Tax Map of the Borough of Northvale; and

WHEREAS, the Mayor and Council of the Borough of Northvale hereby determines that said parcel is not required for any public purpose now or to be anticipated and that the public interest is best served by restoring said premises to the tax rolls;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTHVALE, Bergen County, New Jersey, in accordance with the provisions of *N.J.S.A. 40A:12-13(a)* as follows:

1. The parcel of land, located at 411 Clinton Avenue, designated as Block 501, Lots 18.01, 18.02, 18.03 and 18.04 (Formerly Block 501, Lot 18) on the official Tax Map of the Borough of Northvale, shall be offered for public sale at auction to the highest responsible bidder after advertisement thereof in the Borough approved newspaper and posted in the municipal center as per NJSA 40A:12-13 by two (2) insertions of said advertisement, at least once each week, during two (2) consecutive weeks, the last publication to be not earlier than seven (7) days prior to the date of said sale, which date and the location of the auction sale shall be set forth in said advertisement.

2. Said auction sale shall be made subject to the following conditions which shall be deemed included in the bidder's bid thereof:

The minimum price at which said parcels shall be offered for sale is \$600,000.00.

- (a) Notwithstanding the minimum price, the Borough of Northvale reserves the right to reject all bids should it determine that the highest responsible bid is below the reasonable fair market value of the premises being offered for sale as determined by the Borough of Northvale.
- (b) The four (4) lots must be sold to a single purchaser, entity or individual
- (c) The Mayor and Council, by not later than its second regular meeting following the holding of the aforesaid public auction sale, shall, with respect to the sale of said parcels of land, either accept the highest responsible bid therefor, or reject all bids, and the Mayor and Council hereby expressly reserves the right to reject all bids respecting the sale of said parcels.
- (d) The auction sale of said parcel of land shall be conducted by the Borough Clerk, who may adjourn same, at the above time and place or prior thereto, for a period of not more than one week, without readvertising; and the Borough Clerk is hereby authorized and directed to place the required advertisements of sale, to accept deposits, to conduct said sale, and to require appropriate proofs of the bidder's ability to comply with the conditions hereinabove stated.
- (e) Any sale of the above parcel shall be for cash, certified check, or cashier's check from a bank authorized to do business within the State of New Jersey, and any bid made at the holding such sale shall be accompanied by a deposit, in cash, certified check or cashier's check, in an amount equal to \$20,000.
- (f) As a condition of a sale of the aforesaid parcel of land, the purchaser thereof shall be required to pay at closing the cost of advertising the said sale, statutory notices,

- appraisal fees, the sum of \$1,500.00 for legal fees incurred on behalf of the Borough respecting such sale and all other charges incurred by the Borough in order to effect the sale pursuant to law.
- (g) In the event that title is proven to be unmarketable, the sole liability of the Borough shall be to return any deposit money.
- (h) Any sale shall be subject to any easement or restrictions of record and such statement of facts as an accurate survey shall reveal.
- (i) The Borough shall be responsible for the construction costs pertaining to improvements within the Borough Right-of-Way which include the following:
- Full depth roadway widening and reconstruction
  - 9"x18" concrete curb installation
  - Concrete sidewalk installation to the West of Frances Lane
  - ADA curb ramp installation, as needed for compliance
  - Concrete driveway apron installation for Lot 18.01, Lot 18.02, Lot 18.03 and Lot 18.04 in Block 501
  - Traffic signage
  - Roadway striping
  - Extension of the municipal storm sewer system
- (j) The successful bidder shall be responsible for the cleanup of any environmental contamination located on, under, over or within the above parcel. No deduction shall be made from the purchase price for such cleanup. The successful bidder shall indemnify and hold harmless the Borough of Northvale from any claims relating to such environmental contamination or the cleanup thereof.
- (k) The Developer shall be responsible for the following:
- Final grading and stabilization for each lot
  - Design, approval by the appropriate land use board and construction of dwellings and site work for Lot 18.01, Lot 18.02, Lot 18.03 and Lot 18.04 of Block 501
  - Design and installation of stormwater management measures as required per N.J.A.C. 7:8 Stormwater Management and N.J.A.C. 5:21 Residential Improvement Standards for each individual lot as part of the site plan approval process
  - Connections to the municipal storm sewer system
  - Connections to the municipal sanitary sewer system
  - Pre-televised and post-televised inspections of the sanitary sewer main located within Frances Lane (or for Lot 18.01 connection may be within Clinton Avenue) prior to and after construction. If repairs are necessary, the Developer shall repair as part of their project.
  - Installation and coordination with utility companies
  - Secure and acquire Local and State permits as required
  - Compliance with Northvale Planning Board/Zoning Board of Adjustment Resolutions; inclusive of necessary bonds and escrows for construction oversight
- (l) Said sale shall be subject to applicable federal, state, county and local statutes, ordinances, codes and rules and regulations, including specifically, but not limited to, applicable zoning and land use ordinances and building, plumbing, electrical, fire or similar codes in effect in the Borough of Northvale.
- (m) Closing shall take place in the office of the Borough Attorney, Chasan Lamparello Mallon & Cappuzzo PC, 300 Lighting Way, Suite 200, Secaucus, New Jersey 07094, or such other location upon which the parties may mutually agree. Closing of such sale shall take place not more than 60 days following execution of the contract, and at closing the balance of the purchase price shall be paid in full by cash or certified check, at which time a properly executed Deed of Bargain and Sale, with covenant against Grantor's Acts shall be delivered to the Purchaser; provided, however, that the Mayor and Council may extend such 60-day period if, in its judgment, good cause exists for such extension.
- (n) Said parcel of land is sold "as is." The Borough of Northvale makes no representations as to the condition or quality of the land or improvements upon

said parcel, including but not limited to, the presence or absence of any environmental conditions on the properties and the purchaser assumes the risk of any such condition the properties and the purchaser assumes the risk of any such condition.

- (o) The Borough does not warrant or certify title to the property beyond a standard Deed with Covenants against Grantor's Acts. Purchaser must obtain its own independent title insurance. The purchaser-successful bidder shall waive any post closing damages.
- (p) Bidders may inspect said parcel prior to the public sale and shall be responsible to fully acquaint themselves with the condition and quality of the property prior to the public sale.
- (q) The Borough of Northvale assumes no responsibility to maintain said parcel prior to closing and the risk of loss, if any, is upon the successful bidder.
- (r) The Borough of Northvale does not represent that the parcel is developable and shall not be required to correct any violations of law or provide a Certificate of Occupancy or similar document at the time of closing.
- (s) The Bidder shall not withdraw its Bid after submission of the Bid at the Open Public Auction. The Successful Bidder's withdrawal of a Bid shall result in the forfeiture of the Security Deposit. The Borough also reserves the right to seek damages as provided by law beyond the amount of the Bidder's Security Deposit.
- (t) In the event the successful bidder fails to enter into a contract of sale, in a form set forth in the bid package, following confirmation of the acceptance of his bid and within ten (10) days after submission thereof by the Borough of Northvale, or in the event the successful bidder fails to close in accordance with the terms thereof, the Borough may retain the bidder's deposit monies as liquidated damages.
- (u) The successful bidder may not assign the contract to purchase said parcel without the written consent of the Borough of Northvale.
- (v) Real estate taxes shall be adjusted as of the date of closing.
- (w) The Borough of Northvale has retained the services of Friedberg Properties Associates to market the subject premises for public sale at auction. The Borough of Northvale shall be responsible to pay for the commission due thereon upon the closing of title.. The Borough of Northvale shall not pay any other broker's commission in connection with this sale and the successful bidder shall indemnify and hold harmless the Borough of Northvale from any such claim therefor arising by reason of the conduct of the successful bidder.
- (x) Any dispute arising under this sale shall be governed by the law of the State of New Jersey including the provisions of NJSA 40A:12-13 and related New Jersey case law. Should the parties be unable to amicably resolve a dispute between the parties arising out of or relating to the terms of this Agreement or the sale of the premises, either party may institute a suit only in the Superior Court of New Jersey with a venue of Bergen County and both parties agree to submit themselves to both personal jurisdiction and subject matter jurisdiction in said court.
- (y) Except as set forth herein, the terms and conditions of the sale shall not be modified except as may be mutually agreed upon in writing, by the Borough of Northvale and the successful bidder, provided that no such modifications shall result in a violation of the bidding statute.
- (z) Except as set forth herein, the terms and conditions of the sale shall not be modified except as may be mutually agreed upon in writing, by the Borough of Northvale and the successful bidder, provided that no such modifications shall result in a violation of the bidding statute.

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

**RESOLUTION #2018-82**

**TITLE: AMENDING THE 2018 MUNICIPAL BUDGET**

Mr. Wielkocz explained that the budget was reviewed by the state and himself and these amendments come from those reviews. He went over the fine points of the changes that are being made. He stated that the Chief Financial Officer made significant cuts in the budget and he believes that those changes are in the best interest of the Borough.

Motion	Second	Name
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Argiro
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Small
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

WHEREAS, the local municipal budget for the year 2018 was approved on the 11<sup>th</sup> day of April, 2018; and

WHEREAS, the public hearing on the said budget has been held as advertised on the 9<sup>th</sup> day of May, 2018; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale, County of Bergen, that the following amendments to the approved budget of 2018 be made:

ANTICIPATED REVENUES	FROM	TO
1. Surplus Anticipated	800,000.00	665,000.00
Total Surplus Anticipated	800,000.00	665,000.00
6. Amount to be Raised by Taxes		
(a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes	5,940,000.000	6,240,000.00
Total Amount to be Raised by Taxes	6,263,844.00	6,563,844.00
7. Total General Revenues	8,872,149.00	9,037,149.00
<b>GENERAL APPROPRIATIONS</b>		
<b>(A) Operations within CAPS</b>		
Administrative & Executive		
Salaries & Wages	130,700.00	121,207.00
Other Expenses	113,500.00	80,000.00
Mayor & Council		
Salaries & Wages	30,000.00	29,328.00
Other Expenses	2,000.00	1,500.00
Financial Administration		
Salaries & Wages	70,600.00	72,523.00
Other Expenses	32,000.00	11,500.00
Annual Audit	37,500.00	36,500.00
Collection of Taxes		
Salaries & Wages	65,500.00	64,183.00
Other Expenses	8,500.00	8,000.00
Assessment of Taxes		
Salaries & Wages	22,100.00	21,678.00
Legal Services & Costs		
Other Expenses	130,000.00	120,000.00
Engineering Services & Costs		
Other Expenses	60,000.00	50,000.00
Planning and Zoning Board		
Salaries & Wages	4,700.00	4,607.00
Other Expenses	10,000.00	9,000.00
Municipal Court		
Salaries & Wages	80,900.00	79,260.00
Other Expenses	6,000.00	5,500.00

Prosecutor		
Salaries & Wages	13,200.00	12,853.00
Public Defender		
Salaries & Wages	5,200.00	5,032.00
Police		
Salaries & Wages	1,825,000.00	1,800,000.00
Other Expenses	100,000.00	95,000.00
Emergency Management		
Salaries & Wages	1,400.00	1,281.00
Other Expenses	500.00	0.00
Fire		
Other Expenses	47,000.00	46,000.00
Hydrant Service	87,000.00	85,000.00
Fire Prevention		
Salaries & Wages	39,800.00	38,994.00
Road Repairs & Maintenance		
Salaries & Wages	775,000.00	730,000.00
Other Expenses	110,000.00	135,000.00
Buildings & Grounds		
Other Expenses	40,000.00	35,000.00
Parks & Playgrounds		
Other Expenses	30,000.00	25,000.00
Recycling		
Salaries & Wages	7,400.00	7,229.00
Sewer		
Other Expenses	20,000.00	15,000.00
Garbage & Trash		
Collection	231,500.00	227,250.00
Disposal	231,500.00	227,250.00
Board of Health		
Salaries & Wages	19,200.00	18,741.00
Other Expenses	30,000.00	29,500.00
Animal Control		
Other Expenses	8,000.00	7,500.00
James F. McGuire Senior Center		
Salaries & Wages	40,000.00	38,000.00
Other Expenses	40,000.00	38,000.00
Uniform Construction Code		
Salaries & Wages	105,500.00	103,399.00
Other Expenses	4,500.00	4,000.00
Code Compliance		
Salaries & Wages	18,400.00	18,020.00
Total Operations within CAPS	5,824,928.98	5,648,663.98
(B) Contingent	109.84	259.02
Total Operations including Contingent within CAPS	5,825,038.82	5,648,923.00
(E) Deferred Charges and Statutory Expenditures		
Defined Contribution Retirement Program	1,300.00	1,000.00
(H-I) Total General Appropriations within CAPS	6,657,897.82	6,481,482.00
(A) Operations Excluded from CAPS		
Sewer- Bergen County Utilities Authority	572,588.18	572,368.00
Length of Service Awards Program (LOSAPS)	45,000.00	48,100.00
Total Other Operations Excluded from CAPS	941,432.18	944,312.00
(D) Municipal Debt Service Excluded from CAPS		
Payment of Bond Ant Notes and Capital Notes	0.00	188,536.00
Total Municipal Debt Service Excluded from CAPS	542,019.00	730,555.00
(H-2) Total General Appropriations Excluded from CAPS	1,974,251.18	2,165,667.00
(M) Reserve for Uncollected Taxes	240,000.00	390,000.00
9. Total General Appropriations	8,872,149.00	9,037,149.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Division of Local Government Services for certification of the 2018 local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with N.J.S.A. 40:4-9, be published in the Record in the issue of June 9, 2018 and that said publication contain notice of public hearing on said amendment to be held at the Borough Hall on June 27, 2018 at 7:30 PM.

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

**HEARING OF THE PUBLIC –**

**ADJOURNMENT – TIME: 7:12 PM**

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

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

*Stanley E. Piehler*  
**Mayor**

ATTEST:

*Wanda A. Werner*  
**Borough Clerk**

Approved: August 1, 2018