

**MINUTES**  
**Combined Meeting of the Mayor and Council**  
**Wednesday, August 14, 2019**  
**7:00 PM**

**CALL THE MEETING TO ORDER –**

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

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

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

Mayor Marana 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 Marana            | <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"/> |
| Councilman McGuire      | <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. Justin Santangata for Borough Attorney Rosendahl, Mr. Carl O’Brien, Borough Engineer, Ms. Darlene Green, Planner, Maser Consulting and Wanda A. Worner, Borough Clerk.

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**SUSPENSION OF REGULAR ORDER OF BUSINESS**

*Mayor Marana suspended the regular order of business at this time to entertain a presentation on the Housing Element and Fair Share Plan by Ms. Darlene Green, Maser Consulting, Planner. This will also include the introduction of various Ordinances and a Resolution on the Spending Plan in order to comply with the Plan. These items will be on Consent Agenda. The ordinances will have a public hearing at the Combined Mayor and Council Meeting to be held on **August 27, 2019 at 7:00 PM** at which time, any and all comments from the public will be welcome.*

**HOUSING ELEMENT AND FAIR SHARE PLAN –**

Ms. Darlene Green, Planner, Maser Consulting –

Ms. Green stated that this has been several years in the making. She stated that every municipality in New Jersey has the obligation to provide affordable housing. She stated that the Settlement Agreement between the Borough and Fair Share Housing has been executed and she reported on the various details of the agreement. She stated that the Planning Board had to adopt the Housing Plan and the Mayor and Council will have to adopt the Spending Plan at the next meeting. Ms. Green went through the plan and

explained the various housing obligations that Northvale has to meet and stated that Northvale is in good shape due to the fact that we already have affordable housing units.

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

*“All items are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Any item may be removed for further discussion or for a roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business”*

| Motion                              | Second                              | Name                    |
|-------------------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Councilman Argiro       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Councilman DeLisio      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman McGuire      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Shepard      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Small        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Sotiropoulos |

**ORDINANCE #1003-2019 - AN ORDINANCE OF THE BOROUGH OF NORTHVALE AMENDING AND SUPPLEMENTING CHAPTER 200 ENTITLED “ZONING” TO ESTABLISH A NEW ZONE ENTITLED “PARIS AVENUE INCLUSIONARY OVERLAY DISTRICT” IN A NEW SECTION 19.1 AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO**

**WHEREAS**, the area along Paris Avenue between Livingston Street and Veterans Drive is home to a variety of uses; and

**WHEREAS**, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in *In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (201) (“Mt. Laurel IV”)* seeking approval of a Housing Element and Fair Share Plan that satisfied the Borough’s obligation to provide for its fair share of the regional need of low and moderate income housing; and

**WHEREAS**, a Fairness Hearing was held on April 12, 2018 by Hon. Menelaos W. Toskos, J.S.C. who approved a settlement agreement between the Borough of Northvale and the Fair Share Housing Center, which established the Borough’s affordable housing obligations; and

**WHEREAS**, the Borough is desirous of adopting an Ordinance intended to implement the provisions of the Settlement Agreement and the July 22, 2019 Housing Element and Fair Share Plan, which has been endorsed by the Borough Council; and

**WHEREAS**, the Borough Council has determined that Block 909, Lots 1, 2, 3, 4, 5, 6, 7, 23, and 24; Block 910, Lots 1, 2, and 3; Block 911, Lots 1, 2, 3, 11, 12, and 13; Block 912, Lot 1; and Block 914, Lots 1 and 2 are suited for overlay zoning to permit multi-family inclusionary zoning.

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

**Section 1.** Chapter 200 of the Code of the Borough of Northvale, Article II entitled “Districts”, Section 5 entitled “Enumeration of districts; boundaries, map”, subsection A(1) is hereby amended and supplemented by adding the following text alphabetically:

**PAI Paris Avenue Inclusionary Overlay**

**Section 2.** Chapter 200 of the Code of the Borough of Northvale, Article IV entitled “Multi-Family Housing Districts” is hereby amended by creating a new subsection 19.1 entitled “Paris Avenue Inclusionary Overlay District”, said Section to read as follows:

§200-19.1 Paris Avenue Inclusionary Overlay District

- A. Purpose. It is the purpose of this overlay zone to provide opportunities for the creation of inclusionary housing developments, which will provide a variety of housing types and affordability levels.
- B. Conditionally permitted principal uses.
  - (1) Multi-family dwelling unit buildings, subject to the following conditions:
    - (a) The minimum lot area shall be 22,000 square feet.
    - (b) The maximum density shall be 30 units to the acre.
    - (c) Parking for the residential units shall be in accordance with Residential Site Improvement Standards.
    - (d) Where the property abuts a single-family detached home, a solid screen comprised of either a six-foot-tall fence or evergreen shrubs six feet in height shall be installed.
    - (e) No dumpster or trash facilities shall be located within 15 feet of a property line shared with an existing single-family detached home.
    - (f) A minimum of 15% of the residential units shall be reserved for affordable households if the tenure is rental. A minimum of 20% of the residential units shall be reserved for affordable households if the tenure is sale.
    - (g) The following bulk standards are required, but any deviations shall be treated as “c” bulk variances:
      - [1] Minimum lot width: 100 feet
      - [2] Minimum lot depth: 100 feet
      - [3] Minimum front yard setback – 5 feet
      - [4] Minimum side yard setback – 10 feet
      - [5] Minimum rear yard setback – 40 feet
      - [6] Maximum lot coverage – 75%
      - [7] Minimum green area – 10%
      - [8] Maximum height – 40 feet and 3 stories
- C. Permitted accessory uses.
  - (1) Signs as regulated.
  - (2) Off-street parking.
  - (3) Garages under or incorporated into the building design.
  - (4) Fences and walls.
  - (5) Tenant amenities including, but not limited to, recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.
- D. Affordable housing requirements.

- (1) Affordable units in the PAI Overlay District shall be deed-restricted affordable units complying with the Uniform Housing Affordability Controls and Article IX Affordable Housing Regulations of Chapter 200 Zoning.
- (2) The affordable units shall be deed restricted for at least 30 years.
- (3) The units shall be family affordable units.
- (4) The developer shall be responsible for the costs associated with marketing the units.

E. Landscaping.

- (1) Street trees shall be provided along the street frontage at an interval of 40 to 50 feet on center. Said trees shall be a minimum of three inches caliper at installation.
- (2) The front building wall foundation area shall be planted with a variety of shrubs with an installation height of at least three feet.
- (3) Surface parking areas shall be landscaped at a rate of one tree per 15 parking spaces. Said tree shall be a minimum three inches caliper in a pervious area of at least 162 square feet.
- (4) Required green areas shall be landscaped with low ground cover and grass.

F. Lighting.

- (1) All off-street parking areas shall provide a minimum average 0.5 footcandle illumination.
- (2) Building entrances shall be well-lit.
- (3) Footcandles at the property line shall not exceed one footcandle, except where there are driveways.

G. Fences. Fences and walls shall comply with §200-15A.

H. Architectural standards.

- (1) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (2) The maximum spacing between building wall offsets shall be 40 feet.
- (3) The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
- (4) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (5) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public

right-of-way and adjacent properties.

- (6) All rooftop mechanical equipment shall be screened from view from all vantage points at or below the level of the roof.

I. Trash.

- (1) Trash enclosures shall be located to the rear or side of the building.
- (2) All trash enclosures shall be screened by a solid masonry wall on three sides and a heavy-duty gate on the fourth.

J. Utilities. All utilities shall be underground.

K. Signage.

- (1) One wall sign per street frontage shall be permitted to identify the development.
- (2) Said sign shall be a maximum of 20 square feet.
- (3) The sign may be internally illuminated.

**Section 3.** The Official Zoning Map shall be changed for the following Block and Lots to reflect the new zoning designation of PAI Paris Avenue Inclusionary Overlay District:

|           |                                      |
|-----------|--------------------------------------|
| Block 909 | Lots 1, 2, 3, 4, 5, 6, 7, 23, and 24 |
| Block 910 | Lots 1, 2, and 3                     |
| Block 911 | Lots 1, 2, 3, 11, 12, and 13         |
| Block 912 | Lot 1                                |
| Block 914 | Lots 1 and 2                         |

**Section 4.** All other sections of this Ordinance shall remain in full force and effect.

**Section 5.** All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

**Section 6.** This Ordinance shall take effect immediately upon passage and publication as required by law.

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**ORDINANCE #1004-2019 - AN ORDINANCE OF THE BOROUGH OF NORTHVALE RENAMING ARTICLE IX “ADMINISTRATION OF AFFORDABLE HOUSING PROGRAM” TO “AFFORDABLE HOUSING REGULATIONS” WITHIN CHAPTER 200 “ZONING” AND REPLACING THE ENTIRE CONTENTS OF ARTICLE IX TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)**

**WHEREAS**, the Borough of Northvale has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

**WHEREAS**, the Borough Council of the Borough of Northvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

**WHEREAS**, after a Fairness Hearing held on April 12, 2018, by Order dated February 12, 2018, Hon. Menelaos W. Toskos, J.S.C. approved a settlement agreement between

the Borough of Northvale and Fair Share Housing Center, which established the Borough's affordable housing obligations; and

**WHEREAS**, the Northvale Planning Board has adopted a Housing Element and Fair Share Plan dated July 22, 2019 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, the Borough is desirous of amending and supplementing the Borough Code to include provisions addressing Northvale's constitutional obligation to provide for its fair share of low and moderate income housing consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, this Ordinance is intended to provide assurances that low and moderate income units ("affordable units") are created with controls on affordability over time and that low and moderate income households shall occupy those units.

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

**Section 1.** Chapter 200 entitled "Zoning", Article IX entitled "Administration of Affordable Housing Program", is hereby renamed "Affordable Housing Regulations", and replaced in its entirety as follows:

- §200-37.1 Purpose.
- §200-37.2 Monitoring requirements.
- §200-37.3 Definitions.
- §200-37.4 Applicability.
- §200-37.5 Alternative living arrangements.
- §200-37.6 Inclusionary zoning.
- §200-37.7 Phasing schedule for inclusionary zoning.
- §200-37.8 Fractional units.
- §200-37.9 New construction.
  
- §200-37.10 Utilities.
- §200-37.11 Occupancy standards.
- §200-37.12 Control periods for restricted ownership units and enforcement measures.
- §200-37.13 Price restrictions for restricted ownership units, homeowner association fees and resale prices.
- §200-37.14 Buyer income eligibility.
- §200-37.15 Limitations on indebtedness secured by ownership units; subordination.
- §200-37.16 Capital improvements to ownership units.
- §200-37.17 Control periods for restricted units.
- §200-37.18 Rent restrictions for rental units; leases.
- §200-37.19 Tenant income eligibility.
- §200-37.20 Municipal housing liaison.
- §200-37.21 Administrative agent.
- §200-37.22 Affirmative marketing requirements.
- §200-37.23 Enforcement of affordable housing regulations.
- §200-37.24 Appeals.
- §200-38 Reserved.
- §200-39 Reserved.

**ARTICLE IX AFFORDABLE HOUSING REGULATIONS**

- §200-37.1 Purpose.

- A. The purpose of this Article is to provide for and regulate affordable housing in the Borough of Northvale. This Ordinance is intended to assure that low and moderate income units ("affordable units") are created with controls on affordability over time and that low and moderate income individuals and households shall occupy these units.
- B. The Borough of Northvale Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan has been endorsed by the Borough Council. The Fair Share Plan describes the ways the Borough of Northvale addresses its fair share for low and moderate income housing.
- C. This Ordinance implements the Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as it may be amended and supplemented.

**§200-37.2 Monitoring requirements.**

- A. On the first anniversary of the Judgment of Repose/Compliance or judicial substantive certification, and every anniversary thereafter through July 1, 2025, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs (DCA), Council on Affordable Housing (COAH), or Local Government Services (LGS) or other entity designated by the State of New Jersey, with a copy posted on the municipal website, using forms developed for this purpose by the DCA, COAH or LGS or alternative forms endorsed by the Special Master or Fair Share Housing Center (FSHC). The reporting shall include an accounting of all housing trust fund activity, including the amount of funds collected and the amount and purpose for which any funds have been expended.
- B. On the first anniversary of the Judgment of Repose/Compliance or judicial substantive certification, and every anniversary thereafter through July 1, 2025, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with notice of a link to the website upon posting to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
- C. For the midpoint realistic opportunity review, due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented.
- D. For the review of very-low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of Judgment of Repose/Compliance or judicial substantive certification, and every third year thereafter, the Borough will post on its municipal website, a status report as to its satisfaction of its very-low income requirements.

**§200-37.3 Definitions.**

The following terms when used in this Article shall have the meanings given herein:

**ACT**

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

**ADAPTABLE**

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

**ADMINISTRATIVE AGENT**

The entity designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

**AFFIRMATIVE MARKETING**

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

**AFFORDABILITY AVERAGE**

The average percentage of median income at which new restricted units in an affordable housing development are affordable to low and moderate income households.

**AFFORDABLE**

A sales price or rent level that is within the means of a low or moderate income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as it may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as it may be amended and supplemented.

**AFFORDABLE HOUSING DEVELOPMENT**

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

**AFFORDABLE HOUSING PROGRAM(S)**

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

**AFFORDABLE UNIT**

A housing unit proposed or created pursuant to the Act and approved for crediting and/or funded through an affordable housing trust fund.

**AGENCY**

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

**AGE-RESTRICTED UNIT**

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80% of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

**ALTERNATIVE LIVING ARRANGEMENTS**

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

**ASSISTED LIVING RESIDENCE**



A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

**CERTIFIED HOUSEHOLD**

A household that has been certified by an Administrative Agent as a low income household or moderate income household.

**COAH**

The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), or any successor agency charged with the administration of the Act.

**COURT**

The Superior Court of New Jersey, Law Division, Bergen County.

**DCA**

The State of New Jersey Department of Community Affairs.

**DEFICIENT HOUSING UNIT**

A housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

**DEVELOPER**

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT**

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

**INCLUSIONARY DEVELOPMENT**

A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

**LOW INCOME HOUSEHOLD**

A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

**LOW INCOME UNIT**

A restricted unit that is affordable to a low income household.

**MAJOR SYSTEM**

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

**MARKET-RATE UNITS**

Housing not restricted to low and moderate income households that may sell or rent at any price.

**MEDIAN INCOME**

The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

**MODERATE INCOME HOUSEHOLD**

A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

**MODERATE INCOME UNIT**

A restricted unit that is affordable to a moderate income household.

**MULTIFAMILY UNIT**

A structure containing five or more dwelling units.

**NON-EXEMPT SALE**

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

**RANDOM SELECTION PROCESS**

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

**REGIONAL ASSET LIMIT**

The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

**REHABILITATION**

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

**RENT**

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

**RESTRICTED UNIT**

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

**UHAC**

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

**VERY-LOW INCOME HOUSEHOLD**

A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.

**VERY-LOW INCOME UNIT**

A restricted unit that is affordable to a very-low income household.

**WEATHERIZATION**

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

**§200-37.4 Applicability.**

- A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Northvale.
- B. Moreover, this Ordinance shall apply to all developments that contain low and moderate income housing units, including any currently anticipated future developments that will provide low and moderate income housing units.

**§200-37.5 Alternative living arrangements.**

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
  - (1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by COAH or its successor agency.
  - (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by COAH or its successor agency.
  - (1) The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

**§200-37.6 Inclusionary zoning.**

The Borough has adopted an overlay zone for a portion of the Light Industrial Zone as shown on the Zoning Map. This zone permits multi-family housing as a conditional use at 14 units per acre. This zone is called Residential Multi-family Inclusionary Overlay District. The Borough has adopted an overlay zone for Block 909, Lots 1, 2, 3, 4, 5, 6, 7, 23, and 24; Block 910, Lots 1, 2, and 3; Block 911, Lots 1, 2, 3, 11, 12, and 13; Block 912, Lot 1; and Block 914, Lots 1 and 2 as shown on the Zoning Map. This zone permits multi-family housing as a conditional use at 30 units per acre. This zone is called Paris Avenue Inclusionary Overlay District.

**§200-37.7 Phasing schedule for inclusionary zoning.**

In inclusionary developments the following schedule shall be followed:

|   |   |
|---|---|
| Maximum Percentage of Market-Rate Units Completed | Minimum Percentage of Low and Moderate income Units Completed |
|---|---|

|      |     |
|------|-----|
| 25   | 0   |
| 25+1 | 10  |
| 50   | 50  |
| 75   | 75  |
| 90   | 100 |

**§200-37.8 Fractional units.**

- A. Inclusionary developments that result in an affordable housing obligation that is fractional may round down when the fraction is 0.4 or less. If the developer elects to round down, they shall pay the proportional payment-in-lieu as outlined in Section C. below. Or, in the alternative, the developer may round up and provide the additional affordable units.
- B. Fractions of 0.5 or greater shall round up and provide the additional affordable unit.
- C. The payment-in-lieu for Northvale shall be \$230,000 for 2019. The payment-in-lieu shall increase by 3% each year. To calculate the payment-in-lieu the developer shall multiply the fraction by the payment. For example, a fraction of 0.4 triggered in 2019 would require a payment of \$92,000.

**§200-37.9 New construction.**

- A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
  - (1) The fair share obligation shall be divided equally between low and moderate income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13% of all restricted rental units within each bedroom distribution shall be very-low income units (affordable to a household earning 30% or less of median income). The very-low income units shall be counted as part of the required number of low income units within the development.
  - (2) At least 25% of the obligation shall be met through rental units, including at least half in rental units available to families.
  - (3) A maximum of 25% of the Borough's obligation may be met with age restricted units. At least half of all affordable units in the Borough's Plan shall be non-restricted.
  - (4) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low income units including that 13% shall be very-low income.
  - (5) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low and moderate income units;
    - (b) At least 30% of all low and moderate income units shall be two-bedroom units;
    - (c) At least 20% of all low and moderate income units shall be three-bedroom units; and
    - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.

- (6) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low and moderate income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

## B. Accessibility Requirements

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multi-story buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- (2) All restricted townhouse dwelling units and all restricted units in other multi-story buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - (a) An adaptable toilet and bathing facility on the first floor; and
  - (b) An adaptable kitchen on the first floor; and
  - (c) An interior accessible route of travel on the first floor; and
  - (d) An adaptable room that can be used as a bedroom, with a door or casing for the installation of a door, on the first floor; and
  - (e) If not all of the foregoing requirements in (2)(a) through (2)(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs (2)(a) through (2)(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
  - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that Northvale has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

[1] Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

[2] To this end, the builder of restricted units shall deposit funds within the Borough of Northvale's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

[3] The funds deposited under paragraph (f)[2] above shall be used by the Borough of Northvale for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Northvale for the conversion of adaptable to accessible entrances.

[5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the

Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

[6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site impracticable” to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

C. Design.

- (1) In inclusionary developments, to the extent possible, low and moderate income units shall be integrated with the market units.
- (2) In inclusionary developments, low and moderate income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices.

- (1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and by the Superior Court.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low income and moderate income units, provided that at least 13% of all low and moderate income rental units shall be affordable to very-low income households, earning 30% or less of the regional median household income, with such very-low income units counted the low income housing requirement.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate income ownership units must be available for at least three different sales prices for each bedroom type, and low income ownership units must be available for at least two different sales prices for each bedroom type.
- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
  - (c) A two-bedroom unit shall be affordable to a three-person household;
  - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and

- (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
  - (c) A two-bedroom unit shall be affordable to a two-person household or two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as it may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as it may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as it may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as it may be amended and supplemented.
- (9) The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- (10) The rent of low and moderate income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

**§200-37.10 Utilities.**

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for its Section 8 program.

**§200-37.11 Occupancy standards.**

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

**§200-37.12 Control periods for restricted ownership units and enforcement measures.**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.5, as it may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Northvale takes action to release the unit from such requirements; prior to such action, a restricted ownership unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as it may be amended and supplemented.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as it may be amended and supplemented.

**§200-37.13 Price restrictions for restricted ownership units, homeowner association fees and resale prices.**

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as it may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special



assessments paid by low and moderate income purchasers and those paid by market purchasers.

- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See **§200-37.16**.

**§200-37.14 Buyer income eligibility.**

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as it may be amended and supplemented, such that low income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income, and moderate income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate income purchasers to buy low income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low income purchasers to permit prompt occupancy of the units. All such low income units to be sold to moderate income households shall retain the required pricing and pricing restrictions for low income units.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low income household or a moderate income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's eligible monthly income.

**§200-37.15 Limitations on indebtedness secured by ownership unit; subordination.**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

**§200-37.16 Capital improvements to ownership units.**

- A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-

wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

**§200-37.17 Control periods for restricted units.**

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80- 26.11, as it may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Northvale takes action to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as it may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very-low, low or moderate income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - (1) Sublease or assignment of the lease of the unit;
  - (2) Sale of other voluntary transfer of the ownership of the unit; or
  - (3) The entry and enforcement of any judgement of foreclosure on the property containing the unit.

**§200-37.18 Rent restrictions for rental units; leases.**

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

**§200-37.19 Tenant income eligibility.**

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as it may be amended and supplemented, and shall be determined as follows:
- (1) Very-low income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
  - (2) Low income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
  - (3) Moderate income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low income household, low income household or a moderate income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as it may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- (1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - (2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - (3) The household is currently in substandard or overcrowded living conditions;
  - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - (5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in A(1) through B(5) above with the Administrative Agent, who shall counsel the household on budgeting.

**§200-37.20 Municipal Housing Liaison.**

- A. The Borough of Northvale shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.
- B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Northvale, including the following responsibilities which may not be contracted out to the Administrative Agent:
- (1) Serving as Northvale's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
  - (2) Monitoring the status of all restricted units in Northvale's Fair Share Plan;

- (3) Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
  - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
  - (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- C. The Borough of Northvale shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).
- D. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.

**§200-37.21 Administrative Agent.**

The Administrative Agent shall be an independent entity serving under contract to and reporting to the Borough. For new sale and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single family homeowners and condominium homeowners shall be required to pay 3% of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, .16 and .18 thereof, which include:

- A. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Northvale and the provisions of N.J.A.C. 5:80-26.15; and
- B. Providing counseling, or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- C. Household Certification:
  - (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
  - (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low or moderate income unit;
  - (3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
  - (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
  - (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members

working in the housing region where the units are located; and

- (6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Northvale when referring households for certification to affordable units.

D. Affordability Controls:

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and
- (5) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

E. Sales and Re-rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
- (2) Instituting and maintaining an effective means of communicating information to low and moderate income households regarding the availability of restricted units for resale or re-rental.

F. Processing Requests from Unit Owners:

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Article;
- (2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
- (3) Notifying the Borough of an owner's intent to sell a restricted unit; and
- (4) Making determinations on requests by owners of restricted units for hardship waivers.

G. Enforcement:

- (1) Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (2) Securing from all developers and sponsors of restricted units, at the earliest

point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

- (3) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (5) Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council, setting forth procedures for administering the affordability controls.

#### H. Additional Responsibilities:

- (1) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines.
- (3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

#### **§200-37.22 Affirmative Marketing Requirements.**

- A. The Borough of Northvale shall adopt by resolution an Affirmative Marketing Plan that is compliant with N.J.A.C. 5:80-25.15, as it may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.
- D. The Borough has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Borough of Northvale shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

- E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the Northvale Borough Hall, Northvale Municipal Library, Hudson County Administration Building, Passaic County Administration Building, Bergen County Administration Building, Sussex County Main Library, and the developer's rental office. Pre-applications may be emailed to prospective applicants upon request. Otherwise, hard copies are available from the Borough's Municipal Housing Liaison.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.
- J.

**§200-37.23 Enforcement of Affordable Housing Regulations.**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the Borough shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low or moderate income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the Borough may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  - (1) The Borough may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    - (a) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense. In the case of an Owner who has rented a low or moderate income unit in violation of the regulations governing affordable housing units, payment into the Borough of Northvale Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - (b) In the case of an Owner who has rented a low or moderate income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

- (2) The Borough may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low or moderate income unit:
- (a) The judgment shall be enforceable, at the option of the Borough, by means of an execution sale by the Sheriff, at which time the low and moderate income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the Borough, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
  - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low and moderate income unit. The excess, if any, shall be applied to reimburse the Borough for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Borough in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Borough in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Borough for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the Borough for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the Owner or forfeited to the Borough.
  - (c) Foreclosure by the Borough due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low and moderate income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
  - (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low and moderate income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
  - (e) Failure of the low and moderate income unit to be either sold at the Sheriff's sale or acquired by the Borough shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be



referred to the Owner by the Borough, with such offer to purchase being equal to the maximum resale price of the low and moderate income unit as permitted by the regulations governing affordable housing units.

- (f) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

**§200-37.24 Appeals.**

Appeals from all decisions of an Administrative Agent appointed pursuant to this Article shall be filed in writing with the Executive Director of COAH or with the Superior Court, Bergen County vicinage .

**§200- 38 Reserved.**

**§200- 39 Reserved.**

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

**Section 3.** All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

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

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**ORDINANCE #1005-2019 - AN ORDINANCE AMENDING CHAPTER 95 OF THE CODE OF THE BOROUGH OF NORTHVALE TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT**

**WHEREAS**, in Holmdel Builder’s Association v. Holmdel Borough, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH); and

**WHEREAS**, pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans, and municipalities that were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain fees collected from non-residential and residential development; and

**WHEREAS**, the Borough of Northvale has prepared a Spending Plan to submit to Hon. Christine Famington, J.S.C. in connection with its pending declaratory judgment action concerning the Borough’s affordable housing obligations, which incorporates the residential and non-residential development fees set forth in this Ordinance.

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

**Section 1.** Chapter 95 of the Code of the Borough of Northvale, entitled “Development Fees,” is hereby deleted in its entirety and replaced to read as follows:

**Chapter 95: Development Fees**

**§95-1 Purpose.**

|               |  |
|---------------|--|
| <b>§95-2</b>  | <b>Court approval required.</b>          |
| <b>§95-3</b>  | <b>Definitions.</b>                      |
| <b>§95-4</b>  | <b>Residential development fees.</b>     |
| <b>§95-5</b>  | <b>Non-residential development fees.</b> |
| <b>§95-6</b>  | <b>Collection procedures.</b>            |
| <b>§95-7</b>  | <b>Affordable Housing Trust Fund.</b>    |
| <b>§95-8</b>  | <b>Use of Funds.</b>                     |
| <b>§95-9</b>  | <b>Monitoring.</b>                       |
| <b>§95-10</b> | <b>On-going collection of fees.</b>      |
| <b>§95-1</b>  | <b>Purpose.</b>                          |

This Chapter establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH’s regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Chapter shall be used for the purpose of providing very-low, low and moderate income housing in accordance with a Court-approved Spending Plan.

**§95-2 Court approval required.**

- A. This Chapter shall not be effective unless and until approved by the Superior Court in connection with the Borough of Northvale’s declaratory judgment action concerning its Third Round affordable housing obligations, Docket No. BER-L-6287-75.
- B. The Borough of Northvale shall not spend development fees collected pursuant to this Chapter unless and until the Superior Court has approved a Spending Plan for such fees.

**§95-3 Definitions.**

The following terms, as used in this Article, shall have the following meanings:

**AFFORDABLE HOUSING DEVELOPMENT**

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipally-sponsored construction project or a 100% affordable housing development.

**COAH OR THE COUNCIL**

The New Jersey Council on Affordable Housing established under the Fair Housing Act, or any successor agency.

**DEVELOPMENT FEE**

Money paid by a developer for the improvement of property as authorized by Holmdel Builder’s Association v. Holmdel Borough, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and regulated by applicable COAH Rules.

**DEVELOPER**

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

**EQUALIZED ASSESSED VALUE**

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).

**GREEN BUILDING STRATEGIES**

Strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

**§95-4 Residential development fees.**

A. Imposition of fees.

- (1) Within the Borough of Northvale, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- (2) When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential developments.

- (1) Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Borough of Northvale, shall be exempt from the payment of development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of this Ordinance shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a Zoning Permit and/or Construction Permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the Construction Permit is issued.
- (3) Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- (4) Development fees shall be imposed and collected when a new Certificate of Occupancy is triggered when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirements. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

**§95-5 Non-residential development fees.**

- A. Imposition of fees.
- (1) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
  - (2) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
  - (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued. If the calculation required under this Section results in a negative number, the non-residential development fee shall be zero.
- B. Eligible exactions, ineligible exactions and exemptions for non-residential development.
- (1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
  - (2) The 2.5% development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
  - (3) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.
  - (4) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.
  - (5) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this Section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Northvale as a lien against the real property of the owner.

**§95-6 Collection procedures.**

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF “State of New Jersey Non-Residential Development Certification/ Exemption” to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a Construction Permit shall notify the Borough Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- E. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Borough of Northvale fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c.46 (C.40:55D-8.6).
- H. Except as provided in §95-5A(3) hereinabove, 50% of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected at the time of issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.
- I. Appeal of development fees.
  - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Northvale. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - (2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Northvale. Appeals from a determination

of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**§95-7 Affordable Housing Trust Fund.**

- A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of Northvale for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
- (1) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Borough of Northvale;
  - (2) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multi-story attached dwelling unit development accessible;
  - (3) Rental income from municipally operated units;
  - (4) Repayments from affordable housing program loans;
  - (5) Recapture funds;
  - (6) Proceeds from the sale of affordable units; and
  - (7) Any other funds collected in connection with Northvale's affordable housing program.
- C. In the event of a failure by the Borough of Northvale to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Northvale, or, if not practicable, then within the County.
- Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
- D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

**§95-8 Use of funds.**

- A. The expenditure of all funds shall conform to a Spending Plan approved by the Superior Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Borough of Northvale's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.
- B. Funds shall not be expended to reimburse the Borough of Northvale for past housing activities.
- C. At least 30% of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to low and moderate income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of the median income for Housing Region 1, in which Northvale is located.
  - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
  - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The specific programs to be used for very-low income affordability assistance shall be identified and described within the Spending Plan.
  - (3) Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Borough of Northvale, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Borough of Northvale may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including but not limited to salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.
  - (1) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of collected development fees that may be expended on administration.

- (2) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or actions are not eligible uses of the Affordable Housing Trust Fund.

**§95-9 Monitoring.**

The Borough of Northvale shall provide annual reporting of Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, COAH or LGS or other entity designated by the State of New Jersey, with a copy posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, COAH or Local Government Services or alternate forms endorsed by the Special Master or Fair Share Housing Center.

**§95-10 Ongoing collection of fees.**

- A. The ability for the Borough of Northvale to impose, collect and expend development fees shall be permitted through the expiration of the repose period covered by its Judgment of Compliance and shall continue thereafter so long as the Borough of Northvale has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
- B. If the Borough of Northvale is not pursuing authorization to impose and collect development fees after the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).
- C. After the expiration of the Judgment of Compliance, if the Borough does not pursue or obtain continued authorization, the Borough of Northvale shall not impose a residential development fee on a development that receives preliminary or final site plan approval, retroactively impose a development fee on such a development, or expend any of its collected development fees.

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

**Section 3.** All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

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

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**ORDINANCE #1006-2019 - AN ORDINANCE OF THE BOROUGH OF NORTHVALE AMENDING AND SUPPLEMENTING CHAPTER 200 OF THE CODE OF THE BOROUGH OF NORTHVALE TO ESTABLISH A BOROUGH-WIDE SET-ASIDE REQUIREMENT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO**

**WHEREAS**, the Borough Council of the Borough of Northvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and



**WHEREAS**, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in *In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (201)* (“*Mt. Laurel IV*”) seeking approval of a Housing Element and Fair Share Plan that satisfied the Borough’s obligation to provide for its fair share of the regional need of low and moderate income housing; and

**WHEREAS**, after a Fairness Hearing held on April 12, 2018, by Hon. Menelaos W. Toskos, J.S.C., approved a settlement agreement between the Borough of Northvale and the Fair Share Housing Center, which established the Borough’s affordable housing obligations; and

**WHEREAS**, pursuant to the requirements of the August 1, 2018 Order, the Borough of Northvale intends to supplement its Zoning Ordinance to include provisions addressing Northvale’s constitutional obligation to provide for its fair share of low and moderate income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, the Northvale Planning Board has adopted a Housing Element and Fair Share Plan dated July 22, 2019 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, this Ordinance is intended to provide assurances that low and moderate income units ("affordable units") are required when certain types of applications are approved; and

**WHEREAS**, this Ordinance is intended to implement the above-referenced Housing Element and Fair Share Plan, which has been endorsed by the Borough Council.

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

**Section 1.** Chapter 200 of the Code of the Borough of Northvale, Article III, entitled “Regulations and Restrictions”, Section 9, entitled “Provisions applicable to all zones”, is hereby amended and supplemented by adding a new subsection D, entitled “Borough-wide set-aside requirements”, said section to read as follows:

D. Borough-wide set-aside requirements.

- (1) Any property in the Borough of Northvale that receives a subdivision or site plan approval, zoning change, density variance, use variance or approval of a redevelopment or rehabilitation plan to permit multi-family residential development at six units or more per acre, which multi-family residential development will yield five or more new dwelling units, shall provide a minimum affordable housing set-aside of:
  - (a) Fifteen (15%) percent if the affordable units will be for rent; or
  - (b) Twenty (20%) percent set-aside if the affordable units will be for sale.
- (2) This requirement shall not apply to residential development on sites that are zoned for inclusionary residential development as part of the Borough’s Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning.
- (3) This requirement does not, and shall not be construed to, grant any property owner or developer the right to any rezoning, variance or other relief, nor does this requirement establish any obligation on the part of the Borough of Northvale

to grant any such rezoning, variance or other relief.

(4) A property shall not be permitted to be subdivided so as to avoid compliance with this requirement.

(5) All affordable units created pursuant to this Section shall be governed by the provisions of Chapter 200, "Zoning", Article IX "Affordable Housing Regulations".

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

**Section 3.** All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

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

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**ORDINANCE #1007-2019 - AN ORDINANCE OF THE BOROUGH OF NORTHVALE AMENDING AND SUPPLEMENTING CHAPTER 200 ENTITLED "ZONING" TO ESTABLISH A NEW ZONE ENTITLED "RESIDENTIAL MULTI-FAMILY INCLUSIONARY OVERLAY DISTRICT" IN A NEW SECTION 19.2 AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO**

**WHEREAS**, the eastern edge of the Borough is zoned LI Light Industrial District and is home to a variety of uses; and

**WHEREAS**, the Borough voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in *In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (201)* ("*Mt. Laurel IV*") seeking approval of a Housing Element and Fair Share Plan that satisfied the Borough's obligation to provide for its fair share of the regional need of low and moderate income housing; and

**WHEREAS**, a Fairness Hearing was held on April 12, 2018 by Hon. Menelaos W. Toskos, J.S.C. who approved a settlement agreement between the Borough of Northvale and the Fair Share Housing Center, which established the Borough's affordable housing obligations; and

**WHEREAS**, the Borough is desirous of adopting an Ordinance intended to implement the provisions of the Settlement Agreement and the July 22, 2019 Housing Element and Fair Share Plan, which has been endorsed by the Borough Council; and

**WHEREAS**, the Borough Council has determined that certain LI District lands are suited for overlay zoning to permit multi-family inclusionary zoning.

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

**Section 1.** Chapter 200 of the Code of the Borough of Northvale, Article II entitled "Districts", Section 5 entitled "Enumeration of districts; boundaries, map", subsection A(1) is hereby amended and supplemented by adding the following text alphabetically:

**RMI Residential Multi-family Inclusionary Overlay District**

**Section 2.** Chapter 200 of the Code of the Borough of Northvale, Article I entitled "General Provisions", Section 4 entitled "Word usage and definitions", subsection B is hereby amended by adding the following new language alphabetically under the term Dwelling:

- (5) Multi-family Dwelling Unit  
A dwelling containing three or more dwelling units, including units that are located one over the other.

**Section 3.** Chapter 200 of the Code of the Borough of Northvale, Article IV entitled “Multi-Family Housing Districts” is hereby amended by creating a new sub-section 19.2 entitled “Residential Multi-family Inclusionary Overlay District”, said Section to read as follows:

§200-19.2 Residential Multi-family Inclusionary Overlay District

L. Purpose. It is the purpose of this overlay zone to provide opportunities for the creation of inclusionary housing developments, which will provide a variety of housing types and affordability levels.

M. Conditionally permitted principal uses.

(1) Multi-family dwelling unit buildings, subject to the following requirements:

- (a) Minimum lot area: 3 acres
- (b) Maximum building height: 40 feet and 3 stories
- (c) Maximum density: 14 units per acre
- (d) A minimum of 15% of the residential units shall be reserved for affordable households if the tenure is rental. A minimum of 20% of the residential units shall be reserved for affordable households if the tenure is sale.

N. Permitted accessory uses.

- (6) Signs as regulated.
- (7) Private garages and off-street parking.
- (8) Garages under or incorporated into the building design.
- (9) Fences and walls.
- (10) Tenant amenities including, but not limited to, recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.

O. Area, bulk and yard requirements.

- (1) Minimum lot frontage: 100 feet
- (2) Minimum front yard setback: 40 feet
- (3) Minimum side yard setback: 20 feet
- (4) Minimum rear yard setback: 30 feet
- (5) Minimum landscape perimeter buffer: 15 feet
- (6) Minimum green area: 30%
- (7) Maximum lot coverage: 60%
- (8) Accessory building setbacks:
  - (a) Minimum setback to principal building: 15 feet

- (b) Minimum setback to property line: 10 feet
  - (c) All accessory buildings shall be located in the rear or side yard.
- P. Parking. Off-street parking shall comply with the Residential Site Improvements Standards.
- Q. Affordable housing requirements.
- (5) Affordable units in the RMI Overlay District shall be deed-restricted affordable units complying with the Uniform Housing Affordability Controls and Article IX Affordable Housing Regulations of Chapter 200 Zoning.
  - (6) The affordable units shall be deed restricted for at least 30 years.
  - (7) The units shall be family affordable units.
  - (8) The developer shall be responsible for the costs associated with marketing the units.
- R. Landscaping.
- (5) Street trees shall be provided along the street frontage at an interval of 40 to 50 feet on center. Said trees shall be a minimum of three inches caliper at installation.
  - (6) The front building wall foundation area shall be planted with a variety of shrubs with an installation height of at least three feet.
  - (7) Surface parking areas shall be landscaped at a rate of one tree per 15 parking spaces. Said tree shall be a minimum three inches caliper in a pervious area of at least 162 square feet.
  - (8) The minimum landscape perimeter buffer shall surround the site except where driveways and utilities cross the lot line. The following standards shall apply:
    - (a) Plants shall consist of a combination of shade trees, evergreen trees and shrubs.
    - (b) One shade tree shall be provided for every 50 linear feet. Said tree shall be a minimum of three inches caliper.
    - (c) Two evergreen trees shall be provided for every 50 linear feet. Said trees shall be a minimum of six feet in height at installation.
    - (d) 15 shrubs shall be provided for every 25 linear feet of buffer. Said shrubs shall be a minimum of three feet at installation.
    - (e) Buffer plantings shall be arranged in a natural staggered pattern and shall not be lined up in straight, single rows.
  - (9) Pervious area shall be landscaped with low ground cover or grass.
- S. Lighting.
- (4) All off-street parking areas shall provide a minimum average 0.5 footcandle illumination.
  - (5) Building entrances shall be well-lit.

(6) Footcandles at the property line shall not exceed one footcandle, except where there are driveways.

T. Fences. Fences and walls shall comply with §200-15A.

U. Architectural standards.

(7) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

(8) The maximum spacing between building wall offsets shall be 40 feet.

(9) The minimum projection or depth of any individual vertical offset shall be 1.5 feet.

(10) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.

(11) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

(12) All rooftop mechanical equipment shall be screened from view from all vantage points at or below the level of the roof.

V. Trash.

(3) Trash enclosures shall be located to the rear or side of the building or they may be incorporated into the building design.

(4) Freestanding trash enclosures shall be screened by a solid masonry wall on three sides and a heavy-duty gate on the fourth.

W. Utilities. All utilities shall be underground.

Signage.

(4) One monument sign shall be permitted to identify the development.

(5) Said sign shall be a maximum of 40 square feet.

(6) The sign shall be a maximum of five feet above grade.

(7) Said sign shall be set back a minimum of ten feet from any property line.

(8) The sign may be externally illuminated.

**Section 4.** Chapter 200 of the Code of the Borough of Northvale, Article VIII entitled “Signs”, Section 26 entitled “Definitions” is hereby amended and supplement by adding the following text alphabetically:

**MONUMENT SIGN**

A sign in which the entire bottom is in contact with the ground and is independent of any other structure.

**Section 5.** The Official Zoning Map shall be changed for the following Block and Lots to reflect the new zoning designation of RMI Residential Multi-family Inclusionary Overlay Zone:

- Block 302      Lots 1, 2, 3, 4, 5 and 6
- Block 602      Lots 1, 3 and 5
- Block 603      Lots 1, 3, 4 and 5
- Block 608      Lots 1, 2, 3 and 4
- Block 915      Lots 3 and 5
- Block 1007     Lot 1
- Block 1011     Lots 1, 2, 3, 4, 5, 6, 7, 24, 25, 27, 28 and 29
- Block 1101     Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14
- Block 1102     Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12

**Section 6.** All other sections of this Ordinance shall remain in full force and effect.

**Section 7.** All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

**Section 8.** This Ordinance shall take effect immediately upon passage and publication as required by law.

| 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"/> |
| Councilman McGuire      | <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 –**

**#2019-126 – 2019 AFFORDABLE HOUSING TRUST FUND SPENDING PLAN - Hold until August 27, 2019 per Borough Attorney**

\*\*\*\*\*

**RESUME THE REGULAR ORDER OF BUSINESS**

*Mayor Marana resumes the regular order of business at this time.*

\*\*\*\*\*

**APPROVAL OF MINUTES –**

Combined Meeting Minutes of July 10, 2019  
 Closed Session Minutes of July 10, 2019

| Motion                              | Second                              | Name                    |
|-------------------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Argiro       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman DeLisio      |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Councilman McGuire      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Shepard      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Small        |
| <input checked="" 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 type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Councilman McGuire      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Councilman Shepard      | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/>            |

**APPOINTMENTS & PERSONNEL CHANGES –**

Acting Court Administrator/Alternate/Violations Clerk  
(see **Resolution #2019-131**)

**By-Laws Committee –**

Mayor Marana appointed the following to the By-Laws Review Committee:

- Councilman Sotiropoulos
- Councilman McGuire
- Councilman Shepard
- Mayor Marana

**MONTHLY CORRESPONDENCE –**

The following reports are on file in the Borough Clerk’s office and can be viewed by the public between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

- Building Department
- Fire Department
- Fire Prevention
- Municipal Court
- Tax Collector
- Grantswriter
- Police Department

**CORRESPONDENCE –**

1. Letter – Maser Consulting – July 18, 2019  
Re: 2019 Riverside Coop – Change Order #1 – Cresskill Roads  
(see **Resolution #2019-132**)
2. Letter – Bergen County Municipal Joint Insurance Fund – July 31, 2019  
Re: Membership Renewal/Resolution  
(see **Resolution #2019-130**)
3. Resolution – Northvale Planning/Zoning Board – August 8, 2019  
Re: Approval of Ordinance #999-2019 – Prohibited Uses - Marijuana

**RESOLUTIONS – Consent Agenda**

*“All items are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Any item may be removed for further discussion or for a roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business”*

| Motion                              | Second                              | Name                    |
|-------------------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Argiro       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman DeLisio      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman McGuire      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Shepard      |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Councilman Small        |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Councilman Sotiropoulos |

**RESOLUTION #2019-127**

**TITLE: AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REFUND TAXES OVERPAID DUE TO STATE TAX COURT JUDGMENT**

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

| <u>Block</u> | <u>Lot</u> | <u>Name</u>  | <u>Amount</u> | <u>Year</u>     |
|--------------|------------|--|---------------|-----------------|
| 608          | 1          | Pashman Stein Walder Heyden<br>For PFD Investco, LLC<br>Court Plaza South<br>21 Main Street, Suite 200<br>Hackensack, New Jersey 07601<br>Property – 37 Industrial Parkway | \$ 6,344.80   | 2016 Freeze Act |

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Northvale that the Chief Financial Officer shall issue a check in the amount of **\$ 6,344.80** to Pashman Stein Walder Heyden For PFD Investco, LLC and mail it to Pashman Stein Walder Heyden Attention: Bruce J Ackerman.



**RESOLUTION #2019-128**

**TITLE: AUTHORIZE THE TAX COLLECTOR TO ISSUE AN ADJUSTED TAX BILL TO REFLECT THE STATE TAX COURT JUDGMENT FOR 2018 FREEZE ACT FOR TAX YEAR 2019**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Northvale, that the Tax Collector is hereby authorized to adjust the 2019 Tax Bill to reflect the Tax Year 2018 Freeze Act Judgment as follows:

| <u>Block</u> | <u>Lot</u> | <u>Name</u>   | <u>Judgment Value</u>                |  |
|--------------|------------|---|--------------------------------------|--|
| 608          | 1          | PFD Investco, LLC<br>35 Industrial Parkway<br>Northvale, NJ 07647<br>Property – 37 Industrial Parkway | 175,500<br><u>479,000</u><br>654,500 | Land Value<br>Improvement Value<br>Total |

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Northvale that the Tax Collector shall multiply the Judgment Value by the 2019 Tax Rate and send the revised bill to PFD Investco, LLC with a duplicate copy going to the attorney below.

Pashman Stein Walder Heyden  
Attention: Bruce J Ackerman.  
Court Plaza South  
21 Main Street, Suite 200  
Hackensack, NJ 07601



**RESOLUTION #2019-129**

**TITLE: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BOROUGH OF NORTHVALE LIVINGSTON AVENUE STREETScape PROJECT SECTION 7.**

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council for the Borough of Northvale formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA - 2020 – Livingston Avenue Streetscape Project Section 7 - 00009 to the New Jersey Department of Transportation on behalf of the Borough of Northvale.



BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Northvale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.



**RESOLUTION #2019-130**

**TITLE: RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE JOINT INSURANCE FUND (3 years – January 1, 2020 – January 1, 2023)**

WHEREAS, the Borough of Northvale is a member of the Bergen County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2019 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Borough of Northvale desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Borough of Northvale agrees to renew its membership in the Bergen County Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.



**RESOLUTION #2019-131**

**TITLE: AUTHORIZATION AND DESIGNATION OF AN ACTING MUNICIPAL COURT ADMINISTRATOR/ALTERNATE/VIOLATIONS CLERK**

WHEREAS, pursuant to N.J.S.A. 2B:12-10, the Borough of Northvale is required to provide for a Municipal Court Administrator; and

WHEREAS, Maria T. Doerr, CMCA has retired as Municipal Court Administrator of the Northvale Municipal Court, effective July 31, 2019; and

WHEREAS, Ms. Clare Cabibbo, CMCA is hereby appointed as the Acting Municipal Court Administrator for the term of August 1, 2019 through August 31, 2019; and

WHEREAS, Ms. Glenda Hickey, CMCA is hereby designated as the Alternate Acting Municipal Court Administrator to serve during Ms. Cabibbo's absence; and

WHEREAS, Ms. Maria Minando is hereby appointed as the Acting Violations Clerk for the term August 1, 2019 through August 31, 2019;

NOW THEREFORE BE IT RESOLVED, the Acting Municipal Court Administrator and her alternate will serve at a rate of \$35.00 per hour and the Acting Violations Clerk will serve at a rate of \$20.00 per hour.



**RESOLUTION #2019-132**

**TITLE: AUTHORIZATION OF CHANGE ORDER #1 IN A CONTRACT BETWEEN THE BOROUGH OF NORTHVALE AND D & L Paving – 2019 ROAD RESURFACING PROJECT (RIVERSIDE COOPERATIVE (CRESSKILL ROADS))**

**WHEREAS**, the Borough of Northvale and D & L Paving, Inc., entered into a Contract for the 2019 Road Resurfacing Project (Riverside Cooperative); and

**WHEREAS**, it has been determined that certain changes to this Contract are necessary; and

**WHEREAS**, the Borough engineer recommends changes as outlined in his/her July 18, 2019 correspondence; and,

**WHEREAS**, the change order increases the Contract amount by \$509,901.55 bringing the revised contract amount to \$3,610,208.67.

**NOW, THEREFORE BE IT RESOLVED** the Borough of Northvale authorizes the change order increase in the amount of \$509,901.55 to the original Contract amount of \$3,100,307.12 bringing the revised Contract amount to \$3,610,208.67 as recommended and detailed in the November 12, 2018 correspondence from the Borough engineer.



**RESOLUTION #2019-133**

**TITLE: RESOLUTION APPOINTING OFFICER-IN-CHARGE OF THE NORTHVALE POLICE DEPARTMENT**

**WHEREAS**, a vacancy will exist in the position of Chief of Police by reason of the retirement of the former Chief, effective September 1, 2019; and

**WHEREAS**, the Mayor and Council are desirous of having a smooth transition within the department prior to the naming of the Chief of Police by appointing an Officer-in-Charge; and

**WHEREAS**, the Personnel Committee has made a recommendation for the promotion of Captain Howard Ostrow to the position of Officer-in-Charge pending the next appointment of a Chief of Police, after giving due regard and consideration to all applicable Ordinances and Laws; and

**WHEREAS**, the Mayor and Council finds and determines that this candidate meets and exceeds all qualification requirements for appointment to said position;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale, County of Bergen and State of New Jersey, that Captain Howard Ostrow, is hereby named and appointed to the position of Officer-in-Charge of the Northvale Police Department until such time as the next Chief of Police is appointed to be effective August 1, 2019.



**RESOLUTION #2019-134**

**TITLE: APPROVE THE APPOINTMENT OF RICHARD HESS TO THE NORTHVALE FIRE PREVENTION BUREAU AS FIRE INSPECTOR**

**WHEREAS**, a vacancy has occurred in the office of Fire Prevention due to the retirement of Mr. Charles Batch, effective July 1, 2019; and

**WHEREAS**, Mr. Joseph Zavarino has interviewed and recommended Mr. Richard Hess to fill the vacancy created when Inspector Donnarumma was promoted to fill the vacancy of Mr. Batch;

NOW, THEREFORE, BE IT RESOLVED, that Mr. Richard Hess of 75 Railroad Avenue, Norwood, New Jersey 07648 is hereby appointed as Fire Inspector as of the Mayor and Council meeting of July 10, 2019 at a salary of \$7,000.00.



**RESOLUTION #2019-135**

**TITLE: INCLUDE THE FOLLOWING MUNICIPAL QUASI-ENTITIES IN THE BOROUGH'S INSURANCE PROGRAM**

WHEREAS, the Borough of Northvale is a participating member of the Bergen County Municipal Joint Insurance Fund, relative to general liability and other coverages; and

WHEREAS, the "Fund" has adopted certain criteria to distinguish between bona fide municipal activities and other quasi-public entities not sponsored by the municipality and, therefore, not subject to coverage by the "Fund"; and

WHEREAS, it has been determined that in order to be covered by the "Fund" an organization or activity meet the test that its function is of the type that historically the Borough has provided with coverage and/or which services a bona fide public purpose typically met by local government, and the benefits of which are available to the municipality in general; and

WHEREAS, the Borough has asked the "Fund" to extend coverage to the following entities:

Class I –

Northvale Volunteer Fire Department

Class II –

Northvale Volunteer Ambulance Corps

Class III –

Northvale Public Library

Golden Age Club

Class IV - Athletic Organizations

Recreation Department Including:

Softball                      Indoor Soccer

Baseball

Soccer

Basketball

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

Section 1. It is hereby certified that the above listed organization exists within the Borough of Northvale as a bona fide charitable, educational, or recreational activities of the municipality in general and as such are sponsored or subsidized directly or indirectly by the municipality.

Section 2. The Borough of Northvale does hereby request that the activities described herein be covered for general liability coverage in accordance with the applicable limits and restriction.

Section 3. A certified copy of this Resolution shall be filed with the Secretary of the Bergen County Municipal Joint Insurance Fund.



**RESOLUTION #2019-136**

**TITLE: APPROVE THE PERSON TO PERSON TRANSFER OF LIQUOR LICENSE #0240-44-001-004 – J & M Francke, Inc. to Kim, Sun Ae**

WHEREAS, An application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License #0240-44-001-04, heretofore issued to J & M Francke Inc., for premises located at 176 Livingston Street, Northvale, New Jersey 07647; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the business;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Northvale does hereby approve, effective August 14, 2019, the transfer of the aforesaid Plenary Retail Distribution License to Kim, Sun Ae, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows:

“This license, subject to all its terms and conditions, is hereby transferred to Kim, Sun Ae, effective August 14, 2019.



**RESOLUTION #2019-137**

**TITLE: APPROVE THE APPOINTMENT OF HOWARD OSTROW AS OEM COORDINATOR FOR A THREE (3) YEAR TERM – 8/2019 – 8/2022**

WHEREAS, a vacancy has occurred in the office of Emergency Management Coordinator due to the retirement of William Essmann; and

WHEREAS, Captain Howard Ostrow possesses the necessary qualifications to fill said office;

NOW, THEREFORE, BE IT RESOLVED, that Captain Howard Ostrow is hereby appointed as Emergency Management Coordinator effective August 14, 2019 for a three (3) year term expiring on August 13, 2022.

**HEARING OF THE PUBLIC** – Consent Agenda Resolutions only at this time.

**CLOSE THE HEARING OF THE PUBLIC** –

There being no question or comments from the public; Mayor Marana closed the public hearing on the Consent Agenda Resolutions at this time.

**ROLL CALL VOTE** –

| 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"/> |
| Councilman McGuire      | <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 type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |



**RESOLUTION #2019-138**

**TITLE: PAYMENT OF BILLS**

| Motion                              | Second                              | Name                    |
|-------------------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Councilman Argiro       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Councilman DeLisio      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman McGuire      |
| <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**, claims have been submitted to the Borough of Northvale in the following amounts under various funds of the borough:

|                               |                     |
|-------------------------------|---------------------|
| Current Appropriations (2019) | \$226,989.90        |
| General Capital Fund          | \$67,403.96         |
| Grant Fund                    | \$1,000.00          |
| Police DEA Trust              | \$509.50            |
| Animal Trust                  | \$4.80              |
| Food Trust                    | \$1,590.00          |
| Escrow Trust                  | \$9,138.75          |
| Recreation Trust              | \$2,390.00          |
| Summer Recreation Trust       | \$4,792.93          |
| <b>TOTAL</b>                  | <b>\$313,819.84</b> |

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

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

**WHEREAS**, claims have already been paid in the following amounts for the purpose specified below during the course of the year:

|                            |            |                     |
|----------------------------|------------|---------------------|
| Payroll – Salaries & Wages | 07-12-2019 | \$165,007.96        |
| Payroll – Salaries & Wages | 07-26-2019 | \$169,781.01        |
| Health Benefits            | July 2019  | \$50,706.55         |
| <b>TOTAL</b>               |            | <b>\$385,495.52</b> |

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale that the claims totaling **\$699,315.36** and ratified respectively.

ON THE QUESTION: The Council questioned the item for the DPW for \$66,000.00. Neither Mr. Bodrato or Mr. Guyt could explain the purchase at this time; therefore, it was removed from the bill list.

The bill list is as follows:

| Check Date | Vendor Name                  | Description                 | Amount    | Net Amount |
|------------|------------------------------|-----------------------------|-----------|------------|
| 8/14/2019  | ADVANCE AUTO PARTS           | MIRROR FOR GATOR            | 16.99     | 0          |
| 8/14/2019  | AGL WELDING SUPPLY CO., INC. | 2019 DPW CYLINDER RENTALS   | 76.96     | 76.96      |
| 8/14/2019  | AIR BROOK                    | 7/11/19 WESTCHESTER THEATRE | 795.00    | 795.00     |
| 8/14/2019  | AIR BROOK                    | GOLDEN AGE RIVER GRILL      | 800.00    | 800.00     |
| 8/14/2019  | ALERT-ALL                    | 150 FIRE SAFETY KIT # 110   | 304.50    | 304.50     |
| 8/14/2019  | ASSOCIATED APPRAISAL GROUP   | 2019 TAX APPRAISAL SERVICES | 11,812.50 | 11,812.50  |
| 8/14/2019  | BECKERLE LUMBER SUPPLY       | DPW SUPPLIES                | 1,943.24  | 1,943.24   |
| 8/14/2019  | BECKERLE LUMBER SUPPLY       | DPW SUPPLIES                | 704.46    | 704.46     |
| 8/14/2019  | BLUE TARP CREDIT SERVICES    | WINCH                       | 199.99    | 0          |

|           |                                |                                |           |           |
|-----------|--------------------------------|--------------------------------|-----------|-----------|
| 8/14/2019 | BOROUGH OF NORWOOD             | REIMBURSE NORWOOD HOT PATCH    | 260.00    | 260.00    |
| 8/14/2019 | BOROUGH OF PARAMUS             | 2019 GRASS COLLECTION DISPOSAL | 6,907.72  | 6,907.72  |
| 8/14/2019 | BOROUGH OF PARAMUS             | N-5 MAINTENANCE                | 688.64    | 688.64    |
| 8/14/2019 | CARLISLE, ROBERT               | 2019 SENIOR CTR ASSIST SHOPPER | 105.00    | 105.00    |
| 8/14/2019 | CLIFFSIDE BODY CORP.           | REPLACED AIR REGULATOR N-9     | 291.35    | 291.35    |
| 8/14/2019 | CLIFTON ELEVATOR SERVICE CO.   | 2019 ELEVATOR MAINTENANCE      | 172.52    | 172.52    |
| 8/14/2019 | DEARBORN LIFE INSURANCE CO     | 2019 EMPLOYEE LIFE INSURANCE   | 75.60     | 75.60     |
| 8/14/2019 | DELTA DENTAL OF NJ, INC.       | 2019 EMPLOYEE DENTAL INSURANCE | 4,033.39  | 4,033.39  |
| 8/14/2019 | D'ERCOLE FARMS                 | SUPPLIES FOR PLANTING          | 320.00    | 320.00    |
| 8/14/2019 | D'ERCOLE FARMS                 | LIME                           | 250.00    | 250.00    |
| 8/14/2019 | DURIE LAWN MOWER               | AIR FOR GENERATOR              | 47.95     | 47.95     |
| 8/14/2019 | DURIE LAWN MOWER               | REPAIRED MOWER                 | 463.25    | 463.25    |
| 8/14/2019 | DURIE LAWN MOWER               | STRING FOR WEEDY               | 132.00    | 132.00    |
| 8/14/2019 | EASTERN DATACOMM, INC.         | ANNUAL PHONE SERVICE           | 2,150.00  | 2,150.00  |
| 8/14/2019 | EASTERN DATACOMM, INC.         | SHORETEL YEARLY MAINT RENEWAL  | 2,700.00  | 2,700.00  |
| 8/14/2019 | ELITE CONTRACTING, LLC         | PRESCHOOL MAINTENANCE          | 839.16    | 839.16    |
| 8/14/2019 | FARRELL, MARIE                 | 2019 SENIOR CTR RECEPTIONIST   | 600.00    | 600.00    |
| 8/14/2019 | FELICI, MAUREEN                | 2019 SENIOR CTR GENERAL OFFICE | 1,287.00  | 1,287.00  |
| 8/14/2019 | FLORIO KENNY RAVAL, LLP        | 2019 LEGAL SERVICES TAX APPEAL | 5,050.00  | 5,050.00  |
| 8/14/2019 | FOLEY SIGNS, INC.              | LETTERING F350                 | 85.00     | 85.00     |
| 8/14/2019 | FOLEY SIGNS, INC.              | LETTERING ON SEWER JET         | 385.00    | 385.00    |
| 8/14/2019 | FOLEY SIGNS, INC.              | LETTERING ON DUMP TRUCK DOORS  | 385.00    | 385.00    |
| 8/14/2019 | FREMGEN'S POWER EQUIPMENT, INC | CHIPPER BLADES 1 SET           | 304.00    | 0         |
| 8/14/2019 | FREMGEN'S POWER EQUIPMENT, INC | CHAINSAWS                      | 271.00    | 0         |
| 8/14/2019 | GEMPLER'S                      | WORK GLOVES                    | 79.78     | 79.78     |
| 8/14/2019 | GOOSETOWN COMMUNICATIONS       | RADIOS SEWER JET, DUMP TRUCK   | 1,764.76  | 1,764.76  |
| 8/14/2019 | GREGG F. PASTER & ASSOCIATES   | 2019 LEGAL SERVICES PLANNING   | 6,842.00  | 6,842.00  |
| 8/14/2019 | GTBM                           | INFO COP ANNUAL LIC. RENEWAL   | 1,050.00  | 1,050.00  |
| 8/14/2019 | HILLSDALE BOARD OF HEALTH      | JULY CHILD HEALTH CONFERENCE   | 35.00     | 35.00     |
| 8/14/2019 | INTERSTATE WASTE SERVICES NJ   | 2019 WASTE COLLECTION DISPOSAL | 92,967.40 | 92,967.40 |
| 8/14/2019 | JET VAC EQUIPMENT              | SEWER JET PARTS                | 131.24    | 0         |
| 8/14/2019 | JET VAC EQUIPMENT              | PART FOR SEWER JET             | 142.00    | 0         |
| 8/14/2019 | JET VAC EQUIPMENT              | SEWER JET SUPPLIES             | 405.00    | 0         |
| 8/14/2019 | KAUFMAN SEMERARO & LEIBMAN LLP | 2019 LEGAL SERVICES            | 9,285.14  | 9,285.14  |
| 8/14/2019 | KAY PRINTING & ENVELOPE        | FILE FOLDERS/PLUMBING STICKERS | 128.00    | 0         |
| 8/14/2019 | LEXIS NEXIS                    | NJ CRIM JUST 2019 CODE UPDATE  | 55.44     | 55.44     |
| 8/14/2019 | L. ROSS DISTRIBUTORS, INC.     | 2019 BOROUGH HALL CLEANING     | 3,151.00  | 3,151.00  |
| 8/14/2019 | MARIA DOERR                    | REIMBURSEMENT: CONFERENCE      | 270.00    | 0         |
| 8/14/2019 | MARIA DOERR                    | DWI SPECIAL SESSION 06/11/19   | 200.00    | 0         |
| 8/14/2019 | MARK FIERRO                    | DWI SPECIAL SESSION 06/11/19   | 400.00    | 400.00    |
| 8/14/2019 | MASER CONSULTING P.A.          | 2019 ENGINEERING SERVICES      | 6,445.00  | 6,445.00  |
| 8/14/2019 | METRO LANDSCAPE - IRRIGATION   | REPAIR SPRINKLER SYSTEMS       | 335.60    | 335.60    |
| 8/14/2019 | AUTO PLUS AUTO PARTS           | EYE FOR TRAILER LANDSCAPE      | 35.98     | 35.98     |
| 8/14/2019 | MILLENIUM STRATEGIES           | 2019 GRANTS WRITER             | 1,250.00  | 1,250.00  |
| 8/14/2019 | MINUTEMAN PRESS                | 2019 SENIOR CENTER PRINTING    | 74.00     | 74.00     |
| 8/14/2019 | MINUTEMAN PRESS                | 250 FIRE CODE BLANK FILLABLE   | 165.00    | 165.00    |
| 8/14/2019 | MUNICIPAL RECORD SERVICE       | 190442: TRAFFIC TICKETS        | 365.00    | 0         |
| 8/14/2019 | MUNICIPAL INFORMATION SYSTEMS  | ANNUAL MAINTENANCE             | 2,560.00  | 2,560.00  |
| 8/14/2019 | MUNICIPAL INFORMATION SYSTEMS  | ANNUAL: LUCARS                 | 450.00    | 450.00    |
| 8/14/2019 | MUNIDEX, INC.                  | ASSESSMENT NOTIFICATION CARDS  | 376.80    | 376.80    |
| 8/14/2019 | NJ STATE LEAGUE MUNICIPALITIES | BADGE J ZAVARDINO CONVENTION   | 55.00     | 55.00     |
| 8/14/2019 | NJ STATE LEAGUE MUNICIPALITIES | 2019/2020 NJM MAGAZINE RENEWAL | 275.00    | 275.00    |
| 8/14/2019 | NORTH EAST FIRE & SAFETY       | FIRE EXTINGUISHER SERVICE      | 31.05     | 0         |
| 8/14/2019 | NORTH EAST FIRE & SAFETY       | REPLACED EMERGENCY LIGHTS      | 189.00    | 0         |
| 8/14/2019 | NORWOOD CAR CARE               | 2019 SENIOR CTR VEHICLE MAINT. | 295.00    | 0         |
| 8/14/2019 | NORWOOD CAR CARE               | 06 FORD SERVICED               | 31.95     | 0         |

|           |                                |                                |           |           |
|-----------|--------------------------------|--------------------------------|-----------|-----------|
| 8/14/2019 | NORWOOD CAR CARE               | FLEET MAINTENANCE              | 20.00     | 0         |
| 8/14/2019 | OAK TREE PRINTING              | ENVELOPES #10 WINDOW           | 247.50    | 247.50    |
| 8/14/2019 | OFFICE CONCEPTS GROUP          | LEGAL SIZE PAPER               | 50.32     | 50.32     |
| 8/14/2019 | OFFICE BUSINESS SYSTEMS        | INV7375: SOUND RECORDING       | 385.75    | 0         |
| 8/14/2019 | ONE CALL CONCEPTS              | 2019 UTILITY MARKOUT SERVICES  | 38.08     | 38.08     |
| 8/14/2019 | OPTIMUM                        | 2019 INTERNET & TV SERVICE     | 878.54    | 878.54    |
| 8/14/2019 | PASHMAN STEIN WALDER HAYDEN    | REFND STC JMT 2016 FREEZE ACT  | 6,344.80  | 6,344.80  |
| 8/14/2019 | PESH-E-ELECTRIC                | REPLACED BALLAST SR CENTER     | 51.00     | 0         |
| 8/14/2019 | PESH-E-ELECTRIC                | REPAIRS AT PARKS               | 1,251.50  | 0         |
| 8/14/2019 | PITNEY BOWES GLOBAL FIN SVCS   | 2019 POSTAGE MACHINE LEASE     | 625.08    | 625.08    |
| 8/14/2019 | PITNEY BOWES PURCHASE POWER    | 2019 POSTAGE REPLENISHMENT     | 2,000.00  | 2,000.00  |
| 8/14/2019 | PUBLIC SERVICE ELECTRIC & GAS  | 2019 NATURAL GASOLINE          | 771.02    | 771.02    |
| 8/14/2019 | RACHLES / MICHELE'S OIL CO.    | 2019 VEHICLE FUEL SERVICE      | 5,645.90  | 5,645.90  |
| 8/14/2019 | ROCKLAND ELECTRIC COMPANY      | 2019 ELECTRICITY               | 11,440.44 | 11,440.44 |
| 8/14/2019 | ROCKLAND ELECTRIC CO.          | 2019 STREET LIGHTING           | 4,518.83  | 4,518.83  |
| 8/14/2019 | ROGER HAUSER                   | DWI SPECIAL SESSION 06/11/19   | 400.00    | 400.00    |
| 8/14/2019 | ROSE MITCHELL                  | BUILDING DEPT FILING           | 1,020.00  | 1,020.00  |
| 8/14/2019 | RR DONNELLY INC.               | SAFETY PAPER                   | 31.50     | 0         |
| 8/14/2019 | RUDY'S RISTORANTE              | 2019 GOLDEN AGE PIZZA BINGO    | 384.00    | 384.00    |
| 8/14/2019 | SCHULTZ FORD LINCOLC MERCURY   | CAR 210 MAINTNENANCE           | 135.00    | 135.00    |
| 8/14/2019 | SCHWAAB, INC.                  | STAMP - CLOSED SESSION         | 67.50     | 0         |
| 8/14/2019 | SINISI, STEPHEN                | 2019 SENIOR CTR STRENGTH TRAIN | 150.00    | 150.00    |
| 8/14/2019 | SOL'S INTERPRETING SERVICES    | 062419 MANDARIN INTERPRETOR    | 275.00    | 275.00    |
| 8/14/2019 | SUEZ WATER NEW JERSEY          | 2019 FIRE HYDRANTS SERVICE     | 6,680.19  | 6,680.19  |
| 8/14/2019 | SUEZ WATER NEW JERSEY          | 2019 WATER SERVICE             | 1,574.32  | 1,574.32  |
| 8/14/2019 | THE COLLINS GROUP, INC.        | STREET FLAG POLES & FLAGS      | 390.00    | 0         |
| 8/14/2019 | THE PEUS CASH BAND             | LIVE MUSIC PERFORMANCE         | 500.00    | 500.00    |
| 8/14/2019 | TRAFFIC SAFETY & EQUIPMENT     | STOP SIGNS                     | 506.28    | 0         |
| 8/14/2019 | TRAFFIC SAFETY & EQUIPMENT     | STREET SIGNS                   | 140.62    | 0         |
| 8/14/2019 | TREASURER - STATE O NJ         | FIRE CODE SUBSCRIPTION 11321   | 30.00     | 30.00     |
| 8/14/2019 | TROOPER FOODS                  | 2019 SENIOR CENTER MEALS       | 525.00    | 525.00    |
| 8/14/2019 | TYCO ANIMAL CONTROL SERVICES   | 2019 ANIMAL CONTROL SERVICES   | 550.00    | 550.00    |
| 8/14/2019 | ULINE SHIPPING SPECIALIST      | SAFETY BOLLARDS                | 284.00    | 284.00    |
| 8/14/2019 | US STANDARD PRODUCTS           | LOOSEY GOOSEY OIL              | 379.00    | 0         |
| 8/14/2019 | V.E. RALPH & SON, INC.         | AED ITEMS                      | 1,760.00  | 0         |
| 8/14/2019 | VERIZON                        | 2019 LOCAL TELEPHONE SERVICE   | 127.30    | 127.30    |
| 8/14/2019 | VERIZON WIRELESS               | 2019 POLICE CELL PHONE SERVICE | 614.69    | 614.69    |
| 8/14/2019 | VERIZON - XO COMMUNICATIONS    | 2019 POLICE PHONE SERVICE      | 1,265.00  | 1,265.00  |
| 8/14/2019 | WANDA A. WORNER                | DOT EASY STORAGE               | 127.16    | 127.16    |
| 8/14/2019 | WELLS FARGO VENDOR FIN SERVICE | 2019 ADMIN COPIER LEASE        | 485.00    | 485.00    |
| 8/14/2019 | WHITTAKER, NANCY               | 2019 SENIOR CTR MOVING W/MUSIC | 240.00    | 240.00    |
| 8/14/2019 | WINZER                         | SHOP SUPPLIES                  | 463.22    | 463.22    |
| 8/14/2019 | YABOO FENCE CO.                | FENCE AT DPW                   | 318.00    | 318.00    |
| 8/14/2019 | PUBLIC SAFETY STORE, LLC       | FIRE HELMETS                   | 1,403.96  | 0         |
| 8/14/2019 | MOBILE MINI INC.               | STORAGE CONTAINER              | 330.00    | 330.00    |
| 8/14/2019 | STEELE'S CUSTOM CYCLE          | MOTORCYCLE MAINT & OIL CHANGE  | 179.50    | 0         |
| 8/14/2019 | NJ DEPARTMENT OF HEALTH        | 2019 ANIMAL LICENSE FEES NJ    | 4.80      | 4.80      |
| 8/14/2019 | PETRILLO'S DELI                | 2019 SENIOR CENTER MEALS       | 1,590.00  | 1,590.00  |
| 8/14/2019 | GREGG F. PASTER & ASSOCIATES   | 2019 LEGAL ESCROW              | 1,500.00  | 1,500.00  |
| 8/14/2019 | MASER CONSULTING P.A.          | 2018 ENGINEERING ESCROW        | 7,638.75  | 7,638.75  |
| 8/14/2019 | MARTIN MATTESSICH              | RECREATION UMPIRE ASSIGNOR FEE | 2,390.00  | 2,390.00  |
| 8/14/2019 | JESSICA CONNERS                | EMERGENCY CAMP REFUND          | 425.00    | 425.00    |
| 8/14/2019 | WENDY FERRARO                  | YOGA INSTRUCTION               | 400.00    | 400.00    |
| 8/14/2019 | SPORTS TIME                    | CAMP TEE SHIRTS                | 3,695.50  | 3,695.50  |
| 8/14/2019 | STAPLES ADVANTAGE              | CAMP OFFICE SUPPLIES           | 272.43    | 272.43    |
| 8/22/2019 | KARI SEDANO                    | PAINT SMILE SIP PROGRAMS       | 275.00    | 275.00    |

| 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"/> |
| Councilman McGuire      | <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"/> |



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

**ORDINANCE #999-2019 - ORDINANCE AMENDING CHAPTER 200-9 PROVISIONS APPLICABLE TO ALL ZONES**

| Motion                              | Second                              | Name                    |
|-------------------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Argiro       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman DeLisio      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman McGuire      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Councilman Shepard      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Small        |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Councilman Sotiropoulos |

**Section 1. Purpose and Authority.** The purpose of this ordinance is to amend the ordinance to provide for [ ]

**Section 2. Amendments.** The Northvale Code is hereby amended to provide, as follows [additions highlighted/deletions in strikethrough]:

**§ 200-9 Provisions applicable to all zones.**

The following provisions are applicable to all zones:

A. Principal uses. The following uses are expressly permitted in all zoning districts in the Borough of Northvale:

(1) Municipal, governmental or agency uses as shown on the Official Map which is hereby adopted and made a part of this chapter. [1]

[1] Editor's Note: Copies of the Official Map are available at the Borough offices.

B. Prohibited uses. The following uses are expressly prohibited in all zones in the Borough of Northvale:

(1) Motor courts, trailer camps, house trailers, hotels, motels or recreational vehicles which are being used as a dwelling or sleeping place.

(2)[2]Drive-in facilities.

[2]Editor's Note: Former Subsection B(2), Apartment houses, garden apartments, boardinghouses or any type of multifamily usage, two-family homes, duplex or double houses, was repealed 5-9-2001 by Ord. No. 762-2001. This ordinance also provided for the renumbering of former Subsections B (3) through (11) as Subsections B (2) through (10), respectively.

(3) Shooting galleries, skating rinks, bowling alleys, billiard parlors, dance halls, discotheques, model slot car racing, tattoo parlors, skateboard facilities, pinball establishments or other similar facilities.

(4) No automobile repair work shall be done out of doors except for the emergency repair of motor vehicles or the changing of tires.



(5) Metal- or wood working shops employing more than four persons.[Added 7-25-1979 by Ord. No. 450-A]

(6) Blast furnaces, boiler works or coke ovens.

[Added 7-25-1979 by Ord. No. 450-A]

(7) Premises involved in the manufacture and/or distribution of disinfectant, insecticide, creosote or poisons.

[Added 7-25-1979 by Ord. No. 450-A]

(8) Premises involved in the manufacture, treatment and/or distribution of explosives, fireworks, match manufacture or storage or any type of substance possessing radioactive qualities.

[Added 7-25-1979 by Ord. No. 450-A]

(9) Any other trade or use that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

[Added 7-25-1979 by Ord. No. 450-A]

(10) Outdoor storage of any type.

[Added 7-25-1979 by Ord. No. 450-A]

(11) The cultivation, manufacture, warehousing, distribution and sale of marijuana and/or the paraphernalia that facilitates the use of such marijuana, whether for medicinal purposes or recreational use, is prohibited in all Zones established in the Borough.

a. Definition: Marijuana (Cannabis) - All parts of the plant Cannabis sativa Linnaeus, Cannabis indica or Cannabis ruderalis, whether growing or not; the seeds thereof, the resin, whether crude or purified, acted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis also means the separate resin, whether crude or purified, obtained from cannabis. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture salt derivative mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination. For purposes of this Chapter, Cannabis does not mean Industrial Hemp.

**Section 3. Repealer.** All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

**Section 4. Savings and Construction.** This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Northvale Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Northvale Code.

**Section 5. Codification.** This ordinance shall be codified as amendments to the chapters set forth herein.

**Section 6. Effective Date.** This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

**OPEN PUBLIC HEARING –**

Mayor Marana opened the public hearing on Ordinance #999-2019 at this time.

**CLOSE PUBLIC HEARING –**

There being no questions or comments from the public; Mayor Marana closed the public hearing.

**COUNCIL COMMENTS –**

Councilman Small stated that he has voiced his opinion prior to this meeting, therefore, he will be voting no.

**ROLL CALL VOTE –**

| 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"/> |
| Councilman McGuire      | <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 type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

**ORDINANCE #1001-2019**

**AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF POLICE EMPLOYEES OF THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY. (year 3 of 6 year contract – 1.75%)**

| Motion                              | Second                              | Name                    |
|-------------------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Argiro       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Councilman DeLisio      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman McGuire      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Shepard      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Small        |
| <input type="checkbox"/>            | <input checked="" 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 following annual salaries, wages and compensation shall be paid to Police Employees of the Borough of Northvale in the amounts set forth opposite their respective title and commencing on January 1, 2019 through December 31, 2019:

**EMPLOYEES HIRED PRIOR TO 01-01-2012**

|              |            |
|--------------|------------|
| Lieutenant   | 136,604.00 |
| Sergeant     | 128,236.00 |
| Patrolman    |            |
| Beginning:   |            |
| Sixth year   | 121,540.00 |
| Fifth year   | 106,495.00 |
| Fourth year  | 91,425.00  |
| Third year   | 76,359.00  |
| Second year  | 61,278.00  |
| First year   | 48,834.00  |
| Training pay | 43,108.00  |

**EMPLOYEES HIRED AFTER 01-01-2012**

|              |            |
|--------------|------------|
| Lieutenant   | 136,604.00 |
| Sergeant     | 128,236.00 |
| Patrolman    |            |
| Beginning:   |            |
| Seventh year | 121,540.00 |

|              |           |
|--------------|-----------|
| Sixth year   | 97,548.00 |
| Fifth year   | 95,971.00 |
| Fourth year  | 83,185.00 |
| Third year   | 70,402.00 |
| Second year  | 57,616.00 |
| First year   | 52,133.00 |
| Training pay | 39,228.00 |

**Section 2.** In addition to the compensation set forth in Section 1, each full time member of the Police Department hired before January 1, 2012, shall receive longevity pay as follows:

- 2% of annual base pay after 7 years of service
- 4% of annual base pay after 10 years of service
- 6% of annual base pay after 13 years of service
- 8% of annual base pay after 17 years of service
- 10% of annual base pay after 21 years of service

The following longevity schedule will take effect for all employees hired after January 1, 2012:

- 1.5% of annual base pay after 8 years of service
- 3% of annual base pay after 10 years of service
- 5% of annual base pay after 13 years of service
- 8% of annual base pay after 17 years of service
- 10% of annual base pay after 21 years of service

If an employee reaches a higher plateau of longevity entitlement at any time during the calendar year, then said employee shall be entitled to receive the full value of the higher plateau.

**Section 3.** Time in excess of the basic work week or tour for a day performed by a Lieutenant, Sergeant or Patrolman shall be compensated for at the rate of time and one-half.

**Section 4.** Each full-time member of the Police Department under Contract shall receive a lump sum compensation for thirteen (13) holidays, payable between December 1 and 5, 2019

**Section 5.** There shall be paid to each full-time member of the Police Department during the year of attainment of college credits towards a Police Science Degree and in each year of service thereafter the sum of:

- \$ 300.00 upon completion of 25 credits
- \$ 600.00 upon completion of 45 credits
- \$1,000.00 upon completion of an Associate's Degree
- \$1,500.00 upon completion of a Bachelor's Degree

Where an employee qualifies for a higher plateau of credits during the first half of a calendar year (January 1 through June 30), then said employee shall be entitled to higher educational incentive payments starting the first day of July 1 of that same year and in each year of service thereafter. In the event that an Employee qualifies for a higher plateau of credits during the last half of the calendar year (July 1 through December 31), then the entitlement to higher educational compensation shall commence with the following January 1 and in each year of service thereafter.

**Section 6.** All full time employees of the Police Department shall be paid bi-weekly.

**Section 7.** All ordinances or parts of ordinances inconsistent herewith are repealed.

**Section 8.** This ordinance shall take effect immediately after passage and publication according to law.

**OPEN PUBLIC HEARING –**

Mayor Marana opened the public hearing on Ordinance #1001-2019 at this time.

**CLOSE PUBLIC HEARING –**

There being no questions or comments from the public; Mayor Marana closed the public hearing.

**COUNCIL COMMENTS –**

**ROLL CALL VOTE –**

| 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"/> |
| Councilman McGuire      | <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"/> |

**ORDINANCE #1002-2019 - ORDINANCE AMENDING CHAPTER 37 OFFICERS AND EMPLOYEES**

| Motion                              | Second                              | Name                    |
|-------------------------------------|-------------------------------------|-------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Councilman Argiro       |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Councilman DeLisio      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman McGuire      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Shepard      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Small        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Sotiropoulos |

**Section 1. Purpose and Authority.** The purpose of this ordinance is to amend the ordinance to provide for position of Public Events Coordinator.

**Section 2. Amendments.** The Northvale Code is hereby amended to provide, as follows [additions highlighted/deletions in strikethrough]:

§ 37 Article V Public Events Coordinator.

§37-17 Establishment of position.

The Mayor and Council of the Borough of Northvale do hereby establish the position of Public Events Coordinator of the Borough of Northvale.

§ 37-18 Compensation.

Compensation for such official shall be established by the Mayor and Council in accordance with law at such time as this position shall be filled and the appropriate salary ordinance is adopted.

§ 37-19 Powers and duties; The Public Events Coordinator shall be responsible for:

A. Planning all aspects of Borough events (Memorial Day Parade and Service, Veterans Day, Town Day, Tree Lighting, Easter Luncheon, Recreation advertising banners, Chodae Annual Golf Outing, Fireworks, Music in the Parks / Concert Series and any other Borough events) to include but not limited to arranging venue, event entertainment, speakers, vendors and volunteers and managing, attending and overseeing the event on day of event.

- B. Act as the fund raising coordinator for all Borough public events.
- C. Responsible for Issuing vouchers and collecting payments in a timely manner, and creating comprehensive and readable financial reports.

§ 37-20 Appointment

The Public Events Coordinator shall be appointed through nomination of the Mayor with confirmation by a majority of the members of the Council. The Borough retains the right to suspend, demote, reassign, discharge or take any other disciplinary action in accordance with local, state and federal law.

**Section 3. Repealer.** All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

**Section 4. Savings and Construction.** This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Northvale Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Northvale Code.

**Section 5. Codification.** This ordinance shall be codified as amendments to the chapters set forth herein.

**Section 6. Effective Date.** This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

**OPEN PUBLIC HEARING –**

Mayor Marana opened the public hearing on Ordinance #1002-2019 at this time.

**CLOSE PUBLIC HEARING –**

There being no questions or comments from the public; Mayor Marana closed the public hearing.

**COUNCIL COMMENTS –**

Councilman Small stated that he has voiced his opinion on this Ordinance prior to this meeting. He stated that he will be voting no, however, he feels that there should be some accountability with regard to how much money is raised in order to determine if the position should continue in the future.

**ROLL CALL VOTE –**

| 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"/> |
| Councilman McGuire      | <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 type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

**ORDINANCES – 1<sup>st</sup> reading – Public Hearing – August 27, 2019**

**ORDINANCE #1008-2019 - ORDINANCE AMENDING AND MODIFYING SECTION 46-2 OF THE BOROUGH CODE**

| Motion                   | Second                   | Name              |
|--------------------------|--------------------------|-------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilman Argiro |

|                                     |                                     |                         |
|-------------------------------------|-------------------------------------|-------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Councilman DeLisio      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman McGuire      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Shepard      |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Councilman Small        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Sotiropoulos |

**Section 1. Purpose & Authority.** The purpose of this ordinance is to modify and amend Chapter 46 Public Works Department, pursuant to N.J.S.A. 40:48-1, and 40:49-2.

**Section 2. Amendments.**

Section 46-2 of the Administrative Code of the Borough of Northvale shall be amended as follows (deletion noted with strikethrough):

SECTION 46-2. MEMBERS

This paragraph shall be amended to read:

The Department of Public Works may consist of one (1) Superintendent, up to two (2) Foremen, and up to five (5) roadmen. The Superintendent shall be designated by the Mayor and Council in accordance with the provisions of N.J.S.A. 40:87-30 and any subsequent amendments. Additional employees may be hired from time to time as may be required and determined by the Mayor and Council by resolution.

**Section 3. Repealer.** All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

**Section 4. Savings and Construction.** This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Northvale Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Northvale Code.

**Section 5. Codification.** This ordinance shall be codified as amendments to the chapters set forth herein.

**Section 6. Effective Date.** This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

| 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"/> |
| Councilman McGuire      | <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"/> |

**ORDINANCES – 1<sup>st</sup> reading – Public Hearing – September 11, 2019**

**ORDINANCE #1009-2019 - BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A MASON DUMP TRUCK FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$65,000 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**

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

|                          |                                     |                         |
|--------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/> | <input type="checkbox"/>            | Councilman McGuire      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Councilman Shepard      |
| <input type="checkbox"/> | <input type="checkbox"/>            | Councilman Small        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Councilman Sotiropoulos |

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 a new automotive vehicle, including original apparatus and equipment, consisting of a mason dump truck for the use of the Department of Public Works in, by and for the Borough. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$65,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$65,000, and (4) \$3,100 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$61,900, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$3,000 which is estimated to be necessary to finance the cost of such purpose, 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.

Section 4. It is hereby determined and stated that moneys exceeding \$3,100, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$3,100 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$61,900 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 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$61,900 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 7. 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 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of five years computed from the date of said bonds.

Section 9. 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 \$61,900 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 10. 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 purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. 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 12. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 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 13. 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 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

| 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"/> |
| Councilman McGuire      | <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 –**

There were no comments or questions from the public; therefore, Mayor Marana closed the hearing of the public.

**MAYOR AND COUNCIL REPORTS –**



**Councilman Sotiropoulos** - reported that the DPW Sewer Jet is in operation and sewer maintenance is now being performed. He stated that the full expenditure for the vehicle is \$12,500. He reported that the DPW reached out to the County to remove trees and clean the brook on Union Street. He thanked Councilman Argiro for the tires for the A/C rigs and further reported on the statistics for the last month. He reported on the accident that recently occurred with the ambulance. He feels that the towing firm is responsible for the accident and should pay for the ambulance repairs.

**Councilman Small** – reported that the Senior Center fish fry was July 10<sup>th</sup>. He stated that the Seniors also had a visit from Sunrise Assisted Living. He stated that Town Day is on September 7 from 2 – 6 PM. There will be a Mobile DMV visit in the Senior Parking lot on 9/12 and on 9/25 there will be an end of summer concert sponsored by the Library and the Senior Center.

**Councilman Shepard** - reported that the new fire inspector has started in the Building Department. He further reported that the Fire Chief, Brian England is working on a grant for new fire department packs. The grant is for about \$248,000 and is due in early September.

**Councilman DeLisio** - reported the Planner, Darlene Green made a presentation at the Planning Board Meeting. He stated that the members grilled her pretty good and that she did an excellent job.

**Councilman McGuire** – reported that the first day of school is on September 4<sup>th</sup>. He further reported that town day is September 7<sup>th</sup>.

**Councilman Argiro** – reported that soccer registration is now open. He congratulated the girls basketball teams for winning their divisions. He stated that the parks look great and that recreation has decided on a color for the new basketball court with the exception of the logo, which the committee is still discussing. He further reported that the Library is doing great and that program participation is up from last year.

**Mayor Marana** – reported that the car wash will be advertising free vacuums at their facility. He stated that there was an application for a 14 unit apartment building at Northvale Auto Parts. He stated that a previous, similar proposal made by a different developer had not been favorably received by the Planning Board. He also stated that Rio Vista will also be coming before the board in the near future.

Mayor Marana further reported that the police responded to an overdose call and Officer Mazzilli and another Officer were able to administer Narcan and the individual was revived. He stated that the Officers did a good job.

## **BOROUGH ENGINEER REPORTS –**

Mr. O'Brien reported on the progress of the basketball court at Hogan Park and asked if Recreation had decided on a logo for the center court. Councilman Argiro stated that they haven't at this time, but, he will get back to the Engineer on that shortly. Mr. O'Brien stated that the construction should begin in the next week or two therefore, the logo will have to be chosen soon.

Mr. O'Brien further reported that the Riverside Coop Paving project is done and based on the numbers for Northvale, it looks like that streets were done under budget so there should be enough money left to pave another street or two if the council wishes.

He further reported on the progress with CSX and he was asked if there is a possibility to have the entrance to Veterans Park paved. Mr. O'Brien stated that CSX is very strict about encroaching on their property and he didn't think that it would be a possibility. He further reported that the CSX issue should be resolved prior to the end of this year.

**BOROUGH ATTORNEY REPORTS –**

Mr. Santangata stated that he had nothing to report in open session, however, he will have some items for closed session.

**HEARING OF THE PUBLIC –**

**CLOSED SESSION – TIME: 8:05 PM**

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

**RESOLUTION #2019-139**

**TITLE: TO PROVIDE FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A 10:4-12**

| Motion                              | Second                              | Name                    |
|-------------------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Argiro       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Councilman DeLisio      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman McGuire      |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Councilman Shepard      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Small        |
| <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. Matters where the release of information would impair the right to receive funds.
- 3. Matters involving individual privacy
- 4. Matters relating to collective bargaining
- 5. Matters relating to the purchase, lease or acquisition of real property or the investment of public funds.
- 6. Matters relating to public safety and property.
- 7. Matters relating to litigation, negotiations and attorney client privilege.
- 8. Matters relating to the employment relationship – Personnel
- 9. Matters relating to the potential imposition of a penalty.

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 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"/> |
| Councilman McGuire      | <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"/> |

**RETURN TO OPEN SESSION – TIME: 8:38 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 type="checkbox"/>            | Councilman McGuire      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Shepard      |
| <input type="checkbox"/>            | <input checked="" 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"/> |
| Councilman McGuire      | <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"/> |

**ADJOURNMENT – TIME: 8:39 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 type="checkbox"/>            | Councilman McGuire      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Councilman Shepard      |
| <input type="checkbox"/>            | <input checked="" 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"/> |
| Councilman McGuire      | <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"/> |

*Patrick J. Marana*  
Mayor

ATTEST:

*Wanda A. Worner*

Wanda A. Worner  
Borough Clerk

Approved: September 11, 2019