

A G E N D A
Combined Meeting of the Mayor and Council
Wednesday, April 14, 2021
7:00 PM

CONFERENCE CALL PHONE NUMBER 1-646-307-1479, GUEST PASSCODE 476570

CALL THE MEETING TO ORDER

STATEMENT

“This is a Combined Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting have been advertised in the official Newspapers of the Borough, filed with the Acting 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 & MOMENT OF SILENCE

ROLL CALL

| Name | Present | Absent |
|-------------------------|--------------------------|--------------------------|
| Mayor Marana | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Argiro | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman DeLisio | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Devlin | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Hogan | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman McGuire | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input type="checkbox"/> | <input type="checkbox"/> |

Mayor Marana suspends the order of business at this time in order to entertain the Public Hearing on the Borough’s Open Space Application for Park Improvements at Veteran’s Park.

OPEN PUBLIC HEARING
PARK IMPROVEMENTS TO VETERAN’S PARK

OPEN MEETING TO PUBLIC

CLOSE MEETING TO PUBLIC

PROCLAMATIONS
National Library Week

APPROVAL OF MINUTES

Combined Meeting of March 10, 2021

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

| Name | Yes | No | Absent | Abstain |
|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Councilman Argiro | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman DeLisio | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Devlin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Hogan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman McGuire | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AWARDS & PROCLAMATIONS

APPOINTMENTS & PERSONNEL CHANGES

Approve resignation of Diane Frohlich as Technical Assistant in the Building Department effective April 1, 2021

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

| Name | Yes | No | Absent | Abstain |
|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Councilman Argiro | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman DeLisio | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Devlin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Hogan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman McGuire | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Approve the appointment of Jason Han of 323 Congers Avenue to the Northvale Junior Volunteer Fire Department effective immediately.

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

| Name | Yes | No | Absent | Abstain |
|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Councilman Argiro | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman DeLisio | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Devlin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Hogan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman McGuire | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

MONTHLY REPORTS

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 - March
- Fire Department
- Fire Prevention - March
- Grantswriter - March
- Recreation Minutes
- Tax Collector

CORRESPONDENCE

1. Letter – County of Bergen – Department of Parks
2020 Open Space Grant Award \$20,125
Veterans Park Butterfly Garden
2. Letter – Colliers Engineering & Design
2021 Riverside Cooperative Road Improvement Program
Award of Contract(see Resolution #2021-79)

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

RESOLUTION #2021-66

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> |
|--------------|------------|--|---------------|-------------|
| 901 | 4 | Andrew J. Naideck, Esq. for benefit of M.A.D. Properties Inc. Schepisi & McLaughlin, P.A. 473 Sylvan Avenue Englewood Cliffs, NJ 07632 Property – 216 Livingston Street | \$5,166.53 | 2020 |

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Northvale that the Chief Financial Officer shall issue one check in the amount of **\$5,166.53 to Andrew J Naideck, Esq. for benefit of M.A.D. Properties Inc.** and forward it to Schepisi & McLaughlin, P.A.

RESOLUTION #2021-67

TITLE: APPROVE PERSON TO PERSON LIQUOR LICENSE TRANSFER FROM APPLE FOOD SERVICE OF NORTHVALE LLC – LICENSE #0240-33-009-003 TO MAXIM ENTERPRISES LLC

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License #0240-33-009-003, heretofore issued to Apple Food Service of Northvale LLC, for premises located at 271 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 do hereby approve, effective April 14, 2021, the transfer of the aforesaid Plenary Retail Consumption License to Maxim Enterprises LLC and does hereby direct the Acting 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 Maxim Enterprises LLC effective April 14, 2021.

RESOLUTION #2021-68

TITLE: RESOLUTION APPOINTING ROBERT CONNELL AS CONSTRUCTION CODE OFFICIAL AND BUILDING SUB-CODE OFFICIAL

WHEREAS, Joseph Zavardino has retired effective April 1, 2021; and

WHEREAS, the Borough will be in need of a Construction Code Official and Building Sub-Code Official; and

WHEREAS, Robert Connell has the requisite skills and experience to hold the position of Construction Code Official and Building Sub-Code Official; and

WHEREAS, it is in the best interest of the Borough of Northvale to appoint Robert Connell as the Construction Code Official and Building Sub-Code Official.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Northvale hereby appoints Robert Connell to the positions of Construction Code Official at an annual salary of \$13,500 and Building Sub-Code Official at an annual salary of \$9,000 for a 60 day period effective April 1, 2021.

RESOLUTION #2021-69

TITLE: RESOLUTION APPOINTING JULIA MARTINO AS TECHNICAL ASSISTANT, CODE COMPLIANCE SECRETARY, AND FIRE PREVENTION SECRETARY

WHEREAS, a vacancy has arisen in the positions of Borough of Northvale Technical Assistant, Code Compliance Secretary and Fire Prevention Secretary; and

WHEREAS, Julia Martino has the requisite skills and experience to hold the positions of Technical Assistant, Code Compliance Secretary, and Fire Prevention Secretary; and

WHEREAS, it is in the best interest of the Borough of Northvale to appoint Julia Martino to the positions of Technical Assistant, Code Compliance Secretary, and Fire Prevention Secretary; and

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Northvale hereby appoints Julia Martino to the positions of Technical Assistant at an annual salary of \$43,864.27, Code Compliance Secretary at an annual salary of \$1,914.94, and Fire Prevention Secretary at an annual salary of \$2,2720.80 effective April 5, 2021.

RESOLUTION #2021-70

TITLE: APPROVE PAYOUT OF VACATION/PERSONAL/SICK TIME FOR DIANE FROHLICH

WHEREAS, Ms. Frohlich has resigned effective April 1, 2021; and

WHEREAS, Ms. Frohlich will receive from the Borough of Northvale unused vacation, personal, and sick time totaling 21.5 days.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Northvale, that Ms. Frohlich shall receive unused vacation, personal, and sick time totaling 21.5 days.

RESOLUTION #2021-71

TITLE: AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REFUND ZONING PERMIT FEE – MARGARET BENSON – 183 B LIVINGSTON STREET

WHEREAS, the above mentioned applicant paid fees for a zoning permit at the above mentioned premises for a fence and above ground pool in 2020; and

WHEREAS, said applicant has not started the work as she moved from unit A to Unit B and the permit is still opened; and

WHEREAS, the fee was collected again on March 23, 2021 for the same work.

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer is hereby authorized to refund the permit fee in the amount of \$50.00 to:

Margaret Benson
183 B Livingston Street
Northvale, New Jersey 07647

RESOLUTION #2021-72

TITLE: 2020 OPEN SPACE – VETERAN’S PARK BUTTERFLY GARDEN

WHEREAS, the Borough has applied for and been approved to receive a Grant from the Bergen County Open Space Trust Fund (the “Grant”); and

WHEREAS, the Borough of Northvale has been presented with a contract by the County of Bergen (the “Contract”) for the purpose of using a \$20,125 matching grant award from the 2020 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled Veteran’s Park: Creation of Butterfly Garden with Plantings and Benches located in Block 801 and Lot 19 on the tax maps of the Borough of Northvale; and

WHEREAS, in general the use of this Trust Fund grant towards this approved park project must be completed by or about February 16, 2023; and

WHEREAS, the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and

WHEREAS, the grant disbursement to the municipality will be equivalent to fifty(50) percent of the eligible construction costs incurred(not to exceed total grant award) applied towards only the approved creation of a butterfly garden at Veteran’s Park identified in the aforesaid Contract in accordance with the Trust Fund’s requirements. Professional Services Costs may be reimbursed from grant award’s unexpended balance, should there be a balance; and

WHEREAS, it is in the best interest of the Borough to authorize the Mayor to execute the Contract.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby authorize Mayor Patrick Marana to be a signatory to the aforesaid contract and to execute the Contract.

RESOLUTION #2021-73

TITLE: RESOLUTION AUTHORIZING PARTICIPATION IN ADA COOPERATIVE CURB RAMP GRANT PROGRAM

WHEREAS, the County of Bergen maintains and controls approximately 450 miles of County roads; and

WHEREAS, the New Jersey Department of Transportation (NJDOT), the Federal Highway Administration (FHWA), the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and Public Right-of-Way Accessibility Guidelines (PROWAG) mandate that public sidewalks at intersections provide, at a minimum: depressed curb cuts, detectable warning surfaces and a landing area at all crosswalk locations as designated by the County Engineer or his designee; and

WHEREAS, public sidewalks, including handicap ramps, are a municipal responsibility in as much as the County's road responsibility is limited to improved road areas from curb face to curb face as set forth in N.J.S.A. 27:16-8; and

WHEREAS, the County seeks to assist municipalities, including the Borough of Northvale, with their obligation to comply with NJDOT and Federal ADA regulations on County roadways by dedicating a portion of the County's New Jersey Department of Transportation, Bureau of Local Aid funds for the design and inspection of ADA improvements, as designated by the County Engineer or his designee, on County roads; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et. seq.) promotes the broad use of shared services to reduce local expenses funded by property tax payers; and

WHEREAS, the County and the seventy municipalities within Bergen County, including the Borough of Northvale, are "local units" under N.J.S.A 40:65-4(a)(1), authorized to enter into shared services agreements pursuant to the Uniform Shared Services Act and Consolidation Act, N.J.S.A. 40A:65- 1 et seq.; and

WHEREAS, County Counsel has, with the input of the Department of Public Works (Supervisor of Roads) and the Department of Planning and Engineering (County Engineer), prepared a form of agreement for execution between the County of Bergen and each municipality, including the Borough of Northvale, in which the County will carry out its ADA Curb Ramp program, a copy of which is annexed hereto; and

WHEREAS, the Borough Attorney and Borough Engineer have reviewed the agreement and recommend the Borough execute the shared services agreement.

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

1. The recitals set forth above are hereby incorporated into the body of this resolution as if set forth at length herein.
2. The Mayor is hereby authorized to execute the shared services agreement between the County and the Borough of Northvale for the County to perform the ADA Ramp construction as set forth in the agreement annexed hereto.

RESOLUTION #2021-74

TITLE: RESOLUTION AUTHORIZING PARTICIPATION IN COUNTY ROAD RESURFACING PROGRAM

WHEREAS, the County of Bergen maintains and controls approximately 450 miles of County roads; and

WHEREAS, maintenance of the County roads requires periodic resurfacing for the benefit of the drivers and residents of Bergen County; and

WHEREAS, the County's Department of Public Works performs this resurfacing through periodic Road Resurfacing Projects; and

WHEREAS, the County Road Resurfacing Projects require cooperation and coordination between the County and the seventy municipalities in which the County roads are located, including the Borough of Northvale; and

WHEREAS, a formal agreement between the County of Bergen and the seventy municipalities in which the County will undertake road resurfacing activities, including the Borough of Northvale, will serve to memorialize the respective responsibilities of the County and the Borough of Northvale in connection with a Road Resurfacing Project; and

WHEREAS, N.J.S.A. 40A:65-4(a)(1) states, in part, that "[a]ny local unit may enter into an agreement with any other local unit or units to provide, or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction;" and

WHEREAS, the County and the seventy municipalities within Bergen County, including the Borough of Northvale, are "local units" under N.J.S.A. 40:65-4(a)(1), authorized to enter into shared services agreements pursuant to the Uniform Shared Services Act and Consolidation Act, N.J.S.A. 40A:65-1 et .; and

WHEREAS, County Counsel has, with the input of the Department of Public Works (Supervisor of Roads) and the Department of Planning and Engineering (County Engineer), prepared a form of shared services agreement for execution between the County of Bergen and each municipality, including the Borough of Northvale, in which the County will carry out its Road Resurfacing Project, a copy of which is annexed hereto; and

WHEREAS, the Borough Attorney and Borough Engineer have reviewed and approve the form of agreement with the County; and

WHEREAS, it is in the best interest of the Borough to execute the agreement.

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

1. The recitals set forth above are hereby incorporated into the body of this resolution as if set forth at length herein.
2. The Mayor is hereby authorized to execute a shared services agreement between the County and the Borough of Northvale whereby the County will be performing the Road Resurfacing Project, as annexed hereto.

RESOLUTION #2021-75

TITLE: APPROVE THE PERSON TO PERSON LIQUOR LICENSE TRANSFER FROM MARYLENA, INC. – LICENSE #0240-33-007-013 TO 3D HOSPITALITY LLC

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License #0240-33-007-013, heretofore issued to Marylena, Inc., for premises located at 493 Tappan Road, 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 do hereby approve, effective April 14, 2021, the transfer of the aforesaid Plenary Retail Consumption License to 3D Hospitality LLC and does hereby direct the Acting 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 3D Hospitality LLC effective April 14, 2021.

RESOLUTION #2021-76

TITLE: AUTHORIZING PROFESSIONAL SERVICES FOR COLLIERS ENGINEERING & DESIGN – 2021 ROAD RESURFACING PROGRAM – NVB-017P

WHEREAS, Colliers Engineering & Design (“Colliers”) has previously been authorized by the Borough of Northvale serving as Lead Agency to provide Construction Administrative Services in connection with the 2021 Road Resurfacing Program (Riverside Cooperative Bid); and

WHEREAS, as part of its services, upon award of a contract under the Riverside Cooperative Bid, Colliers shall coordinate a Pre-Construction Meeting with the contractor, Borough Officials and DPW; and

WHEREAS, during construction, Maser will monitor the contractor’s performance and enforce the adherence to the contract documents and project schedule; and

WHEREAS, as part of its administrative duties, Colliers shall also provide the Borough with part-time on-site construction administration services during the concrete work, potential drainage improvements and milling/paving operations, construction administration services for the contractor to complete any punch list items and other administrative construction services set forth on the agreement for construction administration services regarding the 2021 Paving Program (Riverside Cooperative Bid) and dated March 19, 2021 (the “Agreement”); and

WHEREAS, Colliers proposes to perform the services set forth on the Agreement at a cost of \$34,750; and

WHEREAS, it is in the best interest of the Borough to authorize the services set forth on the Agreement.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby approve the Proposal for Professional Construction Observation & Administrative Service for Colliers Engineering & Design.

RESOLUTION #2021-77

TITLE: SPECIAL EMERGENCY RESOLUTION N.J.S.A. 40A:4-53

WHEREAS, an ordinance has been adopted creating a special emergency appropriation of \$35,000 for Preparation of Tax Maps and no adequate provision was made in the 2021 budget for the aforesaid purpose, and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of Emergency Appropriations created including the appropriation to be created by this resolution is\$35,000

NOW, THEREFORE BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 and 40A:4-53:

1. A special emergency appropriation be and the same is hereby made for Preparation of Tax Maps\$35,000

2. Total amount per ordinance is for \$35,000 and the Mayor and Council hereby requests that an exclusion from the “Cap” be granted by the Director of the Division of Local Government Services in accordance with P.L. 1981 Chapter 56 in the amount of \$7,000 per year in the budgets of the next five succeeding years commencing with the budgets of 2022 in accordance with 40A:4-55(C).

3. That a special emergency note or notes be authorized not in excess of \$35,000, the amount appropriated by ordinance as stated above.

4. Such notes are hereby authorized to be issued pursuant to the Ordinance and this resolution and shall be negotiable notes payable to bearer, or registered notes, and shall bear interest at a rate per annum within the limitations prescribed by law, and such interest shall be payable at the maturity of such notes. The notes shall be dated on or about the date of their issuance and may be renewed from time to time, but at least 1/5 of the total amount of notes hereby authorized, and the renewals thereof, shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution. The issuing officers are authorized to provide that the notes may be redeemable at the option of the Borough.

5. The Mayor and the Chief Financial Officer are hereby authorized to execute said notes, and the Borough Clerk is hereby authorized to affix the seal of the Borough to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

6. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at public or private sale, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid thereof.

7. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Special Emergency Notes) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (“Code”).

8. The Borough Council hereby designates the Special Emergency Notes as “qualified tax-exempt obligations” for the purpose of Section 265(b)(3) of the Code. It is hereby

determined and stated that the Special Emergency Notes (1) are not “private activity bonds” as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonable anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2021. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265 (b) (3) of the Code; however, the Borough does not covenant to do so, and expressly states that a covenant is not made hereby.

9. That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

10. This resolution shall take effect immediately upon its adoption.

RESOLUTION #2021-78

TITLE: RESOLUTION ADOPTING THE BERGEN COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the **Borough of Northvale**, New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk through the adoption of a Bergen County Multi-Jurisdictional Hazard Mitigation Plan (“Hazard Mitigation Plan”); and

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the Hazard Mitigation Plan; and

WHEREAS, a draft Hazard Mitigation Plan has been developed by the Mitigation Planning Committee; and

WHEREAS, the draft Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS, the draft Hazard Mitigation Plan was provided to each participating jurisdiction and was posted on the Bergen County Office of Emergency Management’s website so as to introduce the planning concept and to solicit questions and comments; and to present the Hazard Mitigation Plan and request comments, as required by law; and

WHEREAS, the draft Hazard Mitigation Plan was submitted by the Bergen County Office of Emergency Management to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020; and

WHEREAS, the New Jersey Office of Emergency Management and the Federal Emergency Management Agency have approved the draft Hazard Mitigation Plan as submitted; and

WHEREAS, formal adoption and maintenance of the Hazard Mitigation Plan by the governing body is a condition of receipt of federal disaster aid; and

WHEREAS, the Bergen County Office of Emergency Management has recommended to the County Executive and Board of Chosen Freeholders that the Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020, be adopted as the official Hazard Mitigation Plan of the County of Bergen.

NOW THEREFORE BE IT RESOLVED, by the Council of the **Borough of Northvale**, Bergen County, New Jersey that:

1. The Bergen County Multi-Jurisdictional Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020 by the Bergen County Office of Emergency Management is hereby adopted as an official plan of the County of Bergen; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. A hard copy of the Hazard Mitigation Plan shall be kept on file at the Bergen County Office of Emergency Management, and a digital copy shall be posted on the web site of the Bergen County Office of Emergency Management.
3. Any action proposed by the Hazard Mitigation Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the **Borough of Northvale**, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The **Borough of Northvale** Emergency Management Coordinator shall coordinate with their local offices and officials; and periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Bergen County Office of Emergency Management. The Bergen County Office of Emergency Management shall prepare an annual progress report on the goals and mitigation actions set forth in the Hazard Mitigation Plan. Copies of those reports will be kept on file at the office of the Board of Chosen Freeholders and the Bergen County Office of Emergency Management. Municipal status reports may be submitted at any time to the County Coordinator to amend mitigation actions identified in the Hazard Mitigation Plan. At a minimum, municipal status reports shall be submitted to the County Coordinator on an annual basis. The County Coordinator will identify one meeting per year that will address hazard mitigation updates, as required by the State of New Jersey's Hazard Mitigation Plan and its Standard Operating Procedure.

RESOLUTION #2021-79

TITLE: AWARD BID FOR THE 2021 ROAD RESURFACING PROGRAM ON BEHALF OF THE RIVERSIDE COOPERATIVE

WHEREAS, NJSA 40A:11-10(1) authorizes contracting units to enter into cooperative pricing agreements; and

WHEREAS, the Borough of Northvale has volunteered to act as "Lead Agency" for the purchase of work, materials and supplies for the Riverside Cooperative for the year 2021; and

WHEREAS, the Borough of Northvale received eight (8) bids on April 7, 2021 for the 2021 Riverside Cooperative Road Improvement Program on behalf of the Boroughs of Alpine, Cresskill, Demarest, Englewood Cliffs, Harrington Park, New Milford, Northvale, River Edge and Tenafly; and

WHEREAS, due to the current COVID-19 public gathering restrictions, the bid opening was performed at the Borough of Northvale Borough Hall via Zoom at which time the eight bids were read aloud; and

WHEREAS, the bids have been tabulated and reviewed by Mr. Carl O'Brien of Colliers Engineering & Design, Borough Engineer for the Borough of Northvale and for the Riverside Cooperative.

NOW, THEREFORE, BE IT RESOLVED that a contract be awarded to D & L Paving Contractors, Inc., 675 Franklin Avenue, Nutley, New Jersey 07110 in the amount of \$3,307,324.14

BE IT FURTHER RESOLVED that the Northvale Mayor and Acting Borough Clerk be and are hereby authorized and directed to execute a Master Contract with the above named firm for the 2021 Road Resurfacing Program acting as the Lead Agency on behalf of the Riverside Cooperative, RC-35-20-01; and

BE IT FURTHER RESOLVED that the Boroughs of Alpine, Cresskill, Demarest, Englewood Cliffs, Harrington Park, New Milford, Northvale, River Edge, and Tenafly shall be responsible for entering into individual contracts with the above named firm covering the scope of work under the Base Bid for each respective municipality.

RESOLUTION #2021-80

TITLE: RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-1 et seq.

WHEREAS, the Local Lands and Buildings Laws, N.J.S.A. 40A:12-1 et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Borough of Northvale is the owner of two (2) parcels of real property, the first being commonly known as 146A Walnut Street and designated as Lot 5.01 in Block 1101 on the Tax Map of the Borough of Northvale (hereinafter, "Parcel A"), and the second being commonly known as 155 Veterans Drive and designated as Lot 5.02 in Block 1101 on the Tax Map of the Borough of Northvale (hereinafter, "Parcel B"; hereinafter, collectively with Parcel A, the "Parcels"), which Parcels are not needed for public use, and the Governing Body of the Borough of Northvale has determined that it is in the best interests of the Borough to sell the Parcels to generate revenue; and

WHEREAS, the Governing Body of the Borough of Northvale deems it in the best interests of the Borough of Northvale to conduct the sale of the Parcels by public auction in accordance with, and as is authorized by, the provisions of N.J.S.A. 40A:12-13(a).

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

1. The recitals set forth above are hereby incorporated into the body of this resolution as if set forth at length herein.

2. Parcel A and Parcel B shall each be offered for sale, pursuant to N.J.S.A. 40A:12-13(a) at a public auction to the highest bidder, subject to acceptance of said bid by ordinance of the Governing Body of the Borough of Northvale which reserves the right to reject all bids where the highest bid is not accepted. The public auction shall be held at Borough Hall, 116 Paris Avenue, Borough of Northvale 07647, or at such other place as shall be designated by the Borough of Northvale at a date and time to be set by the Acting Borough Clerk and published in accordance with law, subject to the terms and conditions set forth in the within Resolution.

3. The sale of both Parcel A and Parcel B at public auction pursuant to N.J.S.A. 40A:12-13(a) shall be subject to the following terms:

- A. No representations of any kind are made by the Borough of Northvale as to the condition of Parcel A and/or Parcel B and each of the Parcels are being sold in their present condition “as is”, “where is”, with all faults. The descriptions of the Parcels are intended as a general guide only and may not be accurate. Additionally, the Borough of Northvale makes no representation as to the presence or absence of wetlands or any other environmental condition which may or may not exist on Parcel A or Parcel B.
- B. The Borough of Northvale shall execute a Bargain and Sale Deed for the sale of Parcel A and the sale of Parcel B.
- C. The purchaser(s) of Parcel A and/or Parcel B, at their sole cost and expense, shall obtain a survey and metes and bounds description of the parcel (or Parcels, as the case may be) purchased, in form and substance satisfactory to the Borough of Northvale and the purchaser; and said survey and metes and bounds description shall be certified to by the Borough of Northvale.
- D. The Borough of Northvale does not warrant or certify title to the Parcels and in no event shall the Borough of Northvale be liable for any damages to the purchaser if title is found unmarketable for any reason and the purchaser waives any and all right in damages or by way of liens against the Borough of Northvale. It shall be the obligation of purchaser to receive and examine title and to obtain a title commitment for the parcel (or Parcels, as the case may be) purchased, which said title commitment shall be at the purchaser’s sole cost and expense, to be obtained stating that the Borough of Northvale, as seller, has good, indefeasible and marketable fee simple title to the parcel purchased, free and clear of all liens and encumbrances except such matters as may be acceptable to purchaser or as otherwise provided for herein or public or private utility easements or rights-of-way. In the event of closing and a later finding of defect of title, the Borough of Northvale shall not be responsible for same and it shall not be required to refund money or to correct any defect in title or be held liable for damages alleged to result therefrom.
- E. The acquisition of Parcel A and/or Parcel B by a purchaser is subject to applicable New Jersey law concerning disposition of municipal real estate.

4. The sale of Parcel A and Parcel B is made subject to such state of facts as an accurate survey may disclose, existing rights of others in possession, easements, conditions, covenants and restrictions and any other encumbrances of title.

5. The sale of Parcel A and Parcel B is made subject to all applicable laws and ordinances of the State of New Jersey, the County of Bergen and the Borough of Northvale.

6. The successful bidder for the purchase of Parcel A and/or Parcel B shall agree to the following conditions:

- A. The purchaser shall deposit cash, check or money order in an amount not less than ten (10%) percent of the bid price at the time that the bid is submitted. In the event the purchaser fails to pay this required deposit at the time of the submission of the bid, the Borough of Northvale shall re-auction the property at the same public sale. If a successful bidder fails to pay the deposit, that bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.
- B. The purchaser for each of the Parcels shall pay by certified funds by the time of closing on the sale:
 - i. The balance of the purchase price;
 - ii. The sum of \$2,500.00 for the legal services incurred by the Borough of Northvale;
 - iii. The Borough of Northvale's advertising and the actual recording fees;
 - iv. All costs and expenses for the sale including, but not limited to, the appraisal costs incurred by the Borough of Northvale;
 - v. Realty transfer fees, if any; and
 - vi. The prorated real estate taxes, water and sewer charges and/or any and all other municipal or governmental assessments for the balance of the current year as of the date of closing.
- C. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulates that this sale shall not be used as grounds to support any variance from these regulations.
- D. That in the event purchaser fails to close title, purchaser shall forfeit to the Borough of Northvale any and all money deposited with the Borough of Northvale.

- E. That the description of each of the Parcels is intended as a general guide only and may not be accurate. No representations of any kind are made by the Borough of Northvale as to the conditions of either of the Parcels, each of which are being sold in their present conditions “as is”, “where is” and with all faults.
- F. Each of the Parcels shall be conveyed by a Bargain and Sale Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representations as to character of title of the property to be conveyed.
- G. All sales are subject to the Local Lands and Buildings Law, N.J.S.A.40A:12-1, et seq. and all rights reserved to the Borough of Northvale by such law.
- H. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
- I. That the title shall close within 45 days of the Borough of Northvale’s acceptance of a bid, and that date shall be considered time of the essence. The Borough of Northvale reserves the right to require that two or more pieces of contiguous property under the same ownership, be merged and treated as one piece of property.
- J. Acceptance by the Borough of Northvale of the highest bid shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
- K. A bidder shall not be permitted to withdraw their bid without approval of Governing Body of the Borough of Northvale.
- L. The successful bidder shall be required to pay, at the time of closing of title, the cost of legal advertising of the sale of this property which is the subject of this auction plus their proportionate cost of the transcript, if applicable.
- M. The successful bidder shall bear the cost of the recording of deeds and agree that deeds shall be recorded on behalf of the purchaser by the title company handling the closing or the Borough Counsel of the Borough of Northvale. The successful bidder, prior to closing of title, shall not be permitted to assign their bid nor any right, title or interest in the property on which the bid was made without the prior approval of Governing Body of the Borough of Northvale, which approval may be withheld at the Borough of Northvale’s sole discretion.

- N. This sale is also subject to the further condition that if the State of New Jersey or any upland owner has any rights or claims to the land being sold herein by reason of a riparian interest or otherwise, any charges which are levied or are to be so levied by the State of New Jersey or upland owner for said riparian interest or otherwise are to be borne by the purchaser, in addition to the sale price bid for said property.
- O. All prospective purchasers are put on notice that no employee, agent or officer of the Borough of Northvale has authority to waive, modify or amend any of the conditions of sale.
- P. It is conclusively presumed that a bidder prior to making his or her bid has done the following: (i) checked the exact location, including the correct street address and lot size of the property on the Official Tax Maps which are available at the Assessor's Office; (ii) checked the zoning restrictions to ascertain the legal use of property; and (iii) made a personal inspection of the property prior to bidding on the same. Responsibility for failure to comply with the abovementioned conditions and guidelines shall be fully assumed by the purchaser.
- R. A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Borough of Northvale, as a material breach of the conditions of sale whereupon the Borough of Northvale may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the Borough of Northvale as its liquidated damages and it may thereafter resell said property and/or pursue such other and further legal and/or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the Borough of Northvale by reason of any such default.

7. The Borough of Northvale reserves the right to withdraw the offer of sale and reject all bids if the highest bid is not accepted.

8. All sales shall be subject to the execution of a purchase and sale agreement by and between the purchaser and the Borough of Northvale providing for the sale based upon the bid of the purchaser, the execution of which shall be subject to final approval by ordinance of the Governing Body of the Borough of Northvale.

9. If any provision of this Resolution shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Resolution, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

10. The Mayor and the Acting Borough Clerk shall be and are hereby authorized to execute all documents necessary for the conducting of this auction and the taking of all other actions as are authorized herein.

11. This Resolution shall take effect immediately after final passage and publication in the manner provided by law.

| Name | Yes | No | Absent | Abstain |
|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Councilman Argiro | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman DeLisio | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Devlin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Hogan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman McGuire | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION #2021-81

TITLE: PAYMENT OF BILLS

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

| Name | Yes | No | Absent | Abstain |
|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Councilman Argiro | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman DeLisio | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Devlin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Hogan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman McGuire | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCES – 1st Reading

ORDINANCE #1033-2021

**AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION
N.J.S.A. 40A:4-53**

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

BE IT ORDAINED by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, that pursuant to N.J.S.A. 40A:4-53(CH. 48, P.L. 1956 as amended, including Ch. 46, P.L. 2010 and Ch. 38, P.L. 1969) the sum of \$35,000 is hereby appropriated for Preparation of Tax Maps and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53 and N.J.S. 40A:4-55.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act

(N.J.S.A. 40A:4-55).

BE IT FURTHER ORDAINED that this Ordinance shall take effect at the time and in the manner provided by law.

| Name | Yes | No | Absent | Abstain |
|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Councilman Argiro | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman DeLisio | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Devlin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Hogan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman McGuire | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCE #1034-2021

ORDINANCE REPEALING AND REPLACING ARTICLE III REGULATIONS AND RESTRICTIONS, § 200-9, PROVISIONS APPLICABLE TO ALL ZONES OF THE NORTHVALE BOROUGH CODE

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

WHEREAS, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“Act”) (P.L.2021, c.16, approved February 22, 2021), legalizes personal use cannabis for certain adults, subject to State regulation, decriminalizes small amount marijuana and hashish possession, and removes marijuana as a Schedule I drug; and

WHEREAS, Section 31 of the Act provides that a municipality may enact ordinances or regulations, within 180 days after the effective date of the Act, not in conflict with the provisions of P.L.2021, c.16:

1) governing the number of cannabis establishments, distributors, or delivery services, as well as the location, manner, and times of operation of establishments and distributors, but the time of operation of delivery services shall be subject only to regulation by the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:61-24); and

2) establishing civil penalties for violation of an ordinance or regulation governing the number of cannabis establishments, distributors, or delivery services that may operate in such municipality, or their location, manner, or the times of operations; and

WHEREAS, Section 31 of the Act further provides that a municipality may prohibit the operation of any one or more classes of cannabis establishment or cannabis distributors or cannabis delivery services, but not the delivery of cannabis items and related supplies by a delivery service within the jurisdiction of the municipality through the enactment of an ordinance and that only an ordinance to prohibit one or more classes of cannabis establishment or cannabis distributors or cannabis delivery services enacted pursuant to the specific authority to do so by this section shall be valid and enforceable; and

WHEREAS, the failure of a municipality to enact an ordinance prohibiting the operation of one or more classes of cannabis establishment or cannabis distributors or cannabis delivery services within 180 days after the effective date of the Act, shall result in any class of cannabis establishment or a cannabis distributor or cannabis delivery services that is not prohibited from operating within the municipality as being permitted for a five-year period from the date of the Act; and

WHEREAS, any ordinance enacted by a municipality prior to the effective date of this section addressing the issue of prohibiting one or more types of cannabis-related activities within the jurisdiction of the municipality is null and void; and

WHEREAS, pursuant to the Act, Ordinance No. 999-2019 amending Chapter 200 (Zoning), Article III (Regulations and Restrictions), Section 200-9 (B)(11) (Provisions applicable to all zones, Prohibited Uses), of the Code of the Borough of Northvale was enacted prior to the effective date of the Act and is now null and void; and

WHEREAS, the Borough's Governing Body has determined that the sale, manufacture, and/or distribution of cannabis within the Borough limits would be detrimental to the public health, safety and welfare of the municipality; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62 and 40:55D-65, the governing body may adopt or amend a zoning ordinance related to the nature and extent of the uses of land and structures thereon and a zoning ordinance may restrict buildings and structures according to their type and the nature and extent of their use; and

WHEREAS, Chapter 200 (Zoning), Article III (Regulations and Restrictions), Section 200-9 (B)(11) (Provisions applicable to all zones, Prohibited Uses), should be amended and supplemented to prohibit businesses engaged in the manufacture, sale, and/or distribution of cannabis and/or paraphernalia associated with cannabis use in all of the Borough's zoning districts.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Northvale in the County of Bergen, State of New Jersey, as follows:

SECTION 1. Purpose & Authority. The purpose of this ordinance is to modify and amend Chapter 200 §200-9 Provisions applicable to all zones pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. (amendments are highlighted, deletions strikethrough).

Chapter 200 (Zoning), Article III (Regulations and Restrictions), Section 200-9 (Provisions applicable to all zones), of the Code of the Borough of Northvale is hereby repealed in its entirety.

SECTION 2. Pursuant to the specific authority vested in the Borough Council of the Borough of Northvale by Section 31 of P.L.2021, c.16, Chapter 200 (Zoning), Article III (Regulations and Restrictions), Section 200-9 (Provisions applicable to all zones) of the Code is hereby supplemented to read as follows [additions by **bold**, deletions by ~~strikethrough~~]:

§ 200-9(B). Prohibited Uses

~~(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.~~
[Added 8-14-2019 by Ord. No. 999-2019]

~~(a) As used in this subsection, the following terms shall have the meanings indicated:~~

MARIJUANA (CANNABIS)

~~All parts of the plant Cannabis sativa Linneaus, Cannabis indica or Cannabis ruderalis, whether growing or not; the seeds thereof, the resin, whether crude or purified, extracted 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 therefrom), 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.~~

(11) All uses not expressly permitted in this article are prohibited, including, but not limited to, the following:

All classes (1 through 6) of cannabis establishment or cannabis distributors or cannabis delivery services including cannabis cultivators, manufacturers, wholesalers, retailers, cannabis testing facilities, medical cannabis dispensaries, clinical registrant or cannabis retailer including any alternative treatment centers deemed to hold a medical cannabis dispensary permit pursuant to Section 7 of P.L.2009, c.307 (C.24:61-7) are expressly prohibited within the Borough of Northvale.

SECTION 3. As required by N.J.S.A. 40:55D-64, prior to the hearing on adoption of this ordinance, the Borough Clerk shall send a copy of this ordinance to the Northvale Planning Board for its review and comment pursuant to N.J.S.A. 40:55D-26. The Borough Clerk shall also send a copy of this ordinance upon introduction and adoption to the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 4. All other provisions of Chapter 200, of the Code of the Borough of Northvale shall remain unchanged.

SECTION 5: Severability. The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6: Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 7: Codification. This Ordinance shall be a part of the Code of the Borough of Northvale as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Northvale in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 8. This ordinance shall take effect twenty days after final passage, adoption, and publication in the manner prescribed by law.

| Name | Yes | No | Absent | Abstain |
|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Councilman Argiro | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman DeLisio | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Devlin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Hogan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman McGuire | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCE #1035-2021

AN ORDINANCE AMENDING AND MODIFYING CHAPTER 200, ZONING OF THE NORTHVALE BOROUGH CODE

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

Section 1. Purpose & Authority. The purpose of this ordinance is to modify and amend Chapter 200 to add §200-16, Flags on Borough owned Property, pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. (amendments are highlighted, deletions strikethrough).

§200-16 Flags on Borough Owned Property.

(a) Regulations governing flags

[1] Flags and flagpoles shall be permitted in appropriate locations as freestanding flags.

[2] The number of permitted flagpoles in front of an individual building shall be limited to a maximum of three.

[3] The type of permitted flags shall be limited to the American Flag, the Prisoner of War flag, the New Jersey State Flag, the Bergen County Flag and a Borough of Northvale flag.

[4] The size of any permitted flag shall be limited to a maximum of 150 square feet, provided the American Flag area shall not be restricted in size.

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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman DeLisio | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Devlin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Hogan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman McGuire | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

OPEN MEETING TO THE PUBLIC

CLOSE MEETING TO THE PUBLIC

MAYOR & COUNCIL REPORTS

BOROUGH ENGINEER REPORT

BOROUGH ATTORNEY REPORT

ADJOURNMENT – TIME:

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

| Name | Yes | No | Absent | Abstain |
|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Councilman Argiro | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman DeLisio | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Devlin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Hogan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman McGuire | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilman Sotiropoulos | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |