

**A G E N D A**  
**Combined Meeting of the Mayor and Council**  
**Wednesday, May 12, 2021**

**The meeting will be held in the Borough hall Council chambers. Members of the public can attend in person or call in to the meeting. 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"/>

**APPROVAL OF MINUTES**

**Combined Meeting of April 14, 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"/>

**Special Meeting of April 19, 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"/>

**APPOINTMENTS & PERSONNEL CHANGES**

**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 - April
- Colliers Engineering - April
- Fire Department
- Fire Prevention - April
- Grantswriter - April
- Recreation Minutes
- Tax Collector

**CORRESPONDENCE**

1. Colliers Letter, April 26, 2021  
Re: 2021 Riverside Coop Road Improvement – Northvale Portion  
(Resolution #2021-89)
2. Colliers Letter, April 12, 2021  
Re: Professional Services - Veterans Park  
(Resolution #2021-91)
3. Colliers Letter, May 12, 2021  
Re: Professional Services – Livingston St. Sidewalk & Streetscape  
(Resolution #2021-98)

**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

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**RESOLUTION #2021-85**

**TITLE: AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REFUND DUE TO THE OVERPAYMENT OF TAXES**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale that a warrant be drawn as indicated below in the designated amount representing a duplicate tax payment as follows:

Block/Lot	Name /Address	Date Paid	Amount
107/14	Douglas M & Patrice Hunkin 415 Longview Court Northvale, NJ 07647 Property – 415 Longview Court	11/10/2020	\$3,662.41

**BE IT FURTHER RESOLVED** that Mr. & Mrs. Hunkin have indicated that they would prefer to have a refund rather than a credit to the next quarter tax.

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**RESOLUTION #2021-86**

**TITLE: AUTHORIZE THE TAX COLLECTOR TO APPLY 2020 OVERPAID BALANCES TO 2021 TAXES**

**WHEREAS**, 2020 taxes on two properties are overpaid on the Borough of Northvale tax records; and

**WHEREAS**, the overpayments are to be applied to the 2021 taxes as listed below; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Northvale that the Tax Collector is hereby authorized to apply the 2020 overpaid taxes listed below to the 2021 Tax.

<u>Block/Lot</u>	<u>Name/Address</u>	<u>Amount</u>
107/2	Voltaire & Riza Lyn Bermudo 442 Andre Avenue	\$ 318.36
708/1	BesnikFetoski 504 Clinton Avenue	\$ 3,781.27

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**RESOLUTION #2021-87**

**TITLE: WAIVE BUILDING PERMITS FOR INSTALLATION OF A RAMP FOR LINDA SUE CLARK, 412 WEST AVENUE**

**BE IT RESOLVED** that the fees for any building permits will be waived for the installation of a ramp at 412 West Avenue.

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**RESOLUTION #2021-88**

**TITLE: AUTHORIZE SUBMISSION OF A STRATEGIC PLAN FOR NORTHVALE MUNICIPAL ALLIANCE FISCAL GRANT CYCLE FOR JULY 2020 – JUNE 2025**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS,** The Mayor and Council of the Borough of Northvale in the County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS,** the Mayor and Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS,** the Mayor and Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Bergen.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale, County of Bergen and State of New Jersey hereby recognizes the following:

1. The Mayor & Council does hereby authorize submission of a strategic plan for the Northvale Municipal Alliance grant for fiscal year 2022 in the amount of:
2.

DEDR	\$3,836.33
Cash Match	\$ 959.08
In-Kind	\$2,877.25
2. The Mayor & Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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**RESOLUTION #2021-89**

**TITLE: AUTHORIZE PAYMENT FOR THE 2021 RIVERSIDE COOPERATIVE ROAD IMPROVEMENT PROJECT**

**WHEREAS,** Northvale, acting as lead agency, administered the bid process for the 2021 Riverside Cooperative Road Improvement Project (the “Project”) on behalf of the Boroughs of Alpine, Cresskill, Demarest, Englewood Cliffs, Harrington Park, New Milford, Northvale, River Edge and Tenafly, all municipalities located within the County of Bergen; and

**WHEREAS,** on April 7, 2021 sealed bids for the Project were received, opened and read aloud and the Project was subsequently awarded to D & L Paving Contractors, Inc. in the amount of \$3,307,324.14; and

**WHEREAS,** the Borough of Northvale’s portion of the Project is \$311,162.36; and

**WHEREAS,** it is in the best interest of the Borough to pay its portion of the Project.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council hereby approve the payment of \$311,162.36 for the Project.

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**RESOLUTION #2021-90**

**TITLE: APPROVE RAFFLE LICENSE #219 FOR NORTHVALE PTO – OFF PREMISE RAFFLE**

**BE IT HEREBY RESOLVED** that the following license to conduct an Off Premise Raffle be issued to:

NAME: Northvale PTO  
ADDRESS: 441 Tappan Road  
LOCATION OF RAFFLE: 441 Tappan Road  
HOURS: 1:30 PM  
DATE OF RAFFLE: JUNE 11, 2021  
ID #: 353-5-37377  
RAFFLE LICENSE #: RL 219

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**RESOLUTION #2021-91**

**TITLE: AUTHORIZE PROFESSIONAL SERVICES FOR COLLIERS ENGINEERING & DESIGN – VETERANS PARK– NVB005P**

**WHEREAS**, the Borough is in need of the above mentioned services; and

**WHEREAS**, Colliers Engineering & Design has prepared a scope of services per their letter dated April 12, 2021 as follows:

**SCOPE OF SERVICES**

Boundary Survey	\$ 5,500.00
Roadway Topographic Survey	\$ 4,100.00
Property Line Stake	\$ 2,400.00
Subsurface Utility Engineering	<u>\$ 2,950.00</u>
<b>TOTAL LUMP SUM FEE</b>	<b>\$14,950.00</b>

**WHEREAS**, the Chief Financial Officer certifies that funds will be available through the current account not to exceed \$14,950.00.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council hereby approve the Proposal for Professional Services for Colliers Engineering & Design for Veterans Park.

\*\*\*\*\*

**RESOLUTION #2021-92**

**TITLE: AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REFUND ZONING PERMIT FEE – REY ANTHONY CLACIO – 533 ROOSEVELT STREET**

**WHEREAS**, the above mentioned applicant paid fees for a zoning permit at the above mentioned premises for an above ground pool; and

**WHEREAS**, said applicant paid the zoning permit fee twice.

**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:

Rey Anthony Clacio  
533 Roosevelt Street  
Northvale, New Jersey 07647

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**RESOLUTION #2021-93**

**TITLE: AUTHORIZE THE EXECUTION OF THE AGREEMENT WITH THE BOROUGH OF ROCKLEIGH FOR THE PROVIDING OF PUBLIC WORKS SERVICES BY THE BOROUGH OF NORTHVALE FOR 2021**

**WHEREAS**, the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1, et. seq. permits a municipality to enter into an agreement with another municipality to receive any services which the respective parties are empowered to provide or receive;and

**WHEREAS**, an Agreement has been prepared whereby the Borough of Northvale would provide the Borough of Rockleigh with certain services to be performed by the Department of Public Works of Northvale, including maintaining and replacing street signs, brush chipping, lawn maintenance of municipal property and pothole repair on streets, all within the Borough of Rockleigh; and

**WHEREAS**, the Agreement has been reviewed by the Mayor and Council and found to be acceptable.

**NOW THEREFORE BE IT RESOLVED** that Mayor Patrick J. Marana and the Acting Borough Clerk be and are hereby authorized to execute aforesaid agreement; and

**BE IT FURTHER RESOLVED**, that a copy of the Agreement, once executed by the respective municipalities, shall be filed with the Division of Local Government Services in the Department of Community Affairs pursuant to NJSA 40A:65-4b.

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**RESOLUTION #2021-94**

**TITLE: RESCIND RESOLUTION APPROVING THE PERSON TO PERSON LIQUOR LICENSE TRANSFER FROM MARYLENA, INC. - LICENSE #0240-33-007-013 TO 3D HOSPITALITY LLC**

**WHEREAS** an application was 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 Mayor and Council by Resolution #2021-75 approved the transfer of the aforesaid Plenary Retail Consumption License to 3D Hospitality LLC on April 14, 2021.

**WHEREAS**, 3D Hospitality did not supply all the pertinent information.

**NOW THEREFORE BE IT RESOLVED** that Resolution #2021-75 is now hereby rescinded and the person to person transfer of License #0240-33-007-013 is null and void.

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**RESOLUTION #2021-95**

**TITLE: RESOLUTION OF THE MAYOR AND COUNCIL IN SUPPORT OF THE EFFORTS OF THE NORTHERN VALLEY GREENWAY PLANNING COMMITTEE**

**WHEREAS**, the six Northern Valley towns of Closter, Cresskill, Demarest, Northvale, Norwood and Tenafly are home to approximately eight miles of a continuous and underutilized segment of the former Erie Lackawanna, now CSX Northern Branch; and

**WHEREAS**, in 1966 the Erie Railroad terminated its commuter passenger service, and diminished operational and maintenance responsibilities along said corridor; and

**WHEREAS**, the consolidation of Erie Lackawanna and Penn Central into Conrail in 1976, the Northern Branch fell under the control of Conrail and

**WHEREAS**, in the late 1970's freight service to New York State was discontinued after Continental Can Company in Piermont closed, and

**WHEREAS**, after the breakup of Conrail in 1999 the Northern Branch was divided and CSX Transportation, Inc. (CSX) was given the northern section; and

**WHEREAS**, after many studies and impact statements regarding the use of light rail north to Tenafly and Cresskill, it was New Jersey Transit that decided in 2013 to have the terminus station at the Englewood Hospital and Medical Center, with necessary rail infrastructure extending just past the southern border of Tenafly; and

**WHEREAS**, freight rail service provided by CSX has been partially and fully discontinued within the borders of the six Northern Valley Towns as evidenced by removal of track, ties, signals and at grade crossing equipment, the loss of shippers, and an increase of neglect; and

**WHEREAS**, the proposed Northern Valley Green Way will link up at the New York State line in the town of Orangetown with the Joseph B. Clarke Rail-Trail as a segment of the Hudson River Valley Greenway system. The Joseph B. Clarke Rail-Trail also links to the Piermont, South Nyack, and Nyack River trails, and connects Sparkill Park, The Piermont Erie Railroad Pier, Tallman State Park, Bike Route 9, and via the bike and walk path of the Mario Cuomo Bridge will enable access to New York State's extensive network of non-motorized transportation and recreational networks on the eastern side of the Hudson River; and

**WHEREAS**, the corridor forms a superior connection between and among the communities to this cooperative effort, and enhances the linkage of residential communities, commercial and business sites, schools, civic, institutional and recreational lands and waters; and

**WHEREAS**, the Mayors and Councils of the six Northern Valley Towns passed appropriate resolutions in early 2017 to authorize the Northern Valley rail-trail project and the formation of an Inter-local "GREEN WAY" Planning Committee; and

**WHEREAS**, other additional Northern Valley towns' Mayors and Councils have subsequently also passed similar resolutions of support for the Northern Valley Greenway (NVG) initiative; and

**WHEREAS**, The New Jersey Department of Transportation Office of

Bicycle and Pedestrian Programs has sponsored and funded an official Technical Planning Assistance Study that did not identify any potential fatal flaws with the project's objectives; and

**WHEREAS**, the NVG Planning Committee has successfully established and developed working relationships with local, county, regional and state stakeholders, acquired letters of support from numerous state and federal elected officials and established strong public support for the project; and

**WHEREAS**, the County of Bergen has incorporated the Northern Valley Greenway as a visionary opportunity in the Bergen County Parks Master Plan and has been an active participant on the NVG Planning Committee; and

**WHEREAS**, the towns of the Northern Valley, along with the County of Bergen, State of New Jersey and local organizations have been engaged with the Northern Valley Greenway Committee in the planning and evaluation of non-motorized inter-urban transportation alternatives and trail opportunities for community development, alternative modes of transportation, public health and public recreational access and these municipal and non-profit organizations have been working cooperatively on this proposal.; and

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Northvale hereby declare that it is their intention to continue to work cooperatively with the other towns of the Northern Valley and other stakeholder organizations in supporting the efforts of the Northern Valley Greenway Planning Committee to pursue reuse of the corridor as a "Green Way": to accommodate non-motorized, public access facility for recreation and transportation use; and

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Northvale intend to work cooperatively with the towns of the Northern Valley and other governmental, municipal and non-municipal stakeholders, as needed, in the planning, design, grant-writing, and other activities necessary to advance corridor reuse; and

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Northvale recognize the amount of work such an undertaking involves and as such hereby restate their agreement with and continued support of the Interlocal "Northern Valley Greenway Planning Committee", ("Committee"), whose official membership consists of mayoral appointees from the six Northern Valley towns and a representative of the County of Bergen. Each of the six towns and the County of Bergen will have an equal vote on committee actions and decisions with tie votes decided by the NVG Team Leader. The Committee may invite representatives of other stakeholder organizations to join the Committee. The Committee shall meet regularly, keep records, work with other stakeholders to develop a project work plan, host meetings and public events, work with stakeholders and serve as a forum for coordinating municipal, county, state, federal and regional agency activities. The Committee will be an advisory Committee to plan and coordinate the undertaking with the Borough Council maintaining responsibility to take any necessary action, expend any money, enter into any contract or incur any liability. The Committee shall not be authorized to enter into contracts, expend money, maintain a budget, approve expenditures, or incur any liability on behalf of the Borough. With Committee approval, the NVG Team Leader may sign memorandums of understandings to further the Committee's goals for investigation purposes within the restrictions mentioned elsewhere in this paragraph.

**BE IT FURTHER RESOLVED** that the Borough of Northvale recognizes that the County of Bergen is considering passing a supporting resolution and that the other towns in the Northern Valley are considering renewing their supporting resolutions and the Borough of Northvale encourages those entities to do so and is willing to enter into a memorandum of understanding with those that pass such resolutions.

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**RESOLUTION #2021-96**

**TITLE: RESOLUTION AUTHORIZING EMPLOYMENT AGREEMENT WITH CAPTAIN ROBERT PIZZI**

**WHEREAS**, the Borough of Northvale currently employs Captain Robert Pizzi (“Captain Pizzi”); and

**WHEREAS**, the Borough and Captain Pizzi recognize that it will be to the benefit of both to execute an Employment Agreement memorializing the terms and conditions of Captain Pizzi’s employment; and

**WHEREAS**, an Employment Agreement (the “Agreement”) has been prepared, examined, negotiated, and revised by each party and the Parties are desirous of executing the Agreement; and

**WHEREAS**, it is the best interest of the Borough to execute the Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale, County of Bergen and State of New Jersey, that the Borough of Northvale does hereby authorize the Mayor to execute the Employment Agreement with Captain Pizzi.

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"/>

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**RESOLUTION #2021-97**

**TITLE: RESOLUTION AUTHORIZING THE APPROVAL OF THE RELEASE AND WAIVER OF LIABILITY FORM FOR JAMES F. MCGUIRE SENIOR CENTER AND GOLDEN AGE CLUB**

**WHEREAS**, in light of the dangers posed by Coronavirus disease 2019 (“COVID-19”), and the issuance of Governor Murphy’s Executive Order No. 103 on March 9, 2020 declaring a Public Health Emergency and State of Emergency, the Borough of Northvale ceased all operation and events held by the James F. McGuire Senior Center and Golden Age Club; and

**WHEREAS**, in the past year, we have gained critical knowledge regarding COVID-19, including a better understanding of the risks associated with certain activities, the activities that are most conducive to spread of the virus, and the safeguards that can be implemented to mitigate those risks; and

**WHEREAS**, although the Borough adheres to all safety guidelines, there remains some risk of contracting and spreading the COVID-19 virus; and

**WHEREAS**, upon any reopening of the James F. McGuire Senior Center and Golden Age

Club, it is the best interest of the Borough to require individuals who voluntarily elect to participate in social activities sponsored by the Borough, the James F. McGuire Senior Center and/or the Golden Age Club to execute the appropriate acknowledgement of risk and Release and Liability Waiver form as a condition of participation.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Northvale upon any reopening of The James F. McGuire Senior Center and Golden Age Club, participants must execute the appropriate Release and Waiver of Liability form in the form annexed hereto.

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**RESOLUTION #2021-98**

**TITLE: AUTHORIZE PROFESSIONAL SERVICES FOR COLLIERS ENGINEERING & DESIGN – LIVINGSTON STREET SIDEWALK AND STREETScape IMPROVEMENTS - NVB012P**

**WHEREAS**, the Borough is in need of the above mentioned services; and

**WHEREAS**, Colliers Engineering & Design has prepared a scope of services per their letter dated May 10, 2021 as follows:

**SCOPE OF SERVICES**

<b>TASK 1.0</b>	<b>TOPOGRAPHIC SURVEY</b>	<b>\$ 5,500.00</b>
<b>TASK 2.0</b>	<b>DESIGN AND BIDDING SERVICES</b>	<b><u>\$15,500.00</u></b>
<b>TOTAL LUMP SUM FEE</b>		<b>\$21,000.00</b>

**WHEREAS**, the Chief Financial Officer certifies that funds will be available through the current account not to exceed \$21,000.00.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council hereby approve the Proposal for Professional Services for Colliers Engineering & Design for Livingston Street Sidewalk and Streetscape Improvements.

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"/>

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**RESOLUTION #2021-99**

**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

**WHEREAS**, claims have been submitted to the Borough of Northvale in the following amounts under various funds of the borough:

Current Fund Appropriations (2020)	\$15,084.49
Current Fund Appropriations (2021)	\$772,253.11
General Capital Fund	\$1,691.25
Grant Fund	\$1,906.28
Animal Trust	
Police DEA Trust	\$3,992.41
Escrow Trust	\$30,327.50
Recreation Trust	\$5,802.00
Summer Recreation Trust	
<b>TOTAL</b>	<b>\$831,057.04</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 purposes specified below during the course of the year:

Payroll – Salaries & Wages	04-02-2021	\$145,002.20
Payroll – Salaries & Wages	04-16-2021	\$152,561.22
Payroll – Salaries & Wages	04-30-2021	\$155,592.68
Health Benefits	April 2021	\$50,005.02
Annual Pension – PERS	April 2021	\$174,292.00
Annual Pension – PFRS	April 2021	\$590,472.00
School Taxes – Local	March 2021	\$843,293.75
School Taxes – Regional	March 2021	\$762,013.75
<b>TOTAL</b>		<b>\$2,873,232.62</b>

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale that the claims totaling **\$3,704,289.66** and ratified respectively

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"/>

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**ORDINANCES – 1<sup>ST</sup> READING**

**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 American Flag, the Prisoner of War flag, the New Jersey State Flag, the Bergen County Flag and a Borough of Northvale flag are permitted flags to be flown on any Borough owned property.

[4] The Governing Body may authorize, by Resolution, the display of other flags not specifically permitted by Ordinance, provided however the Governing Body shall not permit the flying of any flag which demonstrates any religious preference.

[5] The Governing Body shall not authorize the flying of any commemorative flag as an expression of any third party but may only authorize they flying of a commemorative flag as a form of government expression only.

[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"/>

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**ORDINANCE #1036-2021**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$670,000 TO PAY THE COST THEREOF, TO APPROPRIATE A COUNTY GRANT, 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 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 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 make various public improvements and to acquire new additional or replacement equipment and machinery and a new automotive vehicle, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized,

and the County grant and the down payment appropriated, by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

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

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the County grant hereinafter appropriated, and (3) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (4) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the 2021 Road Improvement Program at various locations, as set forth on a list prepared by the Borough Engineer and placed or to be placed on file with the Borough Clerk. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$355,000
Down Payment Appropriated	\$ 16,905
Bonds and Notes Authorized	\$338,095
Period of Usefulness	10 years

B. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a hooklift truck

with various attachments for the use of the Department of Public Works ("DPW").

Appropriation and Estimated Cost	\$225,000
Down Payment Appropriated	\$ 11,640
Bonds and Notes Authorized	\$213,360
Period of Usefulness	5 years

C. (i) Replacement of the overhead garage doors at the DPW Building and (ii) acquisition of new additional or replacement equipment and machinery consisting of a lawn mower for the use of the DPW.

Appropriation and Estimated Cost	\$ 30,000
Down Payment Appropriated	\$ 1,430
Bonds and Notes Authorized	\$ 28,570
Period of Usefulness	15 years

D. Undertaking of a property survey of Veterans Park in connection with future park improvements.

Appropriation and Estimated Cost	\$ 15,000
Down Payment Appropriated	\$ 715
Bonds and Notes Authorized	\$ 14,285
Period of Usefulness	15 years

E. Construction of an enhanced butterfly garden at Veterans Park.

Appropriation and Estimated Cost	\$45,000
County Grant Appropriated	\$ 20,125
Down Payment Appropriated	\$ 1,185
Bonds and Notes Authorized	\$ 23,690
Period of Usefulness	15 years

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Aggregate Appropriation and Estimated Cost	\$670,000
County Grant Appropriated	\$ 20,125
Aggregate Down Payment Appropriated	\$ 31,875
Aggregate Amount of Bonds and Notes Authorized	\$618,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$55,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. The sum of \$20,125 received or to be received as a grant from the County of Bergen Open Space,

Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund is hereby appropriated to the payment of the cost of the improvement of Veterans Park authorized in Section 4.E hereof.

Section 7. It is hereby determined and stated that moneys exceeding \$31,875, 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 purposes. The sum of \$31,875 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 8. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$618,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 9. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$618,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 10. 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 11. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 8.81 years computed from the date of said bonds.

Section 12. 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 \$618,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 13. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America

or any of its agencies in aid of such purposes (other than the County grant hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. 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 16. 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 17. This ordinance shall take effect twenty days after the first publication thereof after final passage.

**ROLL CALL VOTE**

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 – 2<sup>ND</sup> READING**

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**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.

**OPEN MEETING TO THE PUBLIC ON ORDINANCE #1033-2021 ONLY**

**CLOSED MEETING TO THE PUBLIC**

**ROLL CALL VOTE**

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"/>

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**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.

**OPEN MEETING TO THE PUBLIC ON ORDINANCE #1034-2021 ONLY**

**CLOSE MEETING TO THE PUBLIC**

**ROLL CALL VOTE**

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 –**

Motion	Second	Name
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<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"/>

DRAFT - SUBJECT TO CHANGE