

MINUTES
Combined Meeting of the Mayor and Council
Wednesday, July 13, 2011
7:30 PM

CALL THE MEETING TO ORDER –

Mayor Bazela called the meeting to order at 7:43 PM in the Council Chambers of the Municipal Building located at 116 Paris Avenue, Northvale, New Jersey 07647.

STATEMENT –

Mayor Bazela read the Sunshine Statement into the record, as follows:

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

SALUTE TO THE FLAG – SILENT PRAYER –

Mayor Bazela asked everyone in attendance to rise and join him in a Salute to the Flag and then called for a Silent Prayer.

ROLL CALL –

Mayor Bazela, Councilman Amend, Councilwoman Libby, Councilman Marana, and Councilman Sokoloski were present. Councilman Piehler and Councilman Sotiropoulos were absent.

APPOINTMENTS & PERSONNEL CHANGES –

APPROVAL OF MINUTES –

Motion by Councilman Marana; seconded by Councilman Sokoloski to approve the minutes of the Combined Meeting of June 8, 2011 – Student Government Day.

ROLL CALL VOTE: Councilman Marana, Councilman Sokoloski and Councilman Amend voted yes. Councilwoman Libby abstained and Councilman Sotiropoulos was absent.

CORRESPONDENCE –

1. Letter – County of Bergen – Community Development – June 30, 2011

re: Community Development Block Grant Program

2. Letter – Freeholder Driscoll – June 6, 2011
re: Flood Advisory Committee

Mayor Bazela nominated Mr. Perreti to the position on the flood advisory committee.

3. Letter – Nicola Lepore – June 10, 2011
re: Permission to Waive Fees Thomas Jefferson School
4. Letter – Interborough Radio – June 30, 2011
re: To County Prosecutor Requesting Assistance in Recovering Funds
5. Letter – County of Bergen – July 1, 2011
re: Grant Funds for Operation of Senior Center - \$48,000.00
6. Letter – Joe Zavarino – June 15, 2011
re: Requesting Increase in Fees

MONTHLY CORRESPONDENCE –

Mayor Bazela stated that the following correspondence is 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.

Police Department
Tax Collector
Municipal Court
Fire Prevention
Building Department

RESOLUTIONS –

Mr. Paster explained resolution #2011-76 and 2011-77. Motion by Councilman Marana; seconded by Councilwoman Libby to pull Resolution #2011-77 for a separate discussion and vote.

Motion by Councilman Marana; seconded by Councilwoman Libby to approve Resolution #2011-71 through #2011-76, on Consent Agenda, as follows:

RESOLUTION #2011-71

Authorize Inclusion in the Bergen County Community Development Program

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by July 8, 2011, each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Mayor and Council of the Borough of Northvale and its residents to participate in said programs; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of Borough of Northvale hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and the HOME Investment Partnership Act Program for the Program Years 2012, 2013, 2014 (July 1, 2012 – June 30, 2015); and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Bergen County Division of Community Development no later than July 8, 2011.

RESOLUTION #2011-72

Resolution to Support and Participate in the Volunteer Tuition Credit Program (P.L. 1998, c.145)

WHEREAS, the Mayor and Council of the Borough of Northvale in the County of Bergen, deems is appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteers in the Borough of Northvale; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c.145 which permits municipal government to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Northvale in the County of Bergen that the Volunteer Tuition Program as set forth in P.L. 1998, c.145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED that the Wanda A. Worner, Borough Clerk is herewith delegated the responsibility to administer the program and is authorized to enter

into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c.145, a copy of which is herewith made part of this resolution.

RESOLUTION #2011-73

Authorize the Borough Clerk to Advertise for the Receipt of Bids for the Hogan Park Drainage Project

BE IT RESOLVED that the Borough Clerk is hereby authorized to advertise for the above mentioned project.

RESOLUTION #2011-74

PAYMENT OF BILLS

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

Current Appropriations (2011)	\$ 594,955.73
Appropriation Reserves (2010)	\$ - 0 -
General Capital Fund	\$ 17,943.30
Animal License Trust	\$ 41.40
Community Development Trust	\$ 4,296.95
Developer’s Escrow Trust	\$ 10,303.52
Food Trust	\$ - 0 -

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

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

WHEREAS, claims have already been paid in the following amounts for the purpose specified below:

Health Benefits	2011	\$ 34,119.30
Payroll	2011	\$ 212,408.16
Recreation Trust Transfers	2011	\$ 2,960.00

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Northvale that the claims totaling \$ **627,765.90** and ratified respectively.

The bill list is as follows:

Vendor	Checkno	Chktotal	Description
N.J. Dept Of Health & Senior S	119	41.40	Expenditures Animal Trust
Brooker Engineering, Pllc	428	1386.58	Various
Kaufmann,Bern & Deutche,L.L.P	429	431.25	Various
Maser Consulting P.A.	430	8485.69	Various
Ken's Tree Care, Inc.	498	-560.00	Ord 871-09 Various
Beckerle Lumber Supply Co.	502	503.50	Ord 813-06 Various
Cleatus Farms Inc.	503	8529.40	Various
Gametime	504	6070.40	Ord 813-06 Various
Ken's Tree Care, Inc.	505	700.00	Ord 813-06 Various
Ross Brothers	507	2700.00	Ord 813-06 Various
Wanda A. Worner	5675	140.00	Administrative & Executive O/E
Jeffry Marcason	5676	43.81	Buildings & Grounds
Borough Of Northvale	5678	0.00	Various
Magellan Hill Technologies	5680	5826.69	Telephone
Angelo Mazza	5682	400.00	Summer Recreation
Annette Mattessich	5683	900.00	Dpw Streets & Roads O/E
B.C. League Of Municipalities	5684	150.00	Administrative & Executive O/E
Beatriz Geramita	5685	100.00	Municipal Court O/E
Bergen Cnty Utilities Authorit	5686	313.60	Appropriated Grants
Bergen County Prosecutor's Off	5687	3000.00	Police O/E
Bi-State Brake Co., Inc.	5688	44.94	Dpw Streets & Roads O/E
Brimar Industries Inc	5689	51.69	Fire Prevention O/E
Brooker Engineering, Pllc	5690	2475.00	Engineering Services O/E
Butterworth's Bagels	5691	88.00	Summer Recreation
Cablevision	5692	128.74	Dpw Streets & Roads O/E
Certified Speedometer Svc Inc.	5693	984.00	Police O/E
Cesco	5694	167.50	Buildings & Grounds
Chasan Leyner & Lamparello	5695	574.00	Legal Services O/E
Cleatus Farms Inc.	5696	140.37	Parks & Playgrounds
Cliffside Body Corporation	5697	1742.43	Various
Cousins Pizza	5698	222.72	Summer Recreation
Crown Of Bergen, Inc.	5699	100.44	Recreation
D & E Uniforms	5700	81.95	Fire O/E
Delta Dental Plan Of N.J.,Inc	5701	4850.83	Employee Group Insurance
Desesa Eng.Co.Inc	5702	934.26	Buildings & Grounds
Diane Frohlich	5703	61.60	Municipal Court O/E
Dorothy Garry	5704	200.00	Mcguire Senior Center O/E
Dvd Environmental, Inc.	5705	1165.00	Dpw Streets & Roads O/E
Eastern State Tire Corp	5706	628.68	Police O/E
Ellen J. Springsteen	5707	130.00	Municipal Court O/E
Gerald Lenahan	5708	72.00	Mcguire Senior Center S/W
Gloria Donoghue	5709	70.00	Mcguire Senior Center O/E
Green Meadows Farm	5710	595.00	Summer Recreation
Gregg F. Paster & Assoc.	5711	531.25	Various

Hvac Distributors,Inc	5712	12.04	Buildings & Grounds
Interstate Battery System ,Cor	5713	89.95	Parks & Playgrounds
J & J' Auto Doctors	5714	141.95	Construction Code O/E
Jacqueline Walker	5715	236.94	Appropriated Grants
James Shin	5716	160.00	Summer Recreation
Jesco, Inc.	5717	73.72	Recycling O/E
Kaufmann,Bern & Deutche,L.L.P	5718	3420.75	Planning Board O/E
Kay Yim	5719	175.00	Municipal Court O/E
Ken-Jil Electl Contractors,Inc	5720	1579.10	Buildings & Grounds
L. Ross Distributors,Inc	5721	38.80	Buildings & Grounds
La Casa Formosa	5722	1785.00	Mcguire Senior Center O/E
Lawyers Diary And Manual	5723	89.00	Municipal Court O/E
Lincoln Financial Group	5724	37800.00	Losap
Lisa Salerno	5725	105.00	Mcguire Senior Center O/E
Mad Science Of Bergen County	5726	425.00	Summer Recreation
Margaret Raso	5727	765.00	Appropriated Grants
Mary Mcgowan	5728	160.00	Mcguire Senior Center O/E
Maser Consulting P.A.	5729	520.00	Engineering Services O/E
Matthew Bender & Co., Inc.	5730	181.40	Municipal Court O/E
Maureen Felici	5731	400.00	Appropriated Grants
Metro Pest Solutions	5732	50.00	Buildings & Grounds
Miele Sanitation Co	5733	35858.93	Various
Millennium Strategies Llc	5734	2500.00	Administrative & Executive O/E
Minuteman Press	5735	37.00	Mcguire Senior Center O/E
Mis	5736	2110.00	Construction Code O/E
Mta Bridges And Tunnels	5737	8.50	Police O/E
Municipal Record Service	5738	306.50	Municipal Court O/E
Njpm: Nj Pest Management	5739	198.00	Dpw Streets & Roads O/E
North Jersey Media Group	5740	13.23	Planning Board O/E
Norwood Car Care	5741	1033.35	Police O/E
Office Concepts Group	5742	529.81	Various
One Call Concepts, Inc.	5743	34.72	Sewer
Oriental Trading Co, Inc.	5744	921.00	Various
Park Ridge Athletic Associatio	5745	300.00	Recreation
Patrick Johnson	5746	450.00	Administrative & Executive O/E
Paul Ingis	5747	400.00	Summer Recreation
Pojanowski & Trawinski P.C.	5748	3720.00	Legal Services O/E
Poland Spring Water Co.	5749	282.51	Various
Powerhouse Studios Take Two, I	5750	1350.00	Summer Recreation
Rachles / Michele's Oil Co,Inc	5751	5097.47	Gasoline
Ramsey Outdoor Store, Inc.	5752	250.00	Appropriated Grants
Rfq Testing	5753	75.00	Sewer
Rizzo's Reptile Discovery Llc	5754	400.00	Summer Recreation
Robert Carlisle	5755	189.00	Mcguire Senior Center O/E
Rockland Electric Co	5756	3335.95	Street Lighting
Rockland Electric Company	5757	1316.47	Electricity
Ronald Rovito	5758	663.10	Dpw Streets & Roads O/E
Rudy's Ristornate & Pizzeria	5759	104.00	Recreation Golden Age
S&S Worldwide , Inc.	5760	738.88	Summer Recreation
Schultz Ford,Inc.	5761	518.28	Various

Sports Time Inc.	5762	1917.55	Summer Recreation
Staples Business Advantage	5763	326.44	Various
State Line Fire And Safety Inc	5764	40.90	Fire O/E
Stephanie Nolan	5765	543.00	Recreation
Suzanne Burroughs	5766	26.00	Tax Collection O/E
T-Pc,Inc.	5767	39.00	Police O/E
Tanya Dmitruk	5768	361.00	Various
Tastefully British	5769	150.00	Reserve Mcguire Center
Tenaflly Mower Service,Inc.	5770	619.85	Parks & Playgrounds
The Hardware Store	5771	267.06	Various
Tilcon New York Inc.	5772	516.36	Appropriated Grants
Traffic Safety & Equipment Co.	5773	312.00	Dpw Streets & Roads O/E
Treasurer,State Of New Jersey	5774	75.00	Due To State Marriage Fees
Tyco Animal Control Services	5775	550.00	Animal Control O/E
United Water New Jersey	5776	440.08	Water
United Water New Jersey	5777	6667.14	Fire Hydrants Service
Verizon Wireless	5778	1048.56	Telephone
Verizon/Bell Atlantic	5779	73.41	Telephone
Wanda A. Worner	5780	139.39	Buildings & Grounds
William Essmann	5781	400.00	Appropriated Grants
Yaboo Fence Corp.	5782	88.00	Dpw Streets & Roads O/E
Dolores Alfis	5783	248.49	Various
Compound Signs	5784	80.00	Recreation
Bergen Cnty Utilities Authorit	5785	123603.00	Sewer Contractual - Bcua
Nj Motor Vehicle Commission	5786	120.00	Police O/E
Gregg F. Paster & Assoc.	5787	3492.50	Administrative & Executive O/E
Bergen Municipal Joint Ins Fun	5788	54766.55	Worker's Comp Insurance
American Hose & Hyd	5789	1997.40	Dpw Streets & Roads O/E
Payroll Account - Northvale	20110610	118023.40	Various
Njshbp	20110615	34119.30	Employee Group Insurance
Payroll Account - Northvale	20110624	110561.45	Various

RESOLUTION #2011-75

RESOLUTION OF THE BOROUGH OF NORTHVALE BERGEN COUNTY, NEW JERSEY RESOLUTION AUTHORIZING PUBLICATION OF REQUEST FOR PROPOSALS FOR TRAFFIC CONTROL SIGNAL MONITORING

WHEREAS, the Borough of Northvale seeks to solicit proposals for installation of traffic control signal monitoring systems as set forth in the New Jersey Motor Vehicle Statutes (N.J.S.A. 39:4-8.12 et seq.); and

WHEREAS, the Borough has introduced an Ordinance to permit such traffic monitoring equipment to be installed pursuant to statute; and

WHEREAS, the Governing Body now seeks to advertise its Request for Proposals from qualified vendors.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Northvale, that the Borough Clerk be and is hereby authorized to advertise, in a manner consistent with statute, a legal notice and to distribute the Request for Proposals prepared by the Borough Attorney for traffic control device monitoring equipment and services as required by statute in the form and substance as discussed on the record, a copy of which shall be annexed upon execution hereto and incorporated by reference.

RESOLUTION #2011-76

RESOLUTION OF THE BOROUGH OF NORTHVALE COUNTY OF BERGEN, STATE OF NEW JERSEY AUTHORIZING WITHDRAWAL FROM LEASE AGREEMENT WITH US WIRELESS FOR MONOPOLE INSTALLATION AT HOGAN PARK

WHEREAS, a bids were solicited and received for lease of a certain portion of Hogan Park in the Borough of Northvale to permit construction of a monopole to host wireless technology transmittal equipment; and

WHEREAS, the Borough awarded via Resolution 2011-24, a lease for such services to US Wireless, Inc. of Cambridge, Massachusetts to construct and maintain the monopole; and

WHEREAS, a lease has been negotiated and tendered to the Borough by US Wireless, and the Borough has authorized execution of the lease agreement; and

WHEREAS, for various reasons, including, but not limited to, protracted litigation and potentially untenable wireless communications facilities population, the lessee has requested a release from the lease obligations; and

WHEREAS, the Borough now seeks to allow the withdrawal of the lease award and to have no further obligation or indebtedness to the successful bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Northvale, County of Bergen, State of New Jersey that the resolutions authorizing execution and awarding the lease be and are hereby repealed and rescinded, and to be considered of no further force nor effect, and US Wireless, Inc., is hereby released from any further obligation to the Borough, subject to receipt of an executed mutual release and hold harmless agreement; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to provide a copy of this resolution to US Wireless, Inc. and its New Jersey local counsel at their usual places of business.

ROLL CALL VOTE: All present in favor.

Resolution #2011-77 is to be discussed in closed session. A vote will follow thereafter.

#2011-77 Authorize the Execution of Dissolution and Conveyance Agreement with the Northvale Public Library Association Board of Trustees - Agreement

By: _____ 2nd: _____ RC: _____

ORDINANCES – 1st reading –

Motion by Councilman Marana; seconded by Councilman Sokoloski to introduce Ordinance #895-2011, as follows:

**BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey**

ORDINANCE #895-2011

AN ORDINANCE AMENDING ORDINANCE #634-91 ENTITLED “AN ORDINANCE REQUIRING THE OWNER OF A RESIDENTIAL PREMISES UPON THE SALE, LEASE OR CHANGE OF OCCUPANY TO OBTAIN A CERTIFICATE OF SMOKE DETECTOR INSTALLATION” ADOPTED SEPTEMBER 11, 1991

BE IT ORDAINED by the Mayor and Council of the Borough of Northvale that in accordance with the New Jersey Fire Code, N.J.A.C. 5:18 et seq., as follows:

Section 1. Title.

The title of this section shall now be known as “Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance.

Section 2. Reference.

Any reference made to Certificate of Smoke Detector Installation (CSDI) shall now be referred to as Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance (CSDCMAC).

Section 3. Fees.

The fee for a Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance shall be \$75.00 due when application submitted for all one and two family houses and \$50.00 for single apartments.

Section 4. Effective Date.

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

Introduced: July 13, 2011

Second reading: August 10, 2011

Passed:

ROLL CALL VOTE: All present in favor.

Motion Councilman Sokoloski; seconded by Councilman Marana to introduce Ordinance #896-2011, as follows:

**BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey**

ORDINANCE #896-2011

AN ORDINANCE AMENDING ORDINANCE #892-2011 ENTITLED “AN ORDINANCE AMENDING SECTION 84-2 OF CHAPTER 84 OF THE CODE OF THE BOROUGH OF NORTHVALE “UNIFORM CONSTRUCTION CODE FEES” ADOPTED MARCH 9, 2011

BE IT ORDAINED, by the Mayor and Council, as follows:

Section 1. That Section 11, Plumbing Fees, be amended as follows:

A. Fixtures and appliances connected to the plumbing system:

Dishwashers Residential	\$50.00 each
Hot Water Heater Residential	\$60.00 each
Hot Water Heater Commercial/Industrial	\$100.00 each
Gas Piping Residential	\$55.00 each
Gas Piping Commercial/Industrial	\$125.00 each

B. Special Devices

Grease Traps	\$150.00 each
Oil Separators	\$150.00 each
Back Flow Preventors (Commercial)	\$150.00 each w/ports

Steam Boilers	\$125.00 each
Hot Water Boilers	\$125.00 each
Sewer Pumps Residential	\$75.00 each
Interceptors Residential	\$75.00 each
Sewer Pumps Commercial/Industrial	\$150.00 each
Interceptors Commercial/Industrial	\$150.00 each

Section 2. That Section 12, Electrical Fixtures and Devices

Switching outlets, lighting outlets:

Receptacles 1-25	\$65.00 each
Each additional 25 outlets	\$50.00 each

Section 3. Effective Date

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

Introduced: July 13, 2011

Second reading: August 10, 2011

Passed:

ROLL CALL VOTE: All present in favor.

Motion by Councilman Sokoloski; seconded by Councilwoman Libby to introduce Ordinance #897-2011, as follows:

**Borough of Northvale
County of Bergen
State of New Jersey**

ORDINANCE #897-2011

AN ORDINANCE ESTABLISHING A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM

WHEREAS, by P.L. 2007, Chapter 348 a/k/a N.J.S.A. 39:4-8.12, et seq. (the “Act”), the Legislature of the State of New Jersey has determined that the installation of a traffic control signal monitoring system by municipalities complementing local law enforcement could serve as

an effective tool in encouraging drivers to observe and obey traffic control devices at intersections, thereby increasing traffic flow and pedestrian safety; and

WHEREAS, the Borough of Northvale is desirous of installing traffic control signal monitoring systems at various intersections within the Borough of Northvale; and

WHEREAS, the Borough has determined that adoption of the Ordinance is in the best interests of the health, safety and welfare of the Borough and its residents.

NOW, THEREFORE, be it ordained by the Council of the Borough of Northvale, County of Bergen and State of New Jersey as follows:

Section 1. Installation.

(a) The Borough of Northvale hereby determines to install and utilize a traffic control signal monitoring system (“System”) at various intersections within the Borough of Northvale as approved by the Commissioner of Transportation pursuant to the Act.

(b) The System to be installed shall be approved by the Governing Body by resolution.

(c) The Borough shall have the authority to enter into a contract, following a lawful procurement process, for the installation of the System. Any contract that shall contain provisions contrary to the Act shall not be deemed invalid but rather reformed to conform to the Act.

(d) The signs notifying drivers that a System is being utilized shall be approved by the municipal engineer, and shall be placed on each street converging into the affected intersection as required by the Act.

(e) The Municipal Engineer shall inspect and certify the System at least once every six (6) months from the date of its installation.

Section 2. Issuance of a Summons.

The Police Department of the Borough of Northvale shall review the recorded images produced by the System, to determine whether sufficient evidence exists demonstrating that a traffic control signal violation has occurred and shall issue a Summons when appropriate in accordance with the rules of the Court.

Section 3. Use of Recorded Images.

(a) Except as otherwise provided in this section, the recorded images produced by the System shall be available for the exclusive use of the Police Department for the purpose of discharging his or her duties under P.L. 2007, Ch. 384.

(b) Any recorded image or information produced in connection with the System shall not be deemed a public record under N.J.S.A. 47:1A-1 *et seq.*, or common law. The recorded images shall not be: (i) discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, or (ii) offered as evidence in any civil or administrative proceeding not directly related to a traffic control signal violation.

(c) Any recorded image or information collected in connection with a traffic control signal violation shall not be retained after sixty (60) following the collection of any fine or penalty.

(d) If a summons is not issued within ninety (90) days following the traffic control signal violation, all recorded images and any information collected with respect to the traffic control signal violation shall be removed by the Police Department within three (3) business days.

(e) The Borough of Northvale shall certify compliance of this Section by filing a report to with the Commissioner of Transportation in accordance with the Act.

Section 4. Owner's Liability.

The liability of the Owner and Operator of a motor vehicle for a traffic control signal violation summons pursuant to the System shall be joint subject to provisions of the Act.

Section 5. Fines.

Any person liable for a traffic control signal violation, pursuant to the Ordinance and the Act, utilizing the System shall be subject to the following fines:

Violation \$85.00

Section 6. Repealer.

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

Section 7. Severability.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 8. Effective Date.

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

Introduced: July 13, 2011

Second reading: August 10, 2011

Passed:

ROLL CALL VOTE: All present in favor.

ORDINANCES – 2nd reading –

There were no Ordinances scheduled for 2nd reading at this meeting.

HEARING OF THE PUBLIC –

Ed Durfee – 215 Livingston Street – Questioned Resolution 2011-76 with regard to the lawsuit. Mr. Paster stated that one suit is by T Mobile and that is in appeal. The other is PFD Associates who is suing because of the pole. The suit is still open.

Bill Bauer – 216 Walnut Street – Questioned again the cell tower cases. Mr. Paster explained. Mr. Bauer stated that there is a right of way in the area in order to clean the drainage ditch. Mr. Bauer would like to know how can we clean the ditch once the cell tower goes up.

Mrs. Criscuolo - 444 Crest Drive – Stated that she would like to speak about the Library. She stated that on behalf of her family and she feels that the closing of the library is a detriment to the town. She doesn't understand how the town can move forward without a library.

Mayor Bazela stated that the council is actively seeking and working with the school on a program that will allow us to re-open the library as soon as possible. He asked her for her phone # or an e-mail address in case she would like to volunteer for input.

Marion Piehler – White Avenue – Stated that she thinks that the council has done a great job so far. She feels that there is a lot of hope to get everything together.

Bill Bauer – 216 Walnut Street – Had various complaints about 31 Industrial Avenue. He stated that they are putting in a parking lot on the Borough Street – (paper street). He was upset that it's nine months since he brought this to the Council's attention and nothing has been done. He also stated that there is a berm in the driveway that makes the water run to the back of his property. The DEP says that you can't do that. Mr. Bauer explained that originally they would dump the water into the sewer line and (the well) and they had to put a meter on the well.

Mayor Bazela asked if he could keep a copy of one of the pictures so that he can bring it to the building department.

Mr. Bauer also complained about the outside storage that is at the property. He has a container and pallets. He feels that there are also containers (blue) that he believes are filled with chemicals. Mr. Bauer further states that there is a drainage ditch and he went down to the brook and it has been cleaned, but the ditch has not been cleaned. Mr. Bauer also stated that there is a new bridge behind Hausmann Industries.

Mr. Bauer further stated that 20 years ago when the dish antennas went up they had to put in a retention pond, but, have never maintained it. Therefore, it has never been cleaned. He stated that all of these issues are creating flooding problems in the town.

Mr. Bauer further questioned the new bar at Union Street – Bidy O’Malley’s. He stated that there is no parking and they are using the Union Street without any compensation. He feels that the street should be vacated and the borough can get some revenue.

Mr. Bauer further commented on the stream cleaning project and stated that all of the silt coming out of the stream is being put on the Northvale side of the Brook and not the Rockleigh side.

Mr. Perretti – 180 Dorato Place – Stated that it took about 4 years to get the permit for what we are doing now. (Sparkhill Brook) He stated that years ago he was asked to map out all of the streams that need to be cleaned. He explained what had occurred over the past years and these problems are creating flooding problems in town. He explained the difference from the Rockleigh side as opposed to the Northvale side. He stated that Oak Tree Road is like a dam and creates more flooding. He feels that the bridge at Oak Tree Road should be changed and that would alleviate our problem.

Maria Pippi – 159 Livingston Street – Stated that since Livingston Street was repaved water collects by the end of her mother’s driveway. Water goes into the driveway about half way. She would appreciate any help that the borough can provide in solving this problem as it is a dangerous condition in the winter when the water freezes.

MAYOR AND COUNCIL REPORTS –

Councilman Sokoloski – Reported that the Planning Board is going to be looking at the parking code for commercial properties i.e., Northvale Square and the lack of parking at the site. He further reported that he met with contractor for the bathrooms at the parks and they will be complete by labor day (starting on July 25).

Councilman Marana – Reported on the fire prevention figures for the bureau for the month. Groundbreaking at housing unit at 176 Paris Avenue will take place in September. He stated that financing was an issue and that is why it is taking so long. He

stated that Northvale seniors are expressing a lot of interest in the units. He further reported that the garbage bids specifications are being worked on.

Councilwoman Libby – Reported that there are no major issues with the Seniors. Financial reports have been requested from the CFO for the next meeting. She further discussed the disposition of the old Senior Van. She wanted to know if it could be donated to a worthy recipient. It was discussed that since the van is considered a municipal asset it must be disposed of at an auction.

Councilman Amend – Stated that the DPW is doing an excellent job at Hogan Park and Rifle Range. He reported that Councilman Sokoloski drafted the specifications and our DPW spending a lot of time making the improvements. Councilman Amend reported on the dedication for Natlie Klics and Dick Davis which consisted of new benches and plantings. Lastly, he reported that there are four boys in the Rifle Club that will be competing in a rifle club Olympic level competition and training camp at Camp Perry, Ohio. He stated that their trip is sponsored by the Order of the Redmen and he thanks them for being their sponsor.

Mayor Bazela – Reported that the Northvale Town Day Committee is working very hard to raise money for the event. He stated that he feels that the day should cost about \$20,000 to \$30,000. He thanked the DPW for all the work that they are doing at the Rifle Range. He thanked Ed Piehler and Peter Perretti for all the work that they have done for the committee and he thanked American Legion for the use of their facility for the Pasta dinner.

BOROUGH ENGINEER REPORTS –

Mr. Niehoff gave a very brief report on the Tappan Road Paving and the improvements to Livingston and Paris Avenue. (Streetscape Plan).

Mr. Perretti – inquired about a DOT grant for sidewalks along Livingston Street and Mr. Niehoff stated that he would look into it.

BOROUGH ATTORNEY REPORTS –

Mr. Paster had no report this evening.

CLOSED SESSION –

Motion by Councilman Marana; seconded by Councilwoman Libby to enter into closed session and to approve Resolution #2011-78, as follows:

RESOLUTION #2011-78

Providing for a Meeting not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act

WHEREAS, the Council of the Borough of Northvale is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6, et seq; and

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Council of the Borough of Northvale to discuss in session not open to the public certain matter relating to an item or items authorized by NJSA 10:4-12b, as listed below:

1. Matters required by law to be confidential
2. Matter involving individual privacy
3. Matters relating to a collective bargaining agreement

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Northvale that immediately after the adoption of this resolution the Council shall enter into closed session.

ROLL CALL VOTE: All present in favor.

RESOLUTIONS –

Motion by Councilman Sokoloski; seconded by Councilman Amend to return to open session.

Motion by Councilman Marana seconded by Councilman Amend to approve Resolution #'s 2011-79 through 2011-83, on Consent Agenda as follows:

RESOLUTION #2011-79

RESOLUTION AUTHORIZING SETTLEMENT OF NORTHVALE 1997 ASSOCIATES, LLC V. BOROUGH OF NORTHVALE, FILED IN THE TAX COURT OF NEW JERSEY, DOCKET NOS. 006066-2008, 000688-2009 and 004875-2010 and 2011, WITH RESPECT TO BLOCK 1101, LOT 5

WHEREAS, Northvale 1997 Associates, LLC is the owner of property known as 140 Legrand Avenue, Northvale, New Jersey, also known as Block 1101, Lot 5; and

WHEREAS, the property has field tax appeals in the Tax Court of New Jersey under Docket Numbers 006066-2008, 000688-2009 and 004875-2010 and 2011 Docket Number has not been assigned as of yet; and

WHEREAS, the assessment for the property in question for tax years 2008, 2009 and 2010 was \$5,781,400.00 and for tax year 2011 \$5,492,300.00; and

WHEREAS, the property owner submitted appraisals to the municipality suggesting a fair market value of the property for the years in question at \$5,115,000.00 for 2008, \$4,910,000.00 for 2009 and \$4,355,000.00 for 2010; and

WHEREAS, applying the Borough's equalization ratio to the taxpayer's expert's valuation numbers would indicate substantial reductions in assessment for the subject property; and

WHEREAS, the Borough's Special Tax Counsel, Joseph A. Pojanowski, III, Esq., and its Real Estate Consultant, Donald Helmstetter, MAI have not only reviewed this matter but also entered into settlement negotiations with the property owner in which the property owner agreed to withdraw the 2008 tax appeal and agreed to an assessment of \$5,500,000.00 for tax years 2009 and 2010 and would agree to withdrawn the 2011 tax appeal leaving in place the assessment of \$5,492,300.00; and

WHEREAS, the Borough's Tax Assessor, John Guercio has reviewed this matter and he believes that this is a fair and equitable resolution to the cases; and

WHEREAS, the taxpayer has agreed to waive interest in the event that this matter is amicably resolved; and

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Northvale authorizes it Special Tax Counsel, Joseph A. Pojanowski, III, Esq. to enter into Settlement Stipulation agreeing with the recommendation of its professionals to leave in place the 2008 assessment and to reduce the 2009 and 2010 assessments from \$5,781,400.00 to \$5,500,000.00 and that the property owner would withdraw the tax appeal for 2011 leaving in place the assessment at \$5,492,300.00;

BE IT FURTHER RESOLVED, the settlement is also contingent upon the taxpayer agreeing to waive interest on the refund for the years in question provided the refund is paid within sixty days of the receipt of the Tax Court Judgment by the Tax Collector's Office; and

BE IT FURTHER RESOLVED, since the Tax Assessor of the Borough has agreed that this is a fair and reasonable settlement for both parties that the Governing Body endorse this settlement and authorize its Tax Counsel to effectuate it based on the terms and conditions as set forth herein; and

BE IT FURTHER RESOLVED, a copy of this Resolution shall be forwarded to Special Tax Counsel, Joseph A. Pojanowski, III, Esq., as soon as practicable after it is passed.

RESOLUTION #2011-80

RESOLUTION AUTHORIZING SETTLEMENT OF NORTHVALE 2005 ASSOCIATES, LLC V. BOROUGH OF NORTHVALE, FILED IN THE TAX COURT OF NEW JERSEY, DOCKET NOS. 005896-2008, 000922-2009 and 004877-2010 and 2011, WITH RESPECT TO BLOCK 1101, LOT 12

WHEREAS, Northvale 2005 Associates, LLC is the owner of an 86,044 square foot single story building situated on 4.59 acres of land located at 10 Fairway Court, Northvale, New Jersey, known as Block 1101, Lot 12; and

WHEREAS, the property owner has filed tax appeals against the Borough of Northvale for tax years 2008, 2009, 2010 and 2011 under Docket Numbers 005896-2008, 000922-2009, 004877-2010 and no Docket Number has been established for the 2011 case as of yet; and

WHEREAS, the Borough has conducted extensive discovery and exchange of expert reports with respect to these cases and the Borough's Special Tax Counsel, Joseph A. Pojanowski, III, Esq., in collaboration with its Real Estate Expert, Donald Helmstetter, MAI have negotiated a settlement with the taxpayer; and

WHEREAS, under the terms of the settlement, the taxpayer would agree to withdraw the 2008 tax appeal and would agree to a revised assessment for tax years 2009 and 2010 at \$5,400,000.00 and would agree to withdraw the 2011 appeal and accept the Borough's assessment at \$5,446,900.00; and

WHEREAS, the Borough's Tax Assessor, John Guercio agrees that this a fair and equitable settlement for both parties and endorses the settlement; and

WHEREAS, the taxpayer agrees to waive its right to interest in the event of settlements provided the refund is paid to the property owner within sixty days of the receipt of the Tax Court Judgment reducing the assessments; and

NOW THEREFORE, BE IT RESOLVED, that Joseph A. Pojanowski, III, Esq., the Borough's Special Tax Counsel is authorized to settle the tax appeals filed in the Tax Court of New Jersey by Northvale 2005 Associates, LLC in which the taxpayer would withdraw the 2008 tax appeal and would agree to an assessment for tax years 2009 and 2010 at the rate of \$5,400,000.00 and would agree to withdraw the 2011 assessment and agree to an assessment of \$5,446,900.00 for tax year 2011; and

BE IT FURTHER RESOLVED, the taxpayer would be required to waive interest for any refunds provided the refund is paid to the taxpayer within sixty days of the receipt of the Tax Court Judgment by the Borough's Tax Collector; and

BE IT FURTHER RESOLVED, a copy of this Resolution shall be forwarded to Special Tax Counsel, Joseph A. Pojanowski, III, Esq., as soon as practicable after it is passed.

RESOLUTION #2011-81

RESOLUTION AUTHORIZING THE SETTLEMENT OF LUANN WEISS V BOROUGH OF NORTHVALE FILED IN THE TAX COURT OF NEW JERSEY DOCKET NO: 017604-2009 WITH RESPECT TO BLOCK 711 LOT 9 (512 WHITE AVENUE)

WHEREAS, LuAnn is the owner of a single family home located at 512 White Avenue, Block 711, Lot 9 in the Borough of Northvale, New Jersey and has filed a tax bill against the Borough of Northvale for tax year 2009, under Docket No.: 017604-2009; and

WHEREAS, the assessment for 512 White Avenue, Northvale, New Jersey for tax year 2009 was \$637,600.00; and

WHEREAS, the Borough's most recent revaluation established the assessment for the subject property at \$519,000.00; and

WHEREAS, the property owner has agreed to a reduced assessment to the level of \$550,000.00 for tax year 2009; and

WHEREAS, the Borough's Assessor and its Special Tax Counsel, Joseph A. Pojanowski, III, Esq., feel that this is fair and reasonable and an equitable settlement and the cost of litigation would not be merited; and

WHEREAS, the property owner has agreed to waive interest as part of the terms of this settlement with respect to any refund that may be due to her.

NOW THEREFORE, BE IT RESOLVED, that Joseph A. Pojanowski, III, Esq., the Borough's Special Tax Counsel is authorized to enter into a settlement with LuAnn Weiss for property known as 512 White Avenue, Northvale, New Jersey, which is Block 711, Lot 9 for year 2009 at an assessment of \$550,000; and

BE IT FURTHER RESOLVED, the taxpayer would be required to waive interest for any refunds provided the refund is paid to the taxpayer within sixty days of the receipt of the Tax Court Judgment by the Borough's Tax Collector; and

BE IT FURTHER RESOLVED, a copy of this Resolution shall be forwarded to Special Tax Counsel, Joseph A. Pojanowski, III, Esq., as soon as practicable after it is passed.

RESOLUTION #2011-82

RESOLUTION AUTHORIZING THE SETTLEMENT OF PAWLOWSKI, MICHAEL & JENNIFER V BOROUGH OF NORTHVALE FILED IN THE TAX COURT OF NEW JERSEY, DOCKET NO: 014875-2010 WITH RESPECT TO BLOCK 1002, LOT 10 (174 HIGH STREET)

WHEREAS, Michael and Jennifer Pawlowski are the owners of 174 High Street, Block 1002, Lot 10 on the Tax Map of the Borough of Northvale, New Jersey and have filed a tax bill against the Borough of Northvale for tax year 2010, under Docket No.: 014875-2010, challenging their assessment of \$534,300.00 for tax year 2010; and

WHEREAS, the Borough's Special Tax Counsel, Joseph A. Pojanowski III, Esq., has conducted discovery in this matter and has reviewed the property owner's comparable sales that they would rely upon at the time of trial; and

WHEREAS, the Borough's Assessor and its Special Tax Counsel, Joseph A. Pojanowski, III, Esq., recommends that the assessment for year 2010 be reduced to \$430,100.00 and further believes that this reduction would be fair and equitable to both parties; and

WHEREAS, the property owner has agreed to waive interest as part of the terms of this settlement provided it is paid within sixty (60) days of the Tax Court Judgment.

NOW THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Northvale approve settlement of Pawlowski, Michael & Jennifer v. Borough of Northvale, Docket No.: 014875-2010 and agree to permit Joseph A. Pojanowski, III, Esq., the Borough's Special Tax Counsel to sign a Settlement Stipulation to reduce the assessment from \$534,300.00 to \$430,100.00 for Block 1002, Lot 10 for tax year 2010; and

BE IT FURTHER RESOLVED, the Borough's Assessor and its Special Tax Counsel, Joseph A. Pojanowski, III, Esq., believe that this settlement is fair and equitable to both parties and have recommended the settlement to governing body; and

BE IT FURTHER RESOLVED, the taxpayer would be required to waive interest for any refunds provided the refund is paid within sixty (60) days of the receipt of the Tax Court Judgment by the Borough's Tax Collector; and

BE IT FURTHER RESOLVED, a copy of this Resolution shall be forwarded to Special Tax Counsel, Joseph A. Pojanowski, III, Esq., as soon as practicable after it is passed.

RESOLUTION #2011-83

RESOLUTION AUTHORIZING SETTLEMENT OF SCOTT J. & DIANE E. FIRENZE V. BOROUGH OF NORTHVALE, FILED IN THE TAX COURT OF NEW JERSEY, DOCKET NO.: 020036-2010 WITH RESPECT TO BLOCK 406, LOT 4 (604 WOODLAND AVENUE)

WHEREAS, Scott and Diane Firenze the owners of property at 604 Woodland Avenue, Block 406, Lot 4 on the Tax Map of the Borough of Northvale, New Jersey and have filed a tax bill against the Borough of Northvale for tax year 2010, under Docket No.: 020036-2010, challenging their assessment of \$863,900.00 for tax year 2010; and

WHEREAS, after reviewing discovery and considering the Municipality's revaluation established a new valuation for the property as of October 1, 2010 for tax year 2011 at the level of \$732,000.00, John Guercio, Assessor of the Borough of Northvale believes that it is in the best interest of the Municipality to agree to a reduction in the assessment to \$735,000.00, for tax year 2010;

WHEREAS, the property owners through their counsel have agreed that all interest would be waived if payment in made within forty five (45) days of receipt of the Tax Court Judgment; and

WHEREAS, the Borough's Special Tax Counsel, Joseph A. Pojanowski, III, Esq., believes that this is a fair and equitable settlement to both parties and supports the Assessor in this recommendation to the Governing Body.

NOW THEREFORE, BE IT RESOLVED, that Joseph A. Pojanowski, III, Esq., Special Counsel to the Borough of Northvale is permitted to enter into a Settlement Stipulation to resolve the above captioned case pertaining to the 2010 assessment to reduce it from \$836,900.00 to \$735,000.00; and

BE IT FURTHER RESOLVED, the as part of this settlement the taxpayer agrees to waive interest for the refund provided that the refund is paid to the taxpayer within forty five (45) days of the receipt of the Judgment by the Tax Collector's Office in the Borough of Northvale; and

BE IT FURTHER RESOLVED, a copy of this Resolution shall be forwarded to Special Tax Counsel, Joseph A. Pojanowski, III, Esq. and to John Guercio, Assessor of the Borough of Northvale as soon as practicable after it is passed.

ROLL CALL VOTE: All present in favor.

Motion by Councilman Sokoloski; seconded by Councilman Amend to approve Resolution #2011-77, as follows, subject to revisions discussed.

RESOLUTION #2011-77

RESOLUTION AUTHORIZING EXECUTION OF DISSOLUTION AND CONVEYANCE AGREEMENT WITH THE NORTHVALE PUBLIC LIBRARY ASSOCIATION BOARD OF TRUSTEES

WHEREAS, the Borough of Northvale ('Borough' or 'Governing Body') has engaged in negotiations with the Northvale Public Library Association Board of Trustees ('Library' or 'Board') to arrive at a dissolution agreement that will serve the purposes of the Borough and the Library; and

WHEREAS, it appears that the Borough is inclined to house and store in its current premises, the Library collection of books and other literary materials, rent free, in exchange for conveyance of the collection from the Library to the Borough under certain circumstances; and

WHEREAS, an Agreement ('Agreement') has been tendered by the Borough to the Board reciting the terms and conditions of the foregoing paragraph, in addition to other details for library operations and services and other pertinent terms; and

WHEREAS, the Agreement has been reviewed, negotiated and approved by the Board and its Attorney and approved for execution by the Library.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Northvale hereby ratifies the Agreement tendered to the Library and authorizes the Mayor and Borough Clerk to execute, attest and deliver said Agreement to the Board in the usual course of business to effectuate the purposes and intents of said Agreement; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the President of and Attorney for the Library Association Board of Trustees within seven days of the adoption hereof.

ROLL CALL VOTE: All present in favor.

HEARING OF THE PUBLIC –

There was no public participation for the hearing of the public.

ADJOURNMENT –

Motion by Councilman Marana; seconded by Councilman Amend to adjourn the meeting at 9:46 PM.

ROLL CALL VOTE: All present in favor.

Paul Bazela, Mayor

ATTEST:

Wanda A. Worner
Borough Clerk

Approved: August 10, 2011