

MINUTES
Combined Meeting of the Mayor and Council
Wednesday, May 9, 2012
7:30 PM

CALL THE MEETING TO ORDER –

Mayor Bazela called the meeting to order at 7:30 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 all in attendance to rise and join him in a Salute to the Flag and then called for a moment of Silent Prayer.

ROLL CALL -

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

Also present: Mr. Gregg Paster, Borough Attorney, Mr. Paul Niehoff, Borough Engineer and Borough Clerk, Wanda A. Worner.

APPOINTMENTS & PERSONNEL CHANGES –

Motion by Councilman Sotiropoulos; seconded by Councilman Sokoloski to approve the appointment of Mr. Robert J. Devore of 53 Elm Street, Hewitt, NJ as Patrolman to the Northvale Police Department, effective May 21, 2012.

ROLL CALL VOTE: All present in favor.

Motion by Councilman Shepard; seconded by Councilwoman Libby to approve the appointment of Mr. Edward R. Robinson 40 Morse Lakes Road, Bloomingdale, NJ as Patrolman to the Northvale Police Department, effective May 21, 2012.

ROLL CALL VOTE: All present in favor.

MONTHLY REPORTS – (Correspondence on file in Borough Clerks Office)

Tax Collector – March
Police Department – March
Fire Prevention – March
Municipal Court – March
Building Department – March

RESOLUTIONS –

Motion by Councilman Marana; seconded by Councilman Piehler to approve Resolution #2012-43 through #2012-51, on Consent Agenda, as follows:

RESOLUTION #2012-43

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2012 was adopted on the 18th day of April, 2012; and

WHEREAS, it is desired to amend said adopted capital budget section;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Northvale, County of Bergen that the following amendments (s) to the capital budget section of the 2012 Budget be made:

**FROM
CAPITAL BUDGET (CURRENT YEAR ACTION)
2012**

Project	Project #	Estimated Total Cost	Capital Improvement Fund	Debt Authorized	To Be Funded in Future Years
Various Improvements	2012-1	300,000	5,000	95,000	200,000
Total All Projects		300,000	5,000	95,000	200,000

**3 YEAR CAPITAL PROGRAM 2012-2014
Anticipated Project Schedule
and Fund Requirement**

Project	Project #	Estimated Total Cost	Budget Year 2012	Budget Year 2013	Funding Amounts Per year 2014
Various Improvements	2012-1	300,000	100,000	100,000	100,000
Total All Projects		300,000	100,000	100,000	100,000

**3 YEAR CAPITAL PROGRAM 2012-2014
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

Project	Estimated Total Cost	Capital Improvement Fund	Bonds and Notes General
2012-1	300,000	15,000	285,000
Total All Projects	300,000	15,000	285,000

TO CAPITAL BUDGET (CURRENT YEAR ACTION) 2012

Project	Project #	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Debt Authorized	To Be Funded in Future Years
Various Improvement	2012-1	1,000,000	24,500	296,500	479,000	200,000
Improvements to Recreation Fields	2012-2	200,005		200,005		
Total All Projects		1,200,005	24,500	496,505	479,000	200,000

**3 YEAR CAPITAL PROGRAM 2012-2014
Anticipated Project Schedule
and Funding Requirement**

Project	Project #	Estimated Total Cost	Budget Year 2012	Budget Year 2013	Funding Amount Per Year
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					Budget Year 2014
Various Improvements	2012-1	1,000,000	800,000	100,000	100,000
Improvements to Recreation Fields	2012-2	200,005	200,005		
Total All Projects		1,200,005	1,000,005	100,000	100,000

**3 YEAR CAPITAL PROGRAM 2012-2014
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

Project	Estimated Total Cost	Capital Improvement Fund	Grants in Aid of Other Funds	Bonds and Notes General
2012-1	1,000,000	34,500	296,500	669,000
2012-2	200,005		200,005	
Total All Projects	1,200,005	34,500	496,505	669,000

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

RESOLUTION #2012-44

Authorize the Chief Financial Officer to Refund Taxes Overpaid Due to State Tax Court Judgment

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
1101	14	Westfalia Sperator Inc Law Offices of Thomas L Murphy 113 West White Horse Road, Suite 4 Voorhees, New Jersey 08043 Property – 100 Fairway Court	\$7,537.22	2010

RESOLUTION #2012-45

RESOLUTION SUPPORTING A-2717 -Extending the time period for municipalities to commit to expend collected development fees and payments-in-lieu of constructing affordable units

WHEREAS, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be “committed for expenditure, or risk forfeiture to the State;” and

WHEREAS, the 2008 Act did not define the term “committed for expenditure” and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to the requirements to be met for “committed” as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant PL 2008, c. 46; and

WHEREAS, hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

WHEREAS, at the time of 2008 Act, COAH was prepared to adopt its “3rd round regulations” establishing municipal obligations under the “Fair Housing Act”; and

WHEREAS, COAH's 3rd round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

WHEREAS, eight years of litigation over COAH's methodology has had a chilling effect not only on the development of affordable housing, but on the ability of local governments to commit trust fund dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

WHEREAS, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

WHEREAS, these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

WHEREAS, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Northvale urges our State Legislators to **support and approve A-2717**, which will provide a four-year extension for municipalities to commit the municipal housing trust fund dollars; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the sponsor of A-2717, Assemblyman Anthony Bucco, Senator Weinberg, Assemblywoman Huttle and Assemblyman Gordon, members of the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the Office of the Governor.

RESOLUTION #2012-46

Interlocal Agreement with the Borough of Hillsdale for a Three Year Leaf Removal Program

WHEREAS, the Borough of Hillsdale requires a properly authorized site to deposit leaves and related debris; and

WHEREAS, the Borough of Northvale has such space available and has agreed to enter into a three year Interlocal Agreement with the Borough of Hillsdale to allow the deposit of said materials on that site; and

WHEREAS, the Borough of Hillsdale will pay the Borough of Northvale, as follows:

2012 \$7.25 per cubic yard
2013 \$7.50 per cubic yard
2014 \$7.75 per cubic yard

NOW, THEREFORE, BE IT RESOLVED that Mayor Bazela is hereby authorized to execute a three year Interlocal Agreement with the Borough of Hillsdale for the Leaf Removal Program.

RESOLUTION #2012-47

Waive Building Department Fees for Thomas Jefferson School

BE IT RESOLVED, that the building department fees for the installation of a Unit Ventilator Replacement at Thomas Jefferson School are hereby waived.

RESOLUTION #2012-48

Waive Electrical Fees for Thomas Jefferson School

BE IT RESOLVED, that the electrical fees for the installation of a Unit Ventilator Replacement at Thomas Jefferson School are hereby waived.

RESOLUTION #2012-49

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 (2012)	\$ 293,485.17
Appropriation Reserves (2011)	\$ 0.00
General Capital Fund	\$ 857.50
Animal License Trust	\$ 463.80
Community Development Trust	\$ 0.00
Developer's Escrow Trust	\$ 1,300.00
Food Trust	\$ 0.00
Recreation Trust	\$ 2,396.35
Public Defender Trust	\$ 0.00

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:

Payroll	May 2012	\$ 109,613.40
Local School	May 2012	\$ 0.00
County Tax	May 2012	\$ 479,000.00
County Open Space	May 2012	\$ 5,900.00
Health Benefits	May 2012	\$ 36,796.50
Recreation Transfers	May 2012	\$ 0.00
Regional School	May 2012	\$ 0.00

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Northvale that the claims totaling **\$ 913,505.34** and ratified respectively.

The bill list is as follows:

vendor	checkno	chktotal	description
N.J. DEPT OF HEALTH & SENIOR S	125	463.80	EXPENDITURES ANIMAL TRUST
MASER CONSULTING P.A.	460	1300.00	VARIOUS
MASER CONSULTING P.A.	546	857.50	ORD 883-10 VARIOUS
WANDA A. WORNER	6739	495.00	Administrative & Executive O/E
VFW POST 162	6740	1500.00	Public Events Celebration
A.C. DAUGHTRY, INC.	6741	583.80	VARIOUS
ARGENTI PLUMBING & HEATING	6742	164.95	Buildings & Grounds
BEATRIZ GERAMITA	6743	100.00	Municipal Court O/E
BECKERLE LUMBER SUPPLY CO.	6744	1240.82	VARIOUS
BERGEN CNTY UTILITIES AUTHORIT	6745	130230.00	Sewer Contractual - BCUA
BERGEN COUNTY DEPT. OF HEALTH	6746	1300.00	Board of Health O/E
BERGEN COUNTY TREASURER	6747	479000.00	COUNTY TAX
BI-STATE BRAKE CO., INC.	6748	42.55	DPW Streets & Roads O/E
CABLEVISION	6749	59.63	VARIOUS
CESCO	6750	167.50	Buildings & Grounds
CHASAN LEYNER & LAMPARELLO	6751	912.25	Legal Services O/E
CLEATUS FARMS INC.	6752	239.99	DPW Streets & Roads O/E
CLIFFSIDE BODY CORPORATION	6753	35.00	Recycling O/E

COACHMAN INTERNATL TOURS,INC	6754	750.00	Recreation Senior Bus Trips
COUNTY OPEN SPACE TRUST FUND	6755	5900.00	COUNTY TAX
D & E UNIFORMS	6756	129.88	VARIOUS
DEBORAH KANIECKI	6757	80.00	McGuire Senior Center O/E
DELTA DENTAL PLAN OF N.J.,INC	6758	8826.41	Employee Group Insurance
DELUXE SALES AND SERVICE,INC	6759	232.24	Recycling O/E
DOLORES ALFIS	6760	67.50	McGuire Senior Center O/E
DONNA L. GAMBUTTI	6761	55.00	Board of Health O/E
DOROTHY GARRY	6762	250.00	McGuire Senior Center O/E
ELLEN J. SPRINGSTEEN	6763	100.00	Municipal Court O/E
EST TIRE DISTRIBUTORS	6764	1799.20	Police O/E
FLORIO & KENNY, LLP	6765	2424.14	Legal Services O/E
FORD MOTOR CREDIT	6766	8487.50	Police O/E
GE CAPITAL	6767	1752.00	VARIOUS
GEMPLER'S	6768	39.00	DPW Streets & Roads O/E
GREGG F. PASTER & ASSOC.	6769	1062.50	Legal Services O/E
HOMETOWN HARDWARE	6770	1114.66	VARIOUS
INFCROSSING, A WIPRO CO.	6771	257.73	Tax Collection O/E
INSERRA SUPERMARKET, INC.	6772	234.41	VARIOUS
JACQUELINE WALKER	6773	236.94	Appropriated Grants
JEFFRY MARCASON	6774	143.08	Library O/E
KAUFMANN,BERN & DEUTCHE,L.L.P	6775	300.00	Planning Board O/E
KAY YIM	6776	387.50	Appropriated Grants
LA CASA FORMOSA	6777	1840.25	McGuire Senior Center O/E
LAWMEN SUPPLY COMPANY	6778	1535.52	Police O/E
LISA SALERNO	6779	105.00	McGuire Senior Center O/E
MAGELLAN HILL TECHNOLOGIES	6780	4351.41	Telephone
MARGARET RASO	6781	408.00	Appropriated Grants
MATERA'S NURSERY	6782	320.90	Parks & Playgrounds
MATTHEW BENDER & CO., INC.	6783	74.35	Municipal Court O/E
MAUREEN FELICI	6784	430.00	Appropriated Grants
METRO LANDSCAPE IRRIGATION	6785	487.55	Parks & Playgrounds
METRO PEST SOLUTIONS	6786	100.00	Buildings & Grounds
MIELE SANITATION CO	6787	60504.86	Solid Waste Collection
MILLENNIUM STRATEGIES LLC	6788	5000.00	Administrative & Executive O/E
MINUTEMAN PRESS	6789	154.50	VARIOUS
MOBILE FLEET	6790	315.00	Police O/E
MOR POWER EQUIPMENT,INC.	6791	47.38	Parks & Playgrounds
N.J. DEPT OF COMMUNITY AFFAIRS	6792	2861.00	DUE TO STATE UCC FEES
NEW JERSEY FIRE EQUIPMENT CO.	6793	1755.75	Fire O/E
NJ DEPT. OF TREASURY	6794	30.00	Administrative & Executive O/E
NORTH JERSEY MEDIA GROUP	6795	1085.08	VARIOUS
NORTHERN VALLEY PLANNING ASSOC	6796	250.00	Planning Board O/E
NORTHVALE FIRE ASSOCIATION	6797	5772.50	Fire O/E
NORTHVALE FLORIST	6798	100.00	Administrative & Executive O/E
OAK TREE PRINTING,INC.	6799	1675.00	Administrative & Executive O/E
OFFICE CONCEPTS GROUP	6800	257.14	VARIOUS
ONE CALL CONCEPTS, INC.	6801	48.38	Sewer
PITNEY BOWES	6802	507.00	Administrative & Executive O/E
POJANOWSKI & TRAWINSKI P.C.	6803	975.00	Legal Services O/E
POLAND SPRING WATER CO.	6804	288.41	VARIOUS
PSE&G CO.	6805	698.11	Natural Gas
RACHLES / MICHELE'S OIL CO,INC	6806	7420.44	Gasoline
RCS	6807	93.00	DPW Streets & Roads O/E
RECREATIONAL SAND LLC	6808	1315.00	Parks & Playgrounds
REGIONAL COMMUNICATIONS ,INC.	6809	84.00	Police O/E
ROB'S CARPET	6810	1468.43	Library O/E
ROBERT CARLISLE	6811	171.50	McGuire Senior Center O/E
ROBERT E. DEMANGE	6812	70.00	McGuire Senior Center O/E
ROBERT MCGOWAN	6813	40.00	McGuire Senior Center O/E
ROCKLAND ELECTRIC CO	6814	4359.95	Street Lighting
ROCKLAND ELECTRIC COMPANY	6815	3017.25	Electricity
RUDY'S RISTORNATE & PIZZERIA	6816	112.00	Recreation Senior Bus Trips
SHAW'S COMPLETE SECURITY	6817	1702.50	Buildings & Grounds
SHERWIN WILLIAMS CO.	6818	256.69	Buildings & Grounds
STAPLES BUSINESS ADVANTAGE	6819	45.84	Administrative & Executive O/E
STATE LINE FIRE AND SAFETY INC	6820	30.00	Fire O/E

STEVE'S MOPED	6821	208.77	Fire O/E
STORR TRACTOR COMPANY	6822	657.96	Parks & Playgrounds
T-PC,INC.	6823	12.00	Police O/E
TANYA DMITRUK	6824	361.00	VARIOUS
TENAFLY MOWER SERVICE,INC.	6825	119.90	Parks & Playgrounds
TILCON NEW YORK INC.	6826	420.53	DPW Streets & Roads O/E
TONI CECCONE	6827	100.00	Municipal Court O/E
TYCO ANIMAL CONTROL SERVICES	6828	550.00	Animal Control O/E
ULINE SHIPPING SUPPLY SPECIALI	6829	288.08	Parks & Playgrounds
UNITED WATER NEW JERSEY	6830	6974.71	Fire Hydrants Service
VERIZON WIRELESS	6831	831.71	Telephone
VERIZON/BELL ATLANTIC	6832	492.90	Telephone
WANDA A. WORNER - PETTY CASH	6833	76.93	VARIOUS
WESTFALIA SEPERATOR INC.	6834	7537.22	TAX OVERPAYMENTS
ZURICH	6835	53.00	Buildings & Grounds
MASER CONSULTING P.A.	6836	9041.25	Engineering Services O/E
BON-JOUR EMBROIDERY CORP.	10022	2216.00	VARIOUS
BSN SPORTS	10023	71.44	RESERVE RECREATION BASEBALL
HOMETOWN HARDWARE	10024	23.01	RESERVE RECREATION BASEBALL
JEFFRY MARCASON	10025	85.90	RESERVE RECREATION BASKETBALL
PAYROLL ACCOUNT - NORTHVALE	20120427	117895.86	VARIOUS

RESOLUTION #2012-50

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 #2012-51

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN - MONCALIERI ESTATE

WHEREAS, The Estate of Virginia Moncalieri is currently the owner of certain property situate and located within the Borough of Northvale by virtue of a deed dated in or about October, 1950, the subject property appearing at Lots 11 and 12 in Block 506 on the current tax map of the Borough and more commonly known as 319 and 321 Lambert Avenue; and

WHEREAS, the Estate now seeks to convey one of those lots, known as Lot 12 for taxation purposes, and which contains a dwelling unit thereon, by virtue of a resolution of

the Northvale Zoning Board of Adjustment dated July 30, 1966, to a third party purchaser; and

WHEREAS, it appears that the two lots referenced above may have not been formally subdivided as provided by law, and may be considered merged as one lot under the Municipal Land Use Law N.J.S.A.40:55D-1 et seq., and the lots may be non-conforming under the current borough zoning ordinance; and

WHEREAS, the Mayor and Council has considered an application by the owner and the prospective purchaser to recognize the two referenced lots as distinct, cognizable lots, eligible to be conveyed separately, without a formal subdivision application, as permitted under N.J.S.A. 40:55D-56 and pursuant to the Supreme Court's decision in Loechner v. Campoli, 49 N.J. 520 (1967)

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 requested waiver of formal subdivision application and approval, Inc. be and is hereby approved, and the subject lots are eligible to be conveyed together or separately, in the owner's discretion, not subject to any further municipal approvals or permits; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to Roger A. Hauser, Esq., Peter Balsamo, Esq., the Borough building department and the Borough tax assessor upon adoption hereof.

ROLL CALL VOTE: All present in favor.

ORDINANCES – 2nd reading –

ORDINANCES – 1st reading –

Motion by Councilman Sokoloski; seconded by Councilman Shepard to table the following Ordinance. The Borough Attorney will speak with the Planning Board Attorney in order to reflect the changes that the Planning/Zoning Board recommended.

ORDINANCE #908-2012 – AN ORDINANCE TO PROVIDE FOR OPEN AIR SIDEWALK CAFES ON A LIMITED BASES WITHIN THE BOROUGH OF NORTHVALE

ROLL CALL VOTE: All present in favor.

Motion by Councilman Piehler; seconded by Councilman Sokoloski to introduce Ordinance #910-2012, as follows:

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

ORDINANCE #910-2012

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$800,000 TO PAY THE COST THEREOF, TO APPROPRIATE STATE GRANTS, 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.

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 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 State grants 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 State grants 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 design, engineering and other non-construction phases of the road widening and traffic signal upgrade project being undertaken by the County of Bergen at the intersection of Livingston Street and Paris Avenue.

Appropriation and Estimated Cost	\$120,000
Down Payment Appropriated	\$ 5,750
Bonds and Notes Authorized	\$114,250
Period of Usefulness	10 years

B. Undertaking of streetscape improvements in the vicinity of the intersection of Livingston Street and Paris Avenue.

Appropriation and Estimated Cost	\$150,000
State Grant Appropriated	\$150,000
Period of Usefulness	10 years

C. Supplemental funding for the undertaking of drainage improvements at Field No. 4 at Hogan Park. It is hereby determined and stated that the Borough has heretofore appropriated the sum of \$89,840 for such improvement pursuant to Ordinance No. 879-2010 adopted on June 9, 2010.

Appropriation and Estimated Cost	\$ 50,160
Down Payment Appropriated	\$ 2,390
Bonds and Notes Authorized	\$ 47,770
Period of Usefulness	15 years

D. Undertaking of the Livingston Street Sidewalk Installation Program (from White Avenue to the New York state line).

Appropriation and Estimated Cost	\$479,840
State Grant Appropriated	\$146,500
Down Payment Appropriated	\$ 16,360
Bonds and Notes Authorized	\$316,980
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$800,000
Aggregate Grants Appropriated	\$296,500
Aggregate Down Payment Appropriated	\$ 24,500
Aggregate Amount of Bonds and Notes Authorized	\$479,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$298,000 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. The sum of \$150,000 received or to be received as a grant from the State of New Jersey Department of Transportation (the "NJDOT") is hereby appropriated to the payment of the cost of the streetscape improvements authorized in Section 4.B above.

Section 7. The sum of \$146,500 received or to be received as a grant from the NJDOT is hereby appropriated to the payment of the cost of the sidewalk installation project authorized in Section 4.D above.

Section 8. It is hereby determined and stated that moneys exceeding \$24,500, 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 \$24,500 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 9. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$479,000 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 10. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$479,000 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 11. 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 12. It is hereby determined and declared that the average period of usefulness of the purposes to be financed with bonds or notes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.49 years computed from the date of said bonds.

Section 13. 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 \$479,000 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 14. 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 (other than the State grants 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) in aid of such purposes, 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 15. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 4 of this bond ordinance (except for Section 4.B). 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 16. 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 17. 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 18. This ordinance shall take effect twenty days after the first publication thereof after final passage.

ROLL CALL VOTE: All present in favor.

Motion by Councilman Marana; seconded by Councilman Sotiropoulos to introduce Ordinance #911-2012, as follows:

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

ORDINANCE #911-2012

CAPITAL ORDINANCE OF THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING IMPROVEMENTS TO THE RECREATION FIELDS AT THOMAS JEFFERSON AND NATHAN HALE SCHOOLS TO BE UNDERTAKEN JOINTLY BY NORTHVALE AND THE NORTHVALE BOARD OF EDUCATION, APPROPRIATING THEREFOR THE SUM OF \$200,005 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A CONTRIBUTION FROM THE NORTHVALE BOARD OF EDUCATION, A GRANT FROM THE COUNTY OF BERGEN AND FROM FUNDS AVAILABLE IN THE BOROUGH'S OPEN SPACE TRUST FUND.

BE IT ORDAINED by the Borough Council of the Borough of Northvale, in the County of Bergen, New Jersey, as follows:

Section 1. The Borough of Northvale, in the County of Bergen, New Jersey (the ABorough@) is hereby authorized to undertake improvements to the recreation fields at Thomas Jefferson and Nathan Hale Schools in, by and for the Borough. Said improvements are being undertaken jointly by the Borough and the Northvale Board of Education (the ABoard of Education@), and shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$200,005 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as Apurpose@ or Aproject@). Said appropriation shall be raised from funds provided by the Board of Education, the County of Bergen and the Borough, as hereinafter provided. The following sums received or to be received from other governmental entities are hereby appropriated to the payment of the cost of said purpose: (1) an \$55,001.25 contribution from the Board of Education; and (2) an \$85,002.50 grant from the County of Bergen Open Space, Recreation, Farmland and Historic Preservation Trust Fund. The sum of \$60,001.25 is hereby appropriated from the Borough's Open Space Trust Fund to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital 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 5. This ordinance shall take effect at the time and in the manner provided by law.

ROLL CALL VOTE: All present in favor.

MAYOR & COUNCIL REPORTS –

Councilman Sokoloski – Reported that there hasn't been any activity on the Planning/Zoning Board or the Board of Health in the past month, therefore, he has no report at this time.

Councilman Sotiropoulos - Reported on the Ambulance Corps statistics for the past month. He stated that there were 40 calls and 30% of those call were in Rockleigh.

Councilman Marana - Reported that the Building Department has brought in \$76,723.00 to date. He stated in this economy that is not bad at all. He further reported that he will be having a radio meeting with all relative departments in order to firm up the numbers for the bond ordinance for next month.

Councilwoman Libby - Reported that the town wide garage sale was a great day. She thanked the Superintendent of Public Works and his whole crew and the Police Department for all of their help. She further reported that she attended the Senior Center Pasta Dinner and it was wonderful.

Councilman Shepard - Reported that the everything is moving along with Fire Prevention. He reported that the DPW is working on the fields and is currently doing grass barrel pickup.

Councilman Piehler - Thanked Jeff Marcason and his crew for all the work that they have done at the media center. He stated that he has been meeting with teachers from the library at school to thin out the collection at the center. He further reported that recreation has an active sports network and they are looking for a way to do on line registrations for the various sports. He further reported that Recreation has raised \$15,000 in signage fees for the recreation programs.

Mayor Bazela – Stated that there is a magazine out there call the Family Tree and in this magazine mentioned e-book lending. He stated that the School has just announced the opening of their e-book library and he thanked Council President Piehler for bringing e-books to Northvale. He further reported that the fields are looking really good, that the railroad tracks were done, that the new bus stops are going in and that there will be another town day this year on 9/8 thanks to the businesses in town.

BOROUGH ENGINEER REPORTS –

Mr. Niehoff reported on the various projects that will be going on in town in the near future. He reported that he has been communicating with the Borough Engineer to get the easements for the County road project. He reported that everything seems to be going along pretty well and that he would like to address any problems with the widening of Paris and Livingston before the October deadline. He further reported that bids will be received for the Hogan Park Drainage project at the June meeting.

BOROUGH ATTORNEY REPORTS –

Mr. Paster reported that he will make a new draft of the Outdoor Dining for the next council meeting. He further reported that the PFD Investco matter has been finalized, but that he is waiting for the Joint Insurance Fund approval. He had nothing further to report at this time as his other items are for closed session.

HEARING OF THE PUBLIC –

Bill Sillery – 324 Bradley Avenue inquired about the Bond Ordinances that were introduced this evening.

CLOSED SESSION –

Motion by Councilman Marana; seconded by Councilman Piehler to approve Resolution #2012-52, as follows:

RESOLUTION #2012-52

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.

Motion by Councilman Marana; seconded by Councilman Piehler to go back into open session at 9:40 PM.

Motion by Councilman Marana; seconded by Councilman Piehler to approve Resolution #2012-53, as follows:

RESOLUTION #2012-53

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN

WHEREAS, it has come to the attention of the Mayor and Council that certain invoices submitted by Azzolina and Feury Engineering, the former Borough Engineer, in connection with the 2004 State Aid-Phase 3 project have remained unpaid since submission by the Engineer in 2008; and

WHEREAS, the invoices, to wit, numbers 24772, 24815, 24866, 24902, 24956, 25056, 25059 and 25104, in the total amount of \$5,531.75, constitute reasonable charges incurred in connection with the above referenced project; and

WHEREAS, it appears that through clerical oversight or other excusable neglect the invoices were not properly presented to the Council for payment when originally incurred; and

WHEREAS, the Governing Body now seeks to remedy this oversight and present a reasonable accommodation to the Engineer to satisfy these invoices.

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 firm of Azzolina and Feury Engineering, shall be compensated for the invoices referenced herein, in an amount not to exceed Five Thousand (\$5,000.00) Dollars in full and final settlement of all charges of any kind related to work performed on behalf of the Borough of Northvale, for the referenced project and/or any other project or advice, subject to presentation of a duly executed voucher in support of same and subject to certification of availability of funds in the 2012 Borough Current account, or such other account as may be proper, by the Chief Financial Officer; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to James Azzolina, Esq., the Chief Financial Officer and Borough Attorney upon adoption hereof.

ROLL CALL VOTE: All present in favor.

Motion by Councilman Piehler; seconded by Councilwoman Libby to approve Resolution #2012-54, as follows:

RESOLUTION #2012-54

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN

WHEREAS, the Borough requires and has engaged special counsel to defend various tax appeal petitions advanced by taxpayers; and

WHEREAS, certain pending tax appeals cover years prior to the appointment in January, 2011 of the current special tax appeal counsel, Edward J. Florio, Esq. of the firm of Florio & Kenny; and

WHEREAS, it appears that in the interest of efficiency and cohesiveness of policy, and to avoid duplicate effort, all pending tax appeals should be consolidated for further processing by the current special tax appeal counsel.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Northvale, County of Bergen and State of New Jersey, that all pending tax appeals being defended by other attorneys or firms than Florio & Kenny shall be transferred and appropriate substitutions of attorney to be executed and filed to effectuate Florio and Kenny handling all pending tax appeals for further processing, at rates and terms consistent with existing contract or employment terms; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to Edward J. Florio, Esq., Joseph Pojanowski, Esq., the Borough tax assessor and Borough Attorney upon adoption hereof.

ROLL CALL VOTE: All present in favor.

ADJOURNMENT –

There being no further business before the Mayor and Council at this time; Motion by Councilman Piehler; seconded by Sotiropoulos to adjourn the meeting at 9:42 PM.

PAUL J. BAZELA
Mayor

Attest:

Wanda A. Worner
Borough Clerk

Approved: July 11, 2012