

MINUTES
Council Meeting
Monday, March 8, 2010
8:00pm

CALL THE MEETING TO ORDER

Council President Jasionowski called the meeting to order at 8:00pm in the Council Chambers located at 406 Rivervale Road, River Vale, New Jersey 07675.

SALUTE TO FLAG

Council President Jasionowski asked all in attendance to rise and join him in a Salute to the Flag.

SUNSHINE LAW STATEMENT

Council President Jasionowski read the Sunshine Statement into the record, as follows:

“In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the Municipal Office.”

ROLL CALL

Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski were present. Councilman Matos was absent.

Also present: Mayor Joseph Blundo, Robert Gallione, Business Administrator, Holly Schepisi, Township Attorney, Gennaro Rotella, CFO, Christopher Statile, Engineers, Rob Haag, Lerch, Vinci & Higgins and Karen Padva, Township Clerk.

TOWNSHIP COMMUNICATION

1. Mayor's Comments

The Mayor opened with comments on a recent meeting he and Council President Jasionowski had with Mayor Sapanara and Councilman Weinstein of Hillsdale regarding the High School. The Mayor stated that Hillsdale 100% supports our battle to preserve the Regional High School District and the current funding formula.

Mayor Blundo announced that the re-opening of the library was this past Saturday and has heard very positive feedback on both the design and new layout. The Mayor stressed that the state mandates that how much money is given to the Library every year whether it is needed or not. Prior Library Directors did not use all the money and instead put it a little aside every year toward a building fund. The Mayor continued that it was done with tax money that they would have received anyway. He added that there was also some grant money used toward the project. The Mayor complimented both the Library Director and Board on their fine leadership and doing a great job.

The Mayor and Chris Statile will be meeting with some of the sports groups next Monday evening to discuss getting the Mark Lane football field in better shape this year with a possible seeding approach.

Mayor Blundo announced that this Wednesday; River Vale is scheduled on the agenda for the Council on Affordable Housing to receive Substantive Certification. The Mayor gave a brief history on the subject. He explained that River Vale was ready for Certification prior to the Governor's Declaration that would cease all COAH activities. That Executive Order was overturned by the Court stating that the Governor did not have the power to do so. The Mayor explained why it is good for the Town to move forward with the certification; believing that Governor Christie will lessen, in the Mayor's opinion, the requirements and burden on the town. Mayor Blundo has consulted with the Attorneys and COAH Planners and feels it best to be in position of strength and obtain the certification. If the rules get watered down then we can reapply and take properties off list which we are permitted to do under the current rules. There

are properties currently at risk for a builders remedy suite if we don't get certified. The Mayor added that he believes it is in the best interests of Township to obtain the certification. If the Governor is successful in changing the rules and they are more favorable to municipalities like ours then we can adjust our plan later. He concluded that he feel this is very good news.

The Mayor spoke about the Municipal Budget which is being introduced this evening. The Council worked very hard along with the CFO, Business Administrator and department heads to reduce the controllable portion of our spending plan by approximately a quarter of a million dollars. Each department was mandated to reduce 10% before their proposals were accepted. The Mayor continued that all of this translates to less \$100 increase in the municipal portion of the budget. The Mayor stated that he finds this remarkable considering the loss of state aide, pension & health contribution the town has to make, he's very proud.

The Mayor turned the meeting over to Rob Haag to further explain the budget process.

Rob Haag gave an overview of the budget process. This evening you will be introducing the budget, it will then be advertised with a public hearing date. He continued that once hearing is completed, assuming there are no amendments you can formally adopt your budget. Mr. Haag echoed the Mayor's comments that the budget is up 2.8% this year. The uncontrollable expenses (i.e. health insurance, pensions, and contractual salary increases) were approximately \$550,000. You were able to reduce your controllable expenses by \$225,000. Therefore, the net was \$325,000 or the 2.8% increase. He added that without the \$225,000 decrease we were looking at a significant increase and therefore we should be commended and very proud. This is translated into a tax increase of \$98 per house which is less than last year; this is very impressive. Mr. Haag concluded that we are also compliant with both the State and Tax Levy CAPS as well as maintaining the level of surplus.

Mayor Blundo added that it's a no gimmicks budget. We decided to pay as we go and not use the surplus and still came in at a reasonable number. Rob Haag added that the Mayor and entire administration should be commended on the budget.

The Mayor thanked Rob Haag and noted that he would be available for questions.

2. Council Comments

Councilman de Stefan praised the Mayor, Bob, Gennaro and the administration for making the Council's job easier with regard to the budget. He agrees that we need to comply with the law even though we are not sure what will happen in Trenton. But he agrees with the Mayor that we should comply and obtain substantive certification. Councilman de Stefan announced the grand re-opening of the Library on March 13th at 9:30; everyone is invited. Councilman de Stefan thanked Library Director Ann McCarthy, Tom O'Brien and *The Friends of the Library* for doing a great job on the renovation. Councilman de Stefan reported that the "History of River Vale" is complete and co-author Helen Whalen will be delivering a complete copy to the Business Administrator on Monday. Councilman de Stefan concluded that the book has been donated to the Town as well.

Councilwoman Sieg had no comments this evening.

Councilman Bromberg concurred with the Mayor's comments regarding COAH. He believes that this administration and Governing Body has taken all the responsible steps of dotting our "i's" and crossing our "t's" and spent a lot of time and effort complying. Hopefully, the system will change and we will only do better than we already have. The responsible approach is to do to protect the town and comply with the law at this time.

Councilman Bromberg agreed with Councilman de Stefan's comments regarding the budget. The administration, professionals and Mayor presented us with a great situation. It was a very difficult year and it was good to be a part of the process and making this budget something we can all be very fond and proud of; as far as maintaining services at this level.

Councilman Bromberg concluded that he appreciates the turn in the weather and hopefully we won't be expending any more dollars for snow removal the season.

Council President Jasionowski commented on the budget and what a great job by the administration, the department heads and Council. We worked together as a team to make sure the budget was done quickly and efficiently. Council President Jasionowski added that this is the lowest increase in several years; and there were no cuts to service, no furloughs, and no positions cut.

*****Councilman Matos arrived at 8:17pm*****

Mayor Blundo commented on an article that appeared in **The Record** regarding the golf course. The Mayor clarified that our position is very clear; as part of negotiations there was a 50 year deed restriction was necessary for us to do a land swap. In order for them to build on the property they needed a piece of property the Township owns.

Their lender(s) refused to honor the 50 year deed restriction provision. The owners then said we held up the permit process. The Mayor clarified that they never came before the planning board; nor did they never give us the deed restriction. The Mayor continued that if they did provide the deed restriction, we would receive their application and would begin the hearing. There was much more to the story than River Vale prevented the permit process. Actually, it proved that we are very concerned about their financing. Mayor Blundo added that all the work Holly and the Council did was to keep us protected; there won't be anything built unless the plan agreed to and is fully met.

The Mayor also commented on the mailboxes damaged in the recent snowstorm. This snow was particularly heavy and wet and caused the mailboxes to come down. If you lost property there is a claim process that can be followed through with the DPW.

Council President Jasionowski added that our DPW guarantees curb to curb clearing of the roads. If you were to take the one swipe down the road you wouldn't have the mailbox damage.

Councilman Matos had no comments this evening.

Business Administrator's Report

Mr. Gallione reported that at the request of Jim Hanna of the River Fire Department; two (2) of the old fire sirens are being taken down and donated to a town in Massachusetts. He also announced that TD Bank is donated \$5,000 to the Social & Cultural Affairs department. Mr. Gallione also commented on the stream de-snagging project. The Mayor requested that we keep in touch with Mr. Fischer regarding that project.

Township Engineer's Report

Mr. Statile gave updates on the 2010 Road Program and that the quantities have been supplied for the Bid packages. The first phase of the EMS is essentially complete. They have identified and alternate access route on Township property to the Bernita Headwall project. This is good news, there is no need to use the easement (only to repair the drain pipe itself which is in bad shape) and no trees will be taken down; he is waiting for DEP approval. There is no progress to report with Rivervale Bank Stabilization project.

Mr. Statile will be meeting with the Administrator, Police Department and residents regarding sidewalk improvements opposite from Woodside School.

The Engineer reported on the DPW environmental remediation. He has met with the Superintendent who has requested that the salt storage shed be compliant with the new storm water management regulations. In addition they are moving ahead with the encapsulation project for the area behind the garage.

Mr. Statile continued with a report on the fields. He has received two (2) bids for proposals to do power aerification which is preferably done in the early spring-time, topdressing, seeding, and fertilization of the four (4) fields. The bids were for \$12,000 plus top dressing materials. The Mayor wanted to be certain that were the work has to be done on the football field won't affect play at the softball field. Mr. Statile answered that the fields won't have to be closed down unless you have heavy rains this spring. Mayor Blundo added that he would like to take a more proactive approach to closing the fields; between the Athletic Director and Superintendent coordinating and making these decisions.

HEARING OF THE PUBLIC

Motion by Councilman de Stefan; seconded by Councilman Matos to open the meeting to the public.

Council President Jasionowski read the following statement into the record.

“Each person wishing to address the Council shall step up to the microphone, shall give his or her name in an audible tone for the record. All member of the public are expected to conduct themselves in a proper manner. Any derogatory, abusive or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and terminate any further comments.”

Joe Massin – 68 Holiday Court—Complimented the DPW on how well the streets were cleared after a recent heavy snow storm; he was very impressed.

Mayor Blundo stated that the DPW did a phenomenal job during a tough storm. Council President Jasionowski added that the DPW was unable to brine prior to this storm due to rain and they were still able to clear the roads.

Mr. Massin commented on the budget and the need for both municipalities and schools to have a surplus. He added that its good fiscal management to maintain a surplus. He suggested that we should explain to the public why we need to have surplus as well. Mr. Massin also asked if the auditor could explain what a CAP Bank is when the ordinance is introduced tonight.

There being no further questions or comments from the public; motion by Councilman Bromberg; seconded by Councilman Matos to close the meeting to the public.

RESOLUTIONS

DISCUSSION—Blue Hill Estates (Abbe Court Extension)

Council President Jasionowski thanked Township Attorney, Holly Schepisi for working with the developer’s attorney to come up with a solution that both protects the town and allows the project to move forward.

Councilman de Stefan was pleased with the solution Holly constructed and the town will be protected. He also commented on another situation in town that is similar and has worked out well.

Councilman Matos read it and thinks its fine.

Councilwoman Sieg had no concerns.

Councilman Bromberg offered his thanks for the research showing the precedence. He continued that this has been done before and has been successful; there is also the escrow fund and our Attorney has ensured that we are covered.

Council President Jasionowski pulled Resolution # 2010-105 from the Agenda and requested that it be added to the next meeting.

Council President Jasionowski added a resolution authorizing the Mayor to execute an agreement with Blue Hill Estates.

Motion by Councilman Matos; seconded by Councilman Bromberg to approve Resolution #2010-97, as follows:

Resolution #2010-97

RESOLUTION APPROVING THE MINUTES OF THE FEBRUARY 22, 2010 COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the February 22, 2010 Council meeting are hereby approved.

ROLL CALL VOTE

Councilman de Stefan, Councilman Matos, Councilman Bromberg, and Council President Jasionowski voted yes. Councilwoman Sieg abstained.

Motion by Councilman Matos; seconded by Councilman de Stefan to approve Resolutions #2010-98 through #2010-107 with the exception of Resolution #2010-105 on Consent Agenda, as follows:

Resolution #2010-98

RESOLUTION APPROVING RAFFLE LICENSE FOR VALLEY HOSPITAL AUXILIARY—50/50 ON PREMISES

BE IT HEREBY RESOLVED, that the following license to conduct an on premises 50/50 be issued to:

NAME:	Valley Hospital Auxiliary 223 N. Van Dien Avenue Ridgewood, New Jersey 07450
LOCATION OF RAFFLE:	Valley Brook golf Club 15 Rivervale Road River Vale, NJ 07675
DATE OF RAFFLE:	April 26, 2010 6:00pm
I.D. #:	420-4-375
RAFFLE LICENSE:	RL 327

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Resolution #2010-99

RESOLUTION
(Release of Escrow)

WHEREAS, the following residents had posted Escrow as requested by the Planning Board; and

WHEREAS, the Planning Board Engineer has deemed these projects as completed satisfactorily;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the Escrow Deposits be released;

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that the Chief Financial Officer be directed to release the escrow deposits and issue checks payable to the following residents listed below:

Jonathan Knigin 316 Spring St S-13-56-858-371 \$197.44	John Stewart 589 Delcina Drive S-13-56-858-387 \$192.00	Yakov Brayman 416 FalettCircle S-13-56-858 372 \$53.50
John and Patrice Pintarelli 226 Highland Ave S-13-56-858-373 \$109.00	Kenneth Sungela 631 Sargent Road S-13-56-858-300 \$425.00	Ricardo Lopez 596 Thurnau Dr S-12-56-858-352 \$418.00

Resolution #2010-100

RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS OF THE RIVER VALE VOLUNTEER FIRE DEPARTMENT

BE IT RESOLVED by the Township Council of the Township of River Vale that the appointments the following probationary members to the River Vale Volunteer Fire Department are hereby confirmed:

- Mark Menzella
- James Yelland
- Edward Estupinan

Resolution #2010-101

RESOLUTION AUTHORIZING THE MAYOR TO SIGN NEW JERSEY HISTORICAL COMMISSION GRANT AGREEMENT

WHEREAS, the Bergen County Department of Parks, Division of Cultural and Historic Affairs through the 2010 Bergen County History Grant Program for Special Projects has awarded a grant in the amount of \$1,925.00 to the Township of River Vale; and

WHEREAS, the stated purpose of this grant shall be towards funding the publication entitled the "*History of River Vale*";

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the Chief Financial Officer is hereby authorized to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the grant contract agreement with the County of Bergen.

Resolution #2010-102

RESOLUTION GRANTING TAX EXEMPT STATUS

BE IT RESOLVED by the Township Council of the Township of River Vale that the following properties have been granted Tax Exempt status according to N.J.S.A. 54:4-3.3:

<u>Property Location</u>	<u>Block/Lot</u>
Poplar Road	Block 1001.01, Lot 10.01
Cedar Lane	Block 1301, Lots 38, 39, 40

Resolution #2010-103

RESOLUTION AUTHORIZING THE MAYOR TO SIGN STIPULATION SETTLEMENT AGREEMENT WITH TENANT OF 432 CEDAR LANE

BE IT RESOLVED by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign a stipulation of settlement agreement with Ms. Pamela Blake, tenant of 432 Cedar Lane.

Resolution #2010-104

Re: Introduction of 2010 Budget

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of River Vale, Bergen County, New Jersey for the year 2010.

BE IT FURTHER RESOLVED, that said budget be published in March 12, 2010 issue of *The Ridgewood News* and that a hearing on the Budget will be held at the Municipal Complex on May 10, 2010 at 8:00 o'clock (P.M.) or as soon thereafter as the matter may be reached.

The Governing Body does hereby accept and introduce the Budget for the year 2010.

Resolution #2010-106

ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT GRANT

APPLICATION FOR 2010-2011 SENIOR CITIZEN ACTIVITIES

WHEREAS, as Bergen County Community Development grant of \$5,000 has been proposed by Township of River Vale for Senior Citizen Activities in the municipality of the Township of River Vale, and

WHEREAS, pursuant to the State of Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in best interest of the people of the Township of River Vale, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of aforesaid CD funds.

NOW, THEREFOR, BE IT RESOLVED that the Governing Body of the Township of River Vale hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Resolution #2010-107

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BLUE HILL ESTATES, INC. (“BLUE HILL”) AND THE TOWNSHIP OF RIVER VALE (THE “TOWNSHIP”)

WHEREAS, Blue Hill is the owner of the property designated as Lots 9, 15.01 and 16.05 in Block 202.01 on the Tax Map of the Township of River Vale (collectively, the “Property”); and

WHEREAS, Blue Hill presented to the Planning Board a site plan and expressed its desire to place part or all of its drainage and/or water detention system on or under part or all of the Township’s right of way and/or property; and

WHEREAS, the Planning Board gave certain approvals to Blue Hill as set forth in a duly adopted Resolution; and

WHEREAS, the Township is desirous of grating the request of Blue Hill upon certain conditions,

NOW, THEREFORE it is agreed as follows:

Blue Hill, upon the conditions contained herein, may place upon or under the Township's right of way or property, all or part of its drainage and water detention system needed for the development of the Property as put forth before and approved by the Planning Board;

Blue Hill and its shareholders agree to keep in place renewable maintenance bonds for a period of six (6) years plus shall keep \$1,000 in escrow with the Township for a period of ten years to cover any damage or liability that arise due to the drainage and/or water detention system.

ROLL CALL VOTE

Councilman de Stefan, Councilman Matos, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes

ORDINANCES 1ST READING

ORDINANCE # 228-2010

Motion to Introduce: Councilman Matos

Seconded: Councilman Bromberg

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, BERGEN COUNTY, NEW JERSEY CALENDAR YEAR 2010 TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of River Vale in the County of Bergen finds its advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget of said year, amount to \$ 290,826 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of River Vale, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of River Vale shall, in accordance with this ordinance

and N.J.S.A. 40A:4-45.14, be increased by up to 3.5%, amounting to \$ 290,826 and that the CY 2010 municipal budget for the Township of River Vale be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ROLL CALL VOTE

Councilman de Stefan, Councilman Matos, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes.

ORDINANCES 2nd READING

There were no Ordinances for 2nd reading this evening.

Rob Haag gave an explanation regarding the surplus. Presently, the Town has approximately \$430,000 in its surplus. This is the amount determined that we would need to pay our bills in the event we have cash flow problems. He added that if you don't have enough in surplus then you have to take out short term notes that require interest.

Mr. Haag then explained the CAP Bank Ordinance. The State allows you to increase your budget up to 3 ½ % each year; if you don't go up to the 3 ½ % the State allows you to bank the difference. Mr. Haag added that you can bank up to 2 years.

HEARING OF THE PUBLIC

Motion by Councilman Matos; seconded by Councilman Bromberg to open the meeting to the public.

Bob Fortsch – 511 Bernita Drive – commented on the Town possible purchasing the Golf Course.

Holly Schepisi noted that we have the right of first refusal. Mayor Blundo added that this is a tough question in these economic times; however land holds its value and property is always good. Mr. Fortsch stated that the Paramus Golf Course has been a success.

Mr. Fortsch also complimented the snow removal job.

Michael Medaglia—595 Sunnyhill Terrace – echoed Mr. Fortsch's comments regarding the golf course.

There being no questions or comments from the public; motion by Councilman Bromberg; seconded by Councilman Matos to close the meeting to the public.

ADJOURNMENT

Motion by Councilman Matos; seconded by Councilman de Stefan to adjourn the meeting at 8:45pm.

ATTEST:
Karen Padva
Township Clerk

Council President
Glen Jasionowski