

MINUTES
Council Meeting
Monday, October 25, 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, Christopher Statile, Township Engineer, and Karen Padva Township Clerk.

TOWNSHIP COMMUNICATION

MAYOR’S COMMENTS

Mayor Blundo reported that he and Council President Jasionowski along with the Mayor and Council President of Hillsdale have met with potential counsel with regard to the High School issue. The Mayor also commented on how happy he was with the Sidewalk Sale and in the future it will only do better. He continued that many of the vendors were River Vale residents that don’t have a store front for their business so this was an opportunity for them. Paul Greco and the Chamber of Commerce did a great job.

Council President Jasionowski added that 98% want to another Sidewalk Sale and agreed with the Mayor; they did a great job.

The Mayor also reported that this past Sunday morning a 5K run was held in memory of John Blackgrove. This event was sponsored by the River Vale Educational Fund and had about 230 participants.

Mayor Blundo read the following proclamation into the record:

PROCLAMATION
Supporting the Mayors Wellness Campaign
October 25, 2010

WHEREAS, fifty-five percent of New Jersey residents are obese or overweight, and

WHEREAS, Medical expenses for treating problems related to obesity in our state total billions annually,
and

WHEREAS, New Jersey has reported the highest incidence in the nation in obesity among low-income kids aged 2-5 years, and

WHEREAS, the current generation of children in America may have shorter life expectancies than their parents, and

WHEREAS, the Mayors Wellness Campaign supports Mayors as champions of community health, and

WHEREAS, the goal of the campaign is to improve health, reduce health care costs related to obesity, and make New Jersey a national leader in community-based health interventions, and

WHEREAS, the Mayors Wellness Campaign seeks to foster active living and healthy lifestyles by providing communities the structure and resources to implement healthy community initiatives, and

WHEREAS, the Mayors Wellness Campaign will work to implement a comprehensive program of outreach, education and technical assistance activities to combat obesity and inactivity issues for the residents of River Vale, and

WHEREAS, the Township of River Vale cares deeply about all of its citizens and the future health of its children.

NOW THEREFORE BE IT RESOLVED that I, Mayor Joseph Blundo, ask all the residents of River Vale to join me in supporting the Mayors Wellness Campaign.

BE IT FURTHER RESOLVED that I encourage the residents of the River Vale to participate in the Mayors Wellness Campaign activities to promote exercise, eating properly and living healthier and better lives.

COUNCIL COMMENTS

Councilman de Stefan reported that he had the pleasure of attending the 1st Annual Sapienza Gardens Fall festival. This was a joint effort between Hillsdale and River Vale and about 80 people attended. He added that River Vale resident Sue Vaccaro and her family worked very hard putting this event together. Councilman de Stefan was also a pie baking judge for the event.

Councilman de Stefan also reported that he recently attended a breakfast and that Governor Christie called in with a report regarding Pascack Valley Hospital. Apparently, the last administration did something that was bullet proof with the license and the license will expire. The Governor is now taking steps to get a new license from the Attorney General.

Mayor Blundo added that hopefully the hospital will re-open in 2011.

Councilwoman Sieg had no comments this evening.

Councilman Bromberg had a belated report on the Octoberfest; it was a great day and had a great turn out. He also attended the debate between Congressman Scott Garrett and challenger Todd Thiess; this event was lightly attended. Councilman Bromberg asked that you don't become disengaged and encouraged people to get out and vote next week.

Council President Jasionowski announced that the new Fire Rescue truck will be delivered this week either tomorrow or Wednesday.

Business Administrator's Report

Mr. Gallione announced that on November 15th both the Social & Cultural Affairs and DPW departments will be collaborating to celebrate our 1st National Recycling day in town. This event will be held at the Community Center with the participation of the First Friends Group. The Veterans Day Ceremony will be on November 11th at 9:00am. Mr. Gallione added that this year as part of the ceremony granite markers will be placed under the dedicated trees.

The Administrator reported that The *Community Life* will now be producing and distributing the Township's newsletter within their newspaper. We will be able to have more newsletters and it serves as a cost savings measure. He concluded that in each newsletter will feature a different department.

Township Engineer's Report

Mr. Statile reported that as requested by the Mayor and Council the Golf Course has been reviewed by (5) consultants. The 2010 Road Program is complete and there is one change order for the additional drainage work performed. The Bike path project with Diamond Construction is moving slowly. The intersection at Piermont Avenue and Rivervale Road is complete and visibility at the corner is much better. The project will continue north.

He continued that the DPW remediation with Ingannamorte Construction had been delayed due to weather; however the paving and encapsulation has been done on the upper tier area.

Mr. Statile is urging Diamond Construction to start work on the Sidewalk project during the Teachers' Convention on November 4th and 5th when school is closed. He also reviewed the County's plans for the Rivervale Road Stabilization project. He was disappointed to see that it covers a very short segment from the Town's driveway to the corner; it doesn't wrap around and go as far as the golf course. He plans on speaking to the County Engineer to go over the abbreviated limits of the plans.

He reported that the Roberge Field Improvements re-bid project will be awarded to Wogisch tonight. Mr. Statile concluded with updates on the 2011 County Resurfacing Program for Westwood Avenue and

Prospect Avenue. There are drainage problems on Westwood Avenue by Coopers Lane. Due to these problems the County is requesting the Township engineer, with the Council's approval, to provide topographical grades of the roadway to assist the County in their evaluation. Mr. Statile concluded that regarding the EMS Park work is done on the selection of plantings.

HEARING OF THE PUBLIC

Motion by Councilman de Stefan; seconded by Councilman Bromberg 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.”

Paul Greco – 243 Collignon Way – commented on the Octoberfest with regard to parking issues. He suggested a shuttle bus from the High School. He also questioned why TD Bank was present at the event when they are not located in town.

James Caltabellatta – 140 Rivervale Road—had questions regarding the status of the Bonnabel property.

Mayor Blundo answered that Mr. Bonnabel has a builders remedy suit and tax appeals filed with the Town. He will drop both is he is allowed to build; the Mayor added that if the DEP approves then he does have the right to build.

*******Councilman Matos arrived at the meeting at 8:30pm*******

Grace Ives – 787 Mattner Court – Commented on the Bonnabel development and expressed her concerns about flooding. Ms. Ives stressed the importance of keeping the trees for drainage.

Mayor Blundo explained that the developer has filed plans and he will need to prove to the Planning Board that the drainage issues have been addressed. He continued that the plans look like they comply with our Zoning and that the DEP is a huge element in the process.

Maritza Aleman -- 800 Blauvelt Street – viewed the plans and believes that lots are undersized. She also commented on drainage problems and her concerns about flooding.

Mary Ann Martin – 783 Mattner Court – Expressed concerns about the cutting down of tress and flooding in her neighborhood.

Jared Lans – 882 Westwood Avenue – requested a description of the DEP process.

Mr. Statile explained the permitting process, as well as the need to compensate. He added that there is also an appeal process.

Bob Fortsch – 511 Bernita Drive – commented on the RVPD Golf Outing and what a great success. This outing was held to benefit Gavin Scimeca.

John Bohan – 826 Blauvelt Street – commented on the Westwood Avenue development with regard to storm water management, the setbacks and will it be an extension of Blauvelt.

Bernard Salmon – 791 Mattner Court – commented on how the town’s character has changed over the years. He also questioned when they will know when the DEP makes their decision.

Mario Aleman – 800 Blauvelt Street – distributed photos to the Mayor and Council of the flooding in the area.

Stuart Crepea – 824 Clauss Lane – Questioned whether the DEP looks at Flood Plan Management. Mr. Statile answered that they don’t monitor this.

Lou Del Prete – 790 Mattner Court – asked if they could embark on their own environmental study? How they can access or get permission?

Holly Schepisi answered that you would have to get permission from the land owner to go on the property.

Rami Weiss – 798 Mattner Court – commented on the Town’s responsibility with regard to grading of properties.

Mayor Blundo answered that the Planning Board will follow state guidelines as to where the water goes. If an applicant falls within the law then the Town is powerless. There is nothing the Planning Board or Council can do to prevent him from building if he is within that law.

John Martin – 783 Mattner Court— questioned whether the builder can exert the same pressure on the DEP to get his way.

Lisa Spillane – 878 Westwood Avenue – explained how she purchased her property from Mr. Mattner. She has worked with the town for (2) years to get the approval to build her house. Mrs. Spillane added the Mr. Mattner was very passionate about the property and she really doesn’t want to see all the trees come down and change such an emotional connection to the town.

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

RESOLUTIONS

Motion by Councilman de Stefan; seconded by Councilman Bromberg to approve Resolution #2010-285, as follows:

Resolution #2010-285

RESOLUTION APPROVING THE MINUTES OF THE SEPTEMBER 27, 2010 COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the September 27, 2010 Council meeting are hereby approved.

ROLL CALL VOTE

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

Motion by Councilman de Matos; seconded by Councilman Bromberg to approve Resolutions #2010-286 through #2010-298 with the exception of #2010-297 on Consent Agenda, as follows:

Resolution #2010-286

RESOLUTION CONFIRMING MUNICIPAL ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT FOR NEW CONCEPTS FOR LIVING

WHEREAS, a Bergen County Community Development Grant of \$ 18,500.00 has been proposed by New Concepts for Living for Barrier Free Kitchen Improvements to their facility in the Township of River Vale; and

WHEREAS, pursuant to the State 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 the best interest of the people of River Vale; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of River Vale hereby confirm 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 #2010-287

RESOLUTION AWARDING THE ROBERGE SCHOOL FIELD IMPROVEMENTS PROJECT

WHEREAS, the Township received several bids for the Roberge School Field Improvements Project in the Township of River Vale; and

WHEREAS, one bid was received the from Robert W. Wogisch Landscape Contractor, Inc., 169 Lakeview Avenue, Ringwood, New Jersey 07456 and said bid has been reviewed and approved and is hereby accepted as the lowest responsible bidder at the price of

Base Bid: \$188,430.30

WHEREAS, the Chief Financial Officer has certified that funds are available in an amount not to exceed \$ 188,430.30 in the Capital Account;

NOW THEREFORE BE IT RESOLVED THAT the bid of Robert W. Wogisch Landscape Contractor Inc. is accepted as the lowest responsible bidder. The Mayor and Township Clerk are here by authorized and requested to execute a Contract on behalf of the Township of River Vale for the Roberge School Field Improvements Project as described in the Bid Specifications.

Resolution #2010-288

RESOLUTION APPROVING CHANGE ORDER #1 PASCACK VALLEY COOPERATIVE 2010 RESURFACING PROJECT (DLS CONTRACTING INC)

WHEREAS, there were changes necessary during the Pascack Valley Cooperative 2010 Resurfacing project in the Township of River Vale; and

WHEREAS, these changes have been approved by the Township Engineer and detailed in a statement from the contractor DLS Contracting Inc. dated October 20, 2010, which letter can be found on file in the Clerk’s office;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that change Order #1 for the above mentioned project be approved as follows:

Original Contract Sum	\$ 306,658.80
Contract Sum Increase Change	
Order #1	<u>\$ + 71,475.10</u>
<u>New Contract Sum</u>	\$ 378,133.90

Resolution #2010-289

RESOLUTION APPROVING CHANGE ORDER #1 PHASE I EMERGENCY SERVICES PARK (CONQUEST INDUSTRIES, LLC)

WHEREAS, there were changes necessary during the Emergency Services Park project in the Township of River Vale; and

WHEREAS, these changes have been approved by the Township Engineer and detailed in a statement from the contractor Conquest Industries, LLC dated October 20, 2010, which letter can be found on file in the Clerk's office;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that change Order #1 for the above mentioned project be approved as follows:

Original Contract Sum	\$ 114,850.00
Contract Sum Increase Change	
Order #1	<u>\$ + 1,222.58</u>
<u>New Contract Sum</u>	\$ 116,072.58

Resolution #2010-290

RESOLUTION AUTHORIZING NOT-TO-EXCEED LIMITATIONS FOR LERCH, VINCI & HIGGINS LLP (RIVER VALE GOLF COURSE ACQUISITION)

WHEREAS, as part of the acquisition of the River Vale Golf Course the Township has required accounting services;

NOW THEREFOR BE IT RESOLVED, by the Township Council of the Township of River Vale that limitations in an amount not to exceed \$ 20,000 be authorized for the services of the accounting firm of Lerch, Vinci & Higgins, LLP with regard to the acquisition of the River Vale Golf Course.

Resolution #2010-291

RESOLUTION AUTHORIZING NOT-TO-EXCEED LIMITATIONS FOR PBA ENGINEERING, PC (RIVER VALE GOLF COURSE ACQUISITION)

WHEREAS, as part of the acquisition of the River Vale Golf Course the Township has required the structural inspection of the buildings located on the golf course property;

NOW THEREFOR BE IT RESOLVED, by the Township Council of the Township of River Vale that limitations in an amount not to exceed \$ 1,750 be authorized for the engineering services of PBA Engineering, PC, 12 Kulick Road, Fairfield, New Jersey 07004 with regard to the acquisition of the River Vale Golf Course.

Resolution #2010-292

RESOLUTION AUTHORIZING NOT-TO-EXCEED LIMITATIONS FOR ERM ARCHITECTURE (RIVER VALE GOLF COURSE ACQUISITION)

WHEREAS, as part of the acquisition of the River Vale Golf Course the Township has required the architectural inspection of the structures located on the golf course property;

NOW THEREFOR BE IT RESOLVED, by the Township Council of the Township of River Vale that limitations in an amount not to exceed \$ 6,000 be authorized for the architectural services of ERM Architecture, 71 West 23rd Street, New York, New York 10010 with regard to the acquisition of the River Vale Golf Course.

Resolution #2010-293

RESOLUTION AUTHORIZING NOT-TO-EXCEED LIMITATIONS FOR SHINE ENGINEERING, PA (RIVER VALE GOLF COURSE ACQUISITION)

WHEREAS, as part of the acquisition of the River Vale Golf Course the Township has required the mechanical, electrical and HVAC inspection of the buildings located on the golf course property;

NOW THEREFOR BE IT RESOLVED, by the Township Council of the Township of River Vale that limitations in an amount not to exceed \$ 4,000 be authorized for the engineering services of Shine Engineering, PA, 6 Renshaw Drive, Montville, New Jersey 07045 with regard to the acquisition of the River Vale Golf Course.

Resolution #2010-294

RESOLUTION AUTHORIZING NOT-TO-EXCEED LIMITATIONS FOR CHRISTOPHER P. STATILE, PA (RIVER VALE GOLF COURSE ACQUISITION)

WHEREAS, as part of the acquisition of the River Vale Golf Course the Township has required the preparation of grant applications, coordination of consultants, site inspections and evaluations of the golf course properties;

NOW THEREFOR BE IT RESOLVED, by the Township Council of the Township of River Vale that limitations in an amount not to exceed \$ 15,000 be authorized for the engineering services of Christopher P. Statile with regard to the acquisition of the River Vale Golf Course.

Resolution #2010-295

RESOLUTION

Cancelling Emergency Appropriation
Funding Acquisition of River Vale Country Club and Adjoining Property

WHEREAS, the Township of River Vale previously adopted Resolution No. 2010-216 on July 15, 2010 authorizing an emergency with respect to the need to acquire certain real property and the improvements thereon known as the River Vale Country Club and to acquire certain adjoining real property in the amount of \$18,500,000; and

WHEREAS, the Township of River Vale is desirous of cancelling that emergency appropriation in total of \$18,500,000 as that was not needed due to passage of Bond Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Township of River Vale, County of Bergen, New Jersey that Resolution No. 2010-216 authorizing an emergency with respect to the need to acquire certain real property and the improvements thereon known as the River Vale Country Club and to acquire certain adjoining real property be cancelled in the amount of \$18,500,000.

Resolution #2010-296

RESOLUTION FOR PAYMENT OF BILLS

BE IT RESOLVED by the Township Council of the Township of River Vale, County of Bergen, State of New Jersey, that the Business Administrator be, and hereby is authorized to pay the following claims:

CURRENT ACCOUNT claims in the amount of:	\$ 322,733.29
TRUST ACCOUNT claims in the amount of:	\$ 0.00
ANIMAL TRUST ACCOUNT claims in the amount of:	\$ 9.60
RESERVE CURRENT ACCOUNT claims in the amount of:	\$ 87,587.39
RESERVE OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$ 13,461.00
APPROPRIATION RESERVE ACCOUNT claims in the amount of:	\$ 669.00
PRIVATE DUTY ESCROW ACCOUNT claims in the amount of:	\$ 8,488.12
HOUSING TRUST ACCOUNT claims in the amount of:	\$ 10,486.50
OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$ 1,608.40
RECREATION TRUST ACCOUNT claims in the amount of:	\$ 5,400.75
CAPITAL ACCOUNT claims in the amount of:	\$ 421,585.75
PLANNING BOARD TRUST ACCOUNT claims in the amount of:	\$ 608.25
SPECIAL TRUST ACCOUNT claims in the amount of:	\$ 1,418.75
ZONING BOARD TRUST ACCOUNT claims in the amount of:	\$ 216.89
TOTAL CLAIMS TO BE PAID	<u>\$ 874,273.69</u>

BE IT FURTHER RESOLVED by the Township Council of the Township of River Vale that the following claims have been paid by the Business Administrator prior to the Bill List Resolution in the following amounts:

APPROPRIATED RESERVE ACCOUNT claims in the amount of:	\$ 0.00
CURRENT claims in the amount of:	\$ 124,593.40
CAPITAL ACCOUNT claims in the amount of:	\$ 0.00
TRUST ACCOUNT claims in the amount of:	\$ 0.00
RECREATION TRUST ACCOUNT claims in the amount of:	\$ 2,851.85
PLANNING BOARD TRUST ACCOUNT claims in the amount of:	\$ 0.00
ZONING TRUST ACCOUNT claims in the amount of:	\$ 0.00
SPECIAL TRUST ACCOUNT claims in the amount of:	\$ 0.00
UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:	\$ 0.00
STATUTORY ACCOUNT claims in the amount of:	\$ 421,928.69
HOUSING TRUST ACCOUNT claims in the amount of:	\$ 0.00

OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$ 0.00
TOTAL CLAIMS PAID	\$ 549,373.94
TOTAL BILL LIST RESOLUTION	\$ 1,423,647.63
MANUAL DISBURSEMENTS	
BILL LIST FOR OCTOBER 25, 2010	
09/30/2010 – Transfer Payroll	\$ 219,852.49
10/15/2010 – Transfer Payroll	\$ 202,076.20
TOTAL STATUTORY ACCOUNT DISTRIBUTIONS	\$ 421,928.69

Resolution #2010-298

RESOLUTION SUPPORTING THE MAYORS WELLNESS CAMPAIGN

WHEREAS, across New Jersey, communities are facing a rise in health care costs, and

WHEREAS, physical activity levels have been decreasing and obesity rates increasing, and

WHEREAS, local leaders are looking for ways to promote active living, healthy eating, and overall wellness in their communities, and

WHEREAS, the Mayors Wellness Campaign works with Mayors and key leaders to shape healthier lifestyles for the men, women and children in their communities, and

WHEREAS, communities can work towards the goal of healthier citizens and lower health care costs by championing practices and programs that promote active living, and

WHEREAS, the Mayors Wellness Campaign will work to implement a comprehensive program of outreach, education and technical assistance activities to combat obesity and inactivity issues for the Township of River Vale.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale that all residents of this community join us in supporting the Mayors Wellness Campaign.

BE IT FURTHER RESOLVED that we encourage the residents of River Vale to participate in Mayors Wellness Campaign activities to promote exercise, eating properly and living healthier and better lives.

ROLL CALL VOTE

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

ORDINANCES 1st READING

ORDINANCE #242-2010

Motion to Introduce: Councilman Matos

Second: Councilman de Stefan

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 142 SECTION 149 OF THE CODE ENTITLED “APPROVAL OF CHANGE OF USE”

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 142 of the Code is amended as follows:

§ 142-149. Approval of change of use.

- A. Any change in use, ownership of occupancy of an existing nonresidential structure or use shall require approval from the Zoning Officer and Township Engineer prior to the issuance of a certificate of Occupancy by the Construction Official. All existing non-residential structures must be a part of a previously approved Site Plan. If the structure is not part of an approved Site Plan, Change of Use approval may not be issued and an application for Site Plan approval must be made to the appropriate municipal land use board or the board waives such requirement.

All persons wishing to change use, ownership, or occupancy of any premises shall file with the Zoning Official an application for a Zoning Permit stating the intent and use of the premises, and a Commercial Certificate of Continued Occupancy for the use of commercial properties.

These provisions, however, shall not be construed to require site plan approval or change of use approval for a change of tenancy of office space in an office building containing three or more separate offices, provided that the Zoning Officer and Township Engineer both find that there is no substantial change in use or occupancy, and no substantial increase in the intensity of use is proposed or that no exterior changes or parking revisions are required or proposed.

This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ROLL CALL VOTE

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

ORDINANCES 2nd READING

ORDINANCE #240-2010

Motion to open the public hearing on Ordinance #240-2010 Councilman de Stefan; seconded by Councilman Matos.

There being no comments or questions from the public motion by Councilman Matos seconded by Councilman de Stefan to close the public hearing on Ordinance #2010-240.

Motion to Adopt: Councilman Matos

Second: Councilwoman Sieg

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, ESTABLISHING A SELF LIQUIDATING PUBLIC UTILITY

WHEREAS, the Township of River Vale has commenced a civil action in Superior Court of New Jersey Law Division – Bergen County titled Township of River Vale, Plaintiff vs. Chemitek 2006, LLC, et. al., Defendants, Docket No. BER – L -9038 – 10 to acquire through eminent domain properties commonly known as the River Vale Country Club;

WHEREAS, the Township Council of the Township of River Vale has authorized the Mayor to execute the terms of a proposed Settlement Agreement which would enable the Township to purchase the River Vale Country Club through the eminent domain action without objection from the defendant owners and senior secured lien holders;

WHEREAS, pursuant to the terms of such proposed Settlement Agreement the Township would take deed to the River Vale Country Club on or about October 26, 2010;

BE IT ORDAINED by the Township Council of the Township of River Vale that the Code of the Township of River Vale is hereby amended and supplemented as follows:

SECTION I. Golf Course Utility – Establishment – Purpose

There is created and established upon the effective date of this article a municipally owned utility to be known as the Municipal Golf Course of the Township of River Vale (the “Golf Utility”), commonly known as the “River Vale Country Club.” The authorized operations of the Golf Utility shall consist of the operation, management, control and maintenance of the River Vale Country Club and all extensions and improvements hereafter made thereto, together with all services relating to such purposes, including the billing and collection of daily and membership fees.

SECTION II. Administration--Personnel

The Mayor is authorized to appoint an individual or entity who shall be responsible for the day-to-day administrative operations of the Golf Utility, including proposing the annual budget for the Golf Utility and making recommendations to the Township Council regarding membership and daily rates and charges, the classification of users, general policy oversight of Golf Utility administration and operations and the review and investigation of grievances. The

salaries of the employees or appointments of the Golf Utility shall be paid from the Golf Utility fund.

SECTION III. Golf Utility Fund

All moneys derived from the operations of the Golf Utility and other moneys applicable to its support shall be segregated and kept in a separate fund, known as the Golf Utility fund, and treated as moneys held in trust for the purposes for which the Golf Utility was created. Moneys in the Golf Utility fund shall be applied only to costs of the Golf Utility or as otherwise permitted by law and shall be accounted for in accordance with the local budget law and the local bond law.

SECTION IV. Budget

The budget of the Golf Utility and the appropriations and disbursements from the Golf Utility fund shall be in compliance with the Local Budget Law and other applicable law.

SECTION V. Effect on other provisions

To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is amended or repealed to the extent necessary to make it consistent herewith. In all other respects, this article shall be a supplement to other ordinances and resolutions heretofore adopted relating to sewer system purposes.

SECTION VI. This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ROLL CALL VOTE

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

ORDINANCE #241-2010

Motion to open the public hearing on Ordinance #241-2010 Councilman de Stefan; seconded by Councilman Bromberg.

There being no comments or questions from the public motion by Councilman Matos seconded by Councilman Bromberg to close the public hearing on Ordinance #2010-241.

Motion to Adopt: Councilman de Stefan

Second: Councilman Matos

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE GOVERNING THE OPERATIONS OF THE GOLF COURSE UTILITY (RIVER VALE COUNTRY CLUB) THEREOF PROVIDING AND ESTABLISHING A FEE SCHEDULE FOR GOLF COURSE MEMBERSHIP RATES AND DAILY RATES

WHEREAS, the Township Council has recommended the adoption of a golf course fee schedule for membership rates and daily rates for golfers using the Township Golf Course (River Vale Country Club); and

WHEREAS, the Township Council wishes to provide lawful authority for such fee schedules.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of River Vale, County of Bergen, State of New Jersey as follows:

Section 1:

Golf Course Daily Rates
(Effective thru December 30)

Monday – Thursday

Early Bird (Before 7:30)	\$55.00
Mid-day	\$75.00
Twilight (3PM)	\$55.00

Friday

Early Bird (Before 7:30)	\$65.00
Mid-day	\$85.00
Twilight (3PM)	\$65.00

Weekends & Holidays

Mid-day	\$105.00
Twilight (3PM)	\$75.00

Re-Play Fee (M-Th)	\$40.00
Re-Play Fee (F, S, SU)	\$50.00
Re-Play (Members to Walk)	\$6.00

Men's Spa Fee	\$5.00
Deposit (Locker included in Spa Fee)	\$5.00

Ladies Locker Room	\$2.00
Deposit	\$3.00

(Shower and Towel Included)

Section 2: Membership Fees

Schedule attached hereto.

Section 3: Inconsistent Ordinances

Any Ordinance or portions thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed as of the effective date of this Ordinance.

Section 4: Repealer

Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 5: Declaration of Invalidity

If any provision of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance shall not be affected thereby. The provisions found or held to be invalidated shall be stricken and the remaining provisions shall be considered severable and shall continue in full force and effect.

Section 6. Effective Date

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

ROLL CALL VOTE

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

HEARING OF THE PUBLIC

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

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

RESOLUTION

Motion by Councilman Bromberg; seconded by Councilman de Stefan to approve Resolution #2010-297 as follows:

RESOLUTION AUTHORIZING THE COUNCIL TO ENTER INTO CLOSED SESSION

BE IT RESOLVED, by the Township Council of the Township of River Vale the Council enters into Closed Session to discuss contract negotiations and pending litigation. Action may be taken.

ROLL CALL VOTE

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

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

ROLL CALL

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

RESOLUTIONS

Motion by Councilman de Stefan; seconded by Councilman Matos to approve Resolution #2010-299, as follows:

Resolution #2010-299

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT FOR PROERTY KNOW AS THE RIVER VALE COUNTRY CLUB

BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is authorized to enter into a settlement agreement for the River Vale Country Club is hereby confirmed.

ROLL CALL VOTE

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

Motion by Councilman de Stefan; seconded by Councilman Matos to approve Resolution #2010-300, as follows:

Resolution #2010-300

RESOLUTION SUPPORTING BERGEN COUNTY'S LAND ACQUISITION THROUGH EMINENT DOMAIN

BE IT RESOLVED, by the Township Council of the Township of River Vale that the Council supports Bergen County's effort to acquire the land north of John Shine Court on Rivervale Road for the preservation of open space through eminent domain.

ROLL CALL VOTE

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

ADJOURNMENT

Motion by Councilman Matos; seconded by Councilman de Stefan to adjourn the meeting at 11:10pm.

Council President
Glen Jasionowski

ATTEST:
Karen Padva
Township Clerk