



MINUTES
Regular Meeting of the Township Council
January 9, 2006
8:00 PM

SALUTE TO FLAG

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

SUNSHINE LAW STATEMENT

Council President Menville read the following statement into the record:

“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

Roll Call found the following present:

1. Township Council

Councilman Blundo
Councilman de Stefan
Councilman Matos
Council Vice President Jasionowski
Council President Menville

2. Municipal Officials Present

Mayor George Paschalis
John M. Carbone, Township Attorney
Wanda A. Worner, Township Clerk

TOWNSHIP COMMUNICATION

1. Mayor's Comments

Mayor Paschalis presented a Plaque to Ms. Sandra Kavorsky for being a resident that serves her community. He stated that Ms. Kavorsky is a member of the River Vale CERT team. He stated that she is also a nurse, on the medical reserve corps and provides

medical aid. He stated that she spent two weeks in Louisiana in the aftermath of Hurricane Katrina. Mayor Paschalis thanked Ms. Kavorsky for her service.

Mayor Paschalis asked Mr. Peters to say a few words about the recipient of the award. Mr. Peters stated that Ms. Kavorsky plays a very important part in the CERT team and he is very glad to have her in the community.

Mayor Paschalis further reported that after many revisions to the soil ordinance, he feels that is now ready to be re-introduced this evening. He stated that for large movements of soil, the Planning Board will have oversight; Township Engineer will be responsible for the permit and smaller amounts will be handled by the Township Engineer.

2. Township Council Comments

Councilman Blundo stated that there is a vacancy on the Board of Adjustment. He stated that he has done some research and discovered that Mr. Rice has only missed one meeting. He stated that Mr. Rice is instrumental on the Board as a Vice Chairman. He complimented Councilman de Stefan on the resumes that he has submitted; however, he feels that Mr. Rice is the best candidate for the appointment at this time.

Councilman de Stefan stated that he has nominated four outstanding candidates:

1. Debbi Romano
2. Joe Massin
3. Sue Vaccaro
4. Karen Landau

He stated that things change and other people should have the right to volunteer for the town on whatever board that may have an opening.

Councilman Matos had no comments this evening.

Councilman Jasionowski stated that it was his understanding that the Township had a policy of revolving terms and appointing new people to the boards.

Councilman Menville stated that over the past couple of years, things had fallen by the wayside and had to be straightened out.

Mayor Paschalis stated that it became apparent that the terms of office were mixed up and the administration made recommendations to the Council, which they accepted last year to correct past mistakes.

LIAISON APPOINTMENTS FOR 2006

Council President Menville stated that these are the council liaison appointments for 2006:

Seniors – Council President Menville
Emergency Service & River Vale Schools – Council Vice President Jasionowski
Regional High Schools & Board of Health – Councilman Blundo

Library – Councilman de Stefan
Athletics – Councilman Matos

OPEN HEARING OF THE PUBLIC

Motion by Councilman Jasionowski; seconded by Councilman Matos to open the hearing of the public.

Council President Menville 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 members 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.”

Mr. Futterman – Stated that he understood that testimony was taken with regard to the Police Chief. He stated that this is a waste of resources and he thinks that this should be discontinued.

Joe Massin – 68 Holiday Court – Stated that he moved to River Vale with his family 8 years ago. He stated that it has been a good choice for his family. He further stated that he thought that the rotation of positions and term limits on board members was a good idea.

Councilman Blundo agreed that term limits were a good idea; however, they are used when they are convenient but not at all times. He stated that he would like to see things changed.

Debbie Romano – 529 Rivervale Road – Wished everyone a Happy New Year. She stated that she knows Mr. Rice and that he has been very active in town. However, she feels that it is time for a change and that positions should be rotated. She appreciates that Councilman de Stefan put her name forward for the position on the Board of Adjustment and feels that new blood and different blood on the Boards would be good.

Councilman Blundo feels that all of the names put forward are qualified; however, he feels that Mr. Rice is right for the position at this time.

Councilman de Stefan stated that he is not denigrating Mr. Rice or his qualifications, but, he supports all of his candidates.

Ron Tucci – 58 Holiday Court – Stated that he disagrees with all Councilmembers on the term limits. He pointed to the current Chairman of the Planning Board who has served the Township for many years; he would never like to see Mr. Koons replaced on the board as he thinks his background is important and that Mr. Rice has the necessary background for the Zoning Board.

Mr. Tucci further stated that there is a flaw in the application process to the boards in that no one has been advertising the decision of the boards. He stated that the Township Engineer agreed that this had to be done, but, Mr. Kaufmann didn't agree.

Council President Menville stated that Mr. Tucci's comments would be taken under advisement.

Mr. Martin stated that the lights are still on at the convenience store and when will the lights be off. He would like to see them off at 11:00 p.m.

Mr. Martin further stated the board of adjustment would be meeting on the 19th and that they needed a full set of board members. He would like to see Mr. Rice re-appointed.

Mr. Martin further stated that he feels that the Zoning Officer and the Construction Official should not be the same person and he feels that this needs to be addressed.

Councilman de Stefan agreed that Mr. Martin has been before the Council on numerous occasions with regard to the lights and feels that should be addressed.

James Hanna – 381 Sunset Road – Stated that when he was on the Council one third of the board changed every year. He stated that was the intent back then. He stated that poor record keeping should be addressed.

Mr. Hanna further stated that the new development on Orangeburgh Road is creating a water problem. He stated that it is icing up and creating a hazardous condition.

Mayor Paschalis stated that he had visited the location with the Township Engineer and witnessed the problem. He stated the engineers opinion is that release of the bond should be held. He further stated that the DPW is aware of the situation and will take steps to make sure that situation doesn't become hazardous, until it is corrected by the builder.

Karen Landau – 623 Montview Place – Stated that with regard to Mr. Martin's concerns about the lights; she had gone to numerous board of adjustment meetings and the only thing that can be done is to follow the ordinances that are on the books or change them. She feels that anyone should be able to talk to a neighbor and ask that the lights be turned off at a reasonable hour.

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

RESOLUTIONS

Motion by Councilman Jasionowski; seconded by Councilman Matos to approve Resolution #'s 2006-28 through 2006-32 on Consent Agenda, as follows:

RESOLUTION #2006-28

RESOLUTION APPROVING MINUTES – January 1, 2006 – Sine Die

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the January 1, 2006 Sine Die Meeting of the Township Council are hereby approved.

RESOLUTION #2006-29

RESOLUTION APPROVING MINUTES – January 1, 2006 – Reorganization

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the January 1, 2006 Reorganization Meeting of the Township Council are hereby approved.

RESOLUTION #2006-30

RESOLUTION ESTABLISHING A PETTY CASH FUND FOR THE POLICE DEPARTMENT

BE IT RESOLVED, by the Township Council of the Township of River Vale that a Petty Cash Fund be established for the Police Department for the year 2006 in the amount of \$200.00, and the custodian of said fund shall be the Chief of Police.

BE IT FURTHER RESOLVED, that the Treasurer draw a check on the Current Account Fund for the establishment of said Petty Cash Fund.

RESOLUTION #2006-31

REFUND OF TAX OVERPAYMENTS

WHEREAS, tax overpayments have been received for the fourth quarter of 2005, and the property owners have requested refunds of said tax overpayments;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale, that the Chief Financial Officer is hereby authorized to issue municipal checks as follows:

Mary McWilliams	607 Sargent Road	\$ 703.67
Ralph & Michele Hayon	553 Baylor Avenue	2,550.21

RESOLUTON #2006-32

AUTHORIZE THE TOWNSHIP CLERK TO ADVERTISE FOR THE RECEIPT OF BIDS FOR THE RIVER VALE CENTENNIAL AMPHITHEATER

BE IT RESOLVED, that the Township Clerk is hereby authorized to advertise for the receipt of bids for the above mentioned project.

ROLL CALL VOTE: Councilman Blundo, Councilman de Stefan, Councilman Jasionowski, Councilman Matos and Council President Menville voted yes.

Motion by Councilman de Stefan; seconded by Councilman Blundo to approve Resolution #2006-33, as follows:

RESOLUTION #2006-33

APPROVE BUDGET MEETING DATES FOR 2006

BE IT RESOLVED, that the budget meetings of the Township Council will commence on Saturdays beginning on January 21 at 9:00 a.m. and Tuesdays beginning January 24 at 7:30 PM in the Council Chambers of the Township Hall located at 406 Rivervale Road, River Vale, New Jersey 07675 and will continue on Saturdays and Tuesdays until the 2006 budget has been examined, discussed and approved by the Township Council.

ROLL CALL VOTE: Councilman Blundo, Councilman de Stefan, Councilman Matos, Councilman Jasionowski and Council President Menville voted yes.

RESOLUTION #2006-34

Motion by Councilman Blundo; seconded by Councilman de Stefan to appoint Council President Menville as the Class III representative to the Planning Board, as follows:

RESOLUTION OF THE COUNCIL APPOINTING THE CLASS III REPRESENTATIVE TO THE PLANNING BOARD

BE IT HEREBY RESOLVED, by the Township Council of the Township of River Vale, that Council President, Robert A. Menville, is hereby appointed as the Council's Class III representative to the Planning Board.

ROLL CALL VOTE: Councilman Blundo, Councilman de Stefan, Councilman Matos and Councilman Jasionowski voted yes. Council President Menville abstained.

After discussion and debate and a motion to table by Councilman de Stefan; seconded by Councilman Matos; on roll call vote the motion to table did not carry; motion by Councilman Blundo; seconded by Councilman Matos to approve Resolution #2006-35, as follows:

RESOLUTION #2006-35

RESOLUTION OF THE COUNCIL APPOINTING DAVID RICE AS BOARD OF ADJUSTMENT MEMBER

BE IT HEREBY RESOLVED, by the Township Council of the Township of River Vale, that David Rice, is hereby appointed to the Board of Adjustment for a three year term expiring December 31, 2008.

ROLL CALL VOTE: Councilman Blundo, Councilman Matos, Councilman Jasionowski and Council President Menville voted yes. Councilman de Stefan voted no.

ORDINANCES – 1st reading

Motion by Councilman Blundo; seconded by Councilman Jasionowski to introduce Ordinance #141-2006, as follows:

ORDINANCE #141-2006

AN ORDINANCE AMENDING BOND ORDINANCE NUMBER 128-2005, FINALLY ADOPTED JULY 25, 2005, PROVIDING FOR TRAFFIC SIGNAL INSTALLATION AND INTERSECTION IMPROVEMENTS AT WESTWOOD AVENUE AND RIVER VALE ROAD AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF RIVER VALE AND APPROPRIATING \$835,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$128,250 IN BONDS OR NOTES OF THE TOWNSHIP OF RIVER VALE TO FINANCE THE SAME.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof concurring) AS FOLLOWS:

Section One. Section 6 (c) of Bond Ordinance No. 128-2005 of the Township of River Vale, in the County of Bergen, New Jersey, finally adopted July 25, 2005, is hereby amended to read as follows:

"Section 6.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$128,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law."

Section Two. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ROLL CALL VOTE: Councilman Blundo, Councilman de Stefan, Councilman Matos, Councilman Jasionowski and Council President Menville voted yes.

Motion by Councilman de Stefan; seconded by Councilman Blundo to introduce Ordinance #142-2006, as follows: (*note – This ordinance will be incorporated into Ordinance #135-2005, as introduced on August 22, 2005, but tabled and never passed. Once incorporated into Ordinance #135-2005, all amendments and application will become the Soil Movement Ordinance).

ORDINANCE #142-2006

AN ORDINANCE REGULATING THE MOVEMENT OF SOIL IN THE TOWNSHIP OF RIVER VALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY

Under Part 7 “Soil Removal” of Chapter 142 “Land Use Ordinance” of the Township of River Vale;

Replace Paragraph 142-179 “Review of permit application” as follows:

For soil movement of **500 cubic yards or more**, the matter of reviewing and considering all applications for soil movement shall be referred to the Planning Board for consideration and approval. The Board Secretary shall issue no permit until the Planning Board approves the application.

For soil movement of less than **500 cubic yards**, the matter or reviewing and considering all application for soil movement shall be referred to the Township Engineer for review and recommendation to the Construction Official.

For soil movement of less than **125 cubic yards**, the applicant shall provide evidence of actual soil volume to be moved and file an affidavit on forms provided by the Township to the Township Engineer stating that construction activities will not move a greater volume of soil.

Replace Paragraph 142-180D “Filing Fee” as follows:

<u>Volume of Soil</u>	<u>Filing Fee</u>	<u>Deposit for Costs</u>
Under 25 cubic yards	\$10.00	None
26-125 cubic yards	\$75.00	\$375.00
126-500 cubic yards	\$75.00	\$550.00
501-1,000 cubic yards	\$75.00	\$1,000.00
1,001and over	\$75.00	\$1,500.00 + \$0.50/cubic yard

All unexpended portions of the Deposit for Costs shall be retuned to the applicant upon completion and approval of soil movement activities by the Township Engineer.

Delete the first sentence of paragraph F “Hearing,” and replace it with the following:

“For applications involving **500 cubic yards or more** of soil movement, the Planning Board shall, within 45 days receipt of a complete application, fix a date

for a hearing for the purpose of considering the application and shall give the applicant, by registered mail, notice of the time and place of said hearing. The applicant shall, at least ten days prior to the date appointed for said hearing....”

Change Paragraphs 142-180F,G, H, I, and J to 142-180(1), (2), (3), and (4).

Add the following new Paragraph 142-180F “Hearing” as follows:

“For all applications involving **less than 500 cubic yards** of soil movement, the Township Engineer shall, within 45 days of receipt of a complete application, review and render a report and recommendation to the Construction Official, who shall grant or deny the permit in accordance with the recommendation of the Township Engineer.”

(1) Appeal: In the event of denial or failure of the Township Engineer to act within the prescribed time, the applicant may, no later than 30 days after such denial or failure to issue a report, appeal to the Township Council. The Council may sustain, modify, or overrule the Township Engineer’s recommendations, and/or order such application to be issued.

(2) Permit Date: same as Section F(4) above.

Amend the first sentence in Paragraph 142-181 “Review of applications; factors considered” as follows:

Replace Planning Board with “Planning Board and Township Engineer”

Replace the definition of Excavator under Paragraph 142-189 “Definitions” with the following:

“Excavator - Any person who moves soil in excess of **25 cubic yards** to, from, or within any land area or lot within the Township of Rivervale.”

Delete Paragraph 142-33 “Fees,” Section (18) “Soil Moving Application.”

ROLL CALL VOTE: Councilman Blundo, Councilman de Stefan, Councilman Matos, Councilman Jasionowski and Council President Menville voted yes.

HEARING OF THE PUBLIC

Motion by Councilman Blundo; seconded by Councilman Jasionowski to open the hearing of the public.

Council President Menville 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 members 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.”

Mr. Massin – 68 Holiday Court – Stated that he would like to caution the Council on the impact of the tax rate when acquiring land for public uses as in the Golf Course.

Mayor Paschalis stated that he and the Council all agree on open space and they work hard to make sure that there is a balance between open space and taxes.

There being no further questions or comments from the public; motion by Councilman Blundo; seconded by Councilman de Stefan to take a five minute recess at 9:25 p.m. with the intention of going into Closed Session immediately upon return from recess with no action to be taken upon return.

ADJOURNMENT

Following the five minute recess; closed session meeting; motion by Councilman Blundo; seconded by Councilman Matos to adjourn the meeting at 9:40 PM.

ROBERT A. MENVILLE
Council President

Attest:

Wanda A. Worner
Township Clerk

Approved: _____