

MINUTES
Council Meeting
Tuesday, October 14, 2008

CALL THE MEETING TO ORDER

Council Vice President Bromberg called the meeting to order at 7:30 PM in the Council Chambers of the Municipal Building located at 406 Rivervale Road, River Vale, New Jersey 07675.

SALUTE TO FLAG

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

SUNSHINE LAW STATEMENT

Council Vice President Bromberg 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, Councilwoman Sieg and Council Vice President Bromberg were present. Council President Jasionowski and Councilman Matos were absent.

Also present: Mayor Joseph Blundo, Holly Schepisi, Township Attorney, Robert Gallione, Business Administrator, Dennis Harrington, Township Engineer, and Karen Padva, Acting Clerk.

Motion by Councilman de Stefan; seconded by Councilwoman Sieg to adjourn the meeting to closed session.

Motion by Councilman de Stefan; seconded by Councilwoman Sieg to reconvene out of closed session.

ROLL CALL

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

Mayor Blundo read the following Proclamation into the record:

“Pancreatic Cancer Awareness Month”
November 2008

WHEREAS over 37,680 people will be diagnosed with pancreatic cancer this year in the United States and 34,290 will die from the disease;

WHEREAS pancreatic cancer is the deadliest cancer and the fourth leading cause of cancer death in the United States;

WHEREAS approximately 1,060 deaths will occur in New Jersey;

WHEREAS 75 percent of pancreatic cancer patients die within the first year of their diagnosis and 95 percent of pancreatic cancer patients die within the first five years;

WHEREAS there is no cure for pancreatic cancer and there have been no significant improvements in early detection, treatment methods, or survival rates in the last 25 years;

WHEREAS when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and the average life expectancy of those diagnosed with metastasis disease is only three to six months;

WHEREAS incidence of pancreatic cancer is 20 to 30 percent higher in men than in women and 40 to 50 percent higher in African Americans than in other ethnic groups;

WHEREAS the Federal Government invests less money in pancreatic cancer research than it does in any of the other leading cancers;

WHEREAS the good health and well-being of the residents of the Township of River Vale are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

WHEREAS the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the Township of River Vale and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS the Pancreatic Cancer Action Network and its affiliates in New Jersey support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

NOW, THEREFORE, BE IT RESOLVED THAT I, Joseph Blundo, Mayor of the Township of River Vale along with all the Council members hereby designate the month of November as “Pancreatic Cancer Awareness Month” in the Township of River Vale.

TOWNSHIP COMMUNICATION

1. Mayor’s Comments

The Mayor commented that the Octoberfest was very successful. He thanked Joann Allgor for doing a great job running her first Social & Cultural Affairs event. The Mayor also thanked Bob Gallione and the DPW for providing their support. Also in attendance at the Octoberfest were the Chamber of Commerce, Jewish Home, First Friends, Residents for a Better River Vale and all the sports organizations.

Mayor Blundo concluded his remarks by thanking Rich Campanelli and his staff for doing a terrific job rehabilitating Ranges baseball field.

2. Council Comments

Councilman de Stefan added his compliments to Rich Campanelli and the DPW for a job well done at Ranges. Councilman de Stefan also noted that the soccer field at Ranges remained dry and playable after heavy rain.

Councilwoman Sieg thanked the DPW for providing a generator during Octoberfest to help run the cotton candy machine. Councilwoman Sieg added how much fun the event was and how much she enjoyed all the smiles on the children’s faces. She also commended the work done at Ranges field.

Council Vice President Bromberg commented that he could not attend the Octoberfest but heard it was a success. Council President Bromberg noted that the Emergency Room at Hackensack Hospital has been reopened and already has served several hundred patients. There was also a very large turn out for the ribbon cutting ceremony. Council Vice President Bromberg concluded with an update on the status of the *Certificate of Need*. So far the petition for the *Certificate of Need* has 10,000 signatures; however they still need more.

Mayor Blundo added that there will be a hearing in front of the State Board regarding the *Certificate of Need* for the hospital. The Mayor stressed that we need this facility open. We need the crowds and the support that was displayed during the FAA hearings.

Council Vice President Bromberg stated that the venue for the hospital rally will be held at Westwood High School.

BUSINESS ADMINISTRATOR'S REPORT

Mr. Gallione noted that Lt. Giordano's mother passed away recently and in lieu of sending flowers the family requests that donations be made to the renovation of the *Frank Giordano Playground*. The Business Administrator also announced that the Mayor and Council have nominated Chris O'Shea as *Volunteer of the Year*.

The Business Administrator announced that the Ragamuffin Parade will be held on Saturday, October 18th at Roberge School and the winners of the coloring contest will be announced then. Mr. Gallione also announced that the new sign for the Eleanor Alexander Field will be unveiled on November 11th at 9:00am.

TOWNSHIP ENGINEER'S REPORT

Mr. Harrington gave a brief update on the on the paving project at the DPW building and the rescinding of the FEMA grant for the slope failure. The Engineer reported that the Township may have to request additional funding for the headwall replacement on Bernita Drive. Mr. Harrington concluded with updates on the Rudd O'Conner building drainage improvements and remediation.

HEARING OF THE PUBLIC

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

Council Vice President Bromberg 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."

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

TOPICS FOR DISCUSSION- International Property Maintenance Code"

Councilman de Stefan distributed copies of his comments and revisions regarding the International Property Maintenance Code to the Mayor, Council and Administration. Mayor Blundo thanked Councilman de Stefan for all the work he put into preparing this document. Michael Sartori noted that the first three (3) chapters of the code have been struck. For an example, Mr. Sartori stated that without those chapters he would be unable to assist a tenant living on Cedar Lane with electrical problems they experienced. Councilman de Stefan noted that he omitted those sections because they are supplemented in the current River Vale code. Mr. Sartori added that under the current code he would be unable to enter the home to investigate any complaints a renter might report.

Mayor Blundo commented that most of the examples pertain to rental properties and that there needs to be safe guards to prevent any abuse. The Mayor clarified with Mr. Sartori that the current code does not allow the official to enter the home and investigate. Councilman Bromberg suggested creating exemptions for existing homes. Mayor Blundo suggested having a separate standard for non-owner occupied structures.

Councilwoman Sieg questioned how the construction official would handle finding other code violations in the home that did not pertain to the reason for the inspection.

The Council had further extensive discussion regarding the International Property Maintenance Code. Councilman Bromberg expressed his concern regarding enforcement and future administrations. Michael Sartori added that the Town cannot have a more restrictive code than what the state allows. Councilman Bromberg again suggested making exemptions and acknowledges the benefits.

The Mayor suggested Councilman's de Stefan's comments be typed up and distributed to Mike Sartori and the Council. This gives the Council a working copy of the ordinance and also shows progress.

In conclusion, Mike Sartori questioned whether the document could be cut and pasted to create a new document. He is uncertain as to whether we could call it our own and if there would be copy writing issues. Mr. Sartori stated that by adopting this ordinance you will allow him to better serve the residents.

RESOLUTIONS

Motion by Councilman de Stefan; seconded by Councilwoman Sieg to approve Resolutions #2008-228 – 233 on Consent Agenda, as follows:

Resolution #2008-228

RESOLUTION APPROVING MINUTES–September 22, 2008

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the September 22, 2008 Regular Meeting of the Township Council are hereby approved.

Resolution #2008-229

RESOLUTION APPROVING RAFFLE LICENSE FOR PFA WOODCLIFF LAKE

BE IT HEREBY RESOLVED, that the following license to conduct an On-Premise Chinese Auction be issued to:

- NAME: PFA Woodcliff Lake
100 Dorchester Road
Woodcliff Lake, NJ 07677
- LOCATION OF RAFFLE: Florentine Gardens
97 Rivervale Road
River Vale, NJ 07675
- DATE OF RAFFLE: November 20, 2008 6:30 – 11:00 pm
- I.D. #: 560-5-34855
- RAFFLE LICENSE: RL 301

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 #2008-230

RESOLUTION
(Disabled Veteran Tax Exemptions)

WHEREAS, N.J.S.A. 54:4-3.30 allows for Disabled Veterans to receive 100 % exemptions from Property Taxes, and the following individual is eligible for said exemption, and any Property Taxes paid after the date of eligibility should be refunded;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale, that the Tax Collector be authorized to cancel the

following Property Taxes in the amount of \$1,845.58, and the Chief Financial Officer be authorized to issue a Township check for Property Taxes paid.

<u>Name</u>	<u>Address</u>	<u>Eligibility Date</u>	<u>Year</u>	<u>Amount</u>	<u>of</u>
Refund					
Richard Donigian	521 Piermont Avenue Unit 403	08/02/08	2008	\$1,856.43	

Resolution #2008-231

RESOLUTION
(Disabled Veteran Tax Exemptions)

WHEREAS, N.J.S.A. 54:4-3.30 allows for Disabled Veterans to receive 100 % exemptions from Property Taxes, and the following individual is eligible for said exemption, and any Property Taxes paid after the date of eligibility should be refunded;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale, that the Tax Collector be authorized to cancel the following Property Taxes in the amount of 1,789.46, and the Chief Financial Officer be authorized to issue a Township check for Property Taxes paid.

<u>Name</u>	<u>Address</u>	<u>Eligibility Date</u>	<u>Year</u>	<u>Amount</u>	<u>of</u>
Refund					
Donald Kuehn	548 Elizabeth Avenue	01/01/08	2008	\$5,013.97	

Resolution #2008-232

ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT GRANT

APPLICATION FOR 2009-2010 SENIOR CITIZEN ACTIVITIES

WHEREAS, as Bergen County Community Development grant of \$3,000 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 #2008-233

RESOLUTION CONFIRMING ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, a Bergen County Development grant of \$ 50,000 has been proposed by the Township of River Vale for Barrier Free Improvements at the Municipal Complex 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 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 the of the aforesaid CD funds.

NOW, THEREFORE, 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.

ROLL CALL VOTE

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

ORDINANCES 2nd Reading

Motion by Councilman de Stefan; seconded by Councilwoman Sieg to open the public hearing on Ordinance #201-2008.

There being no questions or comments for the public. Motion by Councilwoman Sieg; seconded by Councilman de Stefan to close the public hearing on Ordinance #201-2008.

**Motion to Adopt Ordinance #201-2008: Councilman de Stefan
Seconded: Councilwoman Sieg**

ORDINANCE #201-2008

AMEND AND RESTATE CHAPTER 61 ARTICLE II ENTITLED “DOG CONTROL” IN ITS ENTIRETY

Article II

Animal Control and Prevention of Rabies

§ 61-7 Applicability.

All dogs and all other animals owned, boarded, kept or found within the Township of River Vale, in the County of Bergen and State of New Jersey, and all dogs and other animals transported or lead through or exercised upon any highway or thoroughfare of said Township, and all persons, whether the owner or temporarily in charge of such animals, shall be subject to the provisions of this article.

§ 61-8Definitions.

For the purpose of correct interpretation in the enforcement of this article and the rules and regulations of the Health Department of the Township of River Vale, the terms used herein are hereby defined to mean and to include:

ANIMALS and OTHER ANIMALS — Applies to and includes cats, foxes, squirrels, goats and

other such quadrupeds.

BOARD — The Health Department of the Township of River Vale and the executive health officer thereof, when in the performance of his official duty.

CONFINED — Includes any means whereby a dog or other animal is kept upon the premises of its owner or caretaker, and thereby is prevented from straying upon a road or any place or other property, public or private.

DOGS — Any breed of such animal, any age and any sex, regardless of its having been desexed.

INDIGENT PERSON — One who is unable to maintain himself or the members of his family lawfully dependent upon him for support; or one who is ordinarily able to maintain himself and/or his family, but because of his illness or the illness of some member of his family or for any other reason is or becomes unable to do so.

KENNEL — Any place, enclosure, building or collection of buildings or doghouses in which more than one dog is kept, boarded, reared or housed, for whatever purpose, and shall apply also to the dogs kept therein.

LEASH — A strong leather strap or a metal chain, which shall not exceed six feet in length, such leash to be used when exercising, leading or transporting a dog.

MUZZLE — A mechanical device of the humane "basket" type, which shall prevent a dog from biting. No muzzles shall be used except those approved by the Board.

OBSERVATION PERIOD — A period of isolation by secure confinement of not less than 10 days after such dog or other animal has attacked and bitten a person, dog or other animal.

OWNER — Includes the actual owner, the person in charge or the person in control of any dog or other animal.

QUARANTINE PERIOD — Periods of confinement, which for dogs shall be not less than 14 days nor more than six months and for other animals shall be not less than 14 days nor more than 60 days, which period shall begin with the day such animal has been bitten.

SECURELY CONFINED — Isolating a dog or other animal within an enclosure or building in such a manner that such animal cannot come, directly or indirectly, in contact with nor bite a person, dog or other animal, nor can it be bitten by any other animal.

STRAY DOG or STRAY OTHER ANIMAL — Any dog or other animal that is not confined but is found roaming upon any property other than that of its owner, or which has broken away from the control of a leash.

§ 61-9 Persons that have been bitten to report.

- A. Adults. It shall be the duty of every adult person who has been bitten by a dog or other animal, the owner of which is known, to report to the Board or the Police Department within 12 hours the name, age, sex, color and precise address of the person so bitten and also the name and address of the owner of the dog or other animal which has bitten such person, in addition to such other information as may be required by the Board and/or the Police Department.
- B. Minors. If any child has been so attacked and bitten, then the parent or person in charge of such child and the minor shall report as required in the preceding section.
- C. Physicians. Every physician shall, within 12 hours after his first professional attendance upon any person bitten, report to the Board or the Police Department, the name, age, sex, color and precise address of the person or child that has been so bitten, with full particulars of the case, and, if known, the name and address of the owner of the dog or other animal.
- D. Should any person have been bitten or attacked by a stray dog or other animal, then the persons enumerated in Subsections A, B and C of this section shall include in their report, if possible, a description of the stray animal and the place where the attack occurred and such other particulars of the attack as from whence the animal came and the direction in which it went.

§ 61-10 Animals that have been bitten to be reported.

- A. The owner of every dog or other animal that has been bitten by any dog or other animal, the owner of which is known, shall at once report to the Board or the Police Department the name and address of the owner of both dogs or other animals.
- B. The owner of a dog or other animal that has been bitten by a stray dog or other animal shall, in addition to the report as required as in the preceding subsection, give a description of the stray dog or other animal and the location or direction from which it came and to which it went.
- C. When a veterinarian is in attendance of any animal which has been attacked or bitten by a dog or other animal, a report shall be made by him as required in § 61-9 C and D.

§ 61-11 Notice to quarantine animal.

- A. Any person owning or having possession or control of a dog or other animal that has bitten a person, dog or other animal must within ten (10) days after the attack (or immediately at the request of the Police Department or Board) provide for the examination and observation of such animal by a licensed Veterinarian of the State of New Jersey. Said veterinarian shall immediately report his finding the Board or Police Department by telephone and shall confirm such report in writing within twenty-four (24) hours.
- B. Unless an animal is rabid or suspected to be rabid, the veterinarian shall release the animal to the person from whom it was received. Upon taking possession of the animal, the owner or person having possession must securely confine the animal for the Observation Period.
- C. Upon receipt of a notice as stated in §§ 61-9 and 61-10 above, the Board or the Police Department shall at once serve upon the owner of the dog or other animal injured a notice in writing to quarantine such dog or other animal. The Board or Police Department shall also serve upon the owner of the dog or other animal that has bitten a person, dog or other animal a notice, in writing, to securely confine such dog or other animal for the Observation Period.
- D. Upon receipt of a notice of injury from the **bite** of a stray dog or other animal, the Board or Police Department shall serve a notice in writing upon the owner of the dog or other animal bitten by a stray dog, if known, to securely confine such animal for a Quarantine Period as determined by the Board or Police Department; provided, however, that in the event a six month quarantine is determined appropriate but such six months' quarantine cannot be properly maintained, the Board or Police Department may order such animal destroyed or removed to a place designated by the Board or Police Department for the required period, at the expense of the owner thereof.
- E. No person shall kill or remove from confinement or secure confinement, or lead on a leash, any animal which has been ordered confined as required by Subsections C and/or D above.

§ 61-12 Procedure in event of rabies.

- A. When an animal shows signs of rabies, either of the furious or paralytic (dumb) type, the Board or Police Department shall, at once, order such animal removed, and upon the death of such animal shall have its head removed for examination at the Bergen County Laboratory.
- B. The result of the laboratory examination shall, at once, be forwarded to the owner of the rabid animal, to the owner of the animal attacked and bitten by such rabid animal, to the person or to the parent, in case of a minor bitten by such rabid animal, and to the physician or veterinarian in attendance.
- C. The Board may, at once, furnish Pasteur treatment, to any indigent person within the Township who has been bitten by an animal known or suspected to be affected by rabies; provided, however, that where dangerous wounds have been inflicted, Pasteur treatment may be ordered before the final result of the laboratory examination is known.
- D. When a dog or other animal has died of rabies, then all equipment, such as bedding, coop, kennel, pen or run of said animal shall be destroyed or disinfected at the order of and under supervision of the executive health officer of the Board.

§ 61-13 Vicious dogs.

- A. Confinement of vicious dogs.

(1) Any dog or other animal that has attacked and bitten a person or persons on more than one occasion is hereby declared to be a vicious animal and dangerous to the life

§ 61-14 Right of access.

- A. The executive health officer of the Board and the Police Department each shall have the right of full and unobstructed access, ingress, egress and regress to and from all public or private property or premises, to the end that they may freely examine and observe any animal coming within the terms of any law of this state or of this article as often, during reasonable hours and during the period of quarantine and observation, as may be necessary for the purpose of determining the condition of such animal.
- B. No person shall, directly or indirectly, obstruct or interfere with said health executive in the enforcement of this article or refuse to furnish him with any and all information required. All orders and directions in such connection which may be given by said executive health officer shall be considered as having been given by the Board itself.

§ 61-15 Dogs running at large.

No dog shall be permitted to run at large off the premises of the owner or persons in charge of the dog. No dog shall be walked on the public streets or public places in the Township except other than when the dog is securely tethered by a leash not to exceed six feet in length and is under supervision or control of a person able to control said dog at all times.

§ 61-16 Violations and penalties.

Any person who shall violate any provision of this article or the provisions of any notice served upon him by the Board, its executive health officer or the Police Department shall be liable to a fine of not more than \$150 for a first violation, \$350 for a second violation or \$500 for any subsequent violations or imprisonment for not more than 90 days, or both.

§ 61-17 Effect on ordinances of Mayor and Council.

Nothing in this article shall be construed to change or affect the provisions of any ordinance passed by the Mayor and Council of the Township of River Vale relating to the registration, licensing and confinement of dogs in general within said Township.

Motion by Councilman Matos; seconded by Councilman de Stefan to approve the introduction of Ordinance #201-2008.

ROLL CALL VOTE

Councilman de Stefan, Councilman Sieg, and Council Vice President Bromberg voted yes. Council President Jasionowski and Council Matos were absent.

HEARING OF THE PUBLIC

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

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

ADJOURNMENT

Motion by Councilman de Stefan; seconded by Councilwoman Sieg to adjourn meeting at 9:25 pm

Mark Bromberg
Council Vice President

ATTEST:
Karen Padva

Acting Township Clerk