



**MINUTES**  
**Regular Meeting of the Township Council**  
**Saturday, February 18, 2006**  
**9:00 AM**

**CALL THE MEETING TO ORDER**

Council Vice President Jasionowski called the meeting to order at 9:15 a.m. in the Council Chambers of the Municipal Building located at 406 Rivervale Road, River Vale, New Jersey 07675.

**SALUTE TO FLAG**

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

**SUNSHINE LAW STATEMENT**

Council Vice President Jasionowski read the Sunshine Law 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**

Roll call found the following present:

Council Vice President Jasionowski, Councilman Blundo and Councilman deStefan were present. Council President Menville arrived late and Councilman Matos was absent.

Also present: Mayor George Paschalis, John M. Carbone, Township Attorney, Wanda A. Worner, Township Clerk and Karen Padva, Deputy Township Clerk.

**TOWNSHIP COMMUNICATION**

Mayor Paschalis stated that the Township survived the blizzard of 2006 and has heard only good things about the work performed by the Department of Public Works.

He further reported that the Township has finally reached an agreement with the Borough of Hillsdale for the use of their George White School for the summer camp. He stated that there won't be a need for limited enrollment.

Councilman Blundo stated that he has no report at this time.

Councilman deStefan stated that he would like the administration to send out a flyer to the schools with regard to the craft show for the Centennial Committee. Mayor Paschalis stated that this could be discussed at the meeting on Monday evening.

Council Vice President Jasionowski also commended the DPW on their work during the snow storm.

**HEARING OF THE PUBLIC**

Motion by Councilman deStefan; seconded by Councilman Blundo to open the hearing of the public. Council Vice 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 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.”*

There being no questions or comments from the public; motion by Councilman Blundo; seconded by Councilman deStefan to close the hearing of the public.

**FOR DISCUSSION –**

1. Letter from Homeowner with regard to 6% penalty

Mr. Carbone stated that the Mayor has no authority to forgive the penalty, however, he feels that if the Council considered forgiving the penalty, they would be setting a dangerous precedent and that the penalty is imposed by State Statute.

After a clarification of the penalty, the council agreed not to take action on this matter.

2. Cable versus Verizon

After a brief discussion, the Clerk was asked to arrange for Cablevision and Verizon to do a joint presentation to the Township Council at a future meeting.

**RESOLUTIONS –**

Motion by Council President Menville; seconded by Councilman deStefan to approve Resolution #'s 2006-50, 2006-52 through 2006-57, on Consent Agenda, as follows: (Resolution #2006-51 was pulled at Councilman Blundo's request and will be discussed in closed Session).

**RESOLUTION #2006-50**

**RESOLUTION APPROVING MINUTES – January 26, 2006**

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the January 26, 2006 Regular Meeting of the Township Council are hereby approved.

**RESOLUTION #2006-52**

**RESOLUTION TO DESIGNATE A RECYCLING COORDINATOR FOR THE TOWNSHIP**

**WHEREAS**, the New Jersey Statewide Mandatory Source Separation and Recycling Act N.J.S.A 13:1E-99.16 requires each municipality to designate one or more persons as the Municipal Recycling Coordinator, and

**WHEREAS**, the Recycling Coordinator shall be responsible for administering some or all of the duties of the Act including keeping accurate records of materials collected and claimed by the municipality and those materials collected by commercial sources and completing and submitting Annual Tonnage Report; now

**THEREFORE BE IT RESOLVED**, by the governing body of the Township River Vale, that Richard Campanelli is hereby appointed as the Recycling Coordinator for the Township of River Vale, and is hereby authorized to submit the annual tonnage report to the New Jersey Department of Environmental Protection on behalf of the Township, and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded the New Jersey Department of Environmental Protection Bureau of Recycling and Planning and Bergen County Utilities Authority, Division of Solid Waste Program Planning.

**RESOLUTION #2006-53**

**AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REFUND TAXES DUE TO COUNTY TAX BOARD JUDGMENTS**

WHEREAS, tax appeals have been filed by various tax payers for the years 2004 and 2005 added assessments; and

WHEREAS, the Bergen County Tax Board has rendered in these cases; and

WHEREAS, the Tax Assessor has agreed with the appealed assessments;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of River Vale that the Tax Collector be authorized to adjust the 2005 Added Assessment Bills in accordance with the County Board Judgments, as follows:

Block/Lot	Owner	Year	Assessment	Judgment	Reduction	Tax Rate	Amount
801/12.06	Baldanza	2004	121,325.00	0.00	121,325.00	3.16	3,833.87
801/12.06	Baldanza	2005	485,300.00	323,533.00	161,767.00	3.36	5,435.36
801/12.07	Zuback	2005	458,883.00	384,083.00	74,800.00	3.36	2,513.28

BE IT FURTHER RESOLVED that since the original bills have already been paid, the Chief Financial Officer is hereby authorized to issue Municipal checks as follows:

Block/Lot	Owner	Amount
801/12.06	Louis C. Baldanza	\$3,833.87
801/12.06	Louis C. Baldanza	\$5,435.36
801/12/07	Joseph & Diane Zuback	\$2,513.28

**RESOLUTION #2006-54**

**APPROVE RAFFLE LICENSE FOR TABLE TO TABLE, INC.**

BE IT HEREBY RESOLVED, that the following license to conduct a Raffle be issued to:

NAME: Table to Table, Inc.  
 ADDRESS: P.O. Box 1051  
 Englewood Cliffs, NJ 07632  
 LOCATION OF RAFFLE: Florentine Gardens  
 97 Rivervale Road  
 River Vale, NJ 07675  
 DATE OF RAFFLE: May 24<sup>th</sup> 6PM – 10PM  
 I.D. #: 109-4-36274  
 RAFFLE LICENSE: RL 271

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 #2006-55**

**APPROVE RAFFLE LICENSE FOR THE JEWISH HOME FOUNDATION**

BE IT HEREBY RESOLVED, that the following license to conduct a Raffle be issued to:

NAME: Jewish Home Foundation  
 ADDRESS: 10 Link Drive  
 Rockleigh, NJ 07647  
 LOCATION OF RAFFLE: Edgewood Country Club  
 Rivervale Road  
 River Vale, NJ 07675  
 DATE OF RAFFLE: May 22<sup>nd</sup> 7PM  
 I.D. #: 430-4-36720  
 RAFFLE LICENSE: RL 272

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 #2006-56**

**RESOLUTION AWARDING THE BID FOR THE CENTENNIAL AMPHITHEATER**

**WHEREAS**, The Township received bids for the Construction of the Centennial Amphitheater; and

**WHEREAS**, the bid of **Let it Grow, Inc** of 52 Ackerson Avenue, River Edge, New Jersey 07661, has been reviewed and approved and is hereby accepted as the lowest bidder at the base price of \$172,200.00, with the Alternates as follows:

Alt #1	\$148,000
Alt #2	\$24,400
Alt #3	\$5,800
Alt #4	\$16,800
Alt #5	\$22,000

**WHEREAS**, pending review and advice of the Architect it will be determined which if any Alternate's will be needed for this project; and

**WHEREAS**, Chief Financial Officer has certified the funds are available from the Capital Account;

**NOW THEREFORE BE IT RESOLVED THAT** the bid of **Let it Grow, Inc.** of 52 Ackerson Avenue, River Edge, NJ 07661, is accepted as the lowest responsible bidder in an amount not to exceed \$241,300.00 and that 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 Services described in the Specifications for the Construction of the Centennial Amphitheater.

**RESOLUTION #2006-57**

**APPROVE APPOINTMENT OF COMMUNITY DEVELOPMENT REPRESENTATIVES FOR THE FISCAL YEAR JULY 1, 2005 TO JUNE 31, 2006**

**WHEREAS**, the Township of River Vale has entered into a Three Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

**WHEREAS**, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1 through June 30;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council hereby appoints Susan Vaccaro to participate on the Community Development Regional Committee.

**ROLL CALL VOTE:** Council President Menville, Councilman deStefan, Councilman Blundo and Council Vice President Jasionowski voted yes. Councilman Matos was absent.

**ORDINANCES – 2<sup>nd</sup> reading**

Council Vice President Jasionowski stated that there are two ordinances for second reading today. Motion by Councilman deStefan; seconded by Council President Menville to Open the Public Hearing on 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.

There being no questions or comments from the public; motion by Council President Menville; seconded by Councilman deStefan to Close the Public Hearing on Ordinance #141-2006.

Motion by Councilman Blundo; seconded by Council President Menville to adopt Ordinance #141-2006.

ROLL CALL VOTE: Councilman Blundo, Council President Menville, Councilman deStefan and Council Vice President Jasionowski voted yes. Councilman Matos was absent.

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Motion by Council President Menville; seconded by Councilman deStefan to Open the Public Hearing on Ordinance #142-2006, as follows:

**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
1,001 and over	\$75.00	\$1,500.00 + \$0.50/cubic yard

All unexpended portions of the Deposit for Costs shall be returned 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.”

There being no questions or comments from the public; Motion by Councilman deStefan; seconded by Council President Menville to Close the Public Hearing on Ordinance #142-2006.

Motion by Council President Menville; seconded by Councilman deStefan to adopt Ordinance #142-2006.

ROLL CALL VOTE: Council President Menville, Councilman deStefan, Councilman Blundo and Council Vice President Jasionowski voted yes. Councilman Matos was absent.

### **ORDINANCES – 1<sup>st</sup> reading**

Council Vice President Jasionowski stated that there are ordinances for first reading on the agenda today. Mr. Carbone stated that the last time the property maintenance Ordinance was addressed was in 1993 and he felt that it needed to be redone in order to tighten up some of the provisions and allow for a legal way to impose a levy on a property owner for work that that Township might have to do on a property in order to correct a problem.

Motion by Council President Menville; seconded by Councilman deStefan to Introduce Ordinance #144-2006, as follows:

### **ORDINANCE #144-2006**

#### **AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE PROVIDING FOR PROPERTY MAINTENANCE AND THE DEMOLITION OF BUILDINGS**

BE IT ORDAINED, by the Township Council that the Code of the Township of River Vale be amended to include the following:

#### Section 1. PROPERTY MAINTENANCE - GENERAL REFERENCES

Definitions.

The following terms wherever used herein or referred to in this ordinance shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

**ACCESSORY STRUCTURE** -- A building or use that is on the same lot as, subordinate to, under the same ownership or control as and used for the purpose customarily incident to the use of the main building.

**DETERIORATION** -- The condition or appearance of a building or part thereof or other structures, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

**EXTERIOR OF THE PREMISES** -- Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

**GARBAGE** (See also "refuse" and "rubbish.") -- Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**INFESTATION** -- The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

#### **NUISANCE**

A. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the Township of River Vale.

B. Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes but is not limited to abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, lumber, trash, debris or motor vehicle parts.

C. Physical conditions dangerous to human life or detrimental to health or persons on or near the premises where the conditions exist.

OCCUPANT -- Any person living, sleeping or having actual possession of a dwelling unit or rooming unit.

OPERATOR -- Any person who has charge, care or control of a dwelling or premises or a part thereof, whether with or without the knowledge and consent of the owner.

OWNER -- Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof; or shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner or as fiduciary, including but not limited to executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate, or as a mortgagee in possession regardless of how much possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

PREMISES -- A lot, plot or parcel of land, including the buildings or structures thereon.

REFUSE (See also "garbage" and "rubbish") -- All putrescible and nonputrescible solid wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

RUBBISH (See also "garbage" and "refuse.") -- Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

STRUCTURE -- Anything that is built or constructed and affixed on or under the ground or upon another structure or building.

#### Section 2. More restrictive standards to prevail.

In any case where the provisions of this chapter impose a higher standard than set forth in any other ordinance of the Township of River Vale or under the laws of the State of New Jersey, then the standards as set forth herein shall prevail; but if the provisions of this chapter impose a lower standard than any other ordinance of the Township of River Vale or of the laws of the State of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail.

#### Section 3. Enforcement and compliance with other ordinances.

No certification of compliance with this chapter shall constitute a defense against any violation of any other ordinance of the Township of River Vale applicable to any structure or premises.

#### Section 4. Responsibilities of owners and operators.

Owners and operators shall have all the duties and responsibilities as prescribed in this chapter, and no owner or operator shall be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof.

#### Section 5. Responsibilities of occupants.

Occupants shall have all the duties and responsibilities as prescribed in this chapter, and the occupant shall not be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or operator is also responsible therefor and in violation thereof.

#### Section 6. Contract not to alter responsibilities.

Unless expressly provided to the contrary in this chapter, the respective obligations and responsibilities of the owner and operator on one hand and the occupant on the other shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties.

#### Section 7. General standards.

The exterior of the premises and all structures thereon shall be kept free of any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and free of the following items and conditions, and any of the foregoing shall be promptly removed and abated:

- A. Refuse, including, without limitation, junk, debris, scrap lumber, scrap metal, inoperable machinery or parts and fragments thereof, glass, stumps, construction materials, appliances, bedding, tires, motor vehicle parts and trash.
- B. Loose and overhanging objects, including, without limitation, dead and dying trees, accumulations of ice or other similar conditions which by reason of their location above ground level constitute a hazard to persons in the vicinity thereof.
- C. Ground surface hazards, including, without limitation, holes, excavations, breaks, projections or obstructions which constitute a hazard to persons using the premises.
- D. Inadequate foundation walls, piers and columns, foundation walls, piers, columns or similar load-bearing components, all of which shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.
- E. Unsafe exterior facilities, including, without limitation, exterior porches, landings, balconies, stairs and fire escapes, all of which shall be kept structurally sound and in good repair and shall be provided with banisters or railings properly designated and maintained.
- F. Compost piles, which must be shielded from public view, must be kept free from garbage, offensive odors and rodents and must be used from season to season. Such piles shall not be kept within 10 feet of any adjacent rear or side yard.
- G. Deterioration of structures, as defined in § 181-1.
- H. Drainage ditches and swales, to the extent that the same are located on or immediately adjacent to the premises, which shall be maintained in good condition, free from debris, plantings or other obstructions.

#### Section 8. Storefronts; awnings and marquees.

- A. Storefronts. All storefronts shall be maintained in good repair and all surfaces thereof shall be kept painted, when necessary, for purposes of preservation and appearance. In the event that repairs to a portion of a storefront are made, such repairs shall be performed with materials identical or compatible with the materials used in the area not undergoing repair to the end that the appearance of the storefront shall be uniform and attractive and shall not constitute a blighting factor depreciating adjoining properties.
- B. Awnings and marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event that said awnings or marquees are made of cloth, plastic or of similar materials, said cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

#### Section 9. Structural maintenance.

The exterior of every structure or accessory structure (including fences and storefronts) shall be maintained in good repair, and all surfaces thereof shall be kept painted, stained or whitewashed where necessary for purposes of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance to the end that property itself may be preserved, safety hazards eliminated and adjoining properties and the neighborhood protected from blighting influences. All reconstruction of walls and sidings shall be of standard quality and appearance such that

the materials used will not be of a kind that by their appearance under prevailing appraisal practices and standards will depreciate the value of neighboring and adjoining premises as aforesaid.

Section 10. Enforcement. [Amended 2-23-1995 by Ord. No. 0-2-95]

The Zoning Officer of the Township of River Vale is hereby designated as the officer in charge with the enforcement of this chapter and is hereinafter referred to as the "enforcement officer." It shall also be the duty of the members of the Police, Fire and Public Works Departments and Health Division to report to the enforcement officer any violations they may observe.

Section 11. Notice of violation.

Whenever the enforcement officer or his official designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall be in writing, include a statement of the reason why it is being issued and be served upon the owner or occupant of the premises or the agent of either of them, provided that such notice shall be deemed to be properly served if a copy thereof is served upon such person personally or sent by certified or registered mail to his last known address or posted in a conspicuous place in or about the premises affected by the notice. Such notice shall also state that unless within 10 days from service of the notice a written request is made for a hearing before the enforcement officer, said notice shall, at the expiration of such ten-day period, be deemed an order to cease and desist from and to abate the described violation, and such notice shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.

Section 12. Hearing.

If a hearing is requested pursuant to § 181-11 hereof, it shall be commenced not later than 10 days after request therefor is made, provided that for good cause the enforcement officer may postpone such hearing for a reasonable time. If, after hearing, the enforcement officer finds that no violation exists, he shall withdraw notice. If he finds that a violation does exist, he shall enter and issue an order requiring the abatement of the same within a prescribed reasonable time. The proceedings at such hearing, including the findings and decision of the enforcement officer, shall be summarized, reduced to writing and entered as a matter of public record in the office of the enforcement officer.

Section 13. Subpoenas.

At any hearing held before the enforcement officer pursuant to the provisions of this chapter, the enforcement officer shall be vested with all the powers provided by law to issue subpoenas to compel the attendance of witnesses and parties in interest and to require the production of books, records and other documents which may be pertinent to matters to be determined by the enforcement officer.

Section 14. Emergencies.

Whenever the enforcement officer finds that an emergency exists which requires immediate attention to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the enforcement officer shall be afforded a hearing as soon as possible. After such hearing, the enforcement officer shall continue such order in effect or modify or withdraw it.

Section 15. Performance of work by Township; cost to constitute lien.

Should the person or persons upon whom notice is served pursuant to § 181-11 fail, neglect or refuse to remedy the alleged violation, the Township of River Vale may alleviate the situation; and the actual cost of such action shall be certified by the enforcement officer to the Tax Collector, which shall thereupon become and be a lien on

the property on which the alleged violation occurred. Said lien shall be added to and form a part of the taxes next to be assessed on said property and shall be collected and enforced by the same officer and in the same manner as taxes.

Section 16. Waiver of notice.

Notwithstanding the provisions of § 181-11 hereof, the enforcement officer may, at his election, prosecute violations of any section of this chapter involving public health or public safety, without notice, by the filing of a complaint with the Administrator of the Municipal Court of the Township of River Vale.

Section 17. Violations and penalties.

Any person who shall violate any of the provisions of this chapter or any order promulgated hereunder shall, upon conviction, be punished as provided in Chapter 1, General Provisions, Article I, § 1-14, and each violation of any of the provisions of this chapter and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

Section 18. BUILDINGS, DEMOLITION OF - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**EXTERMINATOR** -- A person, corporation or partnership whose main objective or business shall be to destroy all rats, rodents and other vermin and similar animals and insects.

Section 19. Permit required.

It shall be unlawful for any person to demolish an existing building or structure within the limits of the Township of River Vale without first obtaining a demolition permit therefor as provided herein.

Section 20. Application.

Applicants for demolition permit under this chapter must file with the Construction Code Official an application in writing (in duplicate) on a form to be furnished by the Construction Code Official which shall give the following information:

- A. Name and description of the applicant.
- B. Address or location of place to be demolished including block and lot number.
- C. Name and address of persons or corporation to perform said extermination.

Section 21. Investigation.

A. Upon receipt of said application the original shall be referred to the Board of Health Officer or such other person as the Board may designate. The applicant shall then advise the Health Officer of the name of the exterminator who shall conduct extermination within the building or structure prior to demolition.

B. The applicant shall then have said exterminator carry out the extermination within said building or structure to rid said building of any rats, rodents and other vermin and similar animals and insects and the applicant shall notify the Health Officer of the time said extermination shall take place.

C. Upon completion of said extermination, the applicant shall notify the Health Officer of said extermination in writing. The Health Officer shall then make an inspection of said premises to determine whether or not said extermination has been satisfactory.

D. If as a result of said investigation the Health Officer decides that the extermination has not been satisfactory, the applicant shall reexterminate same pursuant to the procedure set forth in § 73-4A and B and the Health Officer shall reexamine same to determine whether or not said reextermination is satisfactory.

E. If, as a result of said investigation, the Health Officer shall find said extermination to be satisfactory, he shall endorse on the application his approval and the applicant shall return said application to the Construction Code Official for issuance of the said permit or license to demolish said building or structure.

F. No demolition permit shall be issued until said extermination is found satisfactory by the Health Officer.

Section 22. Fees. [Amended 7-25-1985 by Ord. No. 0-8-85]

In the event that said application is not approved, no portion of fees shall be returned. EN

Section 23. Violations and penalties.

Any person violating any of the provisions of this chapter shall upon conviction thereof be punished as provided in Chapter 1, General Provisions, Article I, § 1-14.

ROLL CALL VOTE: Council President Menville, Councilman deStefan, Councilman Blundo and Council Vice President Jasionowski voted yes. Councilman Matos was absent.

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Motion by Council President Menville; seconded by Councilman deStefan to Introduce Ordinance #145-2006, as follows:

**ORDINANCE #145-2006**

**AN ORDINANCE SUPPLEMENTING AND AMENDING FEE SCHEDULE FOR THE TOWNSHIP OF RIVER VALE**

BE IT ORDAINED by the Township Council of the Township of River Vale that the fee schedule be amended as follows:

Section 1.	Board of Health Fees.	
a.	1 to 3 animals, total	70.00
	4 to 9 animals, total	150.00
b.	Bakery	255.00
c.	Barber or beauty parlor	90.00
d.	Boarding houses or lodging houses	255.00
e.	Dry cleaning (self-service establishment)	130.00
f.	Food establishments, retail	
	1,500 square feet or less	255.00
	More than 1,500 square feet	425.00
g.	Home for the aged (non-nursing type)	255.00
h.	Hotel or motel	255.00
i.	Health clubs	130.00
j.	Ice machine	90.00
k.	Laundromat	70.00
l.	Milk (stores and vehicles)	60.00
m.	Milk depot	60.00
n.	Nursing home for adults (kitchen network)	425.00
o.	Pet shops/kennels	255.00
p.	Poultry, pigeons and other fowl (6 limit – each animal)	30.00
q.	Restaurants, seating capacity	
	1 to 25 seats	255.00
	26 to 50 seats	380.00
	Over 50 seats	465.00
	Catering Halls	800.00
r.	Swimming pool, public (year-round indoor)	550.00
	Swimming pool, public (seasonal-outdoor)	400.00
	Swimming pool, wading and non-profit	200.00
s.	Temporary toilet, per toilet	20.00
t.	Trucks	

	Mobile vending trucks (ice cream, etc.)	130.00
	Food delivery trucks (milk, etc.)	60.00
u.	Vending machine	40.00
v.	Wells (deep well drilling or boring)	90.00
w.	Miscellaneous	
	Transcript fees:	
	Birth	10.00
	Death	10.00
	Marriage	10.00

Section 2. Recreation

a.	Camp have some fun – swimming only	100.00
	3 days per week	125.00
	5 days per week	150.00

Section 3. Whenever, pursuant to the provisions of this code, a license, permit or certificate is required and no specific fee is established, the fee therefore shall be forty dollars (\$40.00).

Section 4. This ordinance shall take effect upon publication in accordance with the law.

ROLL CALL VOTE: Council Vice President Menville, Councilman deStefan, Councilman Blundo and Council Vice President Jasionowski voted yes. Councilman Matos was absent.

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Motion by Council President Menville; seconded by Councilman deStefan to Introduce Ordinance #146-2006, as follows:

**ORDINANCE #146-2006**

**AN ORDINANCE AMENDING ORDINANCE #134-2005 ENTITLED #130-2005 ENTITLED “AN ORDINANCE AMENDING ORDINANCE #0-10-04 OF THE TOWNSHIP OF RIVER VALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY ENTITLED FIXING AND DETERMINING MUNICIPAL CLASS POSITION TITLES AND SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF RIVER VALE”**

BE IT ORDAINED, by the Township Council of the Township of River Vale, that Ordinance #0-10-04 of the Township of River Vale, is hereby amended as follows, until a subsequent salary ordinance is adopted:

**Section 1.** The salary ranges per annum of the following officer and employees of the Township of River Vale in the Unclassified Service (elected and appointed official) shall be as follows:

Police Dispatcher	\$25,000 - \$45,000
Business Administrator	\$83,000 - \$96,000
Superintendent DPW	\$65,000 - \$80,000
Construction Code Official	\$45,000 - \$55,000
Zoning Official	\$15,000 - \$25,000
Chief Financial Officer	\$15,000 - \$25,000
Electrical Sub Code Official	\$ 5,000 - \$10,000
Tax Collector	\$45,000 - \$55,000

**Section 2.** The Mayor or his designee is hereby authorized to determine the salary of each employee within each salary range annually, such determination and salary to be effective the first day of each calendar year beginning 2004.

**Section 3.** All employees shall be paid on the 15<sup>th</sup> and 30<sup>th</sup> of every month as stipulated in the Township Personnel Manual except for changes required on account of calendar year requirements.

**Section 4.** All parts or ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistent parts, but nothing herein contained shall be construed to authorize any salary decrease. This ordinance shall take effect after passage in the manner provided by law, except that any and all such salary increases shall in all respects be subject to any provisions of law.

**Section 5.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 6.** Any ordinance or part of ordinance inconsistent herewith is hereby repealed.

ROLL CALL VOTE: Council President Menville, Councilman deStefan, Councilman Blundo and Council Vice President Jasionowski voted yes. Councilman Matos was absent.

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Mayor Paschalis stated that there is one other item of business that needs to be discussed and that it is Resolution #2006-58, Increase in LOSAPS contributions. Mr. Carbone stated that the Division of Local Government Service, Division of Community Affairs allows for an increase in contributions or a cost of living increase.

Motion by Council President Menville; seconded by Councilman deStefan to approve Resolution #2006-58, as follows:

**RESOLUTION #2006-58**

**RESOLUTION TO APPROVE A COST OF LIVING INCREASE FOR LOSAPS PROGRAM**

Whereas, the Township of River Vale adopted by ordinance a program to reward municipal volunteers, known as Length of Service Award Programs (LOSAP); and,

Whereas, at least 25 eligible members of the Fire Department and 16 eligible members of the Ambulance Corps qualify for the annual award; and,

Whereas, the LOSAP Plan adopted by the Township provides that the Mayor may certify the availability of funds and recommend that the Township Council by resolution grant an increase based on inflation and the consumer price index if so notified by the State of New Jersey; and,

Whereas, the New Jersey Department of Community Affairs has advised through the Director of the Division of Local Government Services in Local Finance Notice 2006-02 that an adjustment to the maximum LOSAP contribution due to changes in the CPI can be made at this time; and,

Whereas, that Local Finance Notice sets the increase for the calendar year is 3.6 %.

Now therefore be it resolved that:

1. That the Mayor has recommended granting the increase in the contribution made by the Township of River Vale and certified the availability of funds for such an increase in the amount of contribution of the LOSAP for each Township Fireman and member of the Ambulance Corps; and,
2. That the payment of the CPI increase of 3.6% is hereby granted pursuant to law and the authority conferred herein.

ROLL CALL VOTE: Council President Menville, Councilman deStefan and Councilman Blundo voted yes. Council Vice President Jasionowski abstained and Councilman Matos was absent.

## HEARING OF THE PUBLIC

Motion by Council President Menville; seconded by Councilman Blundo to open the Hearing of the Public.

Council Vice 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 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.”*

There being no questions or comments from the public; motion by Council President Menville; seconded by Councilman deStefan to close the Hearing of the Public.

Council President Menville made a motion at 9:50 a.m. to adjourn to Closed Session. Mr. Carbone stated that the Closed Session is to discuss pending litigation and Resolution #2006-51.

At 10:13 a.m. Closed Session was adjourned and returned to Open Session. On a roll call vote, the following were present:

Councilman Blundo, Councilman deStefan, Council President Menville and Council Vice President Jasionowski. Councilman Matos was absent. Also present: Mayor Paschalis, John M. Carbone, Township Attorney and Township Clerk, Wanda A. Worner.

Motion by Council President Menville; seconded by Councilman deStefan to approve Resolution #2006-51, as follows:

### **Authorize the Clerk to Advertise for the Receipt of Bids for the Demolition of the Community Center/Shooting Range**

BE IT RESOLVED by the Township Council of the Township of River Vale that the Clerk is hereby authorized to advertise for the above mentioned project.

ROLL CALL VOTE: Council President Menville, Councilman deStefan and Council Vice President Jasionowski voted yes. Councilman Blundo voted no and Councilman Matos was absent.

### **ADJOURNMENT –**

There being no further business before the council; motion by Councilman Blundo; seconded by Councilman deStefan to adjourn the meeting at 10:15 a.m.

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Council Vice President Jasionowski

Attest:

*Wanda A. Worner*  
*Township Clerk*

*Karen Padva*  
*Deputy Township Clerk*

Approved: \_\_\_\_\_