

MINUTES
Council Meeting
Monday, March 10, 2008

CALL THE MEETING TO ORDER

Council President Jasionowski called the meeting to order at 8:00 PM in the Council Chambers of the Municipal Building 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 Matos, Council Vice President Bromberg, Councilwoman Sieg and Council President Jasionowski were present.

Also present: Mayor Joseph Blundo, Robert J. Gallione, Jr., Business Administrator, Holly Schepisi, Township Attorney, Dominic Carrino, T & M Associates and Karen Padva, Acting Township Clerk.

TOWNSHIP COMMUNICATION

1. Mayor's Comments

The Mayor gave an update on his trip to Trenton and the \$200,000 cut in state aid to the Township. Mayor Blundo remarked that it is the Council's responsibility to evaluate the budget however; the Public Hearing on the budget can still be held on March 24th but no adoption. He anticipates the budget being adopted by late June or early July. Mayor Blundo added that the Council will find a way to maintain the proposed \$38.00 per household tax increase.

Mayor Blundo concluded his remarks that the Pascack Valley High School Girls Basketball team won the Group 2 State Championship. He also congratulated Councilman Matos' daughter who is a freshman on the team. In addition, the Mayor commended Jeff Jasper the coach of the girls' team.

2. Council Comments

Councilman de Stefan echoed the Mayor's comments about the state aid budget cuts and that the town will rebound. Councilman de Stefan added that he believes consolidation is a bad idea and to protect home rule.

Councilman Matos agreed with Councilman de Stefan's remarks and does not think consolidation is a good idea. Councilman Matos stated that consolidation could be done at the state level and the way our schools are funded needs to be evaluated. River Vale has great schools and services.

Councilman Matos concluded his remarks by commended Coach Jeff Jasper on his winning record and the strong camaraderie the girls basketball team displayed.

Councilman Bromberg commented on the budget and the importance of protecting tax dollars. The Pascack Valley towns currently participate in joint services without affecting home rule. Councilman Bromberg commented on the good news regarding Pascack Valley Hospital and added additional comments on the FAA proposed flight plans.

Councilwoman Sieg commended both the girls High School Basketball team and Coach Jasper. She also thanked the DPW, Fire and Police Departments for their fine work on cleaning up after a recent storm that cause a lot of fallen trees.

Council President Jasionowski thanked both the Township Clerk and Police Captain McCann for taking care of a recent OPRA request. He also commended both the coach and the girls High School Basketball team on their winning record. The Council President added his compliments to Tina Kopac on what a fine job she did organizing and running the recent Science Fair at Holdrum School. The kids did a great job on their projects.

The Council President concluded with comments about the Pop Warner Football flyer that was recently distributed through the local schools. Dr. Verducci sent a letter stating the school's position and that they cannot discriminate. Councilman Jasionowski also requested that the Council table Ordinance # 196-2008 until the next meeting to allow the PBA to review.

BUSINESS ADMINISTRATOR'S REPORT

The Business Administrator commented on his trip the Trenton with the Mayor. He also stated that the County will be voting on March 12th on the purchase of I6A to be preserved as open space within the Township. Mr. Gallione announced that the Spring newsletter will be available soon and the Spring Breakfast with the Easter Bunny is scheduled for Saturday March 22nd from 10:00 to 12:00pm.

The Business Administrator announced that the History Channel is doing a series on the USS Enterprise.

ENGINEER'S REPORT

The Township Engineer reported on the Safe Routes to School program. He has also stated that he has been in contact with the Bergen County Mosquito Commission with regard to the de-snagging of streams in the Township. Mr. Carrino reported that with regard to the lower grove lighting project the contractor could perform some of the prep work now. The tentative completion date of the lower grove lighting project is April 5th.

Mayor Blundo stressed that he does not want to see the baseball program suffer this season due to Musco's error.

HEARING OF THE PUBLIC

Motion by Councilman Matos; 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."

Ed Cater—664 Woodside Avenue – commented that he thought the History Channel series on the USS Enterprise is a good idea.

John Vedral – 128 Terbell Parkway – commented on state budget cuts, the consolidation of services between towns, and that he is disappointed to hear the town is buying more property.

John Kalagian – 616 John Street – remarked about the trees removed during the Community Center paving of the parking lot. He also expressed his concern that a flood light on the rear of the North Fire house shines very brightly into his house.

Alan Melcomia – 264 River Drive – commented on the de-snagging of the Hackensack River

Council President Jasionowski requested a brief recess at 8:45pm. Motion by Councilman Matos; seconded by Councilman de Stefan to adjourn for 5 minute recess.

The meeting reconvened at 8:50pm.

ROLL CALL

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

Mr. Melconia continued his remarks about flooding and United Water being accountable for damage done. Mayor Blundo answered that he setting up a meeting with United Water, our OEM department and the Chief of Police to try to improve the situation.

Howard Lawrence – 607 Montview Place – Commented on the Stasko meeting.

The Township Attorney answered that the Stasko issue will be discussed in Closed Session tonight

John Donovan – 63 Rivervale Road - had questions about who the Township Housing Liaison is and the purchasing of open space.

Mayor added that the Township will not assist in the purchase of the additional two (2) lots but will also not object.

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

RESOLUTIONS –

Motion by Councilman de Stefan; seconded by Councilman Bromberg to approve Resolution #2008-79, as follows:

Resolution #2008-79

RESOLUTION APPROVING MINUTES–February 25th Regular Meeting

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the February 25, 2008 Regular Meeting of the Township Council are hereby approved.

ROLL CALL VOTE

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

Motion by Councilman Bromberg; seconded by Councilman de Stefan to approve Resolutions #2008-80 through #2008-90 as a Consent Agenda, as follows:

Resolution #2008-80

RESOLUTION APPROVING RAFFLE LICENSE FOR HAWES HOME AND SCHOOL ASSOCIATION—50/50

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

NAME:	Hawes Home & School Association 531 Stevens Avenue Ridgewood, NJ 07450
LOCATION OF RAFFLE:	97 Rivervale Road River Vale, NJ 07675
DATE OF RAFFLE:	April 8, 2008 6:00pm – 11:00pm
I.D. #:	420-5-29061
RAFFLE LICENSE:	RL 294

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 #2008-81

RESOLUTION APPROVING RAFFLE LICENSE FOR HAWES HOME AND SCHOOL ASSOCIATION—MERCHANDISE

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

NAME: Hawes Home & School Association
531 Stevens Avenue
Ridgewood, NJ 07450

LOCATION OF RAFFLE: 97 Rivervale Road
River Vale, NJ 07675

DATE OF RAFFLE: April 8, 2008 6:00pm – 11:00pm

I.D. #: 420-5-29061

RAFFLE LICENSE: RL 295

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 #2008-82

RESOLUTION APPROVING AN INCREASE IN THRESHOLD FOR CERTAIN ENGINEERING SERVICES

BE IT RESOLVED by the Township Council of the Township of River Vale that the threshold shall be increased from \$13,000.00 not to exceed \$17,493.75 to the Engineering Firm of Christopher P. Statile, P.A. for services in connection with the 2007 Rivervale Road Sidewalk Improvement Project.

Resolution #2008-83

RESOLUTION APPROVING AN INCREASE IN THRESHOLD FOR CERTAIN ENGINEERING SERVICES

BE IT RESOLVED by the Township Council of the Township of River Vale that the threshold shall be increased from \$9,500.00 not to exceed \$13,534.00 to the Engineering Firm of T & M Associates for services in connection with the Construction Phase of the 2007 Road Program.

Resolution #2008-84

RESOLUTION AUTHORIZING NOT TO EXCEED LIMITATIONS FOR T & M ASSOCIATION – DESIGN PHASE 2007 ROAD PROGRAM

BE IT RESOLVED, by the Township Council of the Township of River Vale that limitations in an amount not to exceed \$12,000.00 be authorized to the Engineering Firm of T & M Associates in connection with the Design Phase of the 2007 Road Program.

Resolution #2008-85

A RESOLUTION CONSENTING TO THE PROPOSED NORTHEAST WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: BERGEN

COUNTY UTILITIES AUTHORITY WASTEWATER MANAGEMENT PLAN, MARCH 2007

WHEREAS, the Bergen County Utilities Authority (BCUA) desires to provide for the orderly development of wastewater facilities within its wastewater planning area; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment services, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on February 19, 2008 for the Bergen County Utilities Authority Wastewater Management Plan, dated March 2007, has been prepared by Malcolm Pirnie, Inc.:

NOW, THEREFORE, BE IT RESOLVED on this 10th day of March, 2008, by the Governing Body of the Township of River Vale, that:

1. The Township Council hereby consents to the amendment entitled: Bergen Utilities Authority Wastewater Management Plan, dated March 2007, and publicly noticed on February 19, 2008, prepared by Malcolm Pirnie, Inc. for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. &:15-3.4.

Resolution #2008-86

RESOLUTION OPPOSING THE FAILURE OF THE GOVERNOR'S PROPOSED STATE BUDGET FOR THE 2008-2009 FISCAL YEAR TO TREAT PROPERTY TAX RELIEF AS OUT PRIORITY

WHEREAS, on February 26, 2008, in Trenton, Governor Jon S. Corzine presented his FY 2009 Budget proposal to a Joint Session of the State Legislature, which proposal now goes to the Legislature, which must pass a balanced budget by the start of the State's next Fiscal Year, which begins on July 1; and

WHEREAS, the proposal, which represents what the Governor called "many unpleasant choices," calls for the elimination of two Departments of State Government (the Departments of Agriculture and Personnel) and the State Commerce Commission, and asks all other Departments to absorb funding cuts, and further calls for sacrifice in a number of other areas, including direct property tax relief, hospital aid, higher education assistance and Medicaid, with the inordinately deep cuts in municipal property tax relief funding; and

WHEREAS, one year after the historic Special Session for Property Tax Reform, which purportedly eliminated the need for a Citizens' Convention, our property taxpayers will once again be asked for patience, and they will be asked to shoulder more than their fair share of the funding burden; and

WHEREAS, local officials have done so much with so little for so long, that State Budget-makers now believe some can do everything with absolutely nothing; and

WHEREAS, municipal property tax relief will be slashed by \$189.6 million; and

WHEREAS, for municipalities with a population of less than 5,000, there will be no CMPTRA funding this year; for municipalities with a population total between 5,000 and 10,000, this relief will be limited to one-half of the amount received in the State's 2006-2007 budget; and the \$32.6 million distributed according to the CMPTRA formula, which municipalities received last year as 2008 Municipal Property Tax Assistance, is gone; and

WHEREAS, all municipalities will receive level Energy Tax Receipts Property Tax Relief funding, despite State Law that 'requires' annual inflationary adjustments of this (and CMPTRA) funding; and

WHEREAS, last year, municipal efficiency was promoted to the tune of \$34.8 million, but in this proposal, this funding has been eliminated; and

WHEREAS, last year's \$32 million in Municipal Homeland Security Funding is gone, Special Municipal Aid funding is cut from \$153 million to \$145.4 – a loss of \$7.6 million, Extraordinary Aid funding is reduced by \$1.7 million – from \$34 million to \$32.3 million, and the \$8 million Regional Efficiency Aid Program will not be funded; and

WHEREAS, beyond these cuts, certain municipalities served by the State Police will be asked to contribute \$20 million to the State's General Fund, and Homestead Rebates for Homeowners will be cut by \$257 million, and for Renters by \$124 million; and

WHEREAS, the Township of River Vale will lose \$200,576 in state aid and this lost aid will increase the amount to be raised by local taxes from 2.4% to 5% now, therefore, be it

RESOLVED, that the governing body of the Township of River Vale calls on its elected representatives in Trenton, Senator Gerald Cardinale and Assembly members John Rooney and Charlotte Vandervalk, to work with their colleagues in the Legislature and with the Governor to take affirmative action to restore program funding sufficient to honor state statutes and their stated commitment to the cause of property tax relief in all New Jersey municipalities; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Jon S. Corzine, Acting State Treasurer R. David Rousseau, Senate President Richard J. Codey, Senate Minority Leader Thomas H. Kean, Assembly Speaker Joseph J. Roberts, Assembly Minority Leader Alex DeCroce, the Chairs and Members of the Senate and Assembly Budget and Appropriations Committees, our own Senator Gerald Cardinale and Assembly members John Rooney and Charlotte Vandervalk and to the New Jersey State League of Municipalities. __

Resolution #2008-87

RESOLUTION AUTHORIZING THE MAYOR TO SIGN DEFERRED COMPENSATION PLAN--VALIC

WHEREAS, the Township of River Vale (hereinafter referred to as the "Employer") desires to attract and retain qualified employees to the Employer and, as a means thereof, is contemporaneously adopting an Internal Revenue Code Section 457 Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under such Plan; and

WHEREAS, the Employer desires such Plan to comply with the Small Business Job Protection Act of 1996, the Economic Growth and Tax Relief Reconciliation Act of 2001, and the Job Creation and Worker Assistance Act of 2002 amendments to Section 457 of the Internal Revenue Code, such amendments being necessary to maintain the Plan as an eligible Deferred Compensation Plan within the meaning of Section 457 of the Internal Revenue Code of 1986 ("Code"), as subsequently amended; and

WHEREAS, the Employer also desires such Plan to comply with the regulations promulgated under Code Section 457 (including proposed revisions thereto); and Internal Revenue Service Revenue Procedures 2004-12 and 2004-56; and

WHEREAS, the offering of additional investments from another contractor will provide additional retirement investment options to participating employees; and

WHEREAS, VALIC has been found to possess the necessary administrative, enrollment, and servicing capabilities for the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Employer does hereby adopt the Plan prepared by VALIC and assigned Plan Document identifier 55-PD-VALIC-110305 by the Director of the Division of Local Governmental Services.

BE IT FURTHER RESOLVED that the Employer is adopting a Deferred Compensation Plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the Internal Revenue Service except for provisions added by reason of the Small

Business Job Protection Act of 1996 (United States Public Law No. 104-88), the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), the Job Creation and Worker Assistance Act of 2002 (United States Public Law No. 107-147), and regulations promulgated under Code Section 457 (including proposed revisions thereto), and Internal Revenue Service Revenue Procedures 2004-12 and 2004-56, and all such provisions are stated in the Plan in terms substantially similar to the text of those provisions in Internal Revenue Code Section 457. The use of the Ruling is for guidance only and the Employer acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

BE IT FURTHER RESOLVED that the Plan Administrator, Business Administrator shall be designated as the official representative of the Employer and Local Plan Administrator for the Administration of the Plan.

BE IT FURTHER RESOLVED that

- (1) Solicit Proposals: A request for proposals for a Deferred Compensation Plan and Service Agreement was prepared and made available to the following contractors:
 1. AIG Valic
 2. AXA / Equitable

- (2) Responding Vendors: The vendors responding to the request for proposals were:

 1. AIG Valic
 2. AXA Equitable

- (3) Selection Rationale: The successful vendor is VALIC. The Employer reviewed all of the proposals submitted and met with representatives of the responding companies. VALIC was selected because VALIC has been found to possess the necessary administrative, enrollment, and servicing capabilities for the Plan. (Insert any other detailed reasons for selection)

BE IT FURTHER RESOLVED that VALIC shall be retained by the Employer as the contractor under the Deferred Compensation Plan, and VALIC shall educate all eligible employees of the Employer regarding the Plan and shall enroll and service those eligible employees who participate in the Plan. As enrolling agent, VALIC shall be the exclusive agent for its funding options to be offered under the Plan.

BE IT FURTHER RESOLVED that there has been no collusion or evidence or appearance of collusion between any local official and a representative of the contractor in the selection of a contractor for the administration of a Service Agreement pursuant to N.J.A.C. 5:37-5.7.

BE IT FURTHER RESOLVED that the Business Administrator is hereby authorized to execute a Service Agreement with VALIC and that such Service Agreement has been assigned by the Director of the Division of Local Government Services the following identifier: 03-SA-VALIC-121201 and to submit all necessary documents to the Director of Local Government Services in the State Department of Community Affairs for approval.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services within the State Department of Community Affairs.

Resolution #2008-88

REFUND OF TAX OVERPAYMENT

WHEREAS, a tax overpayment have been received for the fourth quarter of 2007, and the property owner has requested a refund of said tax overpayment;

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 a municipal check as follows:

Scott Bennion 521 Wittich Terrace \$ 2,676.72
(Block 804 Lot 3)

Resolution #2008-89

RESOLUTION OF THE TOWNSHIP OF RIVER VALE, BERGEN COUNTY, NEW JERSEY TO SUPPORT AND ENDORSE THE FILING OF RECYCLING TONNAGE GRANT APPLICATION AND AUTHORIZE AND DESIGNATE THE SUPERINTENDENT OF PUBLIC WORKS TO SUBMIT SUCH GRANT APPLICATION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township of River Vale to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

NOW THEREFORE BE IT RESOLVED by the Council of Township of River Vale that River Vale hereby supports and endorses the submission of the annual recycling tonnage grant application for 2008, a copy of which is attached hereto, to the New Jersey Department of Environmental Protection; and

FURTHERMORE, the Township hereby designates Richard Campanelli, the Superintendent of Public Works as the Recycling Coordinator and Jennifer Snyder, as Co-Coordinator and contact person for the year 2008 to ensure that the application is properly filed.

Resolution #2008-90

(TEMPORARY EMERGENCY)

WHEREAS, N.J.S. 40A:4-19 provides that where contracts, commitments or payments are to be made prior to final adoption of the 2008 Budget, temporary appropriations should be made for the purposes and amounts required in the manner and time provided.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that the following additional temporary appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

APPROPRIATION

SALARIES & WAGES

OTHER EXPENSES

Administration	40,000.00	10,000.00
Mayor & Council	5,000.00	200.00
Township Clerk	10,000.00	4,000.00
Financial Administration	29,000.00	2,500.00
Audit Services		20,800.00
Revenue Administration	13,000.00	1,500.00
Tax Assessment	6,000.00	3,000.00
Legal Services	1,000.00	30,000.00
Engineering Services	0.00	20,000.00
Planning Board	11,350.00	5,000.00
Zoning Board	575.00	1,000.00
Police Department	680,000.00	40,000.00
Emergency Management	1,500.00	500.00
Fire Department		15,000.00
Fire Prevention Bureau	3,500.00	55,000.00
Municipal Prosecutor	2,500.00	
Streets and Roads	190,000.00	15,000.00
Snow and Ice Removal		8,000.00
Recycling and Garbage Removal		100,000.00
DPW Director	28,000.00	3,000.00
Buildings and Grounds		23,000.00
Vehicle Maintenance	15,000.00	15,000.00
Public Health Services	1,500.00	26,000.00
Social Services	2,500.00	
Department of Athletics		25,000.00
Social and Cultural Affairs	1,500.00	10,000.00
Street Lighting		9,000.00
Telephone		9,000.00
Other Utilities		40,000.00
Municipal Court	22,000.00	2,000.00
Public Defender		1,500.00
Uniform Construction Code	27,500.00	2,000.00
Social Security System		80,000.00
Flow Charges		145,000.00
Public Library		180,000.00
Insurance - Liabilities		80,000.00
Insurance – Health		260,000.00
Insurance – Dental		6,000.00
Insurance - Unemployment		2,000.00
Volunteer Ambulance Corps		
Gasoline		45,000.00
Municipal Alliance		3,000.00
Community Policing		3,000.00
Payment of Bond Principal		327,000.00
Payment of Bond Interest		
Total		
	1,091,425.00	1,628,000.00

ROLL CALL VOTE

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

Ordinances 2nd Reading

ORDINANCE #192-2008

Motion: Councilman de Stefan

2nd: Councilman Bromberg

Motion by Councilman Bromberg; seconded by Councilman Matos to open the public hearing on Ordinance # 192-2008.

John Donovan – 63 Rivervale Road – originally critical of the ordinance and feels it should have remained an age restricted zone. In light of the changes with COAH, budget cuts and the County expecting consolidation he supports passage of this ordinance.

John Kalagian – 616 John Street – questioned the figure proposed for the audio visual system.

There being no further comments motion by Councilman Bromberg; seconded by Councilman Matos to close the public hearing on Ordinance # 192-2008.

Council Discussion

Councilman de Stefan was pleased that the golf course will be saved and he commended the former and current administration for all their hard work.

Councilman Matos echoed Councilman de Stefan’s comments and was pleased that the town is meeting COAH requirements, there will be senior housing and less three (3) bedrooms in the complex.

Councilman Bromberg remarked that the Council did its due diligence with regard to this ordinance and decided what was in the best interest of the Township.

Councilwoman Sieg commented that this was a very important decision and is in the best interest of the people of Township.

Council President Jasionowski thanked the Mayor, Township Attorney and his fellow Councilmember’s for all their work on this ordinance.

Mayor Blundo thanked Council President Jasionowski for the compliment and appreciated all the hard work and debate that went into this decision.

ORDINANCE #192-2008

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 142 OF THE CODE OF THE TOWNSHIP OF RIVER VALE, CREATING A NEW ZONE, ENTITLED TH-1 TOWN HOME ZONE (T.H. Zone)

BE IT ORDAINED by the Mayor and Council of the Township of River Vale that Chapter 142 entitled “Land Use” of the River Vale Code is hereby amended as follows:

Section I: Section 142-221 of the Code of the Township of River Vale entitled “Zoning Districts and Map” is hereby amended to include the following additional zone: TH-1 Town Home Zone (T.H. Zone).

Section II: The Zoning Code and Zoning Map of the Township of River Vale are hereby amended to designate Lots 5, 5.01, 5.02, 7, 8, a portion of 6 and a portion of 9 where shown on the Zoning Map, in Block 701 on the Tax Map of the Township of River Vale as included in its entirety in the newly created TH-1 Town Home Zone (T.H. Zone).

Section III: Under Article LII of the Code of the Township of River Vale, entitled "Use of Buildings and Permits" is hereby amended to include a new subsection entitled "TH-1 Town Home Zone." Said new section shall read as follows:

***** TH-1 Town Home Zone (T.H. Zone).**

1. Definitions: Definitions shall be in accordance with Part I, Article I "General Provisions" of Chapter 142 of the Township of River Vale Land Use Ordinance and the following additional definitions shall apply with respect to the additional terms set forth in this section:

AGE RESTRICTED DWELLING OR UNIT — A Townhouse as hereinafter defined, designated for permanent occupancy by households composed of at least one (1) permanent resident, whom is a head of the household and has attained the age of 55 years and in which actual occupancy and use are confined accordingly, consistent with all federal and state standards, laws, rules and regulations.

COMMON RECREATION AREAS — One or more parcels of land and/or water within a development site, designed and intended primarily for the use and enjoyment of the residents therein. Such areas may contain such complementary structures and improvements for active or passive recreational pursuits as are necessary and appropriate for the benefit and enjoyment of the residents of the development.

OPEN SPACE — Any parcel or area of land or water essentially unimproved and approved by the Township to be set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land. It may include common recreation areas, fields, woodland areas, parks, playgrounds, golf courses, tennis, squash and similar courts, skiing and skating facilities, nature trails, lakes and swimming pools, camping facilities and other similar open space, including walkways and sidewalks.

PLAN — The written and graphic provisions for development of a development, including a plat of a subdivision; all covenants relating to use, location and bulk of buildings and other structures; intensity of use or density of development; public and private streets, ways and parking facilities; common open space; and public facilities. The phrase "provisions of the plan," when used in this section, shall mean the written and graphic materials referred to in this definition, the developer's agreement, the minutes and resolutions of the Planning Board, the application and the plan itself.

TOWNHOUSE — A building or structure designed for or occupied by no more than one family or household and attached to other similar buildings or structures by not more than two party walls (which shall be of masonry or other approved fire-rated construction) extending from the foundation to the underside of the roof and providing two direct means of access from the outside. Furthermore, each such dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse.

2. Uses: In the TH-1 Town Home Zone (T.H. Zone), only the following uses

are permitted:

- A. Townhouses
- B. COAH Units, as set forth below
- C. Age Restricted Units

D. When incidental to a primary use within a TH-1, indoor and outdoor common areas, recreational areas, and community facilities provided for the exclusive use of its residents, and subject to the following regulations:

1) Common recreation areas intended for recreational purposes shall include facilities for active and passive recreation particularly suitable for residents.

2) Any multipurpose facility shall be designed and equipped to meet the social and recreational needs of the anticipated residents of the TH-1. This may include exercise rooms, hobby and craft rooms, lounge areas, meeting rooms, card rooms, rooms providing support facilities for outdoor recreational facilities or other similar facilities, all as required to meet the needs of the residents.

3) Attached common garage structures and indoor and/or outdoor areas devoted to off-street parking.

4) One double-faced ground type sign identifying the development may be located at each entrance to said development provided such sign meets all the requirements of Article LIII of this code, with the following exception:

a) Any such sign located within the TH-1 is limited to eighteen (18) square feet in area on each side and is mounted no greater than four (4) feet above finished grade on a freestanding wall or a structure not exceeding six (6) feet in height above the ground level. The design, location and landscaping of such sign shall be as approved by the Planning Board.

- E. Open Space.

3. Requirements for TH-1 Town Home Zone (T.H. Zone).

A. Use and Occupancy Restrictions:

1. Principal Permitted Uses. Except as otherwise set forth below in Section 4 COAH Obligations and Section 5 Age Restricted Housing Obligations, principal Permitted Uses in a T.H. Zone shall include one (1) or more multi-family residential buildings with said dwelling units specifically designed and intended for and limited to occupancy for residential purposes only.

2. Bedroom Distribution for Fair Market Units.

Except with respect to affordable housing units as set forth below in Section 5 and age restricted housing units as set forth in Section 6, every development in the T.H. Zone shall establish a distribution for the number of bedrooms such that: (a) a minimum of 40% shall be one-bedroom units; (b) up to 60% may contain two-bedrooms and (c) no more than two units shall be three-bedroom units. Except with respect to affordable housing units as set forth in Section 5 and age restricted housing units as set forth in Section 6, through its corporation, association or owners, the land and buildings in any T.H. Zone shall be restricted, by bylaws, rules, regulations and restrictions of record, to the preceding restrictions on bedroom distribution.

3. Federal Fair Housing Act. The T.H. Zone shall comply with all applicable requirements of the Federal Fair Housing Act and all amendments thereto, except as noted above, and all applicable rules and regulations of the U.S. Department of

Housing and Urban Development (HUD) regarding such use, ownership and occupancy and shall further comply with all applicable HUD rules and regulations for self-certification of compliance with the Act and with HUD's rules and regulations.

4. COAH Obligations. Notwithstanding anything herein to the contrary, any development consisting of more than five units in the T.H. Zone shall comply with the standards and procedures set forth below relating to affordable housing requirements of N.J.A.C. 5:94 and 5:95 and N.J.A.C. 5:80-26, which contain COAH's Round 3 substantive and procedural rules, as amended and/or revised ("COAH Obligations"). All residential developers in T.H. Zone building more than five units must meet the requirements of the affordable housing obligation set forth below. No division, site plan approval or building permit shall be granted to a developer having an affordable housing obligation pursuant to this section unless the developer participates in the production of affordable housing pursuant to this article:

a. Minimum Phasing Schedule. Any developments consisting of more than five units in the T.H. Zone shall contain a minimum percentage of twenty percent (20%) of affordable housing units on the property. By way of example, in the event a developer was to construct a total of 59 housing units on the property, 12 such housing units must be affordable housing. All affordable housing units shall be distributed throughout the T.H. Zone in a spatially even manner.

b. Certificates of Occupancy. Certificate of occupancy for the remaining free-market units shall not be issued unless the developer has obtained certificates of occupancy for the affordable units in compliance with the above schedule.

c. Cash Contribution Alternatives. No cash contribution alternative will be accepted in lieu of construction of the required affordable housing.

d. Affordable Housing Official. The Township may appoint an Affordable Housing Official who will be responsible for monitoring and implementing the provisions of this article and assuring that the affordable units remain affordable to affordable households. No certificate of occupancy shall be issued for an affordable unit without the written approval of the Township or the Affordable Housing Official. Such approval shall be denied unless the unit is subject to an individual or master deed containing a covenant running with the land which assures that the unit will remain affordable to affordable households for a period of at least the minimum required by COAH.

e. Sales, etc. No affordable unit shall be sold or resold, rented or re-rented without the written approval of the Township or the Affordable Housing Official. In order to obtain such approval, the seller or lessor shall be required to demonstrate that the proposed sale or lease complies in all respects with the provisions of this article and COAH Obligations.

f. Pricing of Units. Every development subject to the requirements of this article shall contain a number of low- and moderate-income units consistent with COAH Obligations. All units subject to the requirement of this Section shall be subject to price stratifications as set forth in the COAH Obligations. Pricing of units shall be stratified to insure that there are a variety of sales prices or, as the case may be, rental rates pursuant to N.J.A.C. 5:80-26, as amended or revised.

1. Rents or sale prices of units shall be established in accordance with the Uniform Affordability Controls set forth in N.J.A.C. 5:80-26.

2. In establishing prices and rents, the Uniform Housing Affordability Controls rely on the regional income limits determined as follows:

(a) Median income by household size shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county. The

resulting product for each county within the housing region is summed. The sum is divided by the estimated total households in each housing region. This quotient represents the regional weighted average of median income for a household of four. This regional weighted average is adjusted by household size based on multipliers used by HUD to adjust median income by household size.

(b) The price and rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income tax credit regulations shall be indexed pursuant to the regulations governing low income tax credits.

g. Bedroom distribution. Every development subject to the requirements of this article shall establish a distribution for the number of bedrooms in the affordable units in accordance with the Uniform Affordability Controls set forth in N.J.A.C. 5:80-26, as amended or revised.

h. Affirmative marketing program. Every development subject to the requirements of this article shall submit an affirmative marketing program designed to disseminate information regarding the availability of affordable income units. The affirmative marketing process for available affordable units shall begin at least four months prior to expected occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all available units have been leased or sold. The program shall include at least the following:

(a) One advertisement will be published in at least the following newspaper(s) (and any other newspaper(s) deemed necessary by the Township) of general circulation (or at the within the housing region):

The Record
Community Life

(b) The advertisement will include the following:

- (1) The location of the units;
- (2) Directions to the housing units;
- (3) A range of prices for the housing units;
- (4) The size, as measured in bedrooms, of the housing units;
- (5) The maximum income permitted to qualify for the housing

units;

(6) The business hours when interested households may obtain an application for a housing unit; and

(7) Application fees, if any.

(c) One advertisement will be broadcasted on the following regional radio and/or cable television station(s) (and any other such station deemed necessary by the Township):

Cablevision of New Jersey

(d) Additionally, all newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in at least the following (and any other such newspapers deemed necessary by the Township):

The Record
Community Life

(e) Applications will be mailed to prospective applicants upon request.

(f) The following is the location of applications, brochure(s), sign(s), and/or poster(s) currently used as part of the affirmative marketing program:

(1) The county administrative building and/or the county library for each county within the housing region;

(2) The municipal administrative building(s) and the municipal library;

(3) The developer's sales/rental office.

(g) The following is a current list of community and regional organizations that will aid in soliciting low- and moderate-income applicants:

Religious Groups
Tenant Organizations
Civic Organizations

(h) The following is a description of the random selection method that will be used to select occupants of low- and moderate-income housing:

Each applicant upon submission of an application will be designated a number. Two categories will be created: one for low-income households and one for moderate-income households. A blind drawing will be undertaken: one each for low- and moderate-income households who are eligible for the specific affordable units.

(i) A waiting list of all eligible candidates will be maintained in accordance with the provisions contained in N.J.A.C. 5:80-26 et. seq.

(j) Households who live or work in Housing Region 1 shall be given preference for sales and rental units constructed within this Housing Region. Applicants living outside this Housing Region will have an equal opportunity for units after regional applicants have been initially serviced.

5. Age Restricted Housing Obligations. Notwithstanding anything herein to the contrary, any development consisting of more than five units in the T.H. Zone shall comply with the standards and procedures set forth below relating to age restricted housing obligations. All residential developers in T.H. Zone building more than five units must meet the requirements of the age restricted housing obligation set forth below. No division, site plan approval or building permit shall be granted to a developer having an affordable housing obligation pursuant to this section unless the developer participates in the production of age restricted housing pursuant to this article:

a. Minimum Phasing Schedule. Any developments consisting of more than five units in the T.H. Zone shall contain a minimum percentage of sixteen percent (16%) of age restricted housing units on the property. By way of example, in the event a developer was to construct a total of 59 housing units on the property, 10 such housing units must be age restricted housing. All age restricted housing units shall be placed together as a separate unit within the T.H. Zone.

b. Use and Occupancy Restrictions Applicable to Age Restricted Housing:

1. Principal permitted uses for the age restricted housing units shall include one (1) or more multi-family residential buildings with said dwelling units specifically designed and intended for and limited to occupancy by households composed of at least one (1) permanent resident fifty-five (55) years of age or older and with children under the age of 19 being expressly prohibited.

2. Through its corporation, association or owners, the land and buildings for the age restricted housing units shall be restricted, by bylaws, rules, regulations and restrictions of record, to permanent use and occupancy by persons of fifty-five (55) years of age or older, subject to the following exceptions, consistent with the requirements of the Federal Fair Housing Act, as amended, all units shall meet the age requirements herein.

(a) A spouse or other person under the age of fifty-five (55) years who is

residing with a person who is fifty-five (55) years of age or over and qualified to reside in the unit may reside in the age restricted housing.

(b) An adult under fifty-five (55) years of age may reside in a unit in the age restricted housing if it is established that the presence of such person is essential to the physical care of one or more of the occupants of the same unit who are qualified to reside in the unit. A certified letter from a medical doctor must be provided indicating the necessity of such care.

(c) Children over the age of nineteen (19) shall be permitted to reside in the same unit with a parent if the parent is fifty-five (55) years of age or over and qualified to reside in the age restricted housing unit.

3. The age restricted housing shall comply with all applicable requirements of the Federal Fair Housing Act and all amendments thereto, except as noted above, and all applicable rules and regulations of the U.S. Department of Housing and Urban Development (HUD) regarding such use, ownership and occupancy and shall further comply with all applicable HUD rules and regulations for self-certification of compliance with the Act and with HUD's rules and regulations. The residency restriction applicable to the development may be reviewed by the Township Attorney for compliance with the Federal Fair Housing Act.

B. Area and Density Requirements. The following requirements shall apply to any tract proposed for T.H. Zone development:

1. Minimum Tract Area. There shall be a minimum tract area of five (5) acres having a minimum road frontage of Two Hundred (200) feet.

2. Maximum Density and Number of Units. There shall be no more than fifteen (15) dwelling units per gross lot acre within the T.H. Zone and a maximum of fifty-nine (59) dwelling units per development.

3. Maximum Building Coverage. The total ground floor area of all buildings, including accessory buildings and common garages shall not exceed forty (40%) percent of the gross tract area.

4. Maximum Impervious Coverage. The total coverage of the tract by all buildings, paved or other hard surfaces (including brick pavers and/or loose-placed stone patios) and parking areas, but excluding drainage structures and detention and retention basins, shall not exceed sixty-five percent of the gross tract area (such calculation to include all Open Space included in the proposed Site Plan).

C. Setback and Height Requirements. The following setback and height requirements shall apply to the development of the T.H. Zone:

1. Limiting Schedule

Minimum front setback (feet)	10; or 30 feet if adjacent to a County Road
Minimum side yard setback (feet)	10; or 30 feet if adjacent to a County Road
Minimum rear yard setback (feet)	10; or 30 feet if adjacent to a County Road
Minimum distance between buildings:	10 feet, subject to public safety issues as determined in good faith by the Planning Board
Maximum building height	3 stories or 35 feet (whichever is less)
Minimum buffers	
To adjacent single-family lot (feet)	25 feet
To adjacent commercial lot (feet)	10 feet

2. Intentionally Deleted.

3. Lot Depth: The minimum lot depth shall be two hundred (200) feet.

4. Balcony Projections into Required Yard. Only one (1) balcony per unit located either in the rear yard or side yard in the T.H. Zone shall be permitted. No balcony shall project greater than five (5) feet into the minimum rear yard or side yard.

D. Amenities.

1. The T.H. Zone may include indoor and outdoor common areas, recreational areas and community facilities provided for the exclusive use of its residents.

2. Areas intended for recreational purposes shall include facilities for active and passive recreation particularly suitable for residents.

3. Any multipurpose facility shall be designed and equipped to meet the social and recreational needs of the anticipated residents of the T.H. Zone. This may include exercise rooms, hobby and craft rooms, lounge areas, meeting rooms, card rooms, rooms providing support facilities for outdoor recreational facilities or other similar facilities, all as required to meet the needs of the residents.

4. Elevators shall be provided as required by the Uniform Construction Code, although one elevator may service more than one building where buildings are separated by fire walls but are otherwise interconnected.

E. Roadways and Parking Standards.

1. The requirements of the Residential Site Improvement Standards (RSIS) shall apply to the development of the T.H. Zone

2. Private streets and roadways shall be permitted within the T.H. Zone and shall be designed and constructed in accordance with the River Vale Development Ordinance and the RSIS standards, where applicable.

3. All requirements of the River Vale Land Development Ordinance relating to parking lot design, except as otherwise regulated herein or superseded by the RSIS, shall be applicable to the T.H. Zone. All driveways for each Unit shall be a minimum in length to accommodate an oversized vehicle (i.e., a van or SUV), while leaving at least two feet between the front of the vehicle and the garage for such unit.

4. No overnight parking of recreational or commercially registered vehicles and no parking of used vehicles, mobile homes, trailers or boats, shall be permitted on the site.

5. Garaged parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet long.

6. Parking spaces or driveways serving individual dwelling units shall not be entered directly from any street not created by the development plan. This shall not preclude driveways and parking spaces being accessed from interior development streets within the T.H. Zone tract. Parallel parking along interior development streets within the T.H. Zone tract shall be permitted consistent with the RSIS and local emergency services recommendations.

7. There shall be a minimum of one and three quarter (1.75) parking spaces for each residential unit containing one bedroom, a minimum of two (2.0) parking spaces for each residential unit containing two or three bedrooms and a minimum of the greater of RSIS standards or .3 guest parking spaces for each residential unit.

F. Buffer and landscaping.

1. Tree restitution and reforestation shall be in accordance with Part 6, Article XXXVII of the Township of River Vale Land Use Ordinance. Shade trees and

other landscaping shall be provided in all site plans where deemed appropriate by the planning board. All shade trees shall have a minimum diameter of three (3.0) inches measured three (3) feet above the ground and with all landscaped plants shall be of various species approved by the approving authority. Trees shall be planted not less than thirty (30) to fifty (50) feet apart and parallel to, but no more than ten (10) feet from, the curb line and shall be balled and burlapped, nursery grown, free from insects and disease and true species and variety. Stripping trees from a lot or filling around tree drip lines on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees, in which case those lots shall be replanted with trees to reestablish the character of the area and to conform to adjacent lots. Dead or dying trees shall be replaced by the developer during the next recommended planting season. Parking lots shall be planted as required below.

2. With respect to any subject site in the T.H. Zone which has a property line bordering a County Road, a soil berm of at least four (4) feet high and ten (10) feet wide (or such reasonable alternative as determined by the Planning Board) shall be installed within the setback area along the length of the property line bordering such County Road and parallel to, but no more than ten (10) feet from the curb line or such reasonable alternatives as determined by the Planning Board. A staggered row of coniferous trees (or reasonable alternatives as determined by the Planning Board) having a height of at least ten (10) feet (measured from the base of each tree) shall be installed on such berm. Such trees shall be located to create an unbroken visual screen and to otherwise maximize the visual screening of the development on the subject site from any County Road.

3. A landscape plan prepared by a certified landscape architect, certified by the New Jersey Board of Landscape Architects, or other qualified individual, shall be submitted with each site plan application for approval by the Planning Board, in its reasonable discretion. Landscaping shall be provided to promote a desirable visual environment, screen parking and loading areas, provide windbreaks for winter winds and summer cooling for buildings, streets and parking, and to mitigate adverse visual impacts. Landscaping shall include a “year-round” visual screening landscape buffer

4. Minimum Landscaping standards in parking areas shall be provided as follows:

(a) Landscaped strips of a minimum four feet in width shall be provided between all parking lots and property lines, and a minimum 10 foot landscaped strip shall be provided between all buildings and property lines.

(b) Landscaped areas should be located in protected areas such as along walkways, in center islands, or at the end of parking bays and shall be distributed throughout the parking area to mitigate the view of the parked vehicles without interfering with adequate sight distance for vehicles or pedestrians. The landscaping shall consist of hardy, low maintenance varieties of trees, and shrub plantings, as well as trees of a minimum 8 feet in height.

(c) One shade tree with a minimum diameter of three (3) inches measured three (3) feet above the ground, shall be provided for every five (5) parking spaces. Trees shall be staggered and/or spaced so as not to interfere with driver vision and shall have branches no lower than six (6) feet.

(d) All landscaping and plantings shall be maintained continually in accordance with provisions of the site plan approval for the development. Plantings which do not live shall be replaced within six months, but no longer than the next growing season. Notwithstanding this provision, all applicants must continually meet the provisions of site plan approval with respect to the maintenance of landscape plans.

G. Utilities.

1. All utilities within the development shall be placed underground from the service point locations surrounding the site.

H. Other Improvements and Design Standards. The development plan for the site, its developed facilities and the interior of residential units in the T.H. Zone must be specifically designed in accordance with all applicable building codes of the State of New Jersey.

1. Each development in the T.H. Zone shall have an architectural theme with variations in design to provide harmonious, theme-related earth tone colors in the style and architectural character commonly referred to as Early Colonial, New England Colonial Georgian, Federal, Queen Anne or Jeffersonian. Landscape plantings, building orientation on the lot, topography, natural features and building design shall all be considered for the total T.H. Zone development. Staggering unit setbacks, utilizing different exterior materials, changing rooflines and roof designs, altering building heights and types of windows, shutters, doors and façade orientation, and other creative design techniques are encouraged and will be considered by the Planning Board during its review process. The applicant shall provide building elevation renderings to show that a minimum of 30% of the exterior of each building is comprised of a brick, stone material, or a differential material composition than the balance of the building.

2. Each dwelling unit shall be equipped with central heating and air-conditioning systems with independent controls for each.

3. Each dwelling unit shall contain plumbing and gas or electric connections for a clothes washer and dryer.

4. Each dwelling unit shall contain sprinkler systems for fire prevention and risk reduction. Smoke alarms shall be installed in each dwelling unit in the T.H. Zone in accordance with the requirements of the Uniform Construction Code (N.J.S.A. 52:27D-119).

5. Each occupant shall be responsible for the disposal of household garbage, recyclable materials and refuse as required in other residential districts, provided, however, that a Homeowners' Association may assume the responsibility to arrange for the disposal of the solid waste and recyclables produced within the T.H. Zone in accordance with applicable municipal codes.

6. A safe and convenient system of walkways accessible to all occupants shall be provided within the development, and along all public roadways and publicly owned driveways. The site plan shall show the locations of all pedestrian walkways and sidewalks (which shall be continuous throughout the development per the RSIS), and be in accordance with the RSIS.

7. Lighting plans for the entire development shall be submitted with the site application. Artificial lighting shall be provided along all walks and interior roads and driveways and in all off-street parking areas, depending upon anticipated nighttime use, with sufficient illumination for the safety and convenience of the residents. The source of lighting shall be directed downward, away from buildings and adjoining streets and property lines. Lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent residential area.

Light fixtures shall not be greater in height than twenty (20) feet and shall be aimed and shielded in a manner that shall not direct illumination on adjacent lands. Fixtures should be of the cut-off type to prevent glare from normal viewing angles and represent an architectural "period" or theme consistent with building exteriors. Illumination levels shall average not more than one footcandle over the site, and at no point shall they exceed three and one half (3.5) footcandles. Lighting shall provide a minimum Uniformity Ratio of 20:1 (Maximum: Minimum) on all paved surfaces used for motor vehicles.

Lighting plans shall include photometric data, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures, and if applicable or required, designation as Illuminating Engineering Society of North America

(IESNA) “cut-off” fixtures.

Computer generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines at a scale consistent with site plans. Iso-footcandle contour line style plans are also acceptable.

Fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded so as to minimize light spill into the dark night sky. The maximum illumination of any vertical surface or angular roof surface in dark surroundings shall not exceed three footcandles.

Flags of the United States or New Jersey State may be illuminated from below provided such lighting is focused primarily on the individual flag or flags so as to limit light trespass and spill into the dark night sky.

8. On-site security and maintenance service systems may be provided in the T.H. Zone.

I. Ownership and Management of Common Areas, Elements and Open Space.

1. A Homeowner’s Association or Condominium Association shall be established to provide and maintain all common areas, elements and open space for the benefit of residents of the development. Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise (except to an organization conceived and established to own and maintain the open spaces for the benefit of such development), without first offering to dedicate the same to the Township of River Vale or other government agency.

2. The regulations of N.J.S.A. 40:55D-43 b. and c. shall be applicable to the maintenance of the open space.

3. If any open space, easements or common areas on the tract are dedicated to and accepted by the Township, the area of such portions of the tract shall nonetheless be included in calculating the permitted density of the development.

4. As a condition of the approval of a proposed development, the Planning Board shall require of the organization established or to be established to own and/or maintain common open space, any other common areas or elements or the structures located within the development that it adopt certain binding rules and regulations or bylaws with respect to ensuring the objectives and purposes of reasonable maintenance. If, as a condition of Planning Board approval, certain provisions are required to be included within the rules and regulations or bylaws, such provisions shall not be changed without the prior approval of the Planning Board.

5. A Homeowner’s Association or Condominium Association shall be established to provide and maintain the continual operation of all storm water management devices and systems within the development.

J. Conditions of Preliminary Approval.

As a condition of preliminary approval of the development, the Board may provide for final approval of the plan and construction of the project in whole or in one or more sections or stages.

Section IV. All ordinances or portions of ordinances, which are inconsistent with this Ordinance, shall be repealed as to their inconsistencies only.

Section V. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared

invalid shall be separable from the remainder or any portion thereof.

Section VI. This Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181 (b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

Section VII: This ordinance amends various portions of the Code of the Township of River Vale. All parts of this section and other parts of the Code shall remain in full force and effect unless specifically amended by this Ordinance.

Section VIII: This ordinance shall become effective immediately upon passage and publication in accordance with law.

ROLL CALL VOTE

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

ORDINANCE #193-2008

Motion: Councilman Matos

2nd: Councilwoman Sieg

Motion by Councilman de Stefan; seconded by Councilman Bromberg to open the public hearing on Ordinance # 193-2008.

There being no comments from the public motion by Councilman Bromberg; seconded by Councilman de Stefan to close the public hearing on Ordinance # 193-2008.

ORDINANCE #193-2008

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF RIVER VALE AND APPROPRIATING \$1,500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,425,000 IN GENERAL IMPROVEMENT 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 AFFIRMATIVELY CONCURRING), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of River Vale, in the County of Bergen, New Jersey (the "Township"), as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$1,500,000, including the aggregate sum of \$75,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,425,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: Improvements to various parks and fields in the Township, including but not limited to the skateboard park and the field located on Mark Lane, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 370,875
<u>Maximum Amount of Bonds or Notes:</u>	\$ 352,332
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 18,543

- (b) Purpose: Acquisition and installation of a siren and communication system, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 57,500
<u>Maximum Amount of Bonds or Notes:</u>	\$ 54,625
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 2,875

- (c) Purpose: Acquisition and installation of a lighting detection system and a key security system, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 32,200
<u>Maximum Amount of Bonds or Notes:</u>	\$ 30,590
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,610

- (d) Purpose: Acquisition of various information technology and telecommunications equipment for the Township with unit costs in excess of \$5,000, including, but not limited to, an upgrade to the Township server and acquisition of an arbitrator server and network server for the police department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 44,505
<u>Maximum Amount of Bonds or Notes:</u>	\$ 42,280
<u>Period or Average Period of Usefulness:</u>	7 years
<u>Amount of Down Payment:</u>	\$ 2,225

- (e) Purpose: Acquisition of furniture, equipment and hardware for the Municipal Court, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 5,750
<u>Maximum Amount of Bonds or Notes:</u>	\$ 5,463
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 287

- (f) Purpose: Acquisition of equipment, including, but not limited to, Turnout gear, S.C.B.A equipment and upgrades and portable radios and pagers, all for the Fire Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 63,135
<u>Maximum Amount of Bonds or Notes:</u>	\$ 59,979
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 3,156

- (g) Purpose: Purchase of vehicles, excluding passenger vehicles and station wagons, for the Township's Fire Department, Office of Emergency Management and the Public Works Department, as more fully described on a list on file in the Township Clerk's office, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 161,000
<u>Maximum Amount of Bonds or Notes:</u>	\$ 152,950
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 8,050

- (h) Purpose: Acquisition and installation of equipment at the Township's firehouses, including, but not limited to, a Plymovent Solution System at the North Firehouse and a dehydrator for both the

North and South Firehouses, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 21,850
Maximum Amount of Bonds or Notes: \$ 20,757
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 1,093

- (i) Purpose: Purchase of various equipment for the Township's Police Department, including, but not limited to an Alcotest breath testing system and vehicle cameras, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 71,300
Maximum Amount of Bonds or Notes: \$ 67,735
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 3,565

- (j) Purpose: Acquisition of various information technology and telecommunications equipment for the Township's Police Department, with unit costs less than \$5,000, including, but not limited to, a 911 voice playback system with radios, replacement computers and a front desk monitor, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 19,835
Maximum Amount of Bonds or Notes: \$ 18,843
Period or Average Period of Usefulness: 5 years
Amount of Down Payment:
\$ 992

- (k) Purpose: Various parking lot improvements at the South Firehouse and Police Department, as per plans on file in the office of the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 126,500
Maximum Amount of Bonds or Notes: \$ 120,175
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 6,325

- (l) Purpose: Resurfacing of various roads in the Township, a complete list of which is on file in the office of the Township Clerk, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 287,500
Maximum Amount of Bonds or Notes: \$ 273,125
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$ 14,375

- (m) Purpose: Construction and/or reconstruction of curbs at various locations, as per a list on file in the office of the Township Clerk, and including all

work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 28,750
<u>Maximum Amount of Bonds or Notes:</u>	\$ 27,312
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 1,438

- (n) Purpose: Construction and/or reconstruction of sidewalks at various locations, as per a list on file in the office of the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 23,000
<u>Maximum Amount of Bonds or Notes:</u>	\$ 21,850
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 1,150

- (o) Purpose: Installation of barrier free improvements to the Police department building, as per plans on file in the office of the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 40,250
<u>Maximum Amount of Bonds or Notes:</u>	\$ 38,237
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 2,013

- (p) Purpose: Purchase of various equipment for the Township's Department of Public Works, including, but not limited to, two garage lifts, a plow for a 621 loader, a Sweep star 60 and lawn mower equipment, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$ 146,050
<u>Maximum Amount of Bonds or Notes:</u>	\$ 138,747
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 7,303

(q) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(r) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be

conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than 99% of par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.87079 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township 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 \$1,425,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$195,650 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Township reasonably expects to commence acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the several improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the

Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. 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 de Stefan, Councilman Matos Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes.

ORDINANCE #194-2008

Motion: Councilman de Stefan

2nd: Councilman Bromberg

Motion by Councilman Bromberg; seconded by Councilman de Stefan to open the public hearing on Ordinance # 194-2008.

There being no comments from the public motion by Councilman Bromberg; seconded by Councilman de Stefan to close the public hearing on Ordinance # 194-2008.

Ordinance #194-2008

AN ORDINANCE AMENDING ORDINANCE #0-10-04 ADJUSTING AND DETERMINING MUNICIPAL CLASS POSITION TITLES AND SALARY RANGES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF RIVER VALE

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF RIVER VALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY, as follows, until a subsequent salary ordinance is adopted:

Section 1. The salary ranges per annum for the following officers and employees of the Township of River Vale in the Classified Service (staff) shall be as follows:

Accounts Payable/Tax Assessor Admin Assist.	\$30,000 - \$39,420
Administrative Secretary	\$26,126 - \$36,050
Associate Director of Social & Cultural Affairs	\$3,000
Bookkeeper (Library)	\$36,000 - \$38,500
Building Inspector	\$4,500 - \$7,500
Business Administrator	\$95,000 - \$130,750
Chief Financial Officer	\$70,000 - \$80,850
Chief of Police	\$110,000 - \$149,108
Children’s Services (Library)	\$40,000 - \$43,500
Circulation Clerk Library (hourly rate)	\$11.00 - \$20.00
Code Enforcement Officer (hourly rate)	\$15.00 - \$20.00

Construction Code Official	\$35,000 - \$41,200
Council Members	\$3,000
Deputy Township Clerk	\$30,000 - \$36,761
Director of Athletics	\$5,000
Director of Emergency Management	\$3,000
Assistant OEM Director	\$500
Assistant Deputy OEM Director	\$1.00
Director of Law	\$3,100
Director of Public Works	\$70,000 - \$84,975
Director of Social & Cultural Affairs	\$5,000
Electrical Sub-Code Official	\$7,500 - \$13,000
Farmers Market Coordinator	\$1.00
Fire Inspector	\$2,000 - \$2,060
Fire Official	\$5,000 - \$6,180
Fire Sub-Code Official	\$3,000 - \$5,000
Health Services Division Nurse	\$20.00 - \$30.00
Joint Insurance Fund Coordinator	\$1.00
Land Use Administrator	\$31,815 - \$32,790
Library Director	\$63,000 - \$65,000
Library Page (hourly rate)	\$7.40 - \$10.00
Library Programming Assistant (hourly rate)	\$10.00 - \$12.00
Mayor	\$4,000
Municipal Court Administrator	\$40,000 - \$45,320
Municipal Court Clerk (hourly rate)	\$14.00 - \$25.00
Municipal Court Interpreter (hourly rate)	\$30.00 - \$60.00
Municipal Court Judge	\$13,000 - \$16,392
Municipal Court Prosecutor	\$7,000 - \$7,960
Municipal Planner (hourly rate)	\$100.00 - \$125.00
Municipal Public Defender (rate per case)	\$75.00 - \$150.00
Municipal Tax Assessor	\$15,000 - \$18,540
Municipal Tax Collector	\$5,200
Municipal Tax Collector Assistant	\$30,000 - \$36,071
Planning Board Attorney	\$2,200
Planning Board Engineer	\$1,200
Plumbing Sub-Code Official	\$4,000 - \$5,000
Police Captain	\$105,000 - \$125,330
Police Department Secretary	\$22,000 - \$26,126
Police Dispatcher	\$25,000 - \$40,845
Reference Librarian	\$46,000 - \$48,500
Reference Librarian (hourly rate)	\$25.00 - \$30.00
Registrar Vital Statistics	\$2,000
School Crossing Guard (hourly rate)	\$14.00 - \$17.00
Secretary (hourly rate)	\$12.00 - \$20.00
Senior Circulation Clerk (Library)	\$30,000 - \$34,500
Senior Clerk Typist Secretary	\$28,000 - \$36,050
Social Services Coordinator	\$5,000 - \$7,500
Summer Camp Directors	\$3,000 - \$4,200
Technical Assistant	\$25,000 - \$36,050
Township Attorney (hourly rate)	\$100.00 - \$125.00
Township Clerk	\$35,010 - \$40,000
Township Engineer (hourly rate)	\$100.00 - \$130.00
Transcriptionist (hourly rate)	\$15.00 - \$30.00
Zoning Board of Adjustment Attorney	\$2,200
Zoning Board of Adj. Engineer (Hourly)	\$100.00 - \$129.00
Zoning Official	\$3,000 - \$5,305

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 2008.

Section 3. All employees shall be paid on the 15th and 30th 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.

ROLL CALL VOTE

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

ORDINANCE #195-2008

Motion: Councilman Matos

2nd: Councilwoman Sieg

Motion by Councilman Bromberg; seconded by Councilman Matos to open the public hearing on Ordinance # 195-2008.

There being no comments from the public motion by Councilman Bromberg; seconded by Councilman de Stefan to close the public hearing on Ordinance # 195-2008.

Ordinance #195-2008

TOWNSHIP OF RIVER VALE BERGEN COUNTY, NEW JERSEY CALENDAR YEAR 2008 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14)

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

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

WHEREAS, the Township Council of the Township of River Vale in the County of Bergen finds its advisable and necessary to increase its CY 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0% increase in the budget of said year, amount to \$74,013 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of River Vale, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Township of River Vale shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by up to 3.5%, amounting to \$259,044, and that the CY 2008 municipal budget for the Township of River Vale be approved and adopted in accordance with this ordinance; and,

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

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

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

ROLL CALL VOTE

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

Ordinance #196-2008

Motion by Councilman Bromberg; seconded by Councilman de Stefan to Table Ordinance #196-2008 to the next regularly scheduled Council meeting on March 24th

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY, SPECIFICALLY CHAPTER 33 OF THE NEW CODE ENTITLED “POLICE DEPARTMENT”

BE IT ORDAINED, by the Township Council of the Township of River Vale that Chapter 33 “Police Department”, Section 8 “Promotions” of the Code of the Township of River Vale is hereby amended in its entirety, as follows:

Section 8. Promotions.

A. The Township of River Vale desires to promote the most qualified candidates to positions of higher rank. This chapter establishes the eligibility requirements and the process for promotion to all higher ranks. The promotion process shall be on the basis of merit, experience, education, demonstrated ability, competitive examinations (for rank of lieutenant and below) as well as competitive written submissions (for rank of Captain and above). In accordance with N.J.S.A 40A:14-129, promotion of any officer shall be made from the membership of the Department. No person shall be eligible for promotion unless he or she shall have served as a full-time police officer in the Township of River Vale Police Department for a period of three years (N.J.S.A. 40A:14-130). No person shall be eligible for promotion to be a superior officer unless he or she has previously served as patrolman in such department or force (N.J.S.A. 40A:14-129).

B. Upon receiving instructions from the Mayor or his/her designee as provided by law to do so, the Chief of Police shall announce the promotional process to members of

the Department at least 45 days before the written examination is to be given. The announcement shall be posted in common areas of the Department accessible to all members. The announcement shall contain at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates, who qualify, shall notify the Chief of Police of his or her interest in taking the examination by submitting a letter of interest no later than 10 calendar days after the promotion announcement. Such letter of interest shall include a statement that such candidate has read Chapter 33 "Police Department", Section 8 "Promotions" of the Code of the Township of River Vale, that such candidate wishes to participate in the promotional process for the available position and that such candidate agrees to abide by all rules set forth in Chapter 33 "Police Department", Section 8 "Promotions" of the Code with respect to the promotion process. In the event a candidate decides to not continue with the process the candidate shall promptly notify the Chief of Police in writing of his or her decision to not continue.

C. Where two or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate who is first a resident over a nonresident pursuant to N.J.S.A. 40A:14-122.6 and then with the most seniority in service pursuant to N.J.S.A. 40A:14-129.

D. The Mayor or his/her designee as provided by law shall convene the reviewing committee for departmental promotions, which shall consist of the Mayor or his/her designee as provided by law, the Business Administrator and the Chief of Police (the "Reviewing Committee").

E. Promotion Testing Procedure. The promotion testing procedure for the River Vale Police Department shall consist of written examination (and for promotions to Lieutenant or Captain a written submission as well) and an oral examination (and for promotions to Lieutenant or Captain an oral interview as well) in which all candidates will be given the same questions and a review of the candidates' service record, education, merit and seniority.

(1) Written examination/Written Submission.

(a) The written examination shall be supplied by a professional testing company; professional law enforcement organization or such other written examination approved by the Mayor or his/her designee as provided by law. To proceed to the oral portion of the examination procedure, a candidate must achieve a minimum score of 70% on the written portion.

(b) For all positions above the rank of sergeant, each candidate shall provide three copies of a written submission about themselves to the Business Administrator of the Township of River Vale. Such submission shall include, but not be limited to, the candidate's resume (training, education, experience, hobbies, awards, etc.) and a statement as to why such candidate should be promoted to the position sought.

(2) Oral examination(s)/Oral Interview.

(a) Candidates shall be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Chief of Police or his or her designee.

(b) Candidates that successfully achieve a score of 70% on the written examination shall be permitted to sit for an oral examination by the Reviewing Committee. The oral examination shall take place after the receipt of the written examination scores.

(c) Candidates must score at least 70 out of 100 in the oral examination to proceed to the next step in the promotional process.

(d) For all positions above the rank of sergeant the next step in the process will be an interview with the Mayor or his/her designee as provided by law, the Business Administrator and the Chief of Police. Candidates for positions below the rank of lieutenant will proceed from the oral exam directly to the review of service record.

(e) The interview with the Mayor or his/her designee as provided by law, the Business Administrator and the Chief of Police shall focus on leadership and management skills, knowledge of River Vale's form of government, knowledge of the Police Department Ordinance, familiarity with municipal budget process and knowledge of N.J.S.A. 40A:14-118. The Mayor, Business Administrator and Chief of Police shall grade each candidate on a one-hundred-point scale.

(3) Record review.

(a) Candidates that successfully achieve a score of 70% on the written examination or written submission and 70% on the oral examination shall proceed to the next step in the promotional process, the review of service record.

(b) The Reviewing Committee shall examine the length and merit of candidate's service. The examination process shall give specific weight to performance evaluations, seniority, military service, demonstrated leadership ability, education and disciplinary history.

(4) Scoring Procedure. The weight or percentage of each portion of the process shall be as follows:

(a) Sergeant.

- 1o Written test 30%
- 2o Oral exam 30%
- 3o Performance evaluations 20%
- 4o Leadership evaluation 10%
- 5o Seniority 5%
- 6o Education 5%
- 7 o Associates degree = 2.5%
- 8 o Bachelors degree = 5%
- 1 o Two years of active-duty military experience can be substituted for associates degree if honorably discharged.
- 2 o Associate's degree and two years of active-duty military experience will be worth 5% if honorably discharged.
- 3 o Military discipline shall be a minus depending on seriousness and freshness of record

(b) Lieutenant and Captain.

- 1o Written test 15%
- 2o Written submission 15%
- 3o Oral exam 15%
- 4o Interview with the Mayor, Chief of Police and Business Administrator 15%
- 5o Performance evaluations 20%
- 6o Leadership evaluation 10%
- 7o Seniority 5%
- 8o Education 5%
- 9 o Associates degree = 2.5%
- 10 o Bachelors degree = 5%
- 4 o Two years of active-duty military experience can be substituted for

associates degree if honorably discharged.

- 5 o Associate’s degree and two years of active-duty military experience will be worth 5% if honorably discharged.
- 6 o Police discipline shall be a minus depending on seriousness and freshness of record.

F. The review committee shall rank each candidate based on the total score as outlined above. The candidates shall then be ranked from the highest to lowest based on score. The list shall include the candidates' names and the final scores.

G. The review committee shall then submit the results of the process listing the breakdowns and final scores of the candidates and any other information that may be pertinent to the Mayor for final decision.

H. Candidates who achieve an overall score of 70% or greater shall be placed on a one-year promotional list.

I. Eligibility for Testing. All candidates for promotion must have served three years with Township of River Vale as a full-time police officer by the date of written test in order to be eligible to participate in the promotional process. Promotions to the rank of sergeant shall be open to patrolmen. When a vacant sergeant position exists or is anticipated, a promotional process may be administered and a separate list created and the sergeant list will consist of patrolmen who successfully complete the process.

J. Promotions to ranks above sergeant shall be open to members of the next lowest rank, unless the Mayor, in the best interest of the Department, chooses to test a wider pool of candidates, in which case he or she may open testing to the two next lowest ranks (a pool of less than three eligible candidates will not generally be considered “in the best interest of the Department”). An officer who tests for a higher rank and does not achieve the 70% score necessary to make the promotion list referred to in Section-H is ineligible to take an exam for that rank or a higher rank, for a period of one year from the date of the promotion list.

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 #2008-91 as follows:

Resolution #2008-91

RESOLUTION AUTHORIZING THE MAYOR TO SIGN TERM OF PROPOSED PURCHASE AGREEMENT WITH CHEMITEK LLC

BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the above mentioned agreement.

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

John Donovan – 63 Rivervale Road – Commented on the golf course ordinance, the Governor’s

budget and the possibility of eliminating County government.

Mayor Blundo added comments that the administration is always looking for solutions to consolidate services (i.e. shared dispatcher with Old Tappan, shared street sweeper with Westwood, proposed Skate Board Park with Old Tappan and the 2008 Road program with several Pascack Valley towns).

John Vedral – 128 Terbell Parkway – Suggested the elimination of County Government and combining Police Departments with Old Tappan as cost saving measures. Also expressed his dissatisfaction with the company the performed the revaluation for the Township.

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

Motion by Councilman de Stefan; seconded by Councilman Bromberg to adjourn the meeting at 9:50 pm to Closed Session to discuss pending litigation no action will be taken

ADJOURNMENT

Motion by Councilman de Stefan; seconded by Councilman Matos to adjourn meeting at 9:55 pm

Glen Jasionowski
Council President

ATTEST:
Karen Padva
Acting Township Clerk