



**MINUTES
REGULAR MEETING
April 25, 2005
8:00 P.M.**

CALL THE MEETING TO ORDER

Council President Menville called the meeting to order at 8:04 PM in the Council Chambers of the Township Hall located at 406 Rivervale Road, River Vale, New Jersey 07675.

SALUTE TO FLAG

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

SUNSHINE LAW STATEMENT

Council President Menville read the following statement into the record:

“In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the Municipal Office.”

ROLL CALL

1. Township Council – Present

Councilman Blundo
Council Vice President deStefan
Council President Menville

Councilman Jasionowski – absent
Councilman Matos - absent

2. Municipal Officials Present

Mayor George Paschalis
Bibi Stewart Garvin, Business Administrator
John M. Carbone, Township Attorney
Wanda A. Worner, Township Clerk

TOWNSHIP COMMUNICATION

At this time; Council President Menville turned the meeting over to the Mayor for his comments.

1. Mayor’s Comments

Mayor Paschalis stated that last week was Volunteers Week. He offered a proclamation into the record, as follows:

VOLUNTEER WEEK

April 17 – April 23

WHEREAS, April 17 through April 23, 2005 has been proclaimed National Volunteer Week; and

WHEREAS, many volunteers in this municipality have unselfishly given of their time and talents to the Community; and

WHEREAS, this community has been immeasurably enriched by those citizens who have volunteered in the areas of government, health, welfare and recreation;

NOW, THEREFORE, BE IT RESOLVED, that I, George A. Paschalis, Mayor of the Township of River Vale, do hereby proclaim April 17 through April 23, 2005 as “Volunteer Week” in grateful recognition and appreciation of the many services rendered to our citizens by volunteers.

Mayor Paschalis stated that Mr. Peters, the Townships’ OEM Coordinator has presentations that he will be presenting to graduates of the CERT training program, which consists of eight (8) weeks of training at the Police and Fire Academy in Mahwah. Mr. Williams presented each of the graduates with their graduation certificates.

The recipients of graduation certificates were as follows:

Bobbi Berger, Sandi Berger, Dr. Alexander Biener, George Dalcero, Maureen Droste, Carole Goldman, Paul Greco, Jennifer O’Neill-Stecker and Susan Vacaro.

2. Township Council Comments

Council Vice President deStefan had no comments or reports this evening.

Councilman Blundo noted the death of Michael Ratner who was a Board of Education Member and an asset to the community. He asked for a moment of silence in Mr. Ratner’s memory.

Council President Menville stated that he had no comments this evening.

3. Township Attorney’s Report

Mr. Carbone stated that he had no reports this evening.

HEARING OF THE PUBLIC

Council President Menville opened the meeting to the public at 8:13 PM and read the following statement into the record:

“Each person wishing to address the Council shall step up to the microphone, shall give his or her name in an audible tone for the record. All members of the public are expected to conduct themselves in a proper manner. Any derogatory, abusive or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and terminate any further comments.”

Gina Susek – 549 Roosevelt Avenue – read a statement into the record with regard to the noise ordinance. She stated that one of her neighbors had a friend of his who is a contractor help him install a sprinkler system in his yard on a Sunday. She feels that homeowners should still be limited on what they are able to do on the weekends. She stated that she still has problems with people cutting down trees and making firewood out of it with chain saws and that all of this occurs on weekends.

Council President Menville stated that the noise ordinances are up for second and final reading on May 9th. He stated that the committee met to review the previous ordinances and came up with their best recommendations for amendments to them. He stated that they separated the commercial and residential portions of the ordinances, as a result of that committee meeting and made them two separate ordinances. He stated that they feel that they have done the best that they could.

Ms. Susek stated that she would like to see more of a middle ground.

Jeff Matfus – 692 Alden Court – made a statement with regard to the recent school elections. He cautioned everyone, now that the school budget has passed to take a look at their tax bills. He stated that taxes will be going up 10 – 30%, now that the school budget has been passed. He stated that it is not fair to all of the people, especially the seniors. He further stated that it is also not fair to the young people of the town, nor to the children of the future, who may not be able to afford to live in the town.

There being no further questions or comments from the public; Motion by Councilman Blundo; seconded by Council Vice President deStefan to close the meeting to the public.

ORDINANCES – 1st reading

Motion by Council Vice President deStefan; seconded by Councilman Blundo to introduce Ordinance #117-2005, as follows:

ORDINANCE #117-2005

TREE REMOVAL ORDINANCE

BE IT ORDAINED by the Township Council of the Township of River Vale, as follows:

Section 1. Purpose.

The purpose of this article is to control and regulate the indiscriminate or excessive removal, large-scale, clear-cutting and destruction of trees and to control, regulate and prevent conditions which cause an increase in storm water run—off, sedimentation, soil erosion, loss of wildlife habitat, air or noise pollution or inhibit

aquifer recharge or impair the ambiance or physical appearance of a neighborhood. The regulations contained in this article are designed to limit such adverse impact while not interfering with the right of a River Vale property owner to appropriately remove trees in accordance with the regulations set forth herein below.

Section 2. Definitions.

As used in this article, the following terms shall have the following definitions:

(a) Person: An entity whose existence is recognized by law, including, but not limited to, any individual, partnership, corporation (for—profit, nonprofit, or municipal and its agencies), firm, association, or any combination of the foregoing.

(b) Tree: Any living woody perennial plant having a trunk diameter of at least four (4) inches measured at 4 feet above the natural ground level.

(c) Landmark tree: A tree nominated by a property owner on whose property the tree(s) is located which said property owner considers to be special by virtue of history, unusual size, or age, or of a rare species and as so designated by the Planning Board.

(d) Landmark tree register: A register of all landmark trees which shall be promulgated by the Planning Board after notification to the person on whose property such a tree or trees are located. The Planning Board shall promulgate and update the landmark tree register at a public hearing on public notice to all property owners affected.

(e) Enforcement officer: The township engineer or a qualified arborist appointed by the engineer for the purpose of enforcing the terms of this article.

Section 3. Governed Acts.

A person may remove or otherwise destroy any tree on any land within the township only in accordance with the terms and conditions of this article. Caution should be taken, particularly during periods of construction, to avoid the placement of materials, machinery or temporary soil deposits within the drip line area of any tree located on any land within the township.

Section 4. Permit required.

No person directly or indirectly shall, without first obtaining a permit or approval as provided for herein below remove or otherwise destroy any tree on lands located in the River Vale as set forth in this section.

1. “Removal” shall include, but not be limited to, damage inflicted to the root system by machinery, storage of materials and soil compaction, change of natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus, pests or other infestation; excessive pruning or thinning leading to a failure to thrive; paving over the root system with any impervious materials within such proximity as to be fatally harmful to the tree; or application of any toxic substance.

2. The following acts are hereby regulated and shall require the below—referenced permit:

(a) Clear-cutting. A tree removal permit shall be required prior to the clear-cutting of fifty (50%) percent or greater of the trees having a trunk diameter greater than four (4) inches at a point 4 feet above the natural ground level on a lot containing more than sixteen (16) trees within a twelve (12) month time period. Lots containing fewer than sixteen (16) trees are exempt from this requirement so long as not more than eight (8) trees are removed or otherwise destroyed on that lot within a twenty-four (24) month period as provided for in herein below.

(b) A permit for the removal or otherwise destroying a landmark tree as designated by the Planning Board.

(c) A permit shall be required for the removal or otherwise destroying a tree extending over or in the public right-of-way.

Section 5. Application for permit.

(a) A person desiring to remove or otherwise destroy a tree as provided for in section 4 hereinabove shall apply to the township engineer or his or her designee for a permit to remove or otherwise destroy a tree. This application should be in narrative form within a letter and specify:

- (1) The name and address of the owner of the premises;
- (2) The name and address of the applicant for the permit, if other than the owner, accompanied by the owner's consent to said application;
- (3) A description by lot and block number of the premises for which the permit is sought;
- (4) If the tree is a landmark tree, the tree's register number.

(b) The application for a permit should be accompanied by a sketch containing the following:

- (1) A description of the premises upon which the tree removal or destruction is to take place by street address and lot and block number;
- (2) The size of the lot;
- (3) The location upon the lot where the destruction or removal of the tree or trees is proposed to take place;
- (4) The identity of and the number of trees to be destroyed or removed;
- (5) The purpose of the destruction or removal of the trees;
- (6) The proposal, if any, for replacing any destroyed or removed trees or other landscape improvement; and

(7) The location of all streams on the lot or adjacent properties.

(c) The township engineer or his or her designee shall apply the following standards in evaluating the permit for the tree removal or destruction. Said township engineer or his or her designee shall visit the location and inspect the land and trees which are the subject of the application in order to determine the effect of the destruction or removal upon:

- (1) The drainage or other physical conditions on the land and adjacent property;
- (2) The stability of the soil of the subject land, with particular concern as to whether erosion will be created by the tree removal; and
- (3) The growth and development of the remaining trees on the land and adjacent property.

Section 6. Issuance of permit for tree removal;

Time requirements.

(a) The township engineer or his or her designee shall accept for filing the permit application referenced in section 4 hereinabove. Said application shall be date and time stamped when received, and the applicant shall be furnished a copy of said application with said date and time stamped. Thereafter, the township engineer or his or her designee shall within fifteen (15) business days of receipt of the completed application for the removal of a non—landmark tree(s):

- (1) Visit and inspect the location of the application as provided for hereinabove; and
- (2) Decide whether the destruction or removal of the trees, which is the subject of the application, will cause or contribute to drainage problems, soil erosion, or the loss of tree species; and
- (3) Grant or deny the requested permit in whole or in part. The failure of the township engineer or his or her designee to act upon the application for the removal of a non—landmark tree(s) within said fifteen (15) business days shall constitute approval of said application and entitle the applicant to the permit requested unless an extension of the fifteen (15) day period has been agreed upon between the applicant and the township engineer or his or her designee in writing before the period expires. In the case of a landmark tree, the township engineer or his or her designee shall refer a completed application to the Planning Board. The Planning Board shall grant or deny the requested permit within thirty (30) business days of the filing of the application by the applicant. Any applicant may request an informal hearing in support of a permit and all decisions to deny the permit must be in writing, setting forth the reasons for such denial.

Section 7. Appeal.

Within ten (10) days of receipt of decision of the township engineer or his or her designee or the Planning Board, which denies approval for the tree removal or otherwise destruction, the applicant may appeal in writing to the Township Council. The governing body shall decide the appeal within thirty (30) days of receipt of the notice of appeal. The failure of the governing body to decide the appeal within thirty (30) days shall constitute reversal of the decision by the township engineer or his or her designee or the Planning Board. In any event, the applicant shall be notified of the governing body's action or failure to act by written notice from the township clerk.

Section 8. Exceptions.

Excepted from the provisions of this article are the following:

(a) The removal of eight (8) trees or fewer within in a twenty-four (24) month period from a lot containing fewer than sixteen (16) trees as provided for hereinabove exclusive of any landmark trees or any trees extending over the public right-of-way.

(b) Any tree located on publicly owned land and removed by the appropriate public agency with the consent of the township engineer;

(c) Any tree that poses imminent danger to life or property. If prior notification of the removal of said tree pursuant to this article has not been given to the township engineer or his or her designee prior to removal, then notification must be provided within three (3) days of such removal;

(d) Any dead tree or substantially diseased tree as a result of natural causes or storm damage where:

(i) The person desiring to destroy or remove the tree is the owner of the land upon which the tree is located;

(ii) The person notifies the township engineer or his or her designee of the desire to remove the tree; and

(iii) The township engineer or his or her designee verifies that the tree is dead and substantially diseased as a result of natural causes;

(e) Accident or storm-damaged trees where removal is in response to an emergency;

(f) Tree removal covered by approved site plan. However, a copy of any site plan application, which provides for the removal of a landmark tree, must be provided to the township engineer or his or her designee to allow the Planning Board as provided for in section 6 to provide its review and comment, if any, to the planning board;

(g) The removal of any trees which are a part of an approved woodlot management program pursuant to the provisions of the New Jersey Farmland Assessment Act of 1964.

Section 9. Violations and administrative penalties.

Any person violating or causing to be violated any of the provisions of this article shall be subject to an administrative fine or a fine as determined by the Municipal court judge as follows:

(a) The Planning Board may assess an administrative fine up to the amount of the retail value, as determined by Township Engineer using the International Society of Arboriculture or its successor, trunk formula for the tree or trees which have been removed or otherwise destroyed or may direct that the violator replace each tree removed or destroyed by another tree of an approved species by the township engineer or his or her designee at least two and one-half (2.5) inches in diameter measured at four and one-half (4) feet above the ground or both. The violator shall within ten (10) days of the assessment of said administrative decision advise the township engineer as to whether or not the violator accepts said administrative fine or tree replacement directive. If at the end of said ten (10) day time frame said administrative fine or tree replacement is either not accepted by the violator, then the township engineer or his or her designee shall issue a summons and complaint to the violator returnable in the River Vale township municipal court. All administrative fines must be paid in full within the above-referenced ten (10) day time frame.

(b) If the administrative decision is not accepted by the violator within the ten (10) days provided for in subparagraph (a) hereinabove, then the municipal court judge may assess a fine up to the amount of the retail value of the tree or trees which have been removed or destroyed or require the tree replacement in accordance with the provisions of subparagraph (a) hereinabove and such additional court costs as the judge deems appropriate. Each tree destroyed or removed on the same lots in violation of this article shall be considered a separate offense. The tree replacement provided for in subparagraphs (a) and (b) hereinabove shall be in accordance with the plan approved by the engineer or his or her designee.

Section 10. Annual report.

The township engineer or his or her designee and the Planning Board shall make an annual report to the Township Council as to permits granted and denied in each calendar pursuant to this article. Such report shall be submitted by February 1 of each year as to the preceding year's activities.

Section 11. Severance.

In the event that any portion of this article, or the application of this article to any specific situation, shall be declared invalid, such declaration shall not, in any manner prejudice the enforcement of the remaining provisions, or the enforcement of this article in other situations. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of any such inconsistency, hereby repealed.

Section 12. Effectiveness.

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

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

ORDINANCES – 2nd reading

There were no Ordinances for 2nd reading this evening.

ADMINISTRATION & FINANCE

Motion by Councilman Blundo; seconded by Council Vice President deStefan to approve Resolution #93-2005, as follows:

Resolution #93-2005

RESOLUTION APPROVING MINUTES – MARCH 28, 2005

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the March 28, 2005 Township Council Meeting are hereby approved.

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

Motion by Councilman Blundo; seconded by Council Vice President deStefan to approve Resolution #94-2005, as follows:

Resolution #94-2005

A RESOLUTION AUTHORIZING INCLUSION IN THE BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by May 27, 2005 each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Township of River Vale and its residents to participate in said programs.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of River Vale that it hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant

Program and HOME Investment Partnership Act Program for the Program Years 2006, 2007 and 2008 (July 1, 2006 – June 30, 2009); and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Bergen County Division of Community Development no later than May 27, 2005.

ON THE QUESTION: Councilman Blundo questioned what programs would be affected by this Resolution. He requested that the Council meet with the Community Development Representatives to discuss grants.

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

Motion by Councilman Blundo; seconded by Council Vice President deStefan to introduce Resolution #95-2005, as follows:

Resolution #95-2005

RESOLUTION AUTHORIZING THE PURCHASE UNDER STATE CONTRACT OVER THE BID THRESHOLD

WHEREAS, the Township of River Vale, pursuant to NJSA 40A:11-12a and NJAC 5:34-7.29 (c), may by resolution and without advertising for bids, purchase any goods and services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of River Vale, intends to enter into a contract with AAA Emergency Supply Co., Inc. for SCBA and refill bottles in the amount of \$24,998.40 (Twenty Four Thousand Nine Hundred Ninety Eight Dollars and Forty Cents) through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current state contract;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale authorizes the Township Administrator to purchase SCBA and refill bottles from AAA Emergency Supply Co., Inc. pursuant to all conditions of the individual State contract; and

BE IT FURTHER RESOLVED, that the Township Council of the Township Council of the Township of River Vale, pursuant to NJAC 5:30-5.5 (b) the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of funds is made by the Chief Financial Officer.

ON THE QUESTION: Council President Menville as the Business Administrator for an explanation of the resolution. Ms. Garvin explained that this allows the Township to purchase SCBA Equipment and refills for same for the River Vale Volunteer Fire Department on State Contract. She stated that this equipment is for the breathing apparatus units for the fire department.

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

Motion by Council Vice President deStefan; seconded by Councilman Blundo to approve Resolution #96-2005, as follows:

Resolution #96-2005

RESOLUTION FOR PAYMENT OF BILLS

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

RESERVE ACCOUNT claims in the amount of:	\$ 2,903.24
CURRENT ACCOUNT claims in the amount of:	\$ 217,355.75
CAPITAL ACCOUNT claims in the amount of:	\$ 6,442.81
PUBLIC ASST. ACCOUNT claims in the amount of:	\$
TRUST ACCOUNT claims in the amount of:	\$ 30,156.52
DOG TRUST ACCOUNT claims in the amount of:	\$
RECREATION TRUST ACCOUNT claims in the amount of:	\$
PRIVATE DUTY ACCOUNT claims in the amount of:	\$ 52,074.65

TOTAL CLAIMS TO BE PAID **\$ 308,932.97**

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

CURRENT claims in the amount of:	\$ 2,046,947.07
PUBLIC ASSISTANCE TRUST claims in the amount of:	\$ 2,563.25
UNEMPLOYMENT TRUST claims in the amount of:	\$
STATUTORY ACCOUNT claims in the amount of:	\$ 350,852.17
TRUST ACCOUNT claims in the amount of:	\$
HOUSING TRUST ACCOUNT claims in the amount of:	\$ 800,000.00

TOTAL CLAIMS PAID **\$ 3,200,362.49**

TOTAL BILL LIST RESOLUTION **\$ 3,509,295.46**

MANUAL DISBURSEMENTS BILL LIST FOR APRIL 25, 2005

03/30, 2005 – Wire Transfer -	\$ 197,997.09
04/15, 2005 – Wire Transfer -	\$ 152,855.08

TOTAL STATUTORY ACCOUNT DISTRIBUTIONS **\$ 350,852.17**

ON THE QUESTION: Council Vice President deStefan questioned the bills for P S E & G and Ms. Garvin explained that they were for outside detail for the police department overtime. Councilman Blundo had no questions on the bill list.

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

Motion by Council Vice President deStefan; seconded by Councilman Blundo to approve Resolution #97-2005, as follows:

Resolution #97-2005

RESOLUTION AUTHORIZING APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM

WHEREAS, the Township of River Vale (Project No. 343-1) intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the acquisition of leasehold interest in the 33 acre parcel currently owned by United Water Properties, which is adjacent to the property to be condemned by the Township.

NOW, THEREFORE, BE IT RESOLVED, that Bibi Stewart Garvin, Business Administrator, be authorized to act as the Authorized Representative to represent the Township of River Vale to offer comments and submissions, take positions, make decisions and bind the Township in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the following:

Address: Township of River Vale
406 Rivervale Road
River Vale, New Jersey 07675

Telephone: 201-664-2346

ON THE QUESTION: Council President Menville asked for an explanation of the resolution. Ms. Garvin stated that the Township is notifying the DEP that they intend to apply for grant funding for the property adjacent to the property to be condemned by the Township.

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

HEARING OF THE PUBLIC

Council President Menville read the following statement into the record;

“Each person wishing to address the Council shall step up to the microphone, shall give his or her name in an audible tone for the record. All members of the public are expected to conduct themselves in a proper manner. Any derogatory, abusive or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and terminate any further comments.”

Motion by Council Vice President deStefan; seconded by Councilman Blundo to open the meeting to the public.

Bernie Wilker – 554 – Bernita Drive – Inquired about the items at the last meeting that were dealt with very quickly after the closed session and in particular the lawsuit against Mr. deStefan.

Council President Menville explained about the provision in the Township Code that Indemnifies members of the Mayor and Council, in their capacities as elected officials that allows them representation with regard to lawsuits.

Michael Hogan – 898 Washington Avenue – Washington Township – Stated that it was a pleasure to be in the Township of River Vale and thanked everyone for the opportunity to be here.

Jeff Matfus – 692 Alden Court – Stated that he believed that the architects should be responsible for the drainage problems at the Holdrum School and no the taxpayers of River Vale.

There being no further questions or comments from the public; Motion by Councilman Blundo; seconded by Council Vice President deStefan to close the meeting to the public.

ADJOURN

Motion by Council Vice President deStefan; seconded by Councilman Blundo to adjourn the meeting at 8:49 PM.

Robert A. Menville
Council President

Attest:

Wanda A. Worner
Township Clerk

Approved: May 9, 2005