



AGENDA

Regular Meeting of the Township Council

Monday, March 27, 2023

Council Chambers 7:30pm

Mayor Mark Bromberg

Council President Paul Criscuolo, Council Vice President Denise Sieg,
Councilman Ari Ben-Yishay, Councilman John Donovan, Councilman Jim Tolomeo

CALL THE MEETING TO ORDER

SALUTE TO FLAG

SUNSHINE LAW STATEMENT

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
2. Municipal Officials Present

TOWNSHIP COMMUNICATION

1. Mayor's Comments
 2. Township Council Comments
-

Administrator's Report

Engineer's Report

HEARING OF THE PUBLIC

Each person wishing to address the Council shall give his or her name and address 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.

RESOLUTIONS

- #2023-101—Approve Minutes February 27, 2023, Council meeting
 - #2023-102—Approve Minutes March 13, 2023, Council meeting
 - #2023-103—Authorize Refund 1st Quarter Property Tax Overpayment (549 Herrman)
 - #2023-104—Authorize Mayor to Sign Revised Addendum to DPW Shared Services Agreement with the Borough of Montvale
 - #2023-105—Authorize Escrow Refund (97 Coopers Lane)
 - #2023-106—Support the Review and Reform of OPRA
 - #2023-107—Authorize the Mayor to Sign an Open Letter to the Legislature and Administration Supporting the Restoration of Energy Tax Receipts Funding to Municipalities
 - #2023-108—Payment of Bills
-

ORDINANCES

There are no Ordinances for 1st or 2nd Reading

2nd HEARING OF THE PUBLIC

ADJOURNMENT



Resolution offered:	No. 2023-101
Resolution seconded by:	

RESOLUTION APPROVING MINUTES FEBRUARY 27, 2023, COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the February 27, 2023, Council meeting of the Township Council are hereby approved.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TOLOMEO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

X - Indicates Vote A.B. - Absent N.V - Not Voting (Abstained or Excused)

Dated: March 27, 2023

I hereby certify that this is a true copy of the Resolution passed by the Township Council at their meeting

held on: _____, 2023 Attest: _____

Karen Campanelli, Township Clerk



Resolution offered:	No. 2023-102
Resolution seconded by:	

RESOLUTION APPROVING MINUTES MARCH 13, 2023, COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the March 13, 2023, Council meeting of the Township Council are hereby approved.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TOLOMEO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk



Resolution offered:	No. 2023-103
Resolution seconded by:	

RESOLUTION
REFUND 1st QUARTER PROPERTY TAX OVERPAYMENT

WHEREAS, a tax overpayment was received for the 1st quarter of 2023 and the property owner has requested a refund of said overpayment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale, that the Treasurer is hereby authorized to issue a municipal check payable as follows:

Block 1704, Lot 2
 549 Herrman Avenue

Check payable to:
 Monica Luciano
 549 Herrman Avenue
 River Vale, NJ 07675

Refund \$ 3,171.92

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TOLOMEO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Resolution offered:	No. 2023-104
Resolution seconded by:	

RESOLUTION AUTHORIZING THE MAYOR TO SIGN REVISED ADDENDUM TO THE DPW SHARED SERVICES AGREEMENT WITH THE BOROUGH OF MONTVALE

WHEREAS, on August 27, 2013, the Township of River Vale entered into a Shared Services Agreement with the Borough of Montvale whereas River Vale provides shared Department of Public Works services to Montvale in accordance with the Uniform Shared Services and Consolidation Act, P.L. 2007, c.63 (C.40A:65-1, *et seq.*); and,

WHEREAS, on or about September 24, 2019, both parties agreed to revise and extend the agreement for an additional 10-year term commencing on January 1, 2020; and,

WHEREAS, Sections IV.C, III.C, and III.A of the Shared Services Agreement are to be amended; and,

WHEREAS, the Township Attorney has reviewed and approved said amendments.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the revised addendum to the agreement is hereby approved.

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the revised addendum to the Shared Services Agreement with the Borough of Montvale.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TOLOMEO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Resolution offered:	No. 2023-105
Resolution seconded by:	

RESOLUTION
(Escrow Refund)

WHEREAS, the owner of 97 Coopers Lane (Block 2001, Lot 20) had posted escrow for a Subdivision and Bulk Variance Application; and

WHEREAS, the Subdivision Application was approved by the Planning Board on April 28, 2021, therefore the escrow balance may be released as per the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the remaining Escrow Deposit be released.

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale that the Treasurer is hereby directed to issue a municipal check as follows:

Payable to:

“Vincent Barcelona”

Mailing Address:

97 Coopers Lane
River Vale, NJ 07675

Refund Amount: \$ 500.00

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TOLOMEO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk



Resolution offered:	No. 2023-106
Resolution seconded by:	

RESOLUTION CALLING FOR THE REVIEW AND REFORM OF OPRA

WHEREAS, the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., enacted in 2002, has been in effect long enough to review the impact on Municipalities; and

WHEREAS, it is the position of the Bergen County League of Municipalities (BCLOM), which represents all 70 municipalities in Bergen County, that OPRA can and must be improved upon to make it less onerous on municipalities and protect the safety and welfare of the public; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who bombard municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, municipalities are already required by state law to post and provide certain information and documentation on their municipal websites, including but not limited to, annual budgets, annual financial statements, annual audits, public meeting notices and meeting minutes; and

WHEREAS, under existing law, OPRA fees are woefully inadequate for the amount of time and effort needed to search for documents; it takes valuable time away from staff not only in the Clerk’s office but also among other departments that may be involved in the same request; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor and, a requestor who prevails in any proceeding in appealing a denial of access is permitted to collect exorbitant attorney’s fees; conversely, however, the resources and guidance available to record custodians and municipal counsel tasked with responding to such requests has narrowed drastically in the ever-changing OPRA arena, muddied by subsequent, voluminous and often-conflicting court decisions that contradict the original intent of the law and will continue to do so in the absence of necessary legislative reform; and

WHEREAS, OPRA law allows outside businesses, and activist groups to utilize municipal time and services for marketing leads or private commercial gain, and for litigants to use OPRA as a method of discovery; and

WHEREAS, a clear distinction needs to be made between individual and commercial and discovery requests; and

WHEREAS, serious concerns about breaches or misuse of personal information exist along with the potential for OPRA to be exploited and abused by requestors, as a threat, harassment, or retaliatory measure to bury local governments in hundreds of requests, not necessarily because the requested records are of any particular interest, but merely because they can and have been emboldened by the courts to do so, to the significant detriment of all other municipal business; and

WHEREAS, most importantly, OPRA must be reformed to enable municipalities, their respective record custodians, and legal counsels to protect the safety and welfare of the general public; and

WHEREAS, over the years, court decisions have chipped away at the reasonable expectation of privacy provision of the law, thus allowing the law to be molded and wielded as a tool that severs any sensible balance of transparency, and instead, now perpetuates rampant and dangerous degrees of for-profit datamining, unsolicited marketing and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, and all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, the pandemic has resulted in a startling and exponential rise in fraud and identity theft, crimes that were already notoriously difficult to investigate, track and prosecute; OPRA, left unchecked and unreformed, continues to add fuel to this already dangerous fire; and

WHEREAS, in a most reprehensible instance in the midst of the pandemic, the unthinkable happened when the young son of a U.S. District Court Judge was senselessly killed by an individual who had managed to compile a dossier of personal information about the Judge including a home address, ushering in the passage of Daniel's Law; and

WHEREAS, while this law as intended provides for necessary strides and long overdue amendments to OPRA, the scope of protection provided is critically deficient, the implementation creates challenges for custodians and municipal officials that remain unaddressed by law, with limited channels for guidance, while the vast remainder of the Open Public Records Act continues to be left recklessly unreformed, potentially leaving any officials not covered under Daniel's Law or even, the general public at-large exposed to the whim of any nefarious OPRA requestor lurking in the shadows of those demanding transparency at any cost;

WHEREAS, Assembly Bill No. 4894, introduced January 17, 2019, calling for the creation of a study commission to review OPRA, to-date, has been left negligently stagnant and, to-date the legislative approach to addressing the dangers of OPRA have been fragmented, haphazard and contradictory at best, leading to a dire need for streamlined overhaul and reform, which, at a minimum should include the following:

- Immediate creation of a study commission on OPRA.
- Uniformity under the law: municipalities shall not be subject to any provision under OPRA that the legislature or other state agencies are, by contrast, exempt from.
- Provide a universal platform for clear and concise guidance for records custodians. Such guidance should be in place prior to any laws that impact OPRA going into effect.
- Require that official OPRA Request forms be used in order to be considered valid, including certifications by the requestor of (1) non-conviction of an indictable offense and (2) that information obtained will not be used for profit, solicitation, marketing or commercial gain, or published as part of a separate internet database or search engine.
- Prohibit OPRA requestors from remaining anonymous.
- Require that requestors provide a State of New Jersey address in order to be valid (OPRA should not apply to out-of-state requests).
- Prohibit requests for commercial purposes.
- Exempt email addresses (also serves as a deterrent to spoofing, phishing and other cyber scams and crimes).
- Exempt information maintained for emergency notification purposes.
- Exempt any information related to minor individuals, disabled persons, and senior citizens as well as classes of citizens who are vulnerable to exploitation of their information.
- Exempt personal identifying information from Motor Vehicle Accident Reports, including driver's license numbers, dates of birth (DOBs), home addresses, VINs and registration/plate numbers, unless the requestor is a subject of the record, or their designated legal or insurance representative.
- Exempt pet license information to a need-to-know basis only (health department, police department, veterinarian of record, hospital, bite victim) to deter rising pet thefts and potential for targeted thefts of non-large-breed dog owners.
- Reaffirm exemption of unlisted telephone numbers, including personal cell phones.
- Exempt property owner names, CAMA Data and reaffirm the exemption of property record cards.
- Protections afforded under Daniel's Law should be afforded to all government officials, employees, volunteers, and members of the general public as the threats from the disclosure of personal information is not unique to those rightfully protected under Daniel's Law.

- Provide a carve out for fee-shifting where a municipality in good faith and without clear guidance through Statute or case law denies a request or redacts information which could reasonably be interpreted as not subject to disclosure.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of River Vale finds it imperative that the New Jersey Senate and Assembly review and reform the New Jersey Open Public Records Act.

BE IT FURTHER RESOLVED, that copies of this resolution are sent to all New Jersey State Legislators, the New Jersey State League of Municipalities, the New Jersey Municipal Clerks’ Association, the Bergen County Municipal Clerks’ Association, the New Jersey State Association of Chiefs of Police and the Bergen County Police Chiefs’ Association.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TOLOMEO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Karen Campanelli, Township Clerk



Resolution offered:	No. 2023-107
Resolution seconded by:	

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN OPEN LETTER TO THE LEGISLATURE AND ADMINISTRATION SUPPORTING THE RESTORATION OF THE ENERGY TAX RECEIPTS PROPERTY TAX RELIEF FUND TO MUNICIPALITIES

WHEREAS, the New Jersey Urban Mayor’s Association, the New Jersey League of Municipalities and the New Jersey Conference of Mayors are requesting all New Jersey Mayors to sign an open letter to the Legislature and Administration supporting the full restoration of the Energy Tax Receipts Property Tax Relief Fund to municipalities; and,

WHEREAS, the State allocated \$75 million in new funds in their Fiscal Year budget identified as the Municipal Relief Fund. This was a positive step; however, fully restoring the funding is a crucial step in addressing property tax affordability in the State.

NOW, THEREFORE BE IT RESOLVED, the Township Council of the Township of River Vale hereby authorizes the Mayor to sign the open letter to the Legislature and Administration supporting the full restoration of the Energy Tax Receipts Property Tax Relief Fund to all municipalities.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TOLOMEO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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Resolution offered:	No. 2023-108
Resolution seconded by:	

PAYMENT OF BILLS

BE IT RESOLVED by the Township Council of the Township of River Vale that the Business Administrator is hereby authorized to pay the following claims:

CURRENT ACCOUNT claims in the amount of:	\$	264,259.42
RESERVE CURRENT ACCOUNT claims in the amount of:	\$	77,983.68
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	112,666.99
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:	\$	11,693.36
UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:		
ANIMAL TRUST ACCOUNT claims in the amount of:	\$	714.60
PAYROLL AGENCY ACCOUNT claims in the amount of:		
RECREATION TRUST ACCOUNT claims in the amount of:	\$	483.00
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:		
SNOW TRUST ACCOUNT claims in the amount of:		
HOUSING TRUST ACCOUNT claims in the amount of:		
JUNIOR POLICE ACADEMY TRUST ACCOUNT claims in the amount of:		
GOLF COURSE UTILITY CAPITAL ACCOUNT claims in the amount of:		
OPEN SPACE TRUST ACCOUNT claims in the amount of:		
CAPITAL ACCOUNT claims in the amount of:	\$	39,920.02
PLANNING BOARD TRUST ACCOUNT claims in the amount of:	\$	2,962.50
SPECIAL TRUST ACCOUNT claims in the amount of:	\$	480.00
ZONING BOARD TRUST ACCOUNT claims in the amount of:		
TOTAL CLAIMS TO BE PAID	\$	511,163.57

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 ACCOUNT claims in the amount of:	\$	3,356,174.28
RESERVE CURRENT ACCOUNT claims in the amount of:		
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	80,940.95
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:		
ACCUMULATED ABSENCES TRUST ACCOUNT claims in the amount of:		
ANIMAL TRUST ACCOUNT claims in the amount of:		
SNOW REMOVAL TRUST claims in the amount of:		
RECREATION TRUST ACCOUNT claims in the amount of:		
PAYROLL AGENCY TRUST ACCOUNT claims in the amount of:		
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:		

TAX SALE REDEMPTION TRUST ACCOUNT claims in the amount of:
TAX SALE PREMIUM TRUST ACCOUNT claims in the amount of:
UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:
UCC CODE ENF TRUST ACCOUNT claims in the amount of:
UTILITY CAPITAL ACCOUNT claims in the amount of:
CAPITAL ACCOUNT claims in the amount of:
BOND TRUST claims in the amount of:
SPECIAL TRUST ACCOUNT claims in the amount of: \$ 455.00
ZONING BOARD TRUST ACCOUNT claims in the amount of:
TOTAL CLAIMS PAID \$ **3,437,570.23**

TOTAL BILL LIST RESOLUTION \$ **3,948,733.80**

**MANUAL DISBURSEMENTS
BILL LIST FOR March 27, 2023**

2/28/2023 Transfer Payroll \$ 324,466.30
3/15/2023 Transfer Payroll \$ 359,628.30

TOTAL STATUTORY ACCOUNT DISTRIBUTIONS \$ **684,094.60**

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TOLOMEO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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