

MINUTES
Regular Council Meeting
Monday, March 13, 2023
Council Chambers 7:30pm

CALL THE MEETING TO ORDER

Council President Criscuolo called the meeting to order at 7:30pm.

SALUTE TO FLAG

Council President Criscuolo asked all in attendance to join him in a Salute to the Flag.

SUNSHINE LAW STATEMENT

Council President Criscuolo 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 Tolomeo, Councilman Ben-Yishay, Councilman Donovan and Council President Criscuolo were present. Councilwoman Sieg was absent.

Also present: Business Administrator/CFO Gennaro Rotella, Township Attorney Silvana Raso, Township Engineer Chris Statile, and Township Clerk Karen Campanelli.

Council Comments

There were no Council comments this evening.

Business Administrator Report

Mr. Rotella reported that this past week he had the presentation to the Watershed Review Board for the acquisition of the property behind the DPW building. He reported that Chris Statile did a great job preparing the slides, Silvana and the Mayor were also on the call, and he presented the application to the review Board. Mr. Rotella added that the presentation was well received, and there will be another virtual meeting they will have to attend as part of the process. He explained that the Board is looking for beautification of the site that will no longer be utilized.

He next report that the "Around the County" passport services coming to Town. Mr. Rotella added that this is a great service for the residents, is always well attended and the County does a terrific job.

Township Engineer Report

Mr. Statile reported that he assisted the County in locating the sewer lines near the bridge replacement project. The fire system at the DPW garage is ready to go into service, they are waiting for Johnson Controls to test the system and make certain there are no leaks.

He next reported that they've completed the last of the FEMA repairs, as the Beck Place drainage work is finished. Mr. Statile is currently working on the permitting for new River Vale Country Club storage building. Mr. Rotella added that currently the Golf Course is utilizing the building on the Meskers site for equipment storage. He further explained that with the upcoming development of the Meskers site, the golf course can no longer use that building for storage. The new building will be prefab metal and on a slab. Mr. Statile added that the new building sits in the riparian zone of the Cherry Brook stream, however, it's out of the flood zone. He further explained that there are steps that need to be taken with the NJDEP which will include some mitigation.

Councilman Donovan questioned the size of the building footprint . Mr. Statile responded the building and parking area is approximately 6,000 sqft.

Mr. Statile reported that he and Gennaro continue to work with PSE&G on the relocation of the utility poles for the new Public Safety complex. He is also moving forward with the new lighting project at Mark Lane; however, he is considering abandoning the PSE&G program grant of \$12,000. Mr. Statile explained that it complicates the project because the PSE&G program requires that we use their contractors and PSE&G usually does not work on sports lighting.

Councilman Tolomeo questioned the Mark Lane lighting project, and if there will be less lights because they'll be LED and be more efficient. Mr. Statile agreed that there will be less lights and much more efficient.

Councilman Donovan questioned the access to the Ranges field restrooms and if the locks will it be a key or electronic. He added that whenever he is at an event there the bathroom is always locked. Mr. Rotella responded that they are rolling out the electronic system, starting with the DPW using key fob for the locks. Mr. Rotella furthered explained that the locks will be controlled electronically and only be open during certain times.

1st Hearing of the Public

Motion by Councilman Ben-Yishay; second by Councilman Donovan to open the meeting to the public.

There being no questions or comments from the public. Motion by Councilman Donovan; second by Councilman Tolomeo to close the hearing of the public.

RESOLUTIONS

Council President Criscuolo pulled Resolution #2023-92 the minutes from the February 27, 2023, Council meeting from the agenda.

Motion by Councilman Donovan; second by Councilman Tolomeo to approve Resolutions #2023-93 through #2023-100 as a Consent Agenda as follows:

Resolution #2023-93

RESOLUTION

(Escrow Refund)

WHEREAS, the owner of 75 Hoffman Court (Block 2004, Lot 14) had posted escrow for fees pertaining to a soil moving permit for the installation of seepage pits; and

WHEREAS, the Township Engineer has inspected said project and deemed the project complete, therefore the escrow balance may be released.

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:

“Robert Loffredo”

Mailing Address:

75 Hoffman Court

River Vale, NJ 07675

Refund Amount: \$ 155.00

Resolution #2023-94

REFUND

(Golf Membership Fee)

WHEREAS, the following individual has requested a refund of their 2023 Golf Membership fee; and

WHEREAS, the Treasurer has certified the availability of funds in the Golf Operating Account.

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

Payable to:

Russell Auerbach

129 Lakeview Dr

Old Tappan, NJ 07675

Refund Amount: \$ 5,510.00

Resolution #2023-95

RESOLUTION AUTHORIZING THE MAYOR TO SIGN SMALL WIRELESS FACILITY

RIGHT-OF-WAY USE AGREEMENT WITH MUNISITE HOLDING GROUP PARTNERS, LLC

WHEREAS, the Township of River Vale possesses and exercises control over various permanent rights-of-way that are, or are planned to be, utilized for streets, and roads and those rights-of-way are depicted on the current Township Tax Map and/or other maps and documents of public record; and

WHEREAS, N.J.S.A. 48:17-8 provides that any telegraph or telephone company organized under the laws of any state, or of the United States, may erect, construct and maintain the necessary poles, wires, conduits and other fixtures for its lines, in, upon, along, over and under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles and such consent previously has been provided to such companies for the erection of such poles; and

WHEREAS, various public utilities that are subject to the jurisdiction of the New Jersey Board of Public Utilities in connection with supplying and distributing electricity, telephone services, cable television, telecommunication services and/or other utilities pursuant to consent previously granted by the Township; and

WHEREAS, Munisite Holding Group Partners, LLC does not presently have consent to maintain utility poles in any municipal right-of-way within the or to otherwise use or occupy any municipal right-of-way within the for any of its Small Wireless Facilities, as hereinafter defined; and

WHEREAS, in accordance with the provisions of N.J.S.A. 48:3-11, *et. seq.*, Munisite Holding Group Partners, LLC has petitioned the Township for its consent to locate, place, attach, install, operate, control, maintain, upgrade, and enhance its Small Wireless Facilities in municipal rights-of-way as well as on utility poles and/or other facilities that are owned by third parties which already are located in municipal rights-of-way pursuant to municipally granted franchises or otherwise; and

WHEREAS, N.J.S.A. 48:3-18 provides that any person may enter into a written agreement with any other person owning utility poles erected under municipal consent in any street, highway or other public place for use by the former person and N.J.S.A. 48:3-19 requires that the former person obtain the consent of the municipality for use by the former person of the poles of another if the former person does not have the lawful right to maintain poles in such street, highway or public place; and

WHEREAS, as to those utility poles or structures that are owned by third parties and which are located in municipal rights-of-way pursuant to municipally granted franchises or otherwise, Munisite Holding Group Partners, LLC has provided the Township with evidence, consisting of written agreements, that it has obtained consent from those third parties to use the utility poles or structures that are owned by those third parties; and

WHEREAS, N.J.S.A. 48:3-15 provides that, upon satisfaction of the procedures that are set forth in N.J.S.A. 48:3-11 through N.J.S.A. 48:3-14, consent for use of any street, avenue, park, parkway, highway or other public place may be granted by ordinance and not otherwise; and

WHEREAS, the Mayor and Council adopted Ordinance 381-2021 “Establishing Procedures and Standards Regarding Deployment of Small Wireless Facilities in Public Rights-of-Way in the Township of River Vale”; and

WHEREAS, the Township Attorney has reviewed said agreement.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the Small Wireless Facility Right-of-Way Use Agreement with Munisite Holding Group Partners, LLC.

Resolution #2023-96

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 503, Lot 18
546 Dorchester Drive
Payable to:
M&T Bank
15 Cornell Rd.
Latham, NY 12110
Refund \$4,128.19

Resolution #2023-97

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 1802.01, Lot 8
280 River Dr.
Payable to:
Edith A. Cook
1133 McDaniels Street
Sun City Center, FL 33573-7085
Refund \$4,171.83

Resolution #2023-98

RESOLUTION 2023 TEMPORARY EMERGENCY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides that where contracts, commitments, or payments to be made prior to final adoption of the 2023 Budget, temporary appropriations should be made for the purposes and amounts required in the manner and time provided; and,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale 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:

<u>APPROPRIATIONS</u>	<u>SALARY & WAGES</u>	<u>OTHER EXPENSE</u>
General Administration	\$ 40,000.00	
Mayor & Council	\$ 11,000.00	
Township Clerk	\$ 23,000.00	
Financial Administration	\$ 50,000.00	
Audit Services		\$ 22,200.00
Tax Revenue Administration	\$ 19,000.00	\$ 2,000.00
Tax Assessment	\$ 5,500.00	
Department of Law	\$ 810.00	\$ 10,000.00
Engineering Services		\$ 20,000.00
Planning Board	\$ 5,400.00	
Uniform Construction Code	\$ 60,000.00	
Insurance - Liabilities/WC		\$ 116,000.00
Insurance - Health		\$ 250,000.00
Insurance - Dental		\$ 5,000.00
Insurance - Misc.		\$ 17,500.00
Insurance - Unemployment		\$ 14,000.00
PERS		\$ 490,544.00
PFRS		\$ 977,029.00
DCRP		\$ 3,500.00
Police Department	\$ 1,081,200.00	\$ 35,500.00
Office of Emergency Management	\$ 2,200.00	\$ 2,200.00
Fire Department		\$ 20,000.00
Fire Prevention Bureau	\$ 15,000.00	\$ 46,000.00

<u>APPROPRIATIONS</u>	<u>SALARY & WAGES</u>	<u>OTHER EXPENSE</u>
Director's Office DPW	\$ 35,000.00	\$ 20,000.00
Public Works Department	\$ 150,000.00	\$ 15,000.00
Snow and Ice Removal	\$ 15,000.00	
Vehicle Maintenance/Garage	\$ 50,000.00	\$ 25,000.0
Recycling	\$ 1,600.00	\$ 90,000.00

Buildings & Grounds	\$ 200,000.00	\$ 53,000.00
Prosecutor's Office	\$ 2,700.00	
Recreation	\$ 3,900.00	\$ 13,150.00
Dept of Social and Cultural Affairs	\$ 5,500.00	
Library Contribution		\$ 182,362.00
Volunteer Ambulance Contribution		\$ 43,000.00
Utilities		\$ 43,750.00
Streetlights		\$ 13,750.00
Telephone Charges		\$ 21,250.00
Gasoline		\$ 41,000.00
Solid Waste Disposal		\$ 261,000.00
Statutory Expenses – F.I.C.A.		\$ 125,000.00
Municipal Court	\$ 20,000.00	\$ 1,000.00
Public Defender		
Health Services/Contracts		\$ 12,000.00
<u>Social Services</u>		
TOTAL:	\$ 1,796,810.00	\$ 2,991,735.00

Pascack Valley DPW Interlocal:

Director's Office DPW	\$ 51,873.00	
Public Works Department	\$ 262,000.00	\$ 82,243.00
Snow and Ice Removal		\$ 191,017.00
Vehicle Maintenance/Garage	\$ 66,833.00	\$ 67,917.00
Insurance-Health		\$ 211,224.00
<u>Solid Waste/Recycling</u>		\$ 90,202.00
TOTAL:	\$ 380,706.00	\$ 642,603.00

Interlocal Agreements:

Teterboro Tax Collection	\$ 1,535.00	
Hillsdale Tax Collection	\$ 2,652.00	
Harrington Park Court	\$ 1,470.00	
<u>Northwest Bergen Dispatch</u>	\$ 59,535.00	
TOTAL:	\$ 65,192.00	

Resolution #2023-99

RESOLUTION

(GOLF COURSE UTILITY OPERATING)

WHEREAS, N.J.S. 40A:4-20 provides that where contracts, commitments or payments are to be made prior to final adoption of the 2023 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 temporary appropriations be made, and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

Other Expenses	\$ 1,116,754.00
Total	\$ 1,116,754.00

Resolution #2023-100

**RESOLUTION CONFIRMING APPOINTMENT FOR
GRANT WRITING SERVICES**

WHEREAS, on February 28, 2023, the Township received proposals for Professional Services Contract Positions through a “Fair and Open Process” as defined by N.J.S.A. 19:44A-20 for awarding 2023 contracts; and

WHEREAS, the Township desires to award a Professional Services Contract for the provision of Grant Writing Services; and

WHEREAS, the proposal received from the firm of Triad Associates, 1301 W. Forest Grove Road, Vineland, New Jersey has been reviewed and determined to be in the best interest of the Township of River Vale to award a contract to Triad Associates.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale that the firm of Triad Associates is hereby appointed to provide Grant Writing Services for a one (1) year term expiring December 31, 2023.

ROLL CALL VOTE

Councilman Tolomeo, Councilman Ben-Yishay, Councilman Donovan and Council President Criscuolo voted yes. Councilwoman Sieg was absent.

There were no Ordinances for 1st Reading

Ordinances for 2nd Reading and Public Hearing

ORDINANCE #410-2023

Motion to Adopt: Councilman Ben-Yishay

Seconded: Councilman Donovan

Motion by Councilman Tolomeo, second by Councilman Ben-Yishay to open the public hearing on Ordinance #410-2023.

There being no questions or comments from the public, motion by Councilman Donovan, second by Councilman Ben-Yishay to close the public hearing on Ordinance #410-2023.

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY AMENDING CHAPTER 166 OF THE CODE ENTITLED “PARKS AND RECREATION” ARTICLE II “RECREATION FACILITIES”

BE IT ORDAINED by the Township Council of the Township of River Vale that the Chapter 166 of the Code is hereby amended as follows:

§ 166-6. Use of facilities.

A. A permit from the Department of Athletics-Recreation shall be required for use of all facilities except tennis courts, basketball courts, and walking paths. Applicants must have the permit in their possession at the facility during use. The permit application shall be on a form established by the Department of Athletics-Recreation. Prior registration with the Department of Recreation is required to access the pickleball courts.

B. The use of basketball courts and tennis courts is hereby restricted to the residents of the Township and their guests and to programs sanctioned by the Township. The use of pickleball courts is permitted by residents and nonresidents and to organized programs sanctioned by the Township only.

C. Township-sponsored programs and groups have priority use of all facilities. Thereafter, permits shall be issued on a first come first-granted basis.

D. Each organization that wishes to use any recreational facility must provide the Township Business Administrator with a certificate of insurance and sign a hold-harmless form provided by the Township. The certificate of insurance must show evidence of \$1,000,000 general liability coverage, and the Township must be named as an additional insured. Township-sponsored groups are exempt from this requirement.

E. The Director of Athletics-Recreation shall have the discretion to reasonably schedule seasons and events.

F. Fees for the use of any recreational facilities will be determined in accordance with

§ 166-7 105-5 (Fees).

REMOVE SECTION 166-7. Fees Part A

§ 166-7. Fees.¹ ~~[Added 5-23-2002 by Ord. No. 0-10-02; amended 3-14-2005 by Ord. No. 101-2005; 3-13-2006 by Ord. No. 145-2006; 3-28-2011 by Ord. No. 247-2011; 5-11-2015 by Ord. No. 300-2015]~~

A. Summer program. Fees for the summer program shall be as follows:

- (1) Swimming: \$20 per child.
- (2) Camp Have Some Fun (There will be a multi-child discount for Camp Have Some Fun campers.):
 - (a) Monday to Friday: \$260 per camper.
 - (b) Monday, Wednesday, and Friday only: \$230 per camper.
 - (c) Tuesday and Thursday only: \$200 per camper.

§ 166-7. **Recreation facilities.** Subject to the exclusions provided in Subsection B(5) and 6 B(10), fees for the use of recreational facilities shall be as follows:

- (1) Per time slot for field use by a resident team or resident corporation: ~~\$75~~ \$100.
- (2) Per time slot for field use by a nonresident team or nonresident corporation: ~~\$150~~ \$200.
- (3) Per use for the Community/Senior Center by a nonresident organization: \$50.
- (4) Pickleball court use for River Vale residents: \$25 one-time registration fee per family. Each additional key fob per family: \$10.
- (5) Pickleball court use per person, per calendar year, for nonresidents: \$50.
- (6) Pickleball court key fob replacement, residents & nonresidents: \$10.
- (7) Definitions. As used herein the following terms will have the meanings set forth below:

NONPROFIT ORGANIZATION — Any organization that is not organized or and does not exist for the purpose of making a profit and which does not pay its coaches or directors a fee or salary.

NONRESIDENT CORPORATION — Any company that does not own or lease commercial property within the Township of River Vale.

NONRESIDENT TEAM — Any athletic team that does not have at least 75% of its roster filled with River Vale residents.

NONRESIDENT ORGANIZATION - Any nonprofit organization or group that does not have at least 75% of its members as River Vale residents.

RESIDENT CORPORATION — Any company that owns or leases commercial property within the Township of River Vale.

RESIDENT TEAM — Any athletic team comprised of at least 75% of its roster with River Vale residents.

TIME SLOT — An uninterrupted two-hour time period, or any part thereof, that a field is being used by an approved team.

(8) Any field use requiring use of lights will require an additional fee of 10% of the total applicable fee.

(9) There will be no credit provided for any unused field time slots.

(10) Notwithstanding the foregoing, any athletic team that is part of the following organizations shall be excluded from the provisions hereof:

- ~~(a) River Vale All Star Basketball (RVAB);~~
- (a) River Vale Basketball Association (RVBA);
- (b) River Vale Rascals Preschool Soccer;
- (c) River Vale T-Ball;
- (d) River Vale Baseball/Softball (RVBSA);
- (e) River Vale Junior Football and Cheerleading (RVJFA);
- (f) River Vale Youth Soccer Association (RVYSA);
- (g) Pascack Valley Youth Soccer;
- (h) Pascack Valley Junior Wrestling;
- (i) Pascack Lacrosse;
- (j) River Vale Board of Education;
- (k) Pascack Valley High School.

(11) Also, notwithstanding the foregoing, any athletic team comprised of at least 75% of its roster with River Vale residents and which operates as a nonprofit organization shall be excluded from the provisions hereof.

(12) Fees for special events (including charity events, tournaments, fundraisers, etc.) will be determined at the discretion of the Department of Athletics-Recreation on an event-by-event basis.

(13) Any person (including any team, corporation, or other organization) found in violation of the provisions hereof will be subject to a fine not to exceed twice the amount of fees that would have otherwise been imposed upon such person pursuant to the provisions of this section. In addition to any fines imposed hereof, violations of this section may result in the loss of future field use privilege.

This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ROLL CALL VOTE

Councilman Tolomeo, Councilman Ben-Yishay, Councilman Donovan and Council President Criscuolo voted yes. Councilwoman Sieg was absent.

ORDINANCE #411-2023

Motion to Adopt: Councilman Donovan

Seconded: Councilman Tolomeo

Motion by Councilman Tolomeo, second by Councilman Ben-Yishay to open the public hearing on Ordinance #411-2023.

There being no questions or comments from the public, motion by Councilman Donovan, second by Councilman Tolomeo to close the public hearing on Ordinance #411-2023.

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY AMENDING CHAPTER 105 OF THE CODE ENTITLED "FEES"

BE IT ORDAINED by the Township Council of the Township of River Vale that the Chapter 105 of the Code is hereby amended as follows:

§105-5. Fee Schedule.

B. Recreation

<u>Camp</u>	<u>Fee (per camper)</u>	
		<u>2023</u>
Camp Have Some Fun		
Monday to Friday	\$415	\$430
Monday, Wednesday, and Friday only	\$370	\$380
Tuesday and Thursday only	\$325	\$330
Camp Have Some Fun Late Fee		\$25
Kindergarten Camp	\$315	\$320
Safety Town	\$115	\$200

§ 105-8. Golf Course Daily Rates.

A. Monday through Thursday

	<u>Public</u>	<u>Resident</u>
Midday (7:30am to 2:59pm)	\$60 to \$95	\$40 to \$70 \$75

§ 105-9. Membership Fees.

	<u>Public</u>	<u>Resident</u>
Cart fee	\$28 \$30	\$28 \$30

This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ROLL CALL VOTE

Councilman Tolomeo, Councilman Ben-Yishay, Councilman Donovan and Council President Criscuolo voted yes. Councilwoman Sieg was absent.

2nd Hearing of the Public

Motion by Councilman Tolomeo, second by Councilman Ben-Yishay to open the meeting to the public.

There being no questions or comments from the public. Motion by Councilman Donovan, second by Councilman Tolomeo to close the hearing of the public.

ADJOURNMENT

Motion by Councilman Ben-Yishay; second by Councilman Donovan to adjourn the meeting at 7:52pm.

Council President Paul Criscuolo

ATTEST:

Karen Campanelli, Township Clerk

