

MINUTES
Regular Council Meeting
Monday, June 13, 2022
Council Chambers 7:30pm

CALL THE MEETING TO ORDER

Council President Bromberg called the meeting to order at 7:35pm.

SALUTE TO FLAG

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

SUNSHINE LAW STATEMENT

Council President Bromberg 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 Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg were present.

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

Council Comments

There were no Council comments this evening.

Administrator's Report

Mr. Rotella announced that the Farmer's Market is starting this week and we have many good vendors this year.

Engineer's Report

Mr. Statile reported that they are advertising for the 2022 Road Program; which also includes two DOT projects. He explained that this is going to be a large paving job and he hopes the prices come in reasonable. Mr. Statile has been working with PSE&G regarding replacing the sports lighting at Mark Lane Recreation field and he has successfully submitted the Township grant application for this project.

He next reported the PSE&G is going to be replacing 6,100 linear feet of gas lines within the Township beginning in August. Mr. Statile expects they will be working right into the winter and return in the spring to mill and pave the roads.

Mr. Statile is planning on applying for the 2022 New Jersey Urban and Community Forestry Plan; which is a grant that provides funding to plant shade trees. Councilman Donovan commented that he is always thankful to Chris for all the work he does applying for grant money and to keep up the good work.

Councilwoman Sieg asked the process for having a dead shade tree removed. Mr. Rotella responded that the DPW is notified and if there's a tree that was taken down that the resident wants replaced; there is usually a selection of trees to choose from. Mr. Rotella added that the Town has money in a Trust Fund for this specific purpose. Councilwoman Sieg also questioned the noticeable trees that are hanging over powerlines and questioned how we notify PSE&G and are they responsible. Mr. Rotella responded that PSE&G is responsible and Rich will usually notify PSE&G if the branches are on the lines.

1st Hearing of the Public

Motion by Councilman Criscuolo; second by Councilwoman Sieg to open the meeting to the public.

Jack Ciardella—272 Cedar Lane—Mr. Ciardella is the owner of the Pet Lodge and Day Spa; he thanked the Council for the opportunity to speak this evening and apologized to the Town residents that felt he was rude to them. Mr. Ciardella listened to the recording of the previous Town hall meeting and noted that there are two sides to every story and what was said was not completely true. He explained that it is only natural to defend something that he has worked so hard for and to protect his staff and Pet Lodge family.

Mr. Ciardella continued that he understands that the sound from his facility has become a problem for surrounding neighbors. He first addressed a few points that were made at the last meeting. He reported that he purchased the business in 2017; it was being run as a kennel and grooming facility. Mr. Ciardella obtained his CO and proper paperwork which clearly stated he is a kennel owner, and the grooming facility and day care are part of this. He added that the services he offers are the same offered by the previous owner for the past 12 years. He further reported that since purchasing the property he has do nothing to renovate the kennel except remove and old chimney which was permitted with construction that was done to the residential portion of the house; where he lives.

Mr. Ciardella referenced that in 1985 and 1992 when Sheldon Kaiser applied for and was approved for residential work to the house; the work was never actually done. And the building is the same as it was in 1985 and he is currently following the same guidelines given by the previous owner. He next commented that the fencing is not a permanent structure but are rather panels that he moves about the yard to quiet the dogs that get loud when they play together. He explained that it is a tool to help them manage the dogs on the property.

He next addressed the parking on Cedar Lane and that they have never parked on Cedar Place as mentioned at a previous meeting. Additionally, they don't walk their dogs off the property. Mr. Ciardella next commented that they don't treat their dog inhumanely and they are not over packed in crates; all the dogs have a 4x6 crate and are barking because they are excited to see each other and are playing. He also commented that they have passed all their surprise health inspections and they are closed on all holidays. However, they still have to come in and let the dogs out that are boarding; 2 hours in the morning and 2 hours in the afternoon.

Mr. Ciardella also heard on one of the recordings; one of the Board members stating they are on their side. He stressed that there isn't a side to be taken; he is also a River Vale resident and lives here with his wife and two children. He added that a happy resolution is what they're looking for and he understands that something needs to be done to rectify the situation. Mr. Ciardella also commented that the Police Department have visited their property over 30 times in the past two months and at some point this does become harassment for them as well. He added that this has been very stressful for himself and his staff who are fearful that they may not have a job in the future.

Amy Peret—9 Prospect Avenue, Woodcliff Lake—Ms. Peret found out about the noise complaint against the Pet Lodge and can't believe this is such a big issue. She has brought her dog Macy to the Pet Lodge since she was a puppy. Ms. Peret added that her dog is boxer; who has high energy and needs to run and play outside. She added that dog owners don't just leave their anywhere without any thought or consideration; their dogs are like their children and they want to know that where their putting them is safe.

Ms. Peret continued that the Pet Lodge and their staff go above and beyond to make sure the dogs are safe and she trusts the entire staff. She furthered commented that the Pet lodge is part of the community and the business has been in the same location for years; even before Jack was running it. Any new neighbors should have done their homework about where they were moving. Ms. Peret hopes the Town does the right thing and continues to support the Pet Lodge; just like the Pet Lodge supports the people and animals of the community.

Sally Frank—549 Barr Court—Ms. Frank is here this evening with her husband and two neighbors who are residents of Barr Court. She explained that they are here regarding the terrible flooding on Barr Court; the flooding comes down the cul-de-sac and from Faletti Circle above them. Ms. Frank reported that since 2009 they've experienced four tremendous floods; where cars in their garage have been totaled by 3 feet of water. Ms. Frank added that this is no one's fault; and they have all put drains on their property to help resolve the issue; however, at this point she is making a petition to everyone here that something has to be done.

Ms. Frank commented that Rich Campanelli with the DPW has been helpful by checking their drains and cleaning their catch basins. However, they have been notified by their insurance company that they are going to lose their insurance coverage due to all the claims. Ms. Frank is here hoping that something can be done at Barr Court and that this issue will also make it hard to sell their homes in the future.

Pam Berg—556 Barr Court—Ms. Berg reported that the water comes from Faletti through her property and then down to Sally's house. Ms. Berg also commented that she put in a tremendous amount of drainage around her pool to try and help the problem. She also gave pictures of how the water collects in front of her house to the Township Engineer. Ms. Berg has also lost cars and had major damage to her pool from the flooding and she too is asking for help from the Town.

Chris Statile reported that there are drainage improvements for Barr Court in this year's Road Program. He explained that there will be additional storm drains placed on the street to help intercept the runoff. Mr. Statile also asked Rich Campanelli to remove the new catch basin heads and replace with the old which are bigger. Additionally, Mr. Statile plans to mill and repave the cul-de-sac to help the water to gutter itself.

Len Soyka—553 Barr Court—Mr. Soyka reported that there are no drains on the right side of the road where the water is congregating. He also has lost 3 cars in September and the Frank's lost 2 cars and he doesn't see the Town addressing anything. Mr. Soyka requested a time table for when something is going to be done and wants action now.

Council President Bromberg understands the urgency and is sorry for the destruction; however, as the Engineer stated the work will be done in this year's Road Program. Chris Statile added that they are adding additional drains to Barr Court on both sides of the street. Mr. Statile further commented that they are trying to cutoff the runoff from Faletti before it gets to the cul-de sac bulb.

Councilman Donovan commented that they have a plan to address the issue and questioned when the Road Program will be out to bid. Mr. Statile responded that the Road Program is currently out to bid. Councilman Donovan stated that theoretically within the next month they should have the bids and a contract. Mr. Statile added that the bids for the Road Program are being received on July 21st and the contract award will be at the July 25th Council meeting with work starting August/September. Mr. Statile will make this item a priority in the contract.

Jessica Maftus—293 Grand Boulevard, Emerson—Ms. Maftus is former River Vale resident who grew up in Town. Ms. Maftus stated that she is here to speak in support of the Pet Lodge; and she is disheartened to hear that there are people in Town looking to cause trouble for the Pet Lodge. She explained that the Pet Lodge is a long term establishment that has done nothing but care for animals. Ms. Maftus volunteers with a local rescue Peace for Paws; that recues dogs from all over. She continued that the Pet Lodge has always opened their doors to help and takes exceptional care of the rescues for emergency boarding and day care. Ms. Maftus added that Jack and his staff are remarkable and are willing to go above and beyond to help dogs in need. Ms. Matfus encourages to Town to think about the animals and the patrons and understand that without the Pet Lodge's support; foster based organizations won't be able to save as many dogs as they do.

Jamie Kessler—Park Ridge—Ms. Kessler commented that she got a pandemic pet and now she is back in the office. Ms. Kessler commented that the happiest part of her day is going to the Pet Lodge in the morning and picking him up in the afternoon.

19 Foxhill Road, Upper Saddle River—He is also here this evening in support of the Pet Lodge and has a Covid puppy. He explained that they looked at other places and it was a disaster. He found the Pet lodge by word of mouth from people who recommend and trust them to take care of the animals.

Craig Lane, 30 Shadyside, Dumont—Mr. Lane is also the owner of Obedient K-9; which is a business affiliate of the Pet Lodge. Mr. Lane only sends his dog to the Pet Lodge and stressed that people want to trust where they send their dog and this is a cohesive environment. He added that Jack and his staff do a phenomenal job making sure all the dogs are cared for and safe.

Jennifer—39 Roosevelt Avenue, Westwood—Jennifer is with Peace for Paws. She brought a copy of the River Vale Neighbor's magazine when they honored the Pet Lodge. Jennifer also mentioned that they bring so many dogs from all over and Jack always finds a way to get their dogs in. They are also helpful gathering information about the dog to help with the adoption process. The Pet lodge also welcomes their volunteers and helps the kids get their Silver and Gold awards.

Cara Flemming—516 Cedar Place—Ms. Flemming just moved to the neighborhood; she is a nurse practitioner and works very long shifts. Ms. Flemming is no stronger to noise having lived in the City; however, the disruption from the dogs is extensive. Ms. Flemming stated that she's concerned the dogs are stressed as well. She also hopes this comes to a resolution and noted that a lot of the people that have their dogs at the Pet Lodge are not from the neighborhood and don't hear what's happening during the day. Ms. Flemming added that she would not leave her dog there and this is very concerning to her.

Christine Haller—506 Oakland Avenue—Ms. Haller has lived here for 20 years and knew when she moved here that the Pet Lodge was there. Ms. Haller brings her dog there, her dog loves it and she's not worried about bringing her dog there.

Fred Wolfmeyer—Plainview, NY—Mr. Wolfmeyer used to live in Ramsey. He commented that Jack saved his daughter; she worked at the Pet Lodge and had a lot of anxiety. Mr. Wolfmeyer is here today to support the Pet Lodge and when he lived in Ramsey he used the Pet Lodge extensively. He also feels sorry for the people who are new to the neighborhood and the barking may seem extensive now but is background noise. Mr. Wolfmeyer hopes the Pet Lodge can continue as is; they provide a great service to the Town.

Vincent Saporito—504 Cedar Place—Mr. Saporito played a recording of the dogs barking on his phone. He stated that this is not background noise but 8 hours of his day and this is from his backyard. Mr. Saporito also finds it a little insulting when people say you should have done your research about where you moved; especially when they don't live in the vicinity of this issue. He is also anxious to hear Jack's ideas for a resolution to this problem.

Brian Welfel—771 Westwood Avenue—Mr. Welfel commented that he is a big fan of the Pet Lodge but he is here for a different topic; Puffs City opening up at 669 Westwood Avenue. He has lived here since 1990, his parents moved here because they wanted him to have a good community to grow up in and he would like the same for his daughter. Mr. Welfel stressed that it's very important they consider what's being sold; even though it's legal, but rather how it's communicated to our youth.

Mr. Welfel called the owner and asked that they remove the child themed bong and marijuana paraphernalia from the window. He also suggested that they not sell rainbow vapes. Mr. Welfel reported that the owner did put paper up on the windows and suggested that they may only sell cigarettes and cigars. Mr. Welfel feels this is a topic that needs to be discussed and he doesn't like the idea of vape shops opening up in Town where the kids can see it. Mr. Welfel is interested in the Town having a solution and to put some conditions on the zoning in addition to what is legal.

Ryan Krauchick— 506 Cedar Place—Mr. Krauchick appreciates everyone coming out this evening. He noted that no one has ever brought up shutting down the Pet Lodge business nor has it been their intention. Mr. Krauchick added that they just want to be able to enjoy their property. Mr. Krauchick was also insulted when people have stated that they should have done their research. He explained that he spoke to neighbors, spoke to prior employees and prior owners of the Pet Lodge before they even purchased their house; and therefore had a very good idea of what they were getting into. Mr. Krauchick didn't expect to move next to a dog kennel and not hear any noise; which is not realistic. He also noted that there are people who have lived in this area for 30 years; and there has been a noticeable difference in the noise in the past couple of years. Mr. Krauchick was expecting 2 hours in the morning and 2 hours in the afternoon and if that were the case he doesn't think they would all be here in this situation. He added that this is not the case; he has 14 months of videotape of having dog noise throughout the day.

Mr. Krauchick doesn't object to the 2 hours in the morning and afternoon but rather the intensity. He apologized to Jack and his staff if they have felt any stress; he can empathize as he has shingles and mono which are both stress induced illnesses. Mr. Krauchick explains that it's the 70 decibels and intense loudness and that they can't enjoy their properties. He also wants to hear what Jack has to say and his proposal.

Kathleen Lacey—513 Herrmann Avenue—Ms. Lacey has lived here for 27 years and knows what it was like before; it was 2 hours a day that the dogs were allowed out and they were used to the noise. Ms. Lacey explained that everything has changed and it sounds like there are 100 dogs in the backyard. She doesn't have a problem with the Pet Lodge; however, she can't enjoy her property. Ms. Lacey also stated that there have been definite changes from 2 hours to 2 hours to 8 hours and she doesn't know how that was allowed.

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

RESOLUTIONS

Motion by Councilman Donovan; second by Councilwoman Sieg to approve Resolution #2022-134 as follows:

Resolution #2022-134

RESOLUTION APPROVING MINUTES MAY 9, 2022 COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the May 9, 2022 Regular meeting of the Township Council are hereby approved.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilwoman Sieg and Council President Bromberg voted yes. Councilman Criscuolo abstained.

Motion by Councilman Criscuolo; second by Councilwoman Sieg to approve Resolutions #2022-135 through #2022-148 as a Consent Agenda as follows:

Resolution #2022-135

REFUND

(Camp Have Some Fund Registration Fee)

WHEREAS, the following individual has requested a refund of their Camp Have Some Fun registration fee; and

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

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

Payable to:

Armie Dy

52 Oak Street

Hillsdale, NJ 07642

Refund Amount: \$ 232.50

Resolution #2022-136

RESOLUTION CONFIRMING APPOINTMENT OF ENVIRONMENTAL CONSULTANT

WHEREAS, on December 16, 2021 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 2022 contracts; and

WHEREAS, the Township desires to award a Professional Services Contract for the position of Environmental Consultant; and

WHEREAS, one proposal received from the firm of The Environmental Group, 530 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677 has been reviewed and determined to be in the best interest of the Township of River Vale to award a contract to The Environmental Group.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale that The Environmental Group is hereby appointed as Environmental Consultants for a one (1) year term expiring December 31, 2022.

Resolution #2022-137

RESOLUTION APPROVING LIQUOR LICENSE RENEWALS FOR THE JULY 1, 2022 THROUGH JUNE 30, 2023 TERM

WHEREAS, the following liquor license holders have submitted their renewal application through the POSSE ABC portal and paid the required fee as directed by the Division of Alcoholic Beverage Control; and

WHEREAS, the following liquor license holders have paid the municipal fee and a Tax Clearance Certificate has been received; and

WHEREAS, the applicants are qualified to be licensed per the standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Township Ordinances.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of River Vale hereby authorizes the renewal of the following liquor licenses for the July 1, 2022 through June 30, 2023 term.

BE IT FURTHER REOLVED that the Township Clerk is hereby authorized to issue liquor licenses as follows:

PLENARY RETAIL CONSUMPTION LICENSE

#0253-33-007-009	Let's Meat Steakhouse LLC 625 Rivervale Road River Vale, NJ 07675	\$2,000.00
#0253-33-006-009	Blutarsky LLC (Valley Burgers & Brew) 640 Westwood Avenue River Vale, NJ 07675	\$2,000.00
#0253-33-005-005	P & D, Inc. (Florentine Gardens) 97 Rivervale Road River Vale, NJ 07624	\$2,000.00

Resolution #2022-138

RESOLUTION URGING THE NEW JERSEY LEGISLATURE TO AMEND THE BUDGET CAP LAW TO APPROPRIATE FUNDS FOR INCREASING INSURANCE COSTS

WHEREAS, pursuant to N.J.S.A. 40A:4-45, et al, a municipality is required to limit any increase in its levy to 2.0% and any increase in appropriations to 2 1/2% or the cost-of-living adjustment, whatever is less, over the prior year's final appropriations subject to certain exceptions; and

WHEREAS, all local public entities, including participating municipalities in the Municipal Excess Liability Joint Insurance Fund (MEL), has incurred an estimated \$50 million in COVID related worker's compensation claims and it is anticipated that these costs will continue to increase as a result of long-term COVID cases; and

WHEREAS, a 2021 New Jersey Department of Labor decision regarding worker's compensation funding has generated increased costs to the members of the MEL by over 10% in order to cover claims that were previously funded by the State pension system; and

WHEREAS, a recent amendment to the sexual molestation statute of limitations will increase total liability costs for members of the MEL system by an estimated amount of 6% in 2023; and

WHEREAS, the frequency of weather-related catastrophic claims and corresponding impacts are anticipated to increase property insurance costs by over 10% per year; and

WHEREAS, cyber liability events throughout the country have resulted in twice the amount of premium costs in 2022 and such costs are expected to accelerate at a pace far greater than the rate of inflation; and

WHEREAS, these increasing costs, regulations, policy decisions and environmental impacts are occurring when many other items and costs in municipal budgets are also increasing at an inflationary rate; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of River Vale that N.J.S.A. 40A:4-45 be amended to provide that appropriations in the first three years after the effective date of (this amendment) for liability insurance, worker's compensation insurance, cyber insurance, and property insurance be exempt from the Appropriation CAP and the Levy CAP.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the New Jersey Legislative representatives for the Township of River Vale.

Resolution #2022-139

REFUND

(RVCC Spring Ladies Golf Clinic Registration Fee)

WHEREAS, the following resident is requesting a refund for a duplicate payment of the 2021 Spring Ladies Golf Clinic registration 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 refunds are approved and the Treasurer is hereby authorized to issue a municipal check payable as follows:

Mary Ellen O'Doherty
512 Brook Avenue
River Vale, NJ 07675

Refund: \$150.00

Resolution #2022-140

REFUND

(Golf Outing Deposit)

WHEREAS, the following organization is requesting a refund for a deposit for a Golf Outing at the River Vale Country Club that has been cancelled; 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:

"Knights of Columbus"
St. Thomas More Council 2188
40 Crest Street
Westwood, NJ 07675

Refund Amount: \$ 2,000.00

Resolution #2022-141

RESOLUTION

REFUND 2ND QUARTER PROPERTY TAX OVERPAYMENT

WHEREAS, a tax overpayment was received for the 2nd quarter of 2022 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 2103, Lot 10.05
125 Rivervale Road
River Vale, NJ 07675

Refund amount \$2,152.28

Check payable to:

Lakeland Bank
Attn: Diane Perez – Escrow Dept
250 Oak Ridge Road
Oak Ridge, NJ 07438

Resolution #2022-142

REFUND

(Safety Town Registration Fee)

WHEREAS, the following resident has requested a refund of their Safety Town registration fee; and

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

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

Payable to:

Emily Donatello

548 Elizabeth Avenue

River Vale, NJ 07675

Refund Amount: \$ 57.50

Resolution #2022-143

RESOLUTION

CHAPTER 159

2022 Clean Communities Grant

WHEREAS, N.J.S.A. 40A:4087 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item has been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$ 20,927.54 which is now available from the Solid Waste Administration 2022 Clean Communities Grant program.

BE IT FURTHER RESOLVED that the sum of \$ 20,927.54 is hereby appropriated under the caption of Public and Private Programs.

Resolution #2022-144

RESOLUTION AUTHORIZING APPOINTMENT OF MUNICIPAL REPRESENTATIVES

TO THE BERGEN COUNTY COMMUNITY DEVELOPMENT

REGIONAL COMMITTEE (2022-2023)

WHEREAS, the Municipality of River Vale has entered into a three year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:8a-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council to appoint a representative and alternate for the FY 2022-2023 term starting July 1, 2022 and ending on June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council hereby appoints Gennaro Rotella as their representative and Karen Campanelli as an alternate to serve on the Community Development Regional Committee for FY 2022-2023.

BE IT FURTHER RESOLVED that an original, certified copy of this resolution be immediately emailed and sent via postage to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor, Hackensack, New Jersey 07601.

Resolution #2022-145

RESOLUTION

CHAPTER 159

2022 NJDOT Municipal Aid Program

(Dorchester Drive & Colonial Road Reconstruction)

WHEREAS, N.J.S.A. 40A:4087 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item has been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$ 201,000.00 which is now available from the NJDOT Municipal Aid Grant Program for the reconstruction of Dorchester Drive and Colonial Road.

BE IT FURTHER RESOLVED that the sum of \$ 201,000.00 is hereby appropriated under the caption of Public and Private Programs.

Resolution #2022-146

RESOLUTION AUTHORIZING NOT TO EXCEED LIMITATIONS FOR CHRISTOPHER P. STATILE, P.A FOR THE 2022 ROAD PROGRAM

WHEREAS, on February 18, 2022 the Township Engineer, Christopher P. Statile, P.A. submitted a proposal for the preparation of bid specifications and the provision of full time inspection and monitoring services of the 2022 Road Program as follows;

- **Project Design, Specifications and Construction Monitoring Services: \$ 30,650.00**

WHEREAS, the Chief Financial Officer has certified the availability of funds in the Capital Account.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of River Vale that not to exceed limitations are hereby approved and established in the amount of \$30,650.00 for the engineering firm of Christopher P. Statile, P.A.

Resolution #2022-147

RESOLUTION AUTHORIZING NOT TO EXCEED LIMITATIONS FOR CHRISTOPHER P. STATILE, P.A FOR THE STORM DRAIN IMPROVEMENTS PROJECT (TIFFANY & WILSON/BEECHCREST DRIVE)

WHEREAS, on February 9, 2022 the Township Engineer, Christopher P. Statile, P.A. submitted a proposal for the preparation of bid specifications and the provision of full time inspection and monitoring services of the Storm Drain Improvements Project as follows:

- **Project Design, Specifications and Construction Monitoring Services: \$ 34,650.00**

WHEREAS, the Chief Financial Officer has certified the availability of funds in the Capital Improvement Fund Account and Current Account.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of River Vale that not to exceed limitations are hereby approved and established in the amount of \$34,650.00 for the engineering firm of Christopher P. Statile, P.A.

Resolution #2022-148

REFUND

(Golf Outing Deposit)

WHEREAS, the following organization is requesting a refund for a deposit for a Golf Outing at the River Vale Country Club that has been cancelled; 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:

“Haworth Fire Company”
17 Hardenburgh Avenue
Haworth, NJ 07641

Refund Amount: \$ 500.00

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

There were no Ordinances for 1st or 2nd Reading.

2nd Hearing of the Public

Motion by Councilman Donovan; second by Councilman Criscuolo to open the meeting to the public.

Jack Ciardella—272 Cedar Lane—Mr. Ciardella has spoken to Ryan and told him that if they were having a barbeque to let him know and they would cancel daycare for the day. He also suggested this option to anyone as a short term plan. He next reviewed his solutions; and explained that long before any of this started he had been working with an engineer and architect to renovate the kennel. Mr. Ciardella noted that it was to only to update the kennel which is antiquated and not expand. He clarified that the dogs are inside by 5:00 at night until the next morning.

Mr. Ciardella is setting up a plan to help mitigate the noise problem by setting up partitions so the dogs can't see each other. He explained that this is a big expensive process that he has not brought to the Board yet. Mr. Ciardella has also spoken to Norm Dotto who is an acoustical engineer and is certified by the Institute of Noise Control Engineering and runs Russell Acoustics. He further commented that Mr. Dotto has worked with many dog kennels and will be visiting his property on the 20th. Mr. Ciardella is doing his best to rectify the problem; adding that it's a timely and costly project. The preliminary numbers are upwards to spending \$100,000 on sound barriers for the property. He is also looking at 15 foot wood fencing; similar to those seen on highways. He is also asking for patience as he still has to run his business. He also clarified that none of the dogs are being mistreated.

Mr. Ciardella noted that a lot of lifestyles have changed in the area with more people working from home; however, they have not changed except that they have more dogs due to the pandemic. He added that the acoustical engineer can help as he has helped other kennels. Mr. Ciardella will provides updates with this information when available.

Councilman Criscuolo asked for clarification regarding Mr. Ciardella saying the dogs are out 2 hours in the morning and 2 hours in the afternoon/evening and other are saying they are out for 8 hours a day.

Mr. Ciardella responded that the business is run in 3 parts; the grooming, the daycare and kennel which are adjoined. The dogs that are boarding overnight are the dogs going out 8 to 10 and 3- 5; the daycare dogs are the ones running and playing in the yard during the day.

Ryan Krauchick—506 Cedar Place—commented that this has been our frustration; that it has been all day and it's really hard to hear one noise all day. He added that people comment on hearing a couple of trains but it's not none stop all day. He has spoken to prior employees, owners and neighbors and in the past it was only the 2 hours in the morning and 2 in the evening; which was their expectation when they moved in. Mr. Krauchick understands that there was a pandemic and a new need for a daycare facility; this is a great thing to have but not in a residential neighborhood. He added things have changed for people that don't own a kennel during a pandemic; some people work from home, some have children home with them all day and it's not reasonable or healthy to have 8 ½ hours of dogs barking all day.

Mr. Krauchick noted the 70 decibels is a lot for any residential neighborhood to hear. They want a solution that works for everybody, they don't want the business shut down, they want Jack to run his business and support the community but they also have the right to use and enjoy their property which is not too much to ask.

Brian Welfel—771 Westwood Avenue—Mr. Welfel offered some proactive suggestions; he noted that vaping, and marijuana products are licensed at the State level. He reported that the States has ban flavored consumption of vapes and he feels this should be expanded to our local Town. Mr. Welfel also suggested no rainbow colored packaging and signage with characters in the windows. He was also looking for the owner of the property in the event there is an issue and you'd like to speak to someone. Mr. Welfel next suggested updating the Zoning laws to ban types of vice products and a fee per sale to help with youth programs and to raise awareness. He also suggested tracking the sale of the product in the event it ends up with a child; it could be brought back and somehow the retailer could be held responsible.

Council President Bromberg commented that when cannabis was being discussed last summer; the Township voted down all 6 options of cannabis businesses from manufacturing to distribution. He explained that they can't restrict any legal paraphernalia. The Township Attorney added that you can't restrict a business from selling that which is legal. Ms. Raso explained that if the store and business is permissible and is selling products that it's licensed to sell you can't select what you like and don't.

Mr. Welfel is not concerned about legalization personally but maybe something can be done with regard to signage perhaps to hold River Vale businesses to a higher standard.

Councilman Criscuolo clarified that if something is prohibited by the State we wouldn't have to do anything in River Vale. Council President Bromberg agreed that State law supersedes. He added that flavored vapes are illegal because they are attractive to youths; however, we can't make a law in River Vale regarding selling in multi-colored packaging.

Mr. Welfel feels the Town does have some controls over marketing.

Ms. Raso commented that the Township does not have the authority to legislate how a product is marketed; this is done by State legislators. She continued that if it is something that is prohibited, then their job would be to enforce that which is prohibited.

Mr. Welfel commented that if possible he would like to make it more difficult for vice businesses to not open up in Town.

Ms. Raso added that this is a zoning issue and the zoning ordinances would determine what can and can't open and the Zoning Code clearly state what is and isn't allowed.

Councilman Donovan shared that River Vale used to have prohibitive Zoning ordinances; and it was very onerous for people who wanted to open a business even as times changed. Councilman Donovan explained they changed the ordinance several years back so businesses like this are permitted with the exception of the items they don't want. Councilman Donovan suggested that maybe this is something they can look into for future businesses and place additional limitations or stipulations.

George Harshberger—237 William Street—Mr. Harshberger commented that Jack runs a very good business. He has lived in River Vale for 38 years and his parents for 42 years; and he has not personally noticed any increase in the noise level. Mr. Harshberger lives one block away; he hears the dogs in the morning and evening but not 8 hours a day. He also feels this is a small business that does a great deal of good for the community and people really appreciate what they do.

Vincent Saparito—504 Cedar Place—Mr. Saparito is totally content with what Jack said about remediating some of the issues. He added that people that live a little further away might not get the same intensity but he would like everyone to be in favor of bringing the intensity down.

Yvonne --299 Kinderkamack Road, Westwood—Yvonne has worked at the Pet Lodge for 13 years as a groomer. Yvonne commented that the dogs are excited and happy and have never been happier since Jack has owned the business. She added that they love the dogs and some of the dogs are young and learning their manners and they are trying to help teach them. Yvonne further commented that the dogs are not stressed but rather excited to spend the day with them.

Cara Flemming—516 Cedar –Ms. Flemming doesn't doubt that the animals are loved. Her children want to play in their yard and on their deck with their dog. Ms. Flemming wants to be outside enjoying her yard and it's very upsetting that they can't. She also has a pool which they would like to enjoy; instead her kids are worried about the dogs.

George Harshberger—237 William Street—Mr. Harshberger had a practice in Carlstadt for 50 years and at that time the airport was there. He explained that the area was a swamp then and is now all built up and completely changed and people are complaining about the noise from the airport. Mr. Harshberger added that the airport was there when they moved there. He further commented that it's the same with the kennel;

it was there when you moved there. Mr. Harshberger lives on William Street and the woods and cemetery are between his home and the Pet Lodge. He added that in the past couple years the noise has not gotten any worse. Additionally, Jack seems to be doing everything he can to eliminate the problems in order to help the people in the neighborhood.

There being no further questions or comments from the public. Motion by Councilman Criscuolo; second by Councilman Ben-Yishay to close the hearing of the public.

RESOLUTION

Motion by Councilman Criscuolo; second by Councilman Donovan to approve Resolution #2022-149 as follows:

Resolution #2022-149

RESOLUTION AUTHORIZING THE COUNCIL TO ENTER INTO CLOSED SESSION

BE IT RESOLVED, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 *et seq.* the Township Council of the Township of River Vale will now convene into Closed Session to discuss Litigation matters.

BE IT FURTHER RESOLVED that upon adjourning from Closed Session no action will be taken.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

Motion by Councilman Criscuolo; second by Councilman Donovan to adjourn from Closed Session.

ADJOURNMENT

Motion by Councilman Criscuolo; second by Councilman Ben-Yishay to adjourn the meeting at 9:45pm.

Council President Bromberg

ATTEST:

Karen Campanelli, Township Clerk

