

A G E N D A
Combined Meeting of the Mayor and Council
Wednesday, September 9, 2020
7:00 PM

CONFERENCE CALL PHONE NUMBER 1-646-307-1479, GUEST PASSCODE 476570

CALL THE MEETING TO ORDER

STATEMENT

“This is a Combined Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting has been advertised in the official Newspapers of the Borough, filed with the Acting Borough Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at public meetings.”

SALUTE TO THE FLAG & SILENT PRAYER

ROLL CALL

Name	Present	Absent
Mayor Marana	=	=
Councilman Argiro	=	=
Councilman DeLisio	=	=
Councilman Devlin	=	=
Councilman McGuire	=	=
Councilman Shepard	=	=
Councilman Sotiropoulos	=	=

APPROVAL OF MINUTES

Combined Meeting of August 12, 2020

Motion	Second	Name
=	=	Councilman Argiro
=	=	Councilman DeLisio
=	=	Councilman Devlin
=	=	Councilman McGuire
=	=	Councilman Shepard
=	=	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	=	=	=	=
Councilman DeLisio	=	=	=	=
Councilman Devlin	=	=	=	=
Councilman McGuire	=	=	=	=
Councilman Shepard	=	=	=	=
Councilman Sotiropoulos	=	=	=	=

APPOINTMENTS & PERSONNEL CHANGES

AWARDS & PROCLAMATIONS

MONTHLY CORRESPONDENCE

The following reports are on file in the Borough Clerk’s office and can be viewed by the public between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

- Building Department - August
- Fire Department
- Fire Prevention
- Recreation Minutes

Tax Collector – July, August
Grantswriter - August

CORRESPONDENCE

RESOLUTIONS – Consent Agenda

“All items are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Any item may be removed for further discussion or for a roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business”

Motion	Second	Name
=	=	Councilman Argiro
=	=	Councilman DeLisio
=	=	Councilman Devlin
=	=	Councilman McGuire
=	=	Councilman Shepard
=	=	Councilman Sotiropoulos

RESOLUTION #2020-109

TITLE: APPROVE CONDITION RESOLUTION FOR LIQUOR LICENSE FOR NOELEEN LLC T/A BIDDY O’MALLEY’S PUB – 191 PARIS AVENUE FOR THE TERM JULY 1, 2020 THROUGH JUNE 30, 2021

WHEREAS, Noeleen LLC t/a Biddy O’Malley’s Pub, 191 Paris Avenue, in the Borough of Northvale, has applied for renewal of its Plenary Retail Consumption License; and

WHEREAS, in January of 1988, a condition was placed upon said license with the consent of the license holder to the extent that the emergency fire door on the west side of the building was to be kept closed at all times and not opened except in case of an emergency and an alarm placed on said door, and that a letter be submitted yearly citing no objection to the liquor license from St. Anthony’s Church; and

NOW, THEREFORE, BE IT RESOLVED, that the Plenary Retail Consumption License of Noeleen LLC t/a Biddy O’Malley’s Pub, License No. 0240-33-011-007, is hereby renewed for the time period effective July 1, 2020 through June 30, 2021.

BE IT FURTHER RESOLVED that the Acting Borough Clerk be and she is hereby authorized to forward this resolution to the ABC of the State of New Jersey.

RESOLUTION #2020-110

TITLE: APPROVE LIQUOR LICENSES FOR THE TERM OF JULY 1, 2020 THROUGH JUNE 30, 2021

WHEREAS, the following liquor license holders have paid the required fee to the Borough of Northvale for renewal of their licenses for the July 1, 2020 through June 30, 2021 term, which was extended to September 30, 2020

NOW, THEREFORE, BE IT RESOLVED that the Acting Borough Clerk be and is hereby authorized to issue liquor licenses as follows:

PLENARY RETAIL DISTRIBUTION LICENSE

NAME	ADDRESS	FEE	TAX CC	PAID
0240-44-001-005 Sun Ae Kim	176 Livingston Street	\$938.75	Yes	Yes

PLENARY RETAIL CONSUMPTION LICENSE

NAME	ADDRESS	FEE	TAX CC	PAID
0240-33-002-003 Madeleine's Petit Paris	416 Tappan Road	\$2,000.00	Yes	Yes
0240-33-007-013 Taste of Spain, LLC	493 Tappan Road	\$2,000.00	Yes	Yes

RESOLUTION #2020-111

TITLE: AUTHORIZE THE CHIEF FINANCIAL OFFICER TO ISSUE A REFUND DUE TO THE OVERPAYMENT OF TAXES

BE IT RESOLVED by the Mayor and Council of the Borough of Northvale that a warrant be drawn as indicated below in the designated amount representing a duplicate tax payment as follows:

Block/Lot	Name /Address	Date Paid	Amount
209/16	PennyMac Loan Services Attn: Tax Refund Department 6101 Condor Drive Moorpark, CA 93021 Property – 353 Bradley Avenue	5/14/2020	\$2,646.00

BE IT FURTHER RESOLVED that Mr. Lee did not respond to my letter but PennyMac Loan Services did and they request the refund be sent to them.

RESOLUTION #2020-112

TITLE: AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REFUND ZONING PERMIT FEE – NORTHVALE COLLISION CENTER LLC – 205 PEGASUS AVENUE

WHEREAS, the above mentioned applicant paid fees for a zoning permit for the above mentioned premises; and

WHEREAS, said applicant has paid the zoning application fee twice;

NOW THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to refund the permit fee in the amount of \$50.00 to:

Northvale Collision Center LLC
205 Pegasus Avenue
Northvale, New Jersey 07647

RESOLUTION #2020-113

TITLE: APPROVE THE LOSAP QUALIFIERS FOR THE YEAR 2019 FOR THE FIRE DEPARTMENT AND AMBULANCE CORPS

WHEREAS, the Volunteer Fire Department and Ambulance Corps have notified the Acting Borough Clerk of the LOSAP Qualifiers for the year 2019 in writing; and

WHEREAS, the Plan Administrator/Acting Borough Clerk is satisfied that the substantiated information has been provided;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby approve the qualifiers for LOSAP for the year 2019;

BE IT FURTHER RESOLVED that the Plan Administrator/Acting Borough Clerk prepare the necessary paperwork and voucher in the amount of \$

FIRE DEPARTMENT

	NAME	AMOUNT
1.	Charles J. Amorosso	917.98
2.	Charles S. Amorosso	917.98
3.	Gregory Amorosso	917.98
4.	Jason Banzaca	31.05
5.	Ashley Bodrato	917.98
6.	Briant Bodrato	917.98
7.	Christopher Bodrato	917.98
8.	Peter Briscoe	886.93
9.	Robert Brondi	917.98
10.	Vincent Carney	917.98
11.	S. Cooke	917.98
12.	Wayne Degen	917.98
13.	Francis Devlin	917.98
14.	Brian England	917.98
15.	Frank Ferraro	917.98
16.	Dakota Firenze	917.98
17.	Scott Firenze	917.98
18.	Raymond Frosco	917.98
19.	Michael Gaggin	917.98
20.	Thomas Gannon	917.98
21.	Thomas Gaspari	917.98
22.	Edward Giannotti	917.98
23.	Edward Kammer	917.98
24.	Robert Kilpatrick	917.98
25.	Myung Kim	31.05
26.	Gerard Marsh	917.98
27.	Christopher McGuire	31.05
28.	William McGuire	917.98
29.	Devon Modery	904.49
30.	Howard Ostrow	13.49
31.	Corey Patullo	917.98
32.	Michael Pizzi	917.98
33.	Edward Rejmaniak	917.98
34.	Richard Remy	13.49
35.	C. Renner	917.98
36.	William Sillery	917.98
37.	Chris Smithson	917.98
38.	G. Smithson	917.98
39.	G. Thompson	31.05
40.	Y. Trela	13.49
41.	Anthony Ubl	917.98
42.	Edward Witkowski	917.98

AMBULANCE CORPS

	NAME	AMOUNT
43.	Mary Beth Craven	917.98
44.	Abbey Fallon	917.98
45.	Theresa Frohlich	917.98
46.	Julie Haffler	917.98
47.	Zachary Hine	917.98
48.	James Ippolito	917.98
49.	Henry Kowal	917.98

50.	Thea McDaniell	917.98
51.	Samantha McKinley	917.98
52.	Kara McMorrow	917.98
53.	Kyle Rusch	917.98
54.	Peter Sotiropoulos	917.98
55.	Vincent St. Angelo	917.98
56.	Kevin Trainor Sr.	917.98
57.	Taylor Verdigi	917.98
58.	Joe Visconi	917.98
59.	John McGuire	886.93
	TOTAL	\$47,724.04

RESOLUTION #2020-114

TITLE: APPROVE A ONE YEAR EXTENSION WITH NEW JERSEY TECHNICAL SERVICES, INC., FOR ELEVATOR SUB CODE INSPECTIONS PER CONTRACT APPROVED BY THE MAYOR & COUNCIL VIA RESOLUTION #2018-143 DATED 11/20/18 FOR THE YEAR 2020

WHEREAS, that above contract was approved for the year 2020; and

WHEREAS, Section 1 of the contract entitled “Contractor’s Duties and Contract Term” Item D specifies that the Borough will also have the sole and exclusive option to extend the third party inspection contract for two one-year extensions prior to the current contract expiring; and

WHEREAS, the Borough’s Construction Code Official, Joseph Zavarino, feels that it is in the best interest of the Borough to exercise its option to extend the contract at this time for a one year term pursuant to the terms of N.J.S.A.40A:11-15 by providing written notice to the Contractor and the New Jersey Department of Regulatory Affairs prior to the end of the contract term;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale that the above mentioned contract is hereby extended for one year;

BE IT FURTHER RESOLVED, that the Acting Borough Clerk forward a copy of this Resolution to the Contractor, New Jersey Technical Services, Inc. and a copy to the New Jersey Department of Regulatory Affairs.

RESOLUTION #2020-115

TITLE: RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BY AND BETWEEN BOROUGH OF NORTHVALE, MASER CONSULTING, P.A. AND NORTHVALE SHOPPING CENTER ASSOCIATES

WHEREAS, the Borough is the owner of certain real property commonly known as 254 Livingston Street, Northvale, New Jersey; and

WHEREAS, in or about 2013 Northvale Shopping Center Associates (“NSCA”) made application to the Northvale Planning Board to develop property identified on Tax Map of the Borough of Northvale and commonly known as Block 303, Lots 5, 6, 8, 13, & 15 and more commonly known as 246-254 Livingston Street, Northvale, New Jersey (the "Property"); and

WHEREAS, NSCA obtained approval from the Northvale Planning Board to construct an expanded shopping center by an addition of 15,000 ft² to the existing Shop-Rite Supermarket building (the “Building”) and a new 24,500 ft² retail building on the Property (the “Project”); and

WHEREAS, on or about September 11, 2013, NSCA entered into a certain Developer’s Agreement with the Borough of Northvale and the Northvale Planning Board setting forth the terms and conditions of NSCA’s approval to proceed with the Project (the “Developer’s Agreement”); and

WHEREAS, pursuant to paragraph 21 of the Developer’s Agreement, NSCA agreed to implement certain elements of the Borough’s remedial-action obligations for contaminated soil that occurs on the Property; and

WHEREAS, the remedial-action obligations stemmed from the Borough’s foreclosure of the property (the location of the former Tect, Inc. chemical-specialty-products business), and the Borough’s 10+-year remedial investigation of the property wherein a variety of volatile organic compounds (VOCs), poly-chlorinated biphenyls (PCBs), and other anthropogenic contaminants were found to have impacted the soil beneath the subject property; and

WHEREAS, the Borough retained Maser Consulting, P.A. to serve as the Licensed Site Remediation Professional (LSRP) with the authority to supervise and approve implementation of the soil remedy for the Property, under ultimate authority of the New Jersey Department of Environmental Protection (“NJDEP”); and

WHEREAS, the NJDEP’s Publicly Funded Site Remediation Element has assumed responsibility for the cleanup of site-related groundwater contaminants; and

WHEREAS, NSCA previously agreed, as set forth in the Developer’s Agreement, and continues to agree to be responsible for compensating the Borough’s LSRP for the services performed at the Property that ensure program compliance with NJDEP rules and regulations; and

WHEREAS, NSCA agreed and continues to agree to compensate the Borough’s Engineer for all services provided related to construction oversight, remediation system installation, operation, maintenance, and optimization and other environmental tasks related to the Project as set forth in the Developer’s Agreement and as set forth herein; and

WHEREAS, it is in the best interest of the Parties to memorialize each parties understanding and responsibilities as to the services provided by the LSRP, the fees to be paid on account of same and the responsible party for the payment of those fees; and

WHEREAS the agreement between the Borough of Northvale, Maser Consulting, P.A. and Northvale Shopping Center Associates, annexed hereto as Exhibit A, details the services to be provided by Maser, along with the payment obligations of NSCA (the “Agreement”); and

WHEREAS, it is in the best interest of the Borough to execute the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Northvale hereby authorizes the Mayor and Acting Borough Clerk to execute and deliver the Agreement set forth in this resolution.

Name	Yes	No	Absent	Abstain
Councilman Argiro	=	=	=	=
Councilman DeLisio	=	=	=	=
Councilman Devlin	=	=	=	=
Councilman McGuire	=	=	=	=
Councilman Shepard	=	=	=	=
Councilman Sotiropoulos	=	=	=	=

RESOLUTION #2020-116

TITLE: PAYMENT OF BILLS

Motion	Second	Name
=	=	Councilman Argiro
=	=	Councilman DeLisio
=	=	Councilman Devlin
=	=	Councilman McGuire
=	=	Councilman Shepard
=	=	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	=	=	=	=
Councilman DeLisio	=	=	=	=
Councilman Devlin	=	=	=	=
Councilman McGuire	=	=	=	=
Councilman Shepard	=	=	=	=
Councilman Sotiropoulos	=	=	=	=

**DISCUSSION –
PSE&G Direct Install Program -**

ORDINANCES – 2ND READING

ORDINANCE #1024-2020

ORDINANCE AMENDING AND MODIFYING SECTION CHAPTER 200, ARTICLE 15 OF THE BOROUGH CODE

Motion	Second	Name
=	=	Councilman Argiro
=	=	Councilman DeLisio
=	=	Councilman Devlin
=	=	Councilman McGuire
=	=	Councilman Shepard
=	=	Councilman Sotiropoulos

Section 1. Purpose & Authority. The purpose of this ordinance is to modify and amend Chapter 200-15, Fences and Walls, fee pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. (amendments are highlighted, deletions strikethrough).

200-15 Fences and fence walls.

A. Residential zones.

(1) No fence or fence wall in a required yard shall exceed six feet in height, measured from the highest point of ground at its base, except where required by this chapter to screen parking areas. No fence or fence wall in any required front yard shall exceed three feet in height.

(2) No fence, shrubs or other obstruction to visibility, exclusive of trim trees or existing buildings, shall be built, planted or maintained upon a corner lot within 25 feet of any street intersection. Any existing obstruction of this character which within the foregoing limits curtails the view of drivers of vehicles approaching the intersection shall be removed by and at the expense of the owner of such corner lots within six months of the date of the passage of this chapter.

(3) No fence or fence wall (except a retaining wall) over six feet in height shall hereafter be erected within 10 feet of a property line. Any fence or fence wall erected pursuant to this chapter in a residential zone shall be placed such that its good side faces outwards from the property on which it is so erected

(4) No fence wall and/or retaining wall shall be constructed within five feet of any fence.

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Northvale Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Northvale Code.

Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

OPEN MEETING TO THE PUBLIC

CLOSE MEETING TO THE PUBLIC

ROLL CALL VOTE

Name	Yes	No	Absent	Abstain
Councilman Argiro	=	=	=	=
Councilman DeLisio	=	=	=	=
Councilman Devlin	=	=	=	=
Councilman McGuire	=	=	=	=
Councilman Shepard	=	=	=	=
Councilman Sotiropoulos	=	=	=	=

OPEN TO THE PUBLIC

MAYOR & COUNCIL REPORTS

BOROUGH ENGINEER REPORT

BOROUGH ATTORNEY REPORT

CLOSED SESSION – TIME:

*Action may **not** be taken upon return to open session.*

RESOLUTION #2020-117

TITLE: TO PROVIDE FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A 10:4-12

Motion	Second	Name
=	=	Councilman Argiro
=	=	Councilman DeLisio
=	=	Councilman Devlin
=	=	Councilman McGuire
=	=	Councilman Shepard
=	=	Councilman Sotiropoulos

WHEREAS, it is necessary for the Council of the Borough of Northvale to discuss in session not open to the public certain matter relating to an item or items authorized by NJSA 10:4-12b, as listed below:

- = 1. Matters required by law to be confidential
- = 2. Matters where the release of information would impair the right to receive funds.
- = 3. Matters involving individual privacy
- = 4. Matters relating to collective bargaining
- = 5. Matters relating to the purchase, lease or acquisition of real property or the investment of public funds.
- = 6. Matters relating to public safety and property.
- = 7. Matters relating to litigation, negotiations and attorney client privilege.
- = 8. Matters relating to the employment relationship – Personnel
- = 9. Matters relating to the potential imposition of a penalty.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Northvale that immediately after the adoption of this resolution the Council shall enter into closed session.

Name	Yes	No	Absent	Abstain
Councilman Argiro	=	=	=	=
Councilman DeLisio	=	=	=	=
Councilman Devlin	=	=	=	=
Councilman McGuire	=	=	=	=
Councilman Shepard	=	=	=	=
Councilman Sotiropoulos	=	=	=	=

RETURN TO OPEN SESSION: TIME:

Motion	Second	Name
=	=	Councilman Argiro
=	=	Councilman DeLisio
=	=	Councilman Devlin
=	=	Councilman McGuire
=	=	Councilman Shepard
=	=	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	=	=	=	=
Councilman DeLisio	=	=	=	=
Councilman Devlin	=	=	=	=
Councilman McGuire	=	=	=	=
Councilman Shepard	=	=	=	=
Councilman Sotiropoulos	=	=	=	=

ADJOURNMENT: TIME:

Motion	Second	Name
=	=	Councilman Argiro
=	=	Councilman DeLisio
=	=	Councilman Devlin
=	=	Councilman McGuire
=	=	Councilman Shepard
=	=	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	=	=	=	=
Councilman DeLisio	=	=	=	=
Councilman Devlin	=	=	=	=
Councilman McGuire	=	=	=	=
Councilman Shepard	=	=	=	=
Councilman Sotiropoulos	=	=	=	=

DRAFT - SUBJECT TO CHANGE