

Mayor Marana asked for a motion and 2nd to approve the Special Meeting of April 28, 2022 AND Closed Session Meeting of April 28, 2022.

MOTION: Councilman McGuire

SECOND: Councilman DeLisio

ROLL CALL

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Yes	Councilwoman McMorro	Yes

MONTHLY CORRESPONDENCE

The following reports are on file in the Municipal 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
Colliers Engineering
Fire Prevention
Millenium Strategies
Recreation Minutes
Tax Collector

CORRESPONDENCE

1. Colliers Engineering – May 3, 2022
2022 Riverside Coop Road Improvement Project
(Resolution #2022-87)

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: Councilman Devlin

SECOND: Councilman DeLisio

RESOLUTION #2022-85

TITLE: RESOLUTION OF THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY AUTHORIZING PERMIT FOR FIREWORKS DISPLAY AT HOGAN PARK

WHEREAS, an application was received from Legion Fireworks Co., Inc. of 10 Legion Lane, Wappingers Falls, New York 12590 applying for a permit to perform a ground to air fireworks display on June 25, 2022 with a rain date of June 26, 2022; and

WHEREAS, the vendor has provided necessary surety guarantees required by Chapter 56 of 2015 International Fire Code – New Jersey edition and NFPA 1123, 1124, and 1126 and submitted the necessary permit application consistent with that section and all supporting materials; and

WHEREAS, the Chief of Police and Fire chief of the Borough of Northvale have reviewed the application and have approved the issuance of the permit.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Northvale, County of Bergen, State of New Jersey, that the application of Legion Fireworks Company for a permit to perform a ground to air fireworks display at Hogan Park on June 25, 2022, rain date of June 26, 2022, be and is hereby approved, with said permit to be issued in the name of the Mayor

and Council of Northvale, upon preparation by the Municipal Clerk, subject to execution by the Chief of Police, Fire Chief, and Fire Official.

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized and directed to provide a copy of this resolution to the New Jersey Department of Labor’s Office of Safety Compliance, the vendor and the Chief of Police, Fire Chief and Fire Official of the Borough of Northvale.

RESOLUTION #2022-86

TITLE: RESOLUTION TO WAIVE FIRE PREVENTION FEES FOR FIREWORKS DISPLAY AT HOGAN PARK

WHEREAS, the Fire Association will be hosting 125th Anniversary on June 25, 2022, rain date of June 26, 2022; and

WHEREAS, there will be a firework display to celebrate the Anniversary; and

WHEREAS, the Mayor & Council have agreed to waive the fire prevention fee.

NOW, THEREFORE BE IT RESOLVED, that the Mayor & Council will waive the fire prevention fee for the Fire Association’s 125th Anniversary firework display on June 25, 2022, rain date of June 26, 2022.

RESOLUTION #2022-87

TITLE: RESOLUTION AUTHORIZING PAYMENT FOR THE 2022 RIVERSIDE COOPERATIVE ROAD IMPROVEMENT PROJECT

WHEREAS, Northvale, acting as lead agency, administered the bid process for the 2022 Riverside Cooperative Road Improvement Project (the “Project”) on behalf of the Boroughs of Alpine, Cresskill, Demarest, Dumont, Englewood Cliffs, Harrington Park, Harrington Park BOE, New Milford, Northvale, River Edge and Tenafly, all municipalities located within the County of Bergen; and

WHEREAS, on April 19, 2022 sealed bids for the Project were received, opened and read aloud and the Project was subsequently awarded to American Asphalt & Trucking LLC in the amount of \$4,293,049.69; and

WHEREAS, the Borough of Northvale’s portion of the Project is \$326,970.93; and

WHEREAS, it is in the best interest of the Borough to pay its portion of the Project.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council hereby approve the payment of \$326,970.93 for the Project.

RESOLUTION #2022-88

TITLE: RESOLUTION CALLING FOR 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 Borough of Northvale, 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;**

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 data-mining, 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, by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, find 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.

RESOLUTION #2022-89

TITLE: PAYMENT OF BILLS

WHEREAS, claims have been submitted to the Borough of Northvale in the following amounts under various funds of the borough:

Current Fund Appropriations (2021)	
Current Fund Appropriations (2022)	\$362,107.91
General Capital Fund	\$9,093.80
Grant Fund	\$378.00
Animal Trust	\$6.00
Police DEA Trust	\$2,696.75
Escrow Trust	\$10,810.00
Affordable Housing Trust	
Recreation Trust	\$11,868.54
Summer Recreation Trust	\$1,500.00
TOTAL	\$398,461.00

WHEREAS, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, council liaison, finance committee, and/or the chief financial officer; and

WHEREAS, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Northvale, and that the claims specified on the schedule attached hereto, following examination and approval by the finance committee, be paid and checks issued accordingly; and

WHEREAS, claims have already been paid in the following amounts for the purposes specified below during the course of the year:

Payroll – Salaries & Wages	04-01-2022	\$148,085.98
Payroll – Salaries & Wages	04-15-2022	\$162,358.98
Payroll – Salaries & Wages	04-29-2022	\$155,582.08
Health Benefits	April 2022	\$50,124.18
TOTAL		\$516,151.22

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale that the claims totaling **\$914,612.22** and ratified respectively

ROLL CALL

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Yes	Councilwoman McMorro	Yes

OPEN MEETING TO THE PUBLIC

Mayor Marana opened the meeting to the public. There being no questions or comments, Mayor Marana closed the meeting to the public.

MAYOR AND COUNCIL REPORTS

Council President DeLisio – reported that the Police Department received a \$7,000 grant to participate in Distracted Driver for the month of April. The funds were used for overtime hours. The Police had 414 traffic stops with 119 summons being issued. Millenium is working with our Engineer for the 2nd phase of the Veterans Drive project. On April 20th we submitted a \$1.5MM grant through Community Funding Project. The local congressional district is in support of field upgrades. Congressman Gottheimer was here to promote this project. The larger cities have an advantage. Northern Valley Greenway met on May 5th. The NJDOT did a presentation on future trails. The next meeting is June 2nd.

Mayor Marana initially didn't want to apply, but concluded that it was a useful exercise because we finally have an estimate of what the discussed Veterans Park field upgrades would cost.

Councilwoman McMorrow – reported that the Ambulance Corps is looking for new blood to the organization, which is becoming very challenging. A few members attended opening day for baseball/softball. Some members will be playing in the Harlem Globetrotters game at the high school. The Ambulance Corps had 15 calls for the month of April. The Northern Valley Chamber of Commerce met on April 27th in the Senior Center. The Manager from Kearny Bank has joined. The next Board of Health meeting is June 16th.

Council President DeLisio is trying to put something together to provide EMT training to high school students. He is arranging a meeting with the technical school superintendent and director of operations to discuss setting this up. He asked Councilwoman McMorrow to attend.

Councilwoman McMorrow said the training is very time consuming.

Councilman Devlin – reported on the activities the Senior Center offers. The planting by the new pavilion looks great and he thanked Billy, Eddie, and Daryl. Also thank you to Frank Smith for the concrete work. The Golden Age Club enrollment is up. The Fire Department had 13 calls for the month of April.

Councilman Hogan – reported that the Building Department issued 18 permits for the month of April for a total of \$12,874. The year to date collected is \$52,098. The Planning Board met on April 20th and had one application for 258 Livingston Street. A bulk variance was granted. Both he and the Mayor could not vote on this. Next meeting was May 4th with two applications. The first was 180 Railroad Avenue for a subdivision which was granted. The second was for 234B Industrial Parkway for a site plan and variance which also was granted. He saw in the newspaper that Bergen County Housing Authority is opening up Section 8 waitlist.

Councilman Argiro – reported that the Library had a special meeting to discuss a capital improvement plan. They are ready to go out to bid with guidance from Roy Sokoloski. Marianne Brennan, the Children's Director, last day is Monday. Recreation opening day went very well. The fields looked great thanks to Billy, Briant, and the DPW. The children had a great time. Summer basketball starts next month.

Councilman McGuire – reported that the Preschool will be having graduation on June 15th. They are planning on having it on the front lawn of Borough Hall at 6:00 PM instead of at the school. Northvale Public School has a 2% increase in taxes for residents for the 2022/2023 budget. The school will be hiring a Principal soon. Superintendent Piniajian's contract has been renewed to 2027. Graduation is June 13th. The next Board of Education meeting is May 26th. Northern Valley also had an increase in taxes in the budget. However, the Northvale portion will be going down. This is good news for the Northvale residents. Graduation at the high school is June 23rd.

Mayor Marana - informed the Council that the streetscape work is underway. The Open Space grant application for the dog run was submitted on May 5th with an expected award date of Spring, 2023. CSX still has not signed off on the Clinton Avenue paving project. They have a

problem with something in the plans on the northwest side of the crossing. They will be sending written notification to Colliers this week. It sounds like a conflict between what the CSX Consulting Engineer wants and DOT standards. The Budget – we have \$258,000 from American Rescue funds that has not been used plus another \$258,000 coming in 2022. We can easily do a budget with no tax increase. We can use funds to offset the police salaries. The IT upgrades at the Firehouse will be covered. Steve Wielkocz will be back after Memorial Day. We can have a budget meeting either the 1st or 2nd Tuesday to discuss. The Grantswriter informed him that the Borough needs someone to enter documentation via the portal. Councilman McGuire asked didn't it say we cannot use the funds for tax relief. Council President DeLisio stated he read what the CFO presented and it was not clear. Mayor Marana would like to meet with Mr. Wielkocz who will advise what we can and cannot do with the funds. Mayor Marana also stated that we can use the funds for any public safety purpose.

BOROUGH ENGINEER REPORT

Ms. Raffay – reported that the Veterans Drive grant for 2022 was accepted by the DOT with change limits. The other half of Veterans Drive application is due July 1st. Paris/Livingston Streetscape is under construction. Still waiting to hear from CSX on Clinton Avenue. We had a Precon meeting for Riverside Coop on Tuesday. Northvale Precon meeting will be scheduled. On May 1st the Tier A stormwater report was submitted. Thank you to Billy, Briant, and Fran for getting the information to submit the report on time. There are educational points that each town should do. If you get more points, you receive better recognition. Council President DeLisio said John and he could get the BCUA to go to the school. Councilman McGuire will also speak to the school. The Senior Center Pavilion looks beautiful and the plantings look great. The Open Space application for the dog park was submitted.

BOROUGH ATTORNEY REPORT

Ms. Rosendahl – reported that she has been working on the update to the bylaws. She may have something ready next month. She has several items for closed.

Mayor Marana asked for a motion and 2nd to go into Closed Session. He stated action will definitely be taken on two items upon return to open session.

Action may not be taken upon return to open session.

RESOLUTION #2022-90

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: Councilman DeLisio

SECOND: Councilman Argiro

WHEREAS, the Council of the Borough of Northvale is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6, et seq; and

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

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.

ROLL CALL

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Yes	Councilwoman McMorrow	Yes

CLOSED SESSION – 7:34 PM

RETURN TO OPEN SESSION – 8:00 PM

Mayor Marana states there are two resolutions to be voted on.

RESOLUTION #2022-91

TITLE: RESOLUTION CONVERTING SERGEANT CHARLES AMOROSSO’S SUSPENSION WITH PAY TO A SUSPENSION WITHOUT PAY

MOTION: Councilman DeLisio SECOND: Councilman Argiro

WHEREAS, a Sergeant Charles Amorosso, a member of the Northvale Police Department (“Amorosso”), was previously suspended with pay pending further investigation by the Bergen County Prosecutor’s Office; and

WHEREAS, pursuant to N.J.S.A. 40A:14-149.1, whenever an officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, said officer may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated; and

WHEREAS, the Bergen County Prosecutor’s Office has charged Amorosso with the crime of Second Degree Theft, an offense which involves moral turpitude and dishonesty; and

WHEREAS, it is in the best interest of the Borough to convert Amorosso’s suspension from a suspension with pay to a suspension without pay; and

WHEREAS, Amorosso is presumed innocent unless and until proven guilty beyond a reasonable doubt; and

WHEREAS, it is further in the best interest of the Borough to permit Amorosso to utilize any available vacation time during the period of his suspension.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Northvale that Amorosso shall be suspended without pay effective immediately and shall be notified of the option to utilize any available vacation time.

ROLL CALL

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Abstain	Councilwoman McMorrow	Yes

RESOLUTION #2022-92

TITLE: RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH THE CRESSKILL BOARD OF EDUCATION

MOTION: Councilman Hogan SECOND: Councilman McGuire

WHEREAS, Cho Dae Presbyterian Church of NJ (the “Church”), owner of real property located at 119 Rockland Avenue and 150 Railroad Avenue in the Borough of Northvale (the “Property”), previously applied for and was granted a site plan modification approval together with a D (1) Use Variance and relief from prior Resolutions 2013-03, 2014-06, 2015-07 and 2016-04 by the Northvale Zoning Board of Adjustment (the “Application”); and

WHEREAS, the Application sought approval to lease portions of the existing building currently approved for use as a church, to the neighboring municipality of Cresskill, to allow for temporary emergency use as a school for junior and senior high school students. The proposed school use will have 850 students and 75 staff, which totals 925 occupants; and

WHEREAS, in making the Application, the Church sought to assist the Cresskill BOE Junior /Senior High School that was damaged as a result of Hurricane Ida flooding and permit the Cresskill BOE to operate its Junior/Senior High School at the Property with school hours running from 9am to 2pm, Monday through Friday; and

WHEREAS, as a condition of approval of the Application, the tenant, the Cresskill BOE (“Cresskill BOE”), was required to enter into an Agreement with the Borough of Northvale, to provide for the reimbursement of all costs incurred by the Borough, as a result of the Cresskill BOE’s tenancy;

WHEREAS, the Agreement between the Borough of Northvale and Cresskill BOE provides for the payment of fees by the Cresskill BOE to the Borough of Northvale in connection with fees and expenditures made by the Borough resulting from the Cresskill BOE’s use of the Property including but not limited to expenditures relating to police, fire, DPW and certain utilities as more fully set forth on the attached Agreement; and

WHEREAS, it is deemed to be in the best interests of the Borough to authorize the Mayor to execute the Agreement.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Northvale hereby authorizes the Mayor to execute the Agreement with Cresskill BOE.

ROLL CALL

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Yes	Councilwoman McMorro	Yes

ADJOURNMENT

Motion by Councilman DeLisio, seconded by Councilman Hogan to adjourn the meeting at 8:02 PM. All were in favor to adjourn.

Patrick J. Marana

Mayor

ATTEST:

Frances M. Weston

Frances M. Weston

Municipal Clerk

Approved: June 8, 2022

