

**M I N U T E S**  
**Sine Die Meeting of the Mayor and Council**  
**Tuesday, December 29, 2020**  
**7:00 PM**

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

**CALL THE MEETING TO ORDER**

Mayor Marana called the meeting to order at 7:00 PM via telephone conference call.

**STATEMENT**

Mayor Marana read the “Sunshine Statement” into the record as follows:

*“This is the Sine Die Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting have 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**

Mayor Marana and Acting Clerk Weston rose for a Salute to the flag.

**ROLL CALL**

Name	Present	Absent
Mayor Marana	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**AWARDS & PROCLAMATIONS**

Mayor Marana read the Certificate of Recognition for Councilman Ken Shepard as it was his last meeting. He served as Councilman from 2012-2020. Mayor Marana thanked him for his many years on the Council.

**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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Sotiropoulos

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**RESOLUTION #2020-156**

**TITLE: AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REFUND TAXES  
OVERPAID DUE TO STATE TAX COURT JUDGMENT**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Northvale, that the Chief Financial Officer is hereby authorized to refund the following overpayment of taxes due to State Tax Board Judgment:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
602	5	S.C. Construction Corp.	\$4,537.06	2013
		S & R Costa Realty, LP	\$4,641.69	2014
			\$4,749.93	2015
		Zipp & Tannenbaum, LLC	\$4,827.50	2016
		Attorney Trust Account	\$4,935.74	2017
		280 Raritan Center Parkway	\$2,272.00	2018
		Edison, New Jersey 08837	\$2,340.00	2019
Property – 227 Union Street	\$2,425.60	2020		

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Northvale that the Chief Financial Officer shall issue the check in the amount of **\$30,729.52 to Zipp & Tannenbaum, LLC Attorney Trust Account** and forward it to Zipp & Tannenbaum, LLC.

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**RESOLUTION #2020-157**

**TITLE: AUTHORIZE THE CHIEF FINANCIAL OFFICER TO REFUND TAXES  
OVERPAID DUE TO STATE TAX COURT JUDGMENT**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Northvale, that the Chief Financial Officer is hereby authorized to refund the following overpayment of taxes due to State Tax Board Judgment:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
603	5	Bruce J. Stavitsky, Esq. for benefit of	\$2,925.00	2019
		Filia Realty Corp A NJ Corp.		
		Stavitsky & Associates LLC		
		350 Passaic Avenue		
		Fairfield, NJ 07004		
		Property – 210 Industrial Parkway		

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Northvale that the Chief Financial Officer shall issue one check in the amount of **\$2,925.00 to Bruce J Stavitsky, Esq. for benefit of Filia Realty Corp A NJ Corp** and forward it to Stavitsky & Associates LLC.

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**RESOLUTION #2020-158**

**TITLE: RESOLUTION SUPPORTING SOLAR LANDSCAPE'S APPLICATION  
TO THE NEW JERSEY BOARD OF PUBLIC UTILITIES TO CONSTRUCT A  
COMMUNITY SOLAR PROJECT IN THE BOROUGH OF NORTHLAKE**

**WHEREAS**, The State of New Jersey adopted the 2019 New Jersey Energy Master Plan, Pathway to 2050 (EMP); and

**WHEREAS**, Strategy 6 of the EMP calls for support of community energy planning and action with support of community-led development of community solar projects; and

**WHEREAS**, the Borough of Northvale acknowledges the direct benefits of community solar projects as approved by the New Jersey Board of Public Utilities, including but not limited to the reduction of energy bills for all participants and local, clean power generation; and

**WHEREAS**, Solar Landscape will be applying to the New Jersey Board of Public Utilities to construct a community solar project at 251 Union Street in the Borough of Northvale; and

**WHEREAS**, it is in the best interest of the Borough to support the Solar Landscape community solar project for 251 Union Street, Northvale.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale, County of Bergen and State of New Jersey, that the Borough of Northvale does hereby support the Solar Landscape community solar project proposed for 251 Union Street, Northvale, New Jersey.

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#### **RESOLUTION #2020-159**

#### **TITLE: VOIDING AND CANCELLING OUTSTANDING CHECKS ISSUED PRIOR TO JUNE 30, 2020 THAT ARE STATE-DATED**

**WHEREAS**, outstanding checks exist in Various Bank Accounts of the Borough of Northvale; and

**WHEREAS**, checks that remain outstanding for six months or more become state-dated and cannot be cashed by the financial institution; and

**WHEREAS**, it is the recommendation of the auditor that state-dated checks be canceled

**NOW THEREFORE, BE IT RESOLVED** that any checks issued prior to June 30, 2020 that remain outstanding be cancelled and funds be transferred back to the respective funds.

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#### **RESOLUTION #2020-160**

#### **TITLE: TRANSFER OF APPROPRIATIONS FROM THE CURRENT FUND BUDGET FOR 2020 IN THE AMOUNT OF \$135,000.00**

**WHEREAS**, N.J.S.A.40:4-49 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budgeted appropriations;

**NOW THEREFORE, BE IT RESOLVED**, that the attached transfers are hereby authorized in the total amount of \$135,000.00;

<b>GENERAL APPROPRIATIONS</b>	<b>ACCOUNT #</b>	<b>GROUP</b>	<b>FROM</b>	<b>TO</b>
Administration	0-01-20-100-100	SW	11,000.00	
Administration	0-01-20-100-200	OE		10,000.00
Mayor & Council	0-01-20-110-200	OE		395.00
Financial Administration	0-01-20-130-200	OE	7,240.00	
Audit Services	0-01-20-135-200	OE		3,450.00
Tax Collection	0-01-20-145-200	OE		2,711.00
Planning Board	0-01-21-180-200	OE		5,500.00
Construction Code	0-01-22-195-200	OE		4,600.00
Code Compliance	0-01-22-196-100	SW		390.00
Insurance Other	0-01-23-205-200	OE	650.00	
Health Benefits	0-01-23-220-200	OE	17,000.00	
Prosecutor	0-01-25-275-100	SW	13,310.00	
Prosecutor	0-01-25-275-200	OE		13,310.00

Streets & Roads	0-01-26-290-200	OE	35,000.00
Recycling	0-01-26-300-100	SW	3,100.00
Recycling	0-01-26-300-200	OE	3,400.00
Solid Waste Collection	0-01-26-305-200	OE	1,750.00
Buildings & Grounds	0-01-26-310-200	OE	6,500.00
Sewer System	0-01-26-311-200	OE	13,500.00
Health	0-01-27-330-100	SW	9,000.00
Senior Center	0-01-27-360-100	SW	1,450.00
Senior Center	0-01-27-360-200	OE	350.00
Public Events Celebration	0-01-30-420-200	OE	4,100.00
Electricity	0-01-31-430-200	OE	15,000.00
Street Lighting	0-01-31-435-200	OE	3,000.00
Telephone	0-01-31-440-200	OE	1,000.00
Water	0-01-31-445-200	OE	2,000.00
Natural Gas	0-01-31-446-200	OE	10,000.00
Fire Hydrants	0-01-31-450-200	OE	164.00
Gasoline Vehicle Fuel	0-01-31-460-200	OE	18,000.00
Solid Waste Disposal	0-01-32-465-200	OE	1,750.00
Pensions - PERS	0-01-36-471-200	OE	16,342.50
Social Security	0-01-36-472-200	OE	15,000.00
Pensions - DCRP	0-01-36-474-200	OE	2.50
Municipal Court	0-01-43-490-100	SW	8,035.00
Municipal Court	0-01-43-490-200	OE	4,000.00
Prior Year Bills Legal Services	0-01-46-880-200	OE	8,000.00
		<b>135,000.00</b>	<b>135,000.00</b>

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## **RESOLUTION #2020-161**

### **TITLE: APPROVE 2019 AUDIT AND CORRECTIVE ACTION PLAN**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R. S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “General Comments & Recommendations”; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “General Comments & Recommendations” as evidenced by the group affidavit form of the governing body; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and,

upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough of Northvale hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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**RESOLUTION #2020-162**

**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 (2019)	
Current Fund Appropriations (2020)	\$166,320.60
General Capital Fund	\$10,815.06
Grant Fund	
Police DEA Trust	
Animal Trust	
Food Trust	
Escrow Trust	\$14.73
Recreation Trust	\$16.15
Summer Recreation Trust	
<b>TOTAL</b>	<b>\$177,166.54</b>

**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 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 purpose specified below during the course of the year:

Payroll – Salaries & Wages	12-11-2020	\$167,557.09
Payroll – Salaries & Wages	12-24-2020	\$229,858.75
Health Benefits	December 2020	\$49,825.72
School Taxes – Local	December 2020	\$843,293.75
<b>TOTAL</b>		<b>\$1,290,535.31</b>

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale that the claims totaling **\$1,467,701.85** and ratified respectively

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ORDINANCES – 2<sup>ND</sup> READING**

**ORDINANCE #1027-2020**

**AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION  
N.J.S.A. 40A:4-53**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

**BE IT ORDAINED** by the Borough Council of the Borough of Northvale, County of Bergen, State of New Jersey, that pursuant to N.J.S.A. 40A:4-53(m) (Ch. 144, P.L. 1965 as amended, including Ch. 46, P.L. 2010 and P.L. 2020 c. 74) the sum of \$88,000 is hereby appropriated for COVID-19 affected revenue losses and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53 and 40A:4-55.

The amount to finance the appropriation shall be provided for in succeeding annual budgets beginning in 2022 by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).

**BE IT FURTHER ORDAINED**, that this ordinance shall take effect at the time and in the manner provided by law.

**OPEN HEARING TO THE PUBLIC**

Mayor Marana opened the meeting to the public for questions or comments on Ordinance #1027-2020 only.

**CLOSE HEARING TO THE PUBLIC**

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

**ROLL CALL VOTE**

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ORDINANCE #1028-2020**

**AN ORDINANCE OF THE BOROUGH OF NORTHVALE AMENDING AND SUPPLEMENTING CHAPTER 200 ENTITLED “ZONING”, ARTICLE III “REGULATIONS AND RESTRICTIONS”, ARTICLE IV ENTITLED “MULTIPLE-FAMILY HOUSING DISTRICTS”, AND ARTICLE VIII “SIGNS”**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman DeLisio
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

**WHEREAS**, the Borough adopted a 2020 Master Plan & Development Regulations Reexamination (“Reexamination”) on March 4, 2020; and

**WHEREAS**, the Reexamination makes a recommendation to permit digital signs and allow solar panels as an accessory use; and

**WHEREAS**, the Mayor and Council have reviewed the Reexamination and agree

Chapter 200 should be amended to address digital signs and solar panels.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Northvale, as follows:

**SECTION 1.** Chapter 200 of the Code of the Borough of Northvale, Article I entitled “General Provisions”, Section 4 entitled “Word usage and definitions” is hereby amended and supplemented by adding the following underlined text, and inserting the term alphabetically:

B. In accordance with the within stated provisions, the following words and their derivations shall have the meanings herein given:

**SOLAR ENERGY SYSTEM**

A system of panels or other solar energy devices, including solar-related equipment, the purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating to a principal structure, which the system is mounted on.

**SECTION 2.** Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 6 entitled “R 12.5 and R 7.5 Residential Zones” is hereby amended and supplemented by adding the following underlined text:

A. In the R 12.5 and R 7.5 Residential Zoning Districts, the following uses are hereby expressly permitted, and no building, land or premises shall be used and no building shall be erected or altered which is constructed, designed, arranged or intended to be used in whole or in part for any other use than that which is expressly set forth herein:

(2) Accessorial uses.

(j) Roof-mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property.

**SECTION 3.** Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 7 entitled “C, C-1 and C-2 Commercial Zones” is hereby amended and supplemented by adding the following underlined text:

A. The following uses are expressly permitted in the C, C-1 and C-2 Commercial Zones in the Borough of Northvale, and no building, land or premises shall be used and no building shall be erected or altered which is constructed, designed, arranged or intended to be used in whole or in part for any other use than that which is expressly set forth herein, provided further that all commercial uses located within the C-1 Zoning District shall have frontage on either Paris Avenue or Livingston Street:

(2) Accessorial uses.

(g) Roof-mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property.

**SECTION 4.** Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 7.2 entitled “Professional Office Zone” is hereby amended and supplemented by adding the following underlined text:

A. The following uses are expressly permitted in the PO Professional Office Zone in the Borough of Northvale; and no building, land or premises shall be used and no building shall be erected or altered which is constructed, designed, arranged or intended to be used in whole or in part for any other use than that which is expressly set forth herein;

provided, further, that all professional office uses located within the PO Zoning District, when able to, shall have frontage on either Paris Avenue or Livingston Street.

(2) Accessorial uses.

(e) Roof-mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property.

**SECTION 5.** Chapter 200 of the Code of the Borough of Northvale, Article III entitled “Regulations and Restrictions”, Section 8 entitled “LI and LI-1 Light Industrial Zones” is hereby amended and supplemented by adding the following underlined text:

A. The following uses are expressly permitted in the Light Industrial Zones in the Borough of Northvale, and no building, land or premises shall be used and no building shall be erected or altered which is constructed, designed, arranged or intended to be used in whole or in part for any other use than that which is expressly set forth herein:

(2) Accessorial uses.

(i) Roof-mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property.

**SECTION 6.** Chapter 200 of the Code of the Borough of Northvale, Article IV entitled “Multiple-Family Housing Districts”, Section 16 entitled “Affordable Housing Community Commercial District” is hereby deleted in its entirety as the zone is not listed on the Zoning Map and replaced with “Reserved”.

**SECTION 7.** Chapter 200 of the Code of the Borough of Northvale, Article IV entitled “Multiple-Family Housing Districts”, Section 17 entitled “Adult Housing Zone (AHZ)” is hereby amended and supplemented by adding the following underlined text:

C. Accessory uses.

(8) Roof-mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property.

**SECTION 8.** Chapter 200 of the Code of the Borough of Northvale, Article IV entitled “Multiple-Family Housing Districts”, Section 19 entitled “AH-2 Affordable Senior Housing District” is hereby amended and supplemented by adding the following underlined text:

C. Accessory uses.

(5) Roof-mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property.

**SECTION 9.** Chapter 200 of the Code of the Borough of Northvale, Article IV entitled “Multiple-Family Housing Districts”, Section 19.1 entitled “Paris Avenue Inclusionary Overlay District” is hereby amended and supplemented by adding the following underlined text:

C. Permitted accessory uses.

(6) Roof-mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property.

**SECTION 10.** Chapter 200 of the Code of the Borough of Northvale, Article IV entitled “Multiple-Family Housing Districts”, Section 19.2 entitled “Residential Multifamily Inclusionary Overlay District” is hereby amended and supplemented by adding the following underlined text:

C. Permitted accessory uses

(6) Roof-mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property.

**SECTION 11.** Chapter 200 of the Code of the Borough of Northvale, Article VIII entitled “Signs”, Section 26 entitled “Definitions” shall be amended and supplemented by adding the following underlined text, and inserting the term alphabetically:

**DIGITAL SIGN**

A type of ground, monument, wall, or window sign which provides a message made up of internally illuminated components. Digital sign displays may include LCD, LED, or plasma displays.

**SECTION 12.** Chapter 200 of the Code of the Borough of Northvale, Article VIII entitled “Signs”, Section 28 entitled “Permitted Signs” shall be amended and supplemented by adding the following underlined text:

B. Business and industrial districts.

(5) Illumination of signs shall be in such a manner as to cause no glare or blinding light to adjacent properties or roadways. Digital signs are permitted, but shall not blink, flash, scroll, or animate. The message displayed on a digital sign shall not change more than once per day.

C. Shopping center developments.

(3) Digital signs are permitted provided that they do not blink, flash, scroll, or animate and the message displayed does not change more than once per day.

**SECTION 13.** All other sections of this Ordinance shall remain in full force and effect.

**SECTION 14.** All Ordinances and parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

**SECTION 15.** This Ordinance shall take effect immediately upon passage and publication as required by law.

**OPEN HEARING TO THE PUBLIC**

Mayor Marana opened the meeting to the public for questions or comments on Ordinance #1028-2020 only.

## CLOSE HEARING TO THE PUBLIC

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

## ROLL CALL VOTE

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## OPEN MEETING TO THE PUBLIC

Mayor Marana opened the meeting to the public for questions or comments.

## CLOSE MEETING TO THE PUBLIC

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

**CLOSED SESSION TIME: 7:12 PM**

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

## RESOLUTION #2020-163

**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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RETURN TO OPEN SESSION: TIME: 7:54 PM**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION #2020-164**

**TITLE: RESOLUTION AUTHORIZING EXECUTION OF CONTRACT OF EMPLOYMENT WITH NORTHLAKE POLICE CHIEF HOWARD OSTROW**

Motion	Second	Name
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

**WHEREAS**, Howard Ostrow was previously appointed as Chief of Police for the Borough of Northvale; and

**WHEREAS**, the parties wish to memorialize the terms and conditions of Chief Ostrow's employment by execution of a Contract of Employment; and

**WHEREAS**, both parties have reviewed and agreed upon the terms and conditions of the Contract of Employment; and

**WHEREAS**, since the original approval, Chief Ostrow has requested one additional change to the Contract regarding Long Term Sick Leave; and

**WHEREAS**, it is in the best interest of the Borough of Northvale to authorize the Borough Attorney to amend the proposed Contract of Employment to provide for a Long Term Sick Leave benefit and to authorize the Mayor to execute the Contract of Employment.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Northvale hereby authorizes the Borough Attorney to amend the Contract of Employment to provide for a Long Term Sick Leave benefit and to authorize the Mayor to execute the Contract of Employment with Police Chief Howard Ostrow.

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION #2020-165**

**TITLE: RESOLUTION AUTHORIZING DECLINE OF HEARING APPEAL FILED BY MICHAEL AND CHRISTINA PARKER, THOMAS AND KATHLEEN GAGGIN AND HELEN BOTTARI REGARDING ZONING BOARD OF ADJUSTMENTS APPROVAL OF SITE PLAN APPLICATION FOR 411 CLINTON AVENUE**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman Sotiropoulos

**WHEREAS**, pursuant to the Borough of Northvale's Borough Code §29-35 an appeal from any decision of the Zoning Board of Adjustment granting a use variance may be taken on the Governing Body, provided the appeal is made within 10 days of the date of publication of the final decision of the Zoning Board; and

**WHEREAS**, Borough Code §97-9 provides that any such appeal to the Governing Body must be accompanied by the application and appeal fee; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-17, within five days of service of the Notice of Appeal, the Appellant is required to arrange for a transcript of the hearings held before the Zoning Board of Adjustment and to pay a deposit of \$50.00 (or the estimated cost of the transcript, whichever is less) or the Appellant must submit the transcript to the municipal clerk within 35 days of service of the notice of appeal; and

**WHEREAS**, the Governing Body's decision on appeal must be rendered within 95 days of publication of the approval of the relevant application by the Zoning Board of Adjustment and a failure of the Governing Body to act shall be deemed an affirmation of the decision of the Zoning Board of Adjustment; and

**WHEREAS**, an appeal of the decision of the Northvale Zoning Board of Adjustment was filed on December 11, 2020 regarding site plan approval for a development at 411 Clinton Avenue (the "Appeal"), prior to the publication of the final decision of the Zoning Board of Adjustment; and

**WHEREAS**, the required filing fee was not paid, nor has a transcript been ordered, and the Appeal incorrectly cited an appeal to the Zoning Board of Adjustment rather than from a decision of the Zoning Board of Adjustment; and

**WHEREAS**, notwithstanding these procedural errors, it is in the best interest of the Borough to decline to hear the Appeal and to notify the Appellants of this decision so that Appellants may be given the opportunity to determine whether they wish to pursue their remedies in the Superior Court of New Jersey.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Northvale, County of Bergen and State of New Jersey, that the Borough Attorney is authorized to notify the Appellants the Governing Body has declined to hear the Appeal.

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADJOURNMENT – TIME 8:00 PM**

Motion	Second	Name
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Argiro
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilman DeLisio
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Devlin
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilman McGuire
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Shepard
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Sotiropoulos

Name	Yes	No	Absent	Abstain
Councilman Argiro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman DeLisio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Devlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Shepard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Sotiropoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Patrick J. Marana*  
Mayor

**ATTEST:**

*Frances M. Weston*

Frances M. Weston  
Acting Borough Clerk

Approved: February 10, 2021