**M I N U T E S**

**Special Meeting of the Mayor and Council**

**Thursday, April 28, 2022**

**7:00 PM**

**CALL THE MEETING TO ORDER**

Mayor Marana called the meeting to order at 7:00 PM in the Council Chambers at 116 Paris Avenue, Northvale, New Jersey 07647.

**OPEN PUBLIC MEETINGS ACT NOTICE**

Mayor Marana read the Open Public Meetings Acts Notice into the record as follows:

*“This is a Special 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 Newspaper of the Borough, filed with the Municipal 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 FLAG**

Mayor Marana asked everyone to stand and join him in a salute to the flag.

**ROLL CALL**

Mayor Marana Present Councilman Hogan Present

Councilman Argiro Present Councilman McGuire Present

Councilman DeLisio Present Councilwoman McMorrow Present

Councilman Devlin Present

Councilman DeLisio called in and then arrived at 7:11 PM.

**Other Officials Present**: Mr. Paul Kaufman, Borough Attorney, Ms. Marie Raffay, Borough Engineer – both via conference call, Ms. Frances Weston, Municipal Clerk in person

Mayor Marana informs the Council that George Vollmer has resigned from the Planning Board effective April 24, 2022. He thanks him for his many, many years of service.

Mayor Marana makes the following appointments:

**Planning/Zoning Board – Mayor’s Appointments**

Peter Briscoe to fill George Vollmer’s Class IV - term which expires 12/31/23

 Wayne Degen move to Alt. #1 – term expires 12/31/22

 Gerard McNerney Jr. move to Alt. #2 – term expires 12/31/22

 Brian Alfonso moves to Alt. #3 – term expires 12/31/23

**CORRESPONDENCE**

1. Colliers Engineering & Design – Letter April 20, 2022

2022 Riverside Coop Road Improvement Program

Award of Contract (Resolution #2022-80)

**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”*

Mayor Marana explains Resolution #2022-80 which is awarding the contract for 2022 Riverside Cooperative Road Resurfacing Program. Ms. Raffay explains that the award of $4,293,049.69 is covered by all of the Riverside Cooperative members.

**MOTION: Councilman Hogan SECOND: Councilman Argiro**

**RESOLUTION #2022-80**

**TITLE: AWARD CONTRACT FOR THE 2022 ROAD RESURFACING PROGRAM ON BEHALF OF THE RIVERSIDE COOPERATIVE**

**WHEREAS,** NJSA 40A:11-10(1) authorizes contracting units to enter into cooperative pricing agreements; and

 **WHEREAS,** the Borough of Northvale has volunteered to act as “Lead Agency” for the purchase of work, materials and supplies for the Riverside Cooperative for the year 2022; and

 **WHEREAS,** the Borough of Northvale received nine (9) bids on April 19, 2022 for the 2022 Riverside Cooperative Road Improvement Program on behalf of the Boroughs of Alpine, Cresskill, Demarest, Dumont, Englewood Cliffs, Harrington Park, Harrington Park BOE, New Milford, Northvale, River Edge and Tenafly; and

 **WHEREAS,** the bid opening was performed at the Borough of Northvale Borough Hall at 116 Paris Avenue in Northvale at which time the nine bids were read aloud; and

 **WHEREAS,** the bids have been tabulated and reviewed by Mr. Carl O’Brien of Colliers Engineering & Design, Borough Engineer for the Borough of Northvale and for the Riverside Cooperative.

 **NOW, THEREFORE BE IT RESOLVED,** that a contract be awarded to American Asphalt & Trucking LLC, 818 Summer Avenue, Newark, New Jersey 07104 in the amount of $4,293,049.69.

 **BE IT FURTHER RESOLVED** that the Northvale Mayor and Municipal Clerk be and are hereby authorized and directed to execute a Master Contract with the above named firm for the 2022 Road Resurfacing Program acting as the Lead Agency on behalf of the Riverside Cooperative, RC-35-21-01; and

 **BE IT FURTHER RESOLVED** that the Boroughs of Alpine, Cresskill, Demarest, Dumont, Englewood Cliffs, Harrington Park, Harrington Park BOE, New Milford, Northvale, River Edge, and Tenafly shall be responsible for entering into individual contracts with the above named firm covering the scope of work under the Base Bid for each respective municipality.

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 **RESOLUTION #2022-81**

**TITLE: RESOLUTION APPROVING THE 2022 EMERGENCY TEMPORARY APPROPRIATIONS**

**WHEREAS,** Section 40A:4-20 of the Revised Statutes of the Local Budget Act provides that, where any contract, commitments or payments are to be made prior to the adoption of the 2022 budget, emergency temporary appropriations be made for the purposes and amounts required in the manner and time therein provided; and

 **NOW, THEREFORE BE IT RESOLVED,** by the Mayor and Council of the Borough of Northvale, County of Bergen, that the following temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

|  |  |
| --- | --- |
| Mayor & Council |  |
| Salaries and Wages | 6,850.00 |
| Administration & Executive |  |
| Salaries and Wages | 16,400.00 |
| Other Expenses | 25,000.00 |
| Financial Administration |  |
| Salaries and Wages | 18,750.00 |
| Other Expenses | 5,500.00 |
| Collection of Taxes |  |
| Salaries and Wages | 16,700.00 |
| Other Expenses | 2,000.00 |
| Assessment of Taxes |  |
| Salaries and Wages | 5,550.00 |
| Other Expenses | 3,000.00 |
| Legal Services & Costs |  |
| Other Expenses | 22,500.00 |
| Engineering Services  |  |
| Other Expenses | 22,500.00 |
| Planning Board |  |
| Salaries and Wages | 1,000.00 |
| Other Expenses | 4,500.00 |
| Uniform Construction Code |  |
| Salaries and Wages | 28,000.00 |
| Other Expenses | 3,500.00 |
| Code Compliance |  |
| Salaries and Wages | 5,000.00 |
| Insurance |  |
| Worker's Compensation | 67,000.00 |
| Other Insurance | 1,500.00 |
| Group Insurance Plan | 100,000.00 |
| Police |  |
| Salaries and Wages | 425,000.00 |
| Other Expenses | 22,500.00 |
| Fire |  |
| Other Expenses | 13,000.00 |
| Fire House Rental | 3,050.00 |
| Fire Hydrant Service | 20,150.00 |
| Ambulance  |  |
| Ambulance Contribution | 7,500.00 |
| Fire Prevention Bureau |  |
| Salaries and Wages | 6,050.00 |
| Prosecutor  |  |
| Other Expenses | 3,200.00 |
| Municipal Court |  |
| Salaries and Wages | 15,000.00 |
| Other Expenses | 2,000.00 |
| Public Defender  |  |
| Salaries and Wages | 1,250.00 |
| Public Works  |  |
| Salaries and Wages | 200,000.00 |
| Other Expenses | 50,000.00 |
| Garbage & Trash Removal |  |
| Solid Waste Collection | 68,000.00 |
| Solid Waste Disposal | 68,000.00 |
| Recycling |  |
| Salaries and Wages | 1,950.00 |
| Other Expenses | 2,000.00 |
| Buildings & Grounds |  |
| Other Expenses | 15,000.00 |
| Sewer Maintenance |  |
| Other Expenses | 3,000.00 |
| Board of Health |  |
| Salaries and Wages | 1,550.00 |
| Other Expenses | 7,500.00 |
| Animal Control  |  |
| Other Expenses | 1,750.00 |
| McGuire Memorial Center |  |
| Salaries and Wages | 18,000.00 |
| Other Expenses | 7,000.00 |
| Parks & Playgrounds |  |
| Other Expenses | 7,000.00 |
| Golden Age - Senior Trips | 1,000.00 |
| Utilities |  |
| Electricity | 15,500.00 |
| Street Lighting | 14,500.00 |
| Telephone | 10,500.00 |
| Water | 3,500.00 |
| Natural Gas | 5,500.00 |
| Gasoline | 13,000.00 |
| Municipal Library | 72,097.50 |
| Sewer Authority (BCUA) | 156,000.00 |
| Social Security System | 62,500.00 |
| Police/Firemen's Retirement  | 604,517.00 |
| Public Employees' Retirement | 168,181.00 |
| Capital Improvement Fund | 10,000.00 |
| **TOTAL EMERGENCY TEMPORARY APPROPRIATIONS:** |  **$2,461,495.50**  |

**ROLL CALL**Councilman Argiro Yes Councilman Hogan Yes

Councilman DeLisio Yes Councilman McGuire Yes

Councilman Devlin Yes Councilwoman McMorrow Yes

**OPEN MEETING TO THE PUBLIC**

Mayor Marana states to let the record show there was no one from the public present.

**CLOSED SESSION – 7:07 PM**

**Mayor Marana states that action will be taken upon return to open session**

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

**RESOLUTION #2022-82**

**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 Hogan SECOND: Councilman McGuire**

**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.

[x]  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

**RETURN TO OPEN SESSION – 7:14 PM**

**Mayor Marana states for the record that the entire Council is present.**

 **RESOLUTION #2022-83**

**TITLE: RESOLUTION AUTHORIZING MAYOR TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH NORTHVALE GREENS, LLC, PARIS SQUARE HOME OWNERS ASSOCIATION, INC. AND 100 MILE FUND LLC**

**MOTION: Councilman Hogan SECOND: Councilman DeLisio**

**WHEREAS**, Rio Vista Homes at Northvale, LLC (“Rio Vista”) was the original developer of the properties designated as Block 908, Lot 1 and Block 603 Lot 6 on the official tax map of the Borough of Northvale and which properties were more commonly known as 199 Paris Avenue and 208 Industrial Parkway in the Borough of Northvale (collectively, the “Property”); and

**WHEREAS**, Rio Vista entered into a certain Developers Agreement with the Borough of Northvale dated May 22, 2007 (the “Developers Agreement”) with respect to the development of the Property for a multi-family project comprised of 88 units (the “Original Project”) on the Property; and

**WHEREAS**, pursuant to the Developers Agreement, Rio Vista posted with the Borough of Northvale a performance guaranty comprised 90% of a surety bond and 10% cash with pursuant to Section 10 of the Developers Agreement with respect to the completion of the improvements as required (the “Required Improvements” or “NVP-251”) as specified in the Planning Board resolutions and the Developers Agreement; and

**WHEREAS**, upon the previous recommendation of the Borough of Northvale Engineer following completion of a portion of the Required Improvements and pursuant to the Municipal Land Use Law, N.J.S.A. 50:55D-53, the amount of the performance guaranty posted with the Borough of Northvale was reduced to the sum of $498,546.60, of which $448,951.94 was comprised of a surety bond and $49,854.66 was the cash portion, the amount of which was further reduced in 2012; and

**WHEREAS**, thereafter Rio Vista defaulted in its obligation under the Developers Agreement, including the failure to complete the Required Improvements; and

**WHEREAS**, the Borough commenced an action against the surety to enforce the performance bond and to compel the completion of the Required Improvements and which action was ultimately settled for the payment of $275,000.00 by the surety; and

**WHEREAS**, in addition to the settlement, the remaining cash portion of the performance guaranty held by the Borough is $45,599.07 for a total of $320,599.07 (the “Performance Guaranty Funds”), less the Borough’s retention of the sum of $25,694.19 representing the Borough’s legal fees incurred; and

**WHEREAS**, By Order entered September 23, 2016, by the Superior Court of New Jersey, Chancery Division (Docket No. F-034116-15), (the “Court Order”) Northvale Greens acquired title to certain development rights as further described in the Court Order (“Northvale Greens Project”); and

**WHEREAS**, on or about January 22, 2020, Northvale Greens obtained approval from the Borough of Northvale Zoning Board of Adjustment to convert twenty-three (23) townhouse units into forty-six (46) stacked flats in three (3) buildings (the “Amended Approvals”); and

**WHEREAS**, the Borough of Northvale has been issuing final certificates of occupancy for the units as completed by Northvale Greens to permit occupancy of the units; and

**WHEREAS**, 100 Mile Fund LLC is the construction lender to Northvale Greens for the Northvale Greens Project as amended by the Amended Approvals; and

**WHEREAS**, Northvale Greens and the Paris Square Home Owners Association, Inc. filed an application to the Northvale Planning Board to modify the NVP-251 attached to the Developer’s Agreement; and

**WHEREAS**, at its meeting on April 6, 2022, the Northvale Planning Board approved the application to modify the Required Improvements, which modifications were communicated to the Borough Attorney by the Planning Board attorney and attached to the memorandum of Understanding as an exhibit; and

**WHEREAS**, the Borough of Northvale has determined that it is interests of the Borough of Northvale and its taxpayers that the Borough of Northvale enters into a Memorandum of Understanding with Northvale Greens, Paris Square Home Owners Association, Inc. and 100 Mile Fund LLC providing for completion of certain portions of the Required Improvements pursuant to the Developers Agreement and setting forth the respective obligations of each party with respect thereto.

 **NOW, THEREFORE BE IT RESOLVED**, that the Mayor shall be and hereby is authorized and directed to execute the Memorandum of Understanding entered into by and between the Borough of Northvale, Northvale Greens, LLC, Paris Square Home Owners Association, Inc. and 100 Mile Fund LLC in the form attached to this Resolution subject to any revisions thereto as may be recommended by legal counsel to the Borough of Northvale.

**ROLL CALL**Councilman Argiro Yes Councilman Hogan Yes

Councilman DeLisio Yes Councilman McGuire Yes

Councilman Devlin Yes Councilwoman McMorrow Yes

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 **RESOLUTION #2022-84**

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

**MOTION: Councilman McGuire SECOND: Councilman DeLisio**

**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

CouncilmanDeLisio Yes Councilman McGuire Yes

Councilman Devlin Abstain Councilwoman McMorrow Yes

**RESOLUTION #2022-84 WILL NOT GO INTO EFFECT AT THIS TIME AND ALL DISCUSSIONS HELD AND ACTION TAKEN IS DEEMED NULL AND VOID.**

**ADJOURNMENT**

Motion by Councilman Hogan, seconded by Councilman DeLisio to adjourn the meeting at

 7:18 PM. All were in favor to adjourn.

Patrick J. Marana

 Mayor

**ATTEST:**

Frances M. Weston

Frances M. Weston

Municipal Clerk

Approved: May 12, 2022