

A G E N D A
Combined Meeting of the Mayor and Council
Wednesday, June 14, 2023
7:00 PM

CALL THE MEETING TO ORDER

OPEN PUBLIC MEETINGS ACT NOTICE

This is a Combined 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 AND MOMENT OF SILENCE

ROLL CALL

AWARDS

2023 Northvale Public School Baseball Team Champions

SUSPENSION OF REGULAR ORDER OF BUSINESS

INTRODUCTION
2023 MUNICIPAL BUDGET
(Public Hearing on July 12, 2023)

ORDINANCE #1070-2023 – 1ST Reading

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CY 2023 (N.J.S.A. 40A:4-45.14)

MOTION:

SECOND:

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Northvale in the County of Bergen finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council of the Borough of Northvale hereby determines that a 1.00 % increase in the budget for said year, amounting to \$72,655.45 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council of the Borough of Northvale hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Northvale, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Northvale shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.00%, amounting to \$72,655.45, and that the CY 2023 municipal budget for the Borough of Northvale be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ROLL CALL

RESOLUTION #2023-107

TITLE: INTRODUCTION OF THE 2023 MUNICIPAL BUDGET

MOTION: SECOND:

BE IT RESOLVED, that the following statement of revenue and appropriation attached hereto constitute the local budget of the Borough of Northvale, County of Bergen, New Jersey for the year 2023.

BE IT FURTHER RESOLVED, that said budget is to be published in the Record in the issue of June 20, 2023, and that a hearing on the Budget will be held at the Municipal Complex on July 12, 2023 at 7:00 PM or as soon thereafter as the matter may be reached.

Revenue and Appropriation Summaries – Anticipated

Summary of Revenues	2023	2022
1. Surplus	320,000.00	200,000.00
2. Total Miscellaneous Revenues	2,346,152.97	1,736,805.00
3. Receipts from Delinquent Taxes	245,000.00	241,000.00
4. a) Local Tax for Municipal Purposes	7,713,916.00	7,300,000.00
b) Addition to Local District School Tax		
c) Minimum Library Tax	359,267.00	344,195.00
Total Amount to be Raised by Taxes for Municipal	8,073,183.00	7,624,195.00
Total General Revenues	10,984,335.97	9,822,000.00
Summary of Appropriations		
1. Operating Expenses: Salaries & Wages	3,542,350.00	3,442,100.00
Other Expenses	3,987,584.00	3,823,445.00
2. Statutory Expenses & Other Appropriations	2,014,970.97	1,366,195.00
3. Capital Improvements	60,000.00	107,000.00
4. Debt Service	922,295.00	673,344.00
5. Deferred Charges	118,734.00	71,916.00
6. Reserve for Uncollected Taxes	338,402.00	338,000.00
Total General Appropriations	10,984,335.97	9,822,000.00

ROLL CALL

RESOLUTION #2023-108

TITLE: RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

ROLL CALL

Mayor McGuire resumes the regular order of business at this time.

**APPROVAL OF MINUTES
Combined Meeting of May 10, 2023**

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
Engineer – Neglia Group
Fire Prevention
Grantswriter - Bruno Associates
Recreation Minutes
Tax Collector

CORRESPONDENCE

1. Interstate Waste Services Contract (Resolution #2023-109)
2. Bergen County Community Development 3 Year Agreement (Resolution #2023-111)
3. Bergen County Fire Mutual Aid Agreement (Resolution #2023-113)

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:

RESOLUTION #2023-109

TITLE: RESOLUTION AWARDED SOLID WASTE COLLECTION AND DISPOSAL BIDS AND AUTHORIZING MAYOR MCGUIRE TO EXECUTE CONTRACT WITH INTERSTATE WASTE SERVICES OF NEW JERSEY, INC. FOR A THREE YEAR TERM WITH TWO ADDITIONAL ONE YEAR OPTION PERIODS AT THE OPTION OF THE BOROUGH

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications in accordance with the New Jersey Public Contracts Law, N.J.S.A.40A:11-1 et seq., and specifically N.J.S.A. 40A:11-23, the Borough of Northvale (the “Borough”) solicited bid proposals for Solid Waste Collection and Disposal Services, including collection of recyclable materials, for a five (5) year period; and

WHEREAS, the Borough received a first bid for services which the Borough rejected; and

WHEREAS, the Borough issued a second request for bids advertised by the Borough, and the Borough received one bid which was opened on March 30, 2023 for Solid Waste and Disposal including collection of recyclables. The one bid was from IWS in the sum of \$2,233,915 for three

years for solid waste and \$382,267 for three years for recyclables with additional sums for options in years four and five; and

WHEREAS, the Governing Body of the Borough rejected the second bid received and began open negotiations for the requested services; and

WHEREAS, the Borough received a proposal from Interstate Waste Services (IWS) which proposal was for a lower cost to the Borough than was set forth in the bid received as set forth above; and

WHEREAS, the proposal from IWS is as follows:

YEAR	SOLID WASTE	RECYCLABLES	TIPPING FEES	TOTAL
Year 1: through December 31, 2023	\$358,560	\$73, 440	INCLUDED	\$432,000
Year 2: 2024	\$747,609	\$128,733	INCLUDED	\$876,342
Year 3: 2025	\$807,418	\$139,032	INCLUDED	\$946,449
FIRST OPTION YEAR: 2026	\$872,011	\$150,154	INCLUDED	\$1,022,165
SECOND OPTION YEAR 2027	\$941,772	\$162,167	INCLUDED	\$1,103,939

WHEREAS, the Borough has determined that it is in the best interests of the Borough to accept this proposal from IWS,

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Borough of Northvale, that the Borough hereby accepts the proposal from IWS and authorizes the Mayor to execute a contract.

RESOLUTION #2023-110

TITLE: RESOLUTION AUTHORIZING INCLUSION IN THE BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS, the current Interlocal Services Cooperative Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, each Municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Municipality of Northvale and its residents to participate in said Programs.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Municipality of Northvale hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant Municipality in the Urban County entitlement programs being the Community Development Block Grant Program (CDBG), the HOME Investment Partnership Program (HOME), and the Emergency Solutions Grant Program

(ESG) for the **Fiscal Years 2024, 2025, and 2026 covering the period July 1, 2024 – June 30, 2027**; and

BE IT FURTHER RESOLVED, that an original copy of this resolution be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than **Monday, June 26, 2023**.

RESOLUTION #2023-111

TITLE: RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF BERGEN TO SUPERSEDE THE COOPERATIVE AGREEMENT DATED JULY 1, 2021, AND AMENDMENTS THERETO ESTABLISHING THE BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS, it is necessary to supersede an existing Interlocal Services Cooperative Agreement for the County and its people to benefit from these Programs; and

WHEREAS, an Agreement has been proposed under which the Municipality of Northvale and the County of Bergen in cooperation with other Municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, it is in the best interest of the Municipality of Northvale to enter into such an Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Municipality of Northvale that the Agreement entitled “Three Year Cooperative Agreement” (an Agreement superseding the Cooperative Agreement dated July 1, 2021 – June 30, 2024) to clarify the planning and implementation procedures and to enable the Municipality to make a Three Year irrevocable commitment to participate in the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the **Fiscal Years 2024, 2025, and 2026 covering the period July 1, 2024 – June 30, 2027**, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately in accordance with law and that an original copy be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than **Monday, June 26, 2023**.

RESOLUTION #2023-112

TITLE: RESOLUTION AUTHORIZING THE APPOINTMENT OF MUNICIPAL REPRESENTATIVES TO THE BERGEN COUNTY COMMUNITY DEVELOPMENT REGIONAL COMMITTEE

WHEREAS, the Municipality of Northvale has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:65-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2023-2024 term starting July 1, 2023, and ending on June 30, 2024.

NOW, THEREFORE BE IT RESOLVED, that the Municipal Council hereby appoints Mayor Joseph McGuire as its representative and Councilwoman Kara McMorrow as its alternate and that Mayor McGuire hereby appoints Councilman Mattessich as his representative and Councilman Hogan as his alternate to serve on the Community Development Regional Committee for FY2023-2024; and

BE IT FURTHER RESOLVED, that an original, certified copy of this resolution be immediately emailed and sent via postage to Robert G. Esposito, Director; Bergen County Division of Community Development, One Bergen County Plaza, Fourth Floor, Hackensack, New Jersey 07601, email to resposito @co.bergen.nj.us **as soon as possible and no later than Monday, June 26, 2023.**

RESOLUTION #2023-113

TITLE: RESOLUTION SUPPORTING THE BERGEN COUNTY FIRE MUTUAL AID PLAN IN THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY

WHEREAS, the Borough of Northvale provides fire protection resources for ordinary emergency response requirements within its jurisdiction; and

WHEREAS, the Fire Departments in Bergen County have a day-to-day responsibility to provide for the safety and security of lives and property; and

WHEREAS, local resources can become exhausted during the small percentage of large magnitude fire or disaster occurrences; and

WHEREAS, mutual aid is the most cost-effective method of providing sufficient resources to a local jurisdiction for those extraordinary occurrences; and

WHEREAS, it is of mutual benefit for fire departments located within the County of Bergen to provide supplemental resources to each other in the event of a local emergency or disaster; and

WHEREAS, this plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of fire department personnel and equipment whenever a local fire department requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous; in the event of a fire or emergency; and

WHEREAS, a county area mutual aid plan is encouraged by, and is compatible with the State of New Jersey Resource Deployment Act; and

WHEREAS, participation in a county area mutual aid plan will not impose liability on the local entity; and

WHEREAS, it is the desire of the governing body of the Borough of Northvale to participate in fire mutual aid plan.

NOW, THEREFORE BE IT RESOLVED, the Borough of Northvale does hereby agree to authorize their fire department to provide mutual aid assistance to each participating municipality, district, state or federal organization, as identified in the Bergen County Fire Mutual Aid Plan (ESF 4) and as may be amended from time to time by Participating Units and ratified by this body; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Bergen County Office of Emergency Management for filing.

RESOLUTION #2023-114

TITLE: RESOLUTION AUTHORIZING SUBMISSION OF A GRANT AGREEMENT TO PARTICIPATE IN THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS LEAD GRANT ASSISTANCE PROGRAM

WHEREAS, effective July 22, 2022, the New Jersey Legislature enacted P.L. 2021, c. 182, “An Act concerning certain lead-based paint hazard, and residential rental property, and establishing lead-based paint hazard programs, supplementing P.L. 2003, c. 311 (C. 52:27D-437.1 et al.) amending various parts of the statutory law, and making an appropriation;” and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(1), a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures, is required to inspect for lead-based paint hazards in certain specified single-family, two-family, and multiple rental dwellings, at the time periods set forth in the statute; and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(2) a municipality that does not maintain such a permanent local agency must hire a lead evaluation contractor, certified to provide lead paint inspection services by DCA, or enter a shared services agreement as permitted by law, for the purpose of conducting the inspections for lead-based paint hazards; and

WHEREAS, Pursuant to Section 9 of P.L. 2021, c. 182, the State of New Jersey has allocated the sum of \$3,900,000 to effectuate the purposes of P.L. 2021, c. 182 (C. 52:27D-437.16). Further, pursuant to the FY 2023 Appropriations Act (P.L. 2022, Chapter 49), DCA received a grant-in-aid amount of \$3,900,000 for P.L. 2021, c. 182, for a total of \$7,800,000 in appropriations to effectuate the purpose of the Act.

WHEREAS, DCA has allocated \$7,000,000 of this appropriation to the development of the Lead Grant Assistance Program (“LGAP”) for the issuance of grant funds to municipalities for the purpose of assisting in municipal compliance with P.L. 2021, c. 182.

WHEREAS, the Division of Local Government Services (DLGS), within DCA, administers the LGAP; and

WHEREAS, the LGAP exists to provide funding to help off-set the costs to municipalities to provide the required inspections at stipulated times of certain single-family, two-family, and multiple rental dwelling units for lead-based paint hazards, pursuant to P.L. 2021, c. 182; and

WHEREAS, an authorized municipal officer must execute the attached grant agreement in order to receive LGAP funding; and,

WHEREAS, the Borough of Northvale desires to further the public interest by obtaining a pre-allocated grant of \$3,400 to assist in funding the inspection of residential dwellings for lead-based paint hazards; and,

WHEREAS, the Mayor and Council of the Borough of Northvale has reviewed the attached grant agreement and program requirements from the New Jersey Department of Community Affairs, and desires to make an application for such a grant and provide application information and furnish such documents as may be required.

NOW, THEREFORE BE IT RESOLVED, the Governing Body of the Borough of Northvale does hereby authorize the Borough Clerk Frances Weston to sign the attached grant agreement, and thus bind the Borough of Northvale to the grant agreement’s terms in order to receive the \$3,400 grant from the DLGS.

RESOLUTION #2023-115

TITLE: RESOLUTION APPROVING LIQUOR LICENSES FOR THE TERM JULY 1, 2023 THROUGH JUNE 30, 2024

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, 2023 through June 30, 2024 term.

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

CLUB LICENSES

LICENSEE NAME	ADDRESS	LICENSE NUMBER
Joseph A. Silva Post #366 American Legion	190 Paris Avenue	0240-31-012-001
Northvale Fire Association	204 Washington Avenue	0240-31-013-001

PLENARY RETAIL DISTRIBUTION LICENSE

LICENSEE NAME	ADDRESS	LICENSE NUMBER
BNP Management	206 Pegasus Avenue	0240-44-001-006
Shop Rite Liquors of Hillsdale DBA Shop Rite Liquors of Northvale	246 Livingston Street	0240-44-006-006
Northvale Liquors	224 Livingston Street	0240-44-008-008

PLENARY RETAIL CONSUMPTION LICENSE

LICENSEE NAME	ADDRESS	LICENSE NUMBER
Madeleine's Petit Paris	416 Tappan Road	0240-33-002-003
Cavan Cork Ltd. DBA Brady's Fox Hunt Inn	201 Livingston Street	0240-33-005-004
Northvale Diner, Inc.	247 Livingston Street	0240-33-010-006
3D Hospitality DBA Olar	493 Tappan Road	0240-33-007-014
Maxim Enterprises LLC	273 Livingston Street	0240-33-009-004

BE IT FURTHER RESOLVED, that all licenses be effective July 1, 2023 through June 30, 2024 and that the Municipal Clerk be, and she is hereby authorized to, forward copies of this resolution to the Division of Alcoholic Beverage Control and the Beverage Tax Division of the State of New Jersey.

RESOLUTION #2023-116

TITLE: APPROVING CONDITIONAL RESOLUTION FOR LIQUOR LICENSE FOR NOELEEN LLC DBA BIDDY O'MALLEY'S – 191 PARIS AVENUE - FOR THE TERM JULY 1, 2023 THROUGH JUNE 30, 2024

WHEREAS, Noeleen LLC dba Bidy O'Malley's, 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 dba Bidly O'Malley's Pub, License No. 0240-33-011-007, is hereby renewed for the time period effective July 1, 2023 through June 30, 2024.

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

RESOLUTION #2023-117

TITLE: RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO RETURN ESCROW FOR VIRGINIA HUBBARD, 438 WILDWOOD ROAD, Block 409, Lot 34

WHEREAS, Virginia Hubbard is the owner of 438 Wildwood Road, Block 409, Lot 34; and

WHEREAS, Virginia Hubbard has a balance of \$447.50 in her escrow account; and

WHEREAS, there are no objections to the return of escrow from the Borough Engineer and Building Department and there are no outstanding bills.

NOW, THEREFORE BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to return the remainder of escrow fees to Virginia Hubbard, 438 Wildwood Road, Northvale, New Jersey 07647 in the amount of \$447.50 from escrow account number 22005.

RESOLUTION #2023-118

TITLE: RESOLUTION EXPRESSING SUPPORT FOR S-3906 WHICH WOULD PROVIDE THE BOROUGH OF NORTHVALE WITH IN EXCESS OF 1.5 MILLION DOLLARS OF STATE FUNDS TO REPAY DEBT, ADVANCE CAPITAL PROJECTS, AND PROVIDE PROPERTY TAX RELIEF

WHEREAS, the New Jersey Debt Defeasance and Prevention Fund was created for the purpose of repaying or defeasing taxpayer-funded debt and funding capital projects that would otherwise be paid for with new debt; and

WHEREAS, the New Jersey Debt Defeasance and Prevention Fund is expected to have an unallocated balance of at least \$4.32 billion; and

WHEREAS, members of the New Jersey Senate Republican caucus, have introduced Senate Bill 3906 (S-3906), which would allocate \$4.32 billion from the New Jersey Debt Defeasance and Prevention Fund to towns and counties to repay local government debt, advance capital projects of their choosing, and provide property tax relief to residents; and

WHEREAS, funds would be allocated by S-3906 on a per capita basis, meaning every town and county would get a fair share of funding based on population; and

WHEREAS, S-3906 provides that \$3 billion would be allocated to New Jersey municipalities on a per capita basis, and \$1.32 billion would be allocated to New Jersey counties on a per capita basis; and

WHEREAS, prior allocations from the New Jersey Debt Defeasance and Prevention fund have not been determined in a fair, equitable, or transparent manner; and

WHEREAS, the Borough of Northvale would receive an estimated allocation of \$1,537,626.14 under S-3906 based on 2020 United States Census data; and

WHEREAS, S-3906 requires funds to be disbursed within 30 days of the legislation's enactment; and

WHEREAS, S-3906 is not expected to have a fiscal impact on the proposed State Budget for Fiscal Year 2024; and

WHEREAS, local and county governments are contending with soaring health care premiums, rising pension costs, and inflationary pressures that have impacted their budgets; and

WHEREAS, the significant allocations to towns and counties across New Jersey that have been proposed under S-3906 would help to lower and stabilize property taxes for years to come.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale that the Borough of Northvale hereby fully supports Senate Bill S-3906 and encourages the New Jersey State Legislature to enact the Bill.

RESOLUTION #2023-119

TITLE: PAYMENT OF BILLS

ROLL CALL

ORDINANCE – 2nd READING

ORDINANCE #1064-2023

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$910,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

MOTION:

SECOND:

BE IT ORDAINED, by the Borough Council of the Borough of Northvale, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Northvale, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire a new automotive vehicle, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the 2023 Road Improvement Program at various locations, as set forth on a list prepared by the Borough Engineer and placed or to be placed on file with the Borough Clerk. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$775,000
Down Payment Appropriated	\$ 36,905
Bonds and Notes Authorized	\$738,095
Period of Usefulness	10 years

B. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a dump truck for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$ 90,000
Down Payment Appropriated	\$ 4,945
Bonds and Notes Authorized	\$ 85,055
Period of Usefulness	5 years

C. Undertaking of various improvements to the Borough Hall Complex. It is hereby determined and stated that said complex being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 10,000
Down Payment Appropriated	\$ 480
Bonds and Notes Authorized	\$ 9,520
Period of Usefulness	15 years

D. Installation of security cameras at various parks.

Appropriation and Estimated Cost	\$ 35,000
Down Payment Appropriated	\$ 1,670
Bonds and Notes Authorized	\$ 33,330
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$910,000
Aggregate Down Payment Appropriated	\$ 44,000
Aggregate Amount of Bonds and Notes Authorized	\$866,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$75,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$44,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$44,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$866,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$866,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 9.56 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$866,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of

America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

OPEN MEETING TO THE PUBLIC FOR QUESTIONS OR COMMENTS ON ORDINANCE #1064-2023

ROLL CALL

ORDINANCE #1069-2023

AN ORDINANCE TO AMEND AND REVISE CHAPTER 200 “ZONING” OF THE BOROUGH CODE OF THE BOROUGH OF NORTHVALE TO INCLUDE PERMITTED CANNABIS USES

MOTION:

SECOND:

WHEREAS, the Governing Body of the Borough of Northvale believes it is in the best interest of the Borough to amend and revise Chapter 200 of the Borough Code entitled “ZONING” as set forth herein.

BE IT ORDAINED, by the Mayor and Council of Northvale, County of Bergen, State of New Jersey, as follows:

Section 1: The Borough Code of the Borough of Northvale is hereby amended and revised create Article XI Cannabis Establishments:

Section 200-50 Definitions:

As used in this article, the following terms shall have the meanings indicated:

CANNABIS

All parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16, for use in cannabis products as set forth in this Act, but shall not include the weight of any other ingredient combined with cannabis to prepare

topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); marijuana as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (N.J.S.A. 2C:35B-1 et seq.); or marijuana as defined in Section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2) and applied to any offense set forth in the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

CANNABIS CULTIVATOR

Any licensed person or entity that grows, cultivates, or produces cannabis in this state, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

CANNABIS DISTRIBUTOR

Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

CANNABIS ESTABLISHMENT

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS ITEM

Any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); or hemp or hemp product cultivated, handled processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

CANNABIS LEAF

The leaf of the plant *Cannabis sativa* L. within the plant family Cannabaceae.

CANNABIS MANUFACTURER

Any licensed person or entity that processes cannabis items in this state by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

CANNABIS MANUFACTURING

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" with respect to cannabis does not include packaging or labeling.

CANNABIS WHOLESALER

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

COMMISSION

The CPCC established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

CONSUMPTION

The act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

§ 200- 51 Permitted and prohibited licenses.

A. Permitted licenses: Those businesses possessing either a Class 1, Class 2, Class 3, or Class 4, license pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) may operate within the Borough of Northvale subject to all of the provisions of this article and all applicable state standards and regulations.

B. Prohibited licenses: Class 5 and Class 6 licenses are prohibited in the Borough of Northvale, except for the purpose of delivering cannabis items and related supplies from a Class 6 license holder located outside of the Borough of Northvale.

§ 200-52 Zoning

: A. A cannabis establishment seeking to operate within the Borough of Northvale may operate within the LI (Light Industrial) Zone as a conditional use.

(1) No cannabis establishment may be located in the portion of the LI zone where the R75 overlay is located.

B. Only two cannabis establishments of each permitted class of licenses permitted herein. shall be licensed and located within the Borough.

C. Prior to the operation of any cannabis establishment, a permit or license must be obtained from the state and from the Borough of Northvale for the applicable type of cannabis establishment. No cannabis establishment shall be permitted to operate without state and municipal permits or licenses.

D. All cannabis establishments operating in the Borough of Northvale shall be permitted as a conditional use, subject to the following conditions:

(1) Present proof of the appropriate state license;

(2) Under no circumstances is a cannabis establishment to be located:

(a) In a Residential Zone or Residential Overlay Zone;

(b) Within **300** feet from any public or private school, library, municipal complex or property, house of worship, or uses intended for children.

(c) Within 300 feet from any residential zone.

(3) No cannabis product shall be smoked, eaten, or otherwise consumed or ingested on the premises of any cannabis establishment;

(4) A cannabis establishment shall not be located in a home, apartment, townhouse, condominium or mixed-use building;

(5) A cannabis establishment shall not be located in a multitenant commercial building which includes retail or office use as other commercial tenants. This restriction does not apply to an office that is an accessory use to other commercial uses.

(6) The applicant shall implement an odor mitigation infrastructure so that odors emanating from the facility are not detectable by a person on adjacent properties, rights-of-way, or other units with a building on the same lot. **The Applicant shall provide details regarding odor mitigation with initial license application to the Borough and with each annual license renewal information to be approved by the Borough Engineer;**

(7) All activities associated with the production of cannabis, including cultivation, manufacturing, and processing, shall occur within an enclosed building;

(8) The applicant shall provide appropriate landscape buffers at least six feet high at the time of installation, or other equivalent method of buffering, to be installed adjacent on any property line shared with a residential property;

(9) The parking requirements shall be one parking space for each employee;

(10) All bulk standards established for the underlying LI zone, shall apply;

- (11) The applicant shall comply with the signage standards of the underlying zoning district, including the following additional limitations:
- (a) No sign shall be placed on the roof of a building nor placed on its walls so as to exceed in height the roof of a building.
 - (b) No illuminated signs shall be permitted.
 - (c) No freestanding signs shall be permitted.
 - (d) There shall only be one sign.
 - (e) The content of signage shall be restricted to text on a solid background. The logo of the business may be included, provided the logo does not include a cannabis plant leaf or image of other cannabis paraphernalia or products.
- (12) The applicant shall provide an on-premises security person at all times.
- (13) The applicant shall provide a contact person for any inspections the Borough requires.

§ 200-53 Creation and imposition of municipal tax.

A. There is hereby created a municipal tax upon the gross sales of all licensed business as follows:

- (1) A 2% tax applied to businesses operating with a Class 1, Class 2, or Class 4.
- (2) A 1% tax applied to businesses operating under a Class 3 license.

B. Taxes to be paid to the Borough shall be paid quarterly.

C. The Borough shall have the right to audit the financial records of the licensee. The Chief Financial Officer may initiate an audit by means of an audit notice. If, as a result of an examination conducted by the Chief Financial Officer or his designee, a return has not been filed by a taxpayer or a return is found to be incorrect and transfer taxes are owed, the Chief Financial Officer is authorized to assess and collect any tax due. If no return has been filed and tax is found to be due, the tax actually due may be assessed and collected with or without the formality of obtaining a return from the taxpayer. Deficiency assessments (i.e., where a taxpayer has filed a return but is found to owe additional tax) shall include taxes for up to three years to the date when the deficiency is assessed. Where no return was filed, there shall be no limit to the period of assessment. Delinquent payments under this chapter shall be subject to the interest rate imposed upon unpaid municipal property taxes. If a cannabis facility fails to pay the tax to the Borough of Northvale, the cannabis facility's license may be revoked.

§ 200-54 Violations and penalties; enforcement.

- A. Violations of any provisions of this article shall be punishable by fines of **\$1,500** for the first offense and **\$2,000** for each and every offense thereafter. This article shall be enforced by either the Northvale Police, the Northvale Building Department, or the Northvale Health Department.
- B. Upon a third conviction for violation of this ordinance, the Borough may revoke the applicant's license.

§ 200-55 Limitations on number of licenses.

There shall only be two of each type of Class 1, 2, 3, or 4 license permitted within the Borough of Northvale.

§ 200-56 Annual Licensing Fees.

- A. The annual license fee for all cannabis establishments shall be \$15,000. In the initial year of licensing; however, the fee for any license issued on or after July 1 of that year shall be \$7,500.
- B. All licenses issued pursuant to this Chapter shall be effective for the calendar year, expiring on the 31st day of December of the year of issue, and may be renewable for succeeding calendar years thereafter. The fee for license renewals shall be paid in full to the Municipal Clerk before any license is renewed.

SECTION 2. All ordinances of the Borough of Northvale, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. All other provisions of Chapter 200 of the Code of the Borough of Northvale are not further amended and remain in full force and effect.

The ordinance shall take effect immediately upon final passage.

OPEN MEETING TO PUBLIC FOR QUESTIONS OR COMMENTS ON ORDINANCE #1069-2023

ROLL CALL

ORDINANCE – 1st READING

ORDINANCE #1071-2023

AN ORDINANCE TO AMEND CHAPTER 151 TO ADD § 151-10, MAINTENANCE, FOR THE MAINTENANCE OF SEWER LATERALS

MAYOR & COUNCIL REPORTS

BOROUGH ATTORNEY REPORT

BOROUGH ENGINEER REPORT

ADJOURNMENT