

**AGENDA
BOROUGH OF CLIFFSIDE PARK, NEW JERSEY
MAYOR AND COUNCIL REGULAR MEETING
FEBRUARY 9, 2010**

CALL TO ORDER AT 7:00 P.M.

ROLL CALL:

FLAG SALUTE:

"OPEN PUBLIC MEETINGS ACT" STATEMENT: THIS IS A REGULAR SESSION OF THE MAYOR AND COUNCIL, AND NOTICE WAS GIVEN AS FOLLOWS:

1. NOTICE FILED JANUARY 15, 2010 WITH THE RECORD AND JANUARY 18, 2010 WITH THE JERSEY JOURNAL DISPATCH, OFFICIAL NEWSPAPERS OF THE BOROUGH.
2. POSTING OF NOTICE ON THE BULLETIN BOARD.
3. PRESERVING A COPY IN THE CLERK'S OFFICE.

PRESENTATIONS: MAYOR AND COUNCIL PROCLAMATION TO MR. BRUCE BONAVENTURO

DPW ANNEX PROJECT DISCUSSION

RECESS FOR 5 MINUTES

MINUTES:

ACCEPT CAUCUS MEETING MINUTES:	JANUARY 19, 2010
ACCEPT REGULAR MEETING MINUTES:	JANUARY 19, 2010

CONSENT AGENDA:

PAYMENT OF CLAIMS

RESOLUTION 2010-33 RESCIND HANDICAP PARKING SPACES: 220 PALISADE AVENUE, 37 KNOX AVENUE

RESOLUTION 2010-34 RESOLUTION SUPPORTING PARTICIPATION IN SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM

RESOLUTION 2010-35 COMMUNITY DEVELOPMENT REIMBURSEMENT 2009 ROAD PROGRAM

RESOLUTION 2010-36 REDEMPTION OF TAX TITLE LIEN #09-13 770 ANDERSON AVE, UNIT 16P

RESOLUTION 2010-37 REDEMPTION OF TAX TITLE LIEN #09-35 770 ANDERSON AVE, PARKING SPACE 398

RESOLUTION 2010-38 REFUND OF TAX OVERPAYMENTS

RESOLUTION 2010-39 INSTANT RAFFLE APPLICATION FROM THE CHURCH OF THE EPIPHANY

OFF CONSENT AGENDA:

RESOLUTION 2010-40 APPOINTMENT OF THE ALTERNATE MUNICIPAL PROSECUTOR

RESOLUTION 2010-41 BONAVENTURO HEALTH COVERAGE

RESOLUTION 2010-42 APPOINTMENT OF SAVAS GLAVAS

RESOLUTION 2010-43 MAYOR'S APPOINTMENTS

RESOLUTION 2010-44

TEMPORARY CAPITAL BUDGET - DPW MAIN STREET

ORDINANCES: INTRODUCTION

ORDINANCE 2010-01

BOND ORDINANCE FOR ACQUISITION OF 770
FAIRVIEW AVE AND RELATED EXPENSES

COMMITTEE REPORTS:

PUBLIC PORTION:

PERSONS WISHING TO BE HEARD

ADJOURN:

*(Agenda is subject to change as a result of matters not known at time of printing)

On a motion by Councilman Bongard, seconded by Councilman T. Calabrese, the meeting was reconvened. Carried.

ON CONSENT AGENDA:

CLAIMS:

On a motion by Councilman Bongard, seconded by Councilman T. Calabrese, the claims were ordered paid.

ROLL CALL:

AYES: Spoto, Fontana, Bongard, T. Calabrese, Martinotti, Corcoran.

RESOLUTIONS:

On a motion by Councilman Bongard, seconded by Councilman T. Calabrese, Resolutions 2010-33 to 2010-39 were offered for adoption:

ROLL CALL:

AYES: Spoto, Fontana, Bongard, T. Calabrese, Martinotti, Corcoran.

RESOLUTION 2010-33

BE IT RESOLVED, that upon the recommendation of Police Sergeant Michael Sciancalepore, the following resolution designating handicapped parking spaces be rescinded:

Adopted on: November 10, 2009

RESOLUTION # 2009-233
220 Palisade Avenue, Cliffside Park, NJ 07010

November 25, 2005

RESOLUTION # 215
37 Knox Avenue, Cliffside Park, NJ 07010

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Cliffside Park, that the Department of Public Works be instructed to remove the handicapped parking signs at the above locations.

RESOLUTION 2010-34

WHEREAS, A SUSTAINABLE COMMUNITY SEEKS TO OPTIMIZE QUALITY OF LIFE FOR ITS RESIDENTS BY ENSURING THAT ITS ENVIRONMENTAL, ECONOMIC AND SOCIAL OBJECTIVES ARE BALANCED AND MUTUALLY SUPPORTIVE; AND

WHEREAS, CLIFFSIDE PARK STRIVES TO SAVE TAX DOLLARS, ASSURE CLEAN LAND, AIR AND WATER, IMPROVING WORKING AND LIVING ENVIRONMENTS AS STEPS TO BUILDING A SUSTAINABLE COMMUNITY THAT WILL THRIVE WELL INTO THE NEW CENTURY; AND

WHEREAS, THE BOROUGH OF CLIFFSIDE PARK HEREBY ACKNOWLEDGES THAT THE RESIDENTS OF CLIFFSIDE PARK DESIRE A STABLE, SUSTAINABLE FUTURE FOR THEMSELVES AND FUTURE GENERATIONS; AND

WHEREAS, THE BOROUGH CLIFFSIDE PARK WISHES TO SUPPORT A MODEL OF GOVERNMENT WHICH BENEFITS OUR RESIDENTS NOW AND FAR INTO THE FUTURE BY EXPLORING AND ADOPTING SUSTAINABLE, ECONOMICALLY-SOUND, LOCAL GOVERNMENT PRACTICES; AND

WHEREAS, BY ENDORSING A SUSTAINABLE PATH CLIFFSIDE PARK IS PLEDGING TO EDUCATE ITSELF AND COMMUNITY MEMBERS FURTHER ABOUT SUSTAINABLE ACTIVITIES AND TO DEVELOP INITIATIVES SUPPORTING SUSTAINABLE LOCAL GOVERNMENT PRACTICES; AND

FEBRUARY 9, 2010

**BOROUGH OF CLIFFSIDE PARK
BERGEN COUNTY, NEW JERSEY**

MINUTES OF THE REGULAR MEETING FEBRUARY 9, 2010

CALL TO ORDER AT 7:00 P.M.

PRESENT AT ROLL CALL:

Mayor	Gerald A. Calabrese
Councilwoman	Donna Spoto
Councilman	Bernard Fontana
Councilman	Larry Bongard
Councilman	Thomas Calabrese
Councilwoman	Dana Martinotti
Councilman	Kenneth Corcoran

FLAG SALUTE LEAD BY MAYOR CALABRESE

SERCAN ZOKLU STATED:

ADEQUATE NOTICE OF THIS MEETING WAS GIVEN TO THE PRESS AND POSTED AS REQUIRED. DATE AND TIME OF THIS MEETING WAS LEGALLY GIVEN AS REQUIRED BY THE "OPEN PUBLIC MEETINGS ACT."

THIS NOTICE IS ON FILE WITH THE MUNICIPAL CLERK AND POSTED ON THE BULLETIN BOARD.

MINUTES OF THIS MEETING WILL BE MADE AVAILABLE TO THE PUBLIC UPON THE COMPLETION OF TYPING AND PROOFREADING BY THE MUNICIPAL CLERK.

MINUTES OF THE CAUCUS MEETING OF JANUARY 19, 2010 WERE ACCEPTED ON A MOTION BY COUNCILMAN BONGARD, SECONDED BY COUNCILMAN FONTANA, AND CARRIED.

MINUTES OF THE REGULAR MEETING OF JANUARY 19, 2010 WERE ACCEPTED ON A MOTION BY COUNCILMAN BONGARD, SECONDED BY COUNCILMAN FONTANA, AND CARRIED.

PRESENTATIONS: THE MAYOR AND COUNCIL PRESENTED A PLAQUE TO MR. BONAVENTURO IN RECOGNITION OF HIS MANY YEARS OF SERVICE TO THE BOROUGH OF CLIFFSIDE PARK

DPW ANNEX PROJECT DISCUSSION:

On a motion by Councilman Bongard, seconded by Councilman Fontana, the meeting regarding the DPW Annex Project on Main Street was opened to the public. Carried.

The following people spoke:

John Capazzi, Principal of RSC Architects, presented the Department of Public Works Annex Facility to the public as well as members of the Mayor and Council. He provided an overview of the project and answered any questions asked by the public and members of the Mayor and Council.

Nunzio Statella of 234 Wheeler Street spoke on his opposition to the location of the project.

Sabastian Belfon of 528 Winterburn Grove stated that he highly advocates solar at the project.

On a motion by Councilman Bongard, seconded by Councilman T. Calabrese, the meeting regarding the DPW Annex Project on Main Street was closed to the public. Carried.

RECESS FOR 5 MINUTES:

On a motion by Councilwoman Martinotti, seconded by Councilman Bongard the meeting was recessed for five minutes. Carried.

WHEREAS, AS ELECTED REPRESENTATIVES OF THE BOROUGH OF CLIFFSIDE PARK, WE HAVE A SIGNIFICANT RESPONSIBILITY TO PROVIDE LEADERSHIP WHICH WILL SEEK COMMUNITY-BASED SUSTAINABLE SOLUTIONS TO STRENGTHEN OUR COMMUNITY; AND

NOW, THEREFORE, BE IT RESOLVED, THAT TO FOCUS ATTENTION AND EFFORT WITHIN THE BOROUGH OF CLIFFSIDE PARK ON MATTERS OF SUSTAINABILITY, THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK WISHES TO PURSUE LOCAL INITIATIVES AND ACTIONS THAT WILL LEAD TO SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION.

BE IT FURTHER RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT WE DO HEREBY AUTHORIZE COUNCILMAN CORCORAN TO SERVE AS CLIFFSIDE PARK'S AGENT FOR THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROCESS AND AUTHORIZE THE BOROUGH CLERK TO COMPLETE THE MUNICIPAL REGISTRATION ON BEHALF OF THE BOROUGH OF CLIFFSIDE PARK.

RESOLUTION 2010-35

BE IT RESOLVED, THAT THE FOLLOWING CLAIM BE PAID, THE SAME HAVING BEEN AUDITED AND APPROVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, FOR SUBMISSION TO THE BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM.

BERGEN COUNTY VOUCHER #156178
MUNICIPAL APPROVAL

VENDOR: AJM CONTRACTING INC.

PURPOSE: 2009 ROAD PROGRAM

AMOUNT: \$143,537.66

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER, FRANK BERARDO, BE AUTHORIZED TO SIGN THE BERGEN COUNTY VOUCHER FOR PAYMENT OF SAID CLAIM.

RESOLUTION 2010-36

WHEREAS, MALKIT SINGH AND MARIA FERNANDEZ OF 770 ANDERSON AVENUE B.3401 L.6 C016P CLIFFSIDE PARK, HAVE DEPOSITED A CHECK IN THE AMOUNT OF \$1,418.93 WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 09-13 SOLD TO U.S. BANK-CUST/SASS MUNI V DTR FOR 2008 TAXES IN THE AMOUNT OF \$1,283.26; AND

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT THE CHIEF FINANCIAL OFFICER BE AND HE IS HEREBY AUTHORIZED TO ISSUE AND SIGN A CHECK IN THE AMOUNT OF \$1,418.93 FOR THE REDEMPTION OF SAID TAX TITLE LIEN; AND

BE IT FURTHER RESOLVED, THAT SAID CHECK BE DRAWN ON THE BOROUGH OF CLIFFSIDE PARK TRUST ACCOUNT AND PAYABLE TO U.S BANK-CUST/SASS MUNI V DTR, 2 LIBERTY PLACE, PHILADELPHIA, PA. 19102.

RESOLUTION 2010-37

WHEREAS, MALKIT SINGH AND MARIA FERNANDEZ OF 770 ANDERSON AVENUE B.3401 L.6 CP398 CLIFFSIDE PARK, HAVE DEPOSITED A CHECK IN THE AMOUNT OF \$278.71 , WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 09-35 SOLD TO GIUSEPPE STELLA FOR 2008 TAXES IN THE AMOUNT OF \$63.42; AND

FEBRUARY 9, 2010

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT THE CHIEF FINANCIAL OFFICER BE AND HE IS HEREBY AUTHORIZED TO ISSUE AND SIGN A CHECK IN THE AMOUNT OF \$278.71 FOR THE REDEMPTION OF SAID TAX TITLE LIEN; AND

BE IT FURTHER RESOLVED, THAT SAID CHECK'S BE DRAWN ON THE BOROUGH OF CLIFFSIDE PARK TRUST ACCOUNT AND PAYABLE TO GIUSEPPE STELLA, 784 GLEN ROAD, CLIFFSIDE PARK, NJ 07010.

RESOLUTION 2010-38

BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT CERTAIN TAXPAYERS HAVE MADE DUPLICATE 2010 TAX PAYMENTS ON PROPERTY WHICH IS ON FILE IN THE TAX COLLECTORS OFFICE, RESULTED IN OVERPAYMENTS; AND

THEREFORE, BE IT FURTHER RESOLVED, THAT THE PROPER FINANCIAL OFFICER BE, AND HE IS HEREBY AUTHORIZED TO ISSUE AND SIGN WARRANTS TO THE RESPECTIVE TAXPAYERS; AND

BE IT FURTHER RESOLVED, THAT THE ABOVE CHECKS BE DRAWN ON THE CURRENT ACCOUNT TD BANK.

RESOLUTION 2010-39

WHEREAS, AN APPLICATION HAS BEEN SUBMITTED BY THE CHURCH OF THE EPIPHANY, 247 KNOX AVENUE, CLIFFSIDE PARK, NEW JERSEY TO CONDUCT INSTANT RAFFLES FROM APRIL 1, 2010 THROUGH MARCH 31, 2011; AND

WHEREAS, ALL THE REQUIREMENTS HAVE BEEN MET, THEREFORE, SAID APPLICATION IS IN ORDER FOR APPROVAL BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK.

OFF CONSENT AGENDA:

On a motion by Councilman Corcoran, seconded by Councilman T. Calabrese, Resolution 2010-40 was offered for adoption:

ROLL CALL:

AYES: Fontana, Bongard, T. Calabrese, Martinotti, Corcoran. ABSTAIN: Spoto.

RESOLUTION 2010-40

APPOINTMENT OF THE ALTERNATE MUNICIPAL PROSECUTOR

WHEREAS, ON OCTOBER 24, 1996, P.L. 1996, C.95, SECTION 14 (ASSEMBLY NO. 1416) MUNICIPAL PROSECUTOR LAW BECAME EFFECTIVE IN THE STATE OF NEW JERSEY; AND

WHEREAS, THE STATUTE REQUIRES THAT ALL MUNICIPALITIES DRAFT EITHER AN ORDINANCE OR RESOLUTION APPOINTING AN ALTERNATE MUNICIPAL PROSECUTOR WHICH MUST INCLUDE SPECIFIC REFERENCE TO THE AFORESTATED LEGISLATION; AND

WHEREAS, THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK DO HEREBY MOVE THIS RESOLUTION IN ACCORDANCE WITH P.L. 1996, C.95, SECTION 14.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT HOWARD DORIAN, ESQ., IS HEREBY APPOINTED ALTERNATE MUNICIPAL PROSECUTOR OF THE BOROUGH OF CLIFFSIDE PARK, BERGEN COUNTY, NEW JERSEY AT AN ANNUAL SALARY OF \$5,200; AND

BE IT FURTHER RESOLVED, THAT HOWARD DORIAN'S BUSINESS ADDRESS IS 504 SUNSET TERRACE, RIDGEFIELD, NEW JERSEY, TELEPHONE NO. (201) 313 - 8600; AND

BE IT FURTHER RESOLVED, THAT THIS RESOLUTION IS AN OFFICIAL ACT OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, COUNTY OF BERGEN AND STATE OF NEW JERSEY APPOINTING HOWARD DORIAN, ESQ., FOR A ONE (1) YEAR TERM COMMENCING IMMEDIATELY AND TERMINATING ON DECEMBER 31, 2010 FOR THE POSITION OF ALTERNATE MUNICIPAL PROSECUTOR.

On a motion by Councilman Bongard, seconded by Councilman T. Calabrese, Resolution 2010-41 was offered for adoption:

ROLL CALL:

AYES: Spoto, Fontana, Bongard, T. Calabrese, Martinotti, Corcoran.

RESOLUTION 2010-41

WHEREAS, Bruce Bonaventuro, Borough Administrator, retired January 31, 2010 from the Borough of Cliffside Park; and

WHEREAS, Bruce Bonaventuro had filed his retirement documents on October, 2009 with the State Division of Pension and Benefits; and

WHEREAS, as of January 31, 2010, no response, other than the documents are being processed, has been received by Bruce Bonaventuro from the State Division of Pension and Benefits; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cliffside Park hereby direct Frank Berardo, Chief Financial Officer, to continue Bruce Bonaventuro's medical coverage until Bruce Bonaventuro receives confirmation from the State Division of Pension and Benefits; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Cliffside Park hereby direct Frank Berardo, Chief Financial Officer, to terminate medical coverage for Bruce Bonaventuro immediately after notification from the State Division of Pension and Benefits has been received.

On a motion by Councilwoman Spoto, seconded by Councilman Bongard, Resolution 2010-42 was offered for adoption:

ROLL CALL:

AYES: Spoto, Fontana, Bongard, T. Calabrese, Martinotti, Corcoran.

RESOLUTION 2010-42

WHEREAS, CHAPTER 2, SECTION 17 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CLIFFSIDE PARK PROVIDES FOR THE APPOINTMENT OF SPECIAL LAW ENFORCEMENT OFFICERS (CLASS II); AND

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, UPON MOTION DULY MADE, SECONDED AND CARRIED, THAT SAVAS GLAVAS IS HEREBY APPOINTED AS A CLASS II (TWO) SPECIAL LAW ENFORCEMENT OFFICER EFFECTIVE JANUARY 30, 2010 UNTIL DECEMBER 31, 2010; SUBJECT TO THE SATISFACTORY COMPLETION OF ALL OF THE FOLLOWING CONDITIONS:

1. PHYSICAL EXAMINATION
2. PSYCHOLOGICAL EXAMINATION
3. FINGERPRINT AND BACKGROUND INVESTIGATION
4. COMPLETION OF A POLICE TRAINING COMMISSION APPROVED ACADEMY (SLEO CLASS II CERTIFICATION)

On a motion by Councilman Bongard, seconded by Councilwoman Spoto, Resolution 2010-43 was offered for adoption;

ROLL CALL:

AYES: Spoto, Fontana, Bongard, T. Calabrese, Martinotti, Corcoran.

RESOLUTION 2010-43

MAYOR'S APPOINTMENTS

Pursuant to the obligations imposed upon my by law, I make the following nominations and seek the advice and consent of the Council:

	Term Expires
<u>BOROUGH COMPUTER AND PERIPHERAL MAINTENANCE – 1 Year Term</u>	
Computer Service Center, Inc.	12/31/10
<u>OFFICIAL NEWSPAPERS – 1 Year Term</u>	
Bergen News	12/31/10
<u>GREEN COMMITTEE – 1 Year Term</u>	
John Mitchell	12/31/10
Chris Moutenot	12/31/10

On a motion by Councilman Bongard, seconded by Councilman T. Calabrese, Resolution 2010-44 was offered for adoption:

ROLL CALL:

AYES: Spoto, Fontana, Bongard, T. Calabrese, Martinotti, Corcoran.

RESOLUTION 2010-44

TEMPORARY CAPITAL BUDGET

WHEREAS, the local capital budget for the year 2010 has not been adopted,

WHEREAS, it is desired to Introduce a Capital Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Cliffside Park, County of Bergen that the following temporary capital budget amendment of 2010 be made:

RECORDED VOTE
(Insert last names)

CAPITAL BUDGET (Current Year Action)
2010

PROJECT 1	PROJECT NUMBER 2	ESTIMATED TOTAL COST 3	AMOUNTS RESERVED IN PRIOR YEARS 4	PLANNED FUNDING SERVICES FOR CURRENT YEAR 2010						6 TO BE FUNDED IN FUTURE YEARS
				5a 2009 Budget Appropriations	5b Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5c Debt Authorized		
Acquisition of Real Property (770 Fairview Ave, Fairview, NJ) and Lease Hold Interest from the BCIA		\$ 2,200,000			\$ 105,000				\$ 2,095,000	
TOTALS ALL PROJECTS		\$ 2,200,000			\$ 105,000				\$ 2,095,000	

6 YEAR CAPITAL PROGRAM 2010 - 2015
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

PROJECT NUMBER 2	ESTIMATED TOTAL COST 3	ESTIMATED COMPLETION TIME 4	5 FUNDING AMOUNTS PER YEAR							
			Budget Year 2010	2011	2012	2013	2014	2015		
Acquisition of Real Property (770 Fairview Ave, Fairview, NJ) and Lease Hold Interest from the BCIA	\$ 2,200,000		\$ 2,200,000							
TOTALS ALL PROJECTS	\$ 2,200,000		\$ 2,200,000							

6 YEAR CAPITAL PROGRAM 2010 - 2015

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants in Aid And Other Funds	7 BONDS AND NOTES		
		Current Year 2010	Future Years				General	Self Liquidating	Assessment School
Acquisition of Real Property (770 Fairview Ave, Fairview, NJ) and Lease Hold Interest from the BCIA	\$ 2,200,000			\$ 105,000			\$ 2,095,000		
TOTAL ALL PROJECTS	\$ 2,200,000			\$ 105,000			\$ 2,095,000		

Be It Further Resolved that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution creating the temporary capital budget section adopted by the governing body on the 9th day of February, 2010.

Certified by me

(DATE)

MUNICIPAL CLERK

TRENTON, NEW JERSEY
APPROVED _____, 2010

DIRECTOR OF LOCAL GOVERNMENT SERVICES

ORDINANCES: INTRODUCTION

Councilman Fontana INTRODUCED AN ORDINANCE ENTITLED:

ORDINANCE 2010-01

Councilman Fontana moved the ordinance be given its first reading. So ordered.

The Municipal Clerk read the said ordinance by title. Councilman Fontana moved the ordinance be adopted on first reading and published in The Record on February 13, 2010. Motion was seconded by Councilman Bongard.

The ordinance will be available to the public for inspection at the Clerk's Office and posted on the bulletin board.

The public hearing is to be held on March 16, 2010 in the Mayor and Council Chambers at 7:00 pm, at which time all persons wishing to be heard on the proposed ordinance will be heard.

The ordinance was approved at the first reading upon the call of the roll.

ROLL CALL:

AYES: Spoto, Fontana, Bongard, T. Calabrese, Martinotti. **ABSTAIN:** Corcoran.

ORDINANCE 2010-01

AN ORDINANCE OF THE BOROUGH OF CLIFFSIDE PARK IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF 770 FAIRVIEW AVENUE, FAIRVIEW, NEW JERSEY, AND RELATED EXPENSES, AND APPROPRIATING \$2,200,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$2,095,000 IN BONDS OR NOTES OF THE BOROUGH OF CLIFFSIDE PARK TO FINANCE THE SAME

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Cliffside Park, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated for the improvement or purpose the sum of \$2,200,000 including the sum of \$105,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$2,095,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued are for the acquisition of all rights, title and interest of The Bergen County Improvement Authority in that certain real property known as 770 Fairview Avenue, Fairview, New Jersey, and including costs in connection with the remediation, relocation and site work in connection with said property, and including the payment of all amounts in connection with the Borough's exercise of its option to purchase said property under that certain Lease and Agreement between The Bergen County Improvement Authority and the Borough, dated as of April 30, 2007, as amended, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,095,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$400,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The Borough reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is hereby approved.

COMMITTEE REPORTS: ALL COMMITTEE REPORTS ON FILE WITH THE CLERK.

MAYOR CALABRESE:

COUNCILWOMAN SPOTO:

COUNCILMAN FONTANA:

COUNCILMAN BONGARD:

COUNCILMAN T. CALABRESE:

COUNCILWOMAN MARTINOTTI:

COUNCILMAN CORCORAN:

PUBLIC PORTION:

On a motion by Councilwoman Martinotti, seconded by Councilman Bongard, the meeting was opened to the public. Carried.

PUBLIC PARTICIPATION: None.

On a motion by Councilman Bongard, seconded by Councilman T. Calabrese, the meeting was closed to the public. Carried.

ADJOURN:

On a motion by Councilman Bongard, seconded by Councilman T. Calabrese, the meeting was adjourned at 7:50 pm.

ATTEST:


SERCAN ZOKLU, RMC
BOROUGH CLERK

APPROVED:


GERALD A. CALABRESE
MAYOR