

JUNE 9, 2009

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

**MINUTES OF THE REGULAR MEETING JUNE 9, 2009**

**CALL TO ORDER AT 7:15 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**

**MAYOR CALABRESE 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.

**PRESENTATIONS:**

TD BANK NORTH PRESENTED THE MAYOR AND COUNCIL WITH A PHOTOGRAPH OF BOROUGH HALL DATED 1892.

A PROCLAMATION TO THE MYASTHENIA GRAVIS FOUNDATION OF AMERICA, INC. WAS ANNOUNCED.

**MINUTES OF THE MEETING OF MAY 12, 2009 AND MAY 15, 2009 WERE ACCEPTED AS PRESENTED ON A MOTION BY COUNCILMAN FONTANA, SECONDED BY COUNCILWOMAN SPOTO, AND CARRIED.**

**CONSENT AGENDA:**

**CLAIMS:**

**On a motion by Councilman Bongard, seconded by Councilman Corcoran, 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 Corcoran, Resolution 2009-114 through 2009-133 was offered for adoption:**

**ROLL CALL:**

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

**RESOLUTION 2009-114**

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of Police Sergeant Michael Sciancalepore, that the following resolution designating handicapped parking spaces be rescinded:

Adopted on: December 12, 2006

RESOLUTION # 198

534 Anderson Avenue, Cliffside Park, NJ 07010

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July 15, 2003	RESOLUTION # 112 560 St. Paul Avenue, Cliffside Park, NJ 07010
January 7, 2003	RESOLUTION # 322 564 St. Paul Avenue, Cliffside Park, NJ 07010
Date Unknown	RESOLUTION # Unknown 267 Cliff Street, 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 2009-115**

**WHEREAS, CHAPTER 11-5.3** of the General ordinances of the Borough of Cliffside Park prohibits the construction of any fence in excess of four (4) feet in height without the authorization of the Mayor and Council; and

**WHEREAS**, Anthony Picinich of 207 Cliff Street, Cliffside Park, NJ requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence six (6) feet in height, on his property for privacy and safety; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Cliffside Park, that permission is hereby granted for the construction of a six foot fence with the finished side facing the adjacent properties. In addition, the Building Department is hereby authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

### **RESOLUTION 2009-116**

**WHEREAS**, AUDITING REQUIREMENTS OF THE STATE OF NEW JERSEY REQUIRES THREE SIGNATORIES ON VARIOUS MUNICIPAL ACCOUNTS; AND

**WHEREAS**, THE BOROUGH OF CLIFFSIDE PARK, IN COMPLIANCE WITH SAID DIRECTIVE DOES HEREBY DIRECT THE CHIEF FINANCIAL OFFICER, FRANK BERARDO, TO CHARGE ANY CHECK SIGNATURE PLATES AND BANKING RECORDS TO REFLECT THE SIGNATURE AUTHORIZATION FOR THE ACCOUNTS REQUIRING THREE SIGNATURES TO BE AS FOLLOWS:

GERALD A. CALABRESE, MAYOR  
FRANK BERARDO, CHIEF FINANCIAL OFFICER  
SERCAN ZOKLU, BOROUGH CLERK

**NOW, THEREFORE, BE IT RESOLVED**, THAT THE COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK DOES HEREBY DIRECT FRANK BERARDO TO FORWARD THIS RESOLUTION TO ANY AND ALL FINANCIAL INSTITUTIONS AND TO UNDERTAKE ANY AND ALL ACTION NECESSARY TO COMPLETE THE PAPERWORK NECESSARY TO REVISE THE BANKING RECORDS; AND

**BE IT FURTHER RESOLVED**, THAT A COPY OF THIS RESOLUTION BE TENDERED TO THE MUNICIPAL AUDITOR, DIETER LERCH, RMA.

### **RESOLUTION 2009-117**

**BE IT RESOLVED**, THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK WISHES TO ENTER A GRANT AGREEMENT WITH THE COUNTY OF BERGEN FOR THE PURPOSE OF USING \$ 40,000 IN 2008 OPEN SPACE TRUST FUNDS FOR WEST GRANTWOOD PARK IMPROVEMENTS PHASE IV IN THE BOROUGH OF CLIFFSIDE PARK; AND

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**BE IT FURTHER RESOLVED**, THAT THE MAYOR AND COUNCIL HEREBY AUTHORIZES BRUCE BONAVENTURO TO BE A SIGNATORY TO THE AFORESAID GRANT AGREEMENT; AND

**BE IT FURTHER RESOLVED**, THAT THE MAYOR AND COUNCIL HEREBY AUTHORIZES FRANK BERARDO TO SIGN ALL COUNTY VOUCHERS SUBMITTED IN CONNECTION WITH THE AFORESAID PROJECT; AND

**BE IT FURTHER RESOLVED**, THAT THE MAYOR AND COUNCIL RECOGNIZES THAT THE BOROUGH OF CLIFFSIDE PARK IS LIABLE FOR A DOLLAR FOR DOLLAR MATCH FOR ANY FUNDS AWARDED IN ACCORDANCE WITH THE TRUST REQUIREMENTS;

THIS RESOLUTION WAS ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK AT A MEETING ON THE NINTH DAY OF JUNE, 2009.

### **RESOLUTION 2009-118**

**BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT CERTAIN TAXPAYERS HAVE MADE DUPLICATE 2009 TAX PAYMENTS ON PROPERTY WHICH IS ON FILE IN THE TAX COLLECTOR'S OFFICE, RESULTED IN OVERPAYMENTS; AND

**NOW, 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 TD BANK ACCOUNT.

### **RESOLUTION 2009-119**

**WHEREAS**, CERTAIN TAXPAYERS APPLIED FOR COUNTY BOARD JUDGMENTS ON THEIR 2008 TAXES; AND

**WHEREAS**, THE GRANTING OF SAID REDUCTIONS RESULTED IN OVERPAYMENTS ON THEIR 2008 TAXES; AND

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT THE PROPER FINANCIAL OFFICER BE AND HE IS HEREBY AUTHORIZED TO ISSUE CHECKS AS REFUNDS ON THEIR 2008 TAXES IN ACCORDANCE WITH THE SCHEDULES, WHICH ARE ON FILE IN THE OFFICE OF THE TAX COLLECTOR.

### **RESOLUTION 2009-120**

**WHEREAS**, A PROJECT ENTITLED "DEPARTMENT OF TRANSPORTATION – EDGEWATER ROAD" HAS BEEN COMPLETED; AND

**WHEREAS**, ALL MONIES HAVE BEEN RECEIVED BY THE BOROUGH OF CLIFFSIDE PARK FROM THE STATE OF NEW JERSEY FOR SAID PROJECT; AND

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, THAT THE SAID ACCOUNTS RECEIVABLE, IN THE AMOUNT OF \$17,201.78, BE CANCELLED TO BUDGET OPERATIONS.

### **RESOLUTION 2009-121**

**WHEREAS**, the Borough of Cliffside Park received numerous complaints in regard to the disrepair and abandonment of 9 Lincoln Place; and

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**WHEREAS**, the aforesaid facts were confirmed upon inspections by Property Maintenance Official Frank Peorio, Construction Code Official John Candelmo and DPW Official Al Martone; and

**WHEREAS**, Municipal and/or UCC summonses were issued to the property owner for violation of municipal ordinances and/or the Uniform Construction Code; and

**WHEREAS**, in order to preserve the health, safety and welfare of the adjacent neighbors and all municipal residents, the Borough of Cliffside Park undertook an emergency cleanup of the front, rear and side yards of 9 Lincoln Place; and

**WHEREAS**, on May 21, 2009, the DPW crew was directed to clean and properly dispose of all the garbage and construction debris strewn across the property; and

**WHEREAS**, the DPW Official Al Martone, in the course of his duty, has submitted to the municipality an itemized cleanup cost which is attached hereto and incorporated herein as if set forth in its entirety; and

**NOW, THEREFORE BE IT RESOLVED**, that the Council directs Tax Collector Frank Berardo to place a tax lien on the real property commonly known as 9 Lincoln Place in the amount of One Hundred Fifty and 00/100 Dollars (\$150.00) representing emergency cleanup of garbage and miscellaneous debris located at 9 Lincoln Place; and

**BE IT FURTHER RESOLVED**, that a certified to-be-true copy of said resolution be sent via Certified Mail Return Receipt Requested to the registered property owners of 9 Lincoln Place.

### **RESOLUTION 2009-122**

**WHEREAS, CHAPTER 11-5.3** of the General ordinances of the Borough of Cliffside Park prohibits the construction of any fence in excess of four (4) feet in height without the authorization of the Mayor and Council; and

**WHEREAS**, Rodney Telleri of 418 Greenmount Avenue, Cliffside Park, NJ requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence six (6) feet in height, on his property for privacy and safety; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Cliffside Park, that permission is hereby granted for the construction of a six foot fence with the finished side facing the adjacent properties. In addition, the Building Department is hereby authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

### **RESOLUTION 2009-123**

**WHEREAS**, the Mayor and Council of the Borough of Cliffside Park desire to authorize the 2009 Community Development Project Sanitary Sewer Rehabilitation – Phase IX including portions of Lawton Avenue, Grant Avenue, Knox Avenue and Lafayette Avenue; and

**WHEREAS**, there are funds to be provided for this project by the Bergen County Community Development commencing July 1, 2009; and

**WHEREAS**, it is necessary for plans and specifications to be prepared for public bidding; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Cliffside Park, to authorize Stephen T. Boswell of Boswell McClave Engineering, the Borough Engineer, to prepare plans and specifications for the design work necessary for bidding the project and supervise and inspect construction related to this proposed improvement; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized to advertise for bids, the date of which is to be mutually agreed by said Borough Clerk and Borough Engineer.

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**RESOLUTION 2009-124**

**WHEREAS**, the Mayor and Council of the Borough of Cliffside Park desire to authorize for Columbus Park Improvements, Block 3304, Lot 10; and

**WHEREAS**, there are funds to be provided for this project in the Local Municipal Budget; and

**WHEREAS**, it is necessary for plans and specifications to be prepared for public bidding; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Cliffside Park, to authorize Stephen T. Boswell of Boswell McClave Engineering, the Borough Engineer, to prepare plans and specifications for the design work necessary for bidding the project and supervise and inspect construction related to this proposed improvement; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized to advertise for bids, the date of which is to be mutually agreed by said Borough Clerk and Borough Engineer.

**RESOLUTION 2009-125**

**WHEREAS**, the Mayor and Council of the Borough of Cliffside Park desire to authorize the 2009 Municipal Road Improvements, to all or portions of Oakwood, Columbia, Marion, Longview and Oakdene Avenues and Columbus Place; and

**WHEREAS**, there are funds provided for this project in the current Municipal Budget, and from the Community Development Block Grant "Recovery" (CDBG-R); and

**WHEREAS**, it is necessary for plans and specifications to be prepared for public bidding; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Cliffside Park, to authorize Stephen T. Boswell of Boswell McClave Engineering, the Borough Engineer, to prepare plans and specifications for the design work necessary for bidding the project and supervise and inspect construction related to this proposed improvement; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized to advertise for bids, the date of which is to be mutually agreed by said Borough Clerk and Borough Engineer.

**RESOLUTION 2009-126**

**WHEREAS**, the Mayor and Council of the Borough of Cliffside Park desire to authorize the 2009 Municipal Tree Planting Improvements in conjunction with the New Jersey Community Forestry Management Plan of the N.J. Forest Service; and

**WHEREAS**, there are funds provided for this project in the current Municipal Budget, and a \$3,000.00 Grant from the New Jersey Forest Service; and

**WHEREAS**, it is necessary for plans and specifications to be prepared for public bidding; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Cliffside Park, to authorize Stephen T. Boswell of Boswell McClave Engineering, the Borough Engineer, to prepare plans and specifications for the design work necessary for bidding the project and supervise and inspect construction related to this proposed improvement; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized to advertise for bids, the date of which is to be mutually agreed by said Borough Clerk and Borough Engineer.

**RESOLUTION 2009-127**

**WHEREAS**, the Mayor and Council of the Borough of Cliffside Park desire to authorize the 2009 Municipal Tree Planting Improvements in conjunction with the New Jersey Community Forestry Management Plan of the N.J. Forest Service; and

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**WHEREAS**, there are funds provided for this project in the current Municipal Budget, and a \$3,000.00 Grant from the New Jersey Forest Service; and

**WHEREAS**, it is necessary for plans and specifications to be prepared for public bidding; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Cliffside Park, to authorize Stephen T. Boswell of Boswell McClave Engineering, the Borough Engineer, to prepare plans and specifications for the design work necessary for bidding the project and supervise and inspect construction related to this proposed improvement; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized to advertise for bids, the date of which is to be mutually agreed by said Borough Clerk and Borough Engineer.

### **RESOLUTION 2009-128**

**WHEREAS**, A HOUSING AUTHORITY COMMISSIONER FOR THE BOROUGH OF CLIFFSIDE PARK SERVES A FIVE (5) YEAR TERM; AND

**WHEREAS**, PETER COLAO'S TERM AS A HOUSING AUTHORITY COMMISSIONER FOR THE BOROUGH OF CLIFFSIDE PARK EXPIRES ON JUNE 20, 2009; AND

**NOW, THEREFORE BE IT RESOLVED**, THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK RE-APPOINT PETER COLAO FOR A FIVE (5) YEAR TERM EXPIRING JUNE 20, 2014; AND

**BE IT FURTHER RESOLVED**, THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE FOLLOWING INDIVIDUALS:

1. JOSEPH CAPANO, EXECUTIVE DIRECTOR
2. PETER COLAO

### **RESOLUTION 2009-129**

#### **MUNICIPAL REPRESENTATIVE FOR OPEN SPACE COMMITTEE**

**WHEREAS**, the Borough of Cliffside Park has entered into a cooperative agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40a:8a-1 et seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

**WHEREAS**, said agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee for the term of one year coinciding with the fiscal year July 1, 2009 through June 30, 2010; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Cliffside Park hereby appoints Rose Messina, Recreation Coordinator, as its representative to participate on the Open Space Trust Municipal Program Regional Committee.

### **RESOLUTION 2009-130**

#### **APPROVE RAFFLE LICENSE FOR UNITI ASSOCIATION OF ENGLEWOOD CLIFFS**

**WHEREAS**, an application has been submitted by the UNITI Association of Englewood Cliffs to conduct a 50/50 Raffle as permitted under State Statute October 17, 2009; and

**WHEREAS**, all requirements have been met, therefore, said application is in order for approval by the Mayor and Council of the Borough of Cliffside Park.

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### **RESOLUTION 2009-131**

**WHEREAS**, Cliffside Park Police Officers have observed a dangerous motor vehicle intersection and vehicular right of way; and

**WHEREAS**, the Police Department with the concurrence of Chief Donald Keane are requesting that the Council enact its emergency interim traffic control powers and direct the prohibition of parking subject to the police department finalizing its traffic report; and

**WHEREAS**, the Police Department specifically recommends that there should be no parking on the eastside of Esplanade Place from the intersection of Cecilia Avenue to the terminus of Esplanade Place; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Cliffside Park does hereby exercise its emergency traffic powers and restricts parking on the entire eastside of Esplanade Place; and

**BE IT FURTHER RESOLVED**, that this emergency directive shall be in place for the appropriate statutory time period as may be extended or until codified by ordinance.

### **RESOLUTION 2009-132**

**WHEREAS**, Aurora Developers have requested that Borough Engineer, Richard J. Fox, P.E., review their bonding estimate through June 8, 2009; and

**WHEREAS**, the Borough Engineer has opined that a significant amount of work has been completed on the Aurora project and that the bond should be reduced from Six Hundred Sixty-Two Thousand Four Hundred and 00/100 Dollars (\$662,400.00) to Three Hundred Sixty Thousand Eight Hundred Sixteen and 00/100 Dollars (\$360,816.00); and

**WHEREAS**, included in said retained sums is the amount of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) representing the improvements and restoration to Zalewski Park as per the Developer=s Agreement with the Municipality; and

**NOW THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Cliffside Park does hereby authorize the reduction of Aurora=s performance bond from Six Hundred Sixty-Two Thousand Four Hundred and 00/100 Dollars (\$662,400.00) to Three Hundred Sixty Thousand Eight Hundred Sixteen and 00/100 Dollars (\$360,816.00); and

**BE FURTHER RESOLVED**, that the confirming documentation, prepared by the Borough Engineer, Richard J. Fox, P.E., be attached hereto and incorporated herein as if set forth in its entirety; and

**BE IT FURTHER RESOLVED**, that a certified to-be-true copy of said resolution be submitted to Alan G. Litt, President of Kohl Industries, and Frank Berardo, CFO.

### **RESOLUTION 2009-133**

**WHEREAS**, the Borough of Cliffside Park has declared various portions of Anderson Avenue as an Aarea in need of redevelopment@; and

**WHEREAS**, the Borough has chosen Towne Centre Associates, LLC as the Redeveloper of the Anderson Avenue Project; and

**WHEREAS**, the Redeveloper has been granted site plan approval from the Planning Board of the Borough of Cliffside Park on March 9, 2009; and

**WHEREAS**, as a condition precedent to the issuance to the site plan, the Redeveloper presented detailed architectural plans and specifications prepared by Raymond Virgona, the Project Architect regarding design, scope and details of the residential and retail components of the project. In addition, Neglia Engineering, Co., the Redeveloper's site engineer, presented specifications, statements and testimony

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pertaining to utility issues including but not limited to, sewer, drainage, gas, electric as well as offsite improvements and costs related thereto; and

**WHEREAS**, the Redeveloper has submitted financial proofs to the Municipality confirming its ability to construct the project utilizing either private capital, public financing and/or private mortgage funds; and

**WHEREAS**, the Redeveloper has submitted a preliminary loan applications to the FHA for private financing of the Redevelopment Project; and

**WHEREAS**, an integral negotiated component of the Redeveloper's Agreement was the establishment of a PILOT (Payment in Lieu of Taxes); and

**WHEREAS**, the N.J.S.A. 48:20-5 requires as a condition precedent to the creation of a PILOT, that the Redeveloper create an urban renewal entity; and

**WHEREAS**, relevant New Jersey statutes require the Commissioner of the Department of Community Affairs, after receiving a conditional approval from the Municipality, accept the urban renewal entity=s Certificate of Formation; and

**WHEREAS**, the Redeveloper has requested that the Council approve and recommend formation of the urban renewal entity named ATowne Centre Urban Renewal Company, LLC@, a New Jersey limited liability company.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Cliffside Park as follows:

1. The Council does hereby accept the actions of the Planning Board of the Borough of Cliffside Park in regard to the Redevelopment Project; and
2. The Council does hereby approve the urban renewal entity named ATowne Centre Urban Renewal Company, LLC@ subject to the approval of the Commissioner of the Department of Community Affairs; and
3. The Commissioner of the Department of Community Affairs approve the creation of the urban renewal entity named ATowne Centre Urban Renewal Company, LLC@, a New Jersey limited liability company; and
4. The Council accepts the urban renewal documentation presented to the Borough by the Redeveloper which is attached hereto.

**BE IT FURTHER RESOLVED**, this resolution does hereby authorize Mayor Gerald A. Calabrese to execute a negotiated PILOT Agreement between the urban renewal entity, ATowne Centre Urban Renewal Company, LLC@ and the Borough of Cliffside Park; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be submitted to the Commissioner of the Department of Community Affairs, Towne Center Redevelopers, LLC and Frank Berardo, CFO.

**OFF CONSENT AGENDA:**

**On a motion by Councilman Corcoran, seconded by Councilman Bongard, Resolution 2009-134 was offered for adoption:**

**ROLL CALL:**

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

**RESOLUTION 2009-134**

**WHEREAS**, the Borough of Cliffside Park commenced action in the Superior Court of the State of New Jersey entitled Borough of Cliffside Park vs. Pedigree Holding Group, LLC et al. Docket No. BER-L-8236-08; and

**WHEREAS**, with the consent of the Council, the matter has been amicably resolved wherein the Borough of Cliffside Park will purchase 688 West Prospect Avenue, Fairview, New Jersey; and

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**WHEREAS**, to effectuate the settlement, various documents were required to be executed by municipal officials; and

**WHEREAS**, Mayor Gerald A. Calabrese and Borough Attorney Christos J. Diktas were authorized to settle the litigation and execute all necessary documents to effectuate same; and

**NOW, THEREFORE, BE IT RESOLVED**, the Council reaffirms *nun pro tunc* the actions of Mayor Gerald A. Calabrese and Christos J. Diktas, Esq. wherein both officials executed the following documents on June 2, 2009 specifically:

1. Assignment of Interest regarding environmental remediation;
2. Consent Order for Final Judgment;
3. Release to Pedigree Holding Group, LLC.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be submitted to Joseph Grather, Esq., attorney for Pedigree Holding Group, LLC.

**On a motion by Councilwoman Martinotti, seconded by Councilman Bongard, Resolution 2009-135 was offered adoption:**

ROLL CALL:

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

## **RESOLUTION 2009-135**

### **Renewal of Liquor Licenses**

**WHEREAS**, the Mayor and the Council of the Borough of Cliffside Park having investigated the applications of the following licenses to conduct business for retail consumption of alcoholic beverages; and

**BE IT RESOLVED**, that the Borough Clerk be and is hereby empowered to issue plenary retail consumption licenses to the following persons for the year commencing on:

#### **July 1, 2009 through June 30, 2010**

0206-33-001-004	Maverick Food Concepts, Inc. T/A Club House Café	661 Palisade Ave.
0206-33-004-002	Chung Hyonsuk T/A Trio 21 Restaurant	565 Gorge Rd.
0206-33-005-007	Jessi Sun, Inc. T/A BBQ Chicken & Beer	555 Anderson Ave.
0206-32-007-009	T & A Food Service Corp. T/A Izakaya Don	671 Palisade Ave.
0206-33-008-012	John Petrocelli (POCKET)	
0206-33-011-007	Sonsonate Rest., Inc. T/A Sonsonate Rest.	98-100 Palisade Ave.
0206-33-014-003	Esposito's On the Palisades T/A Villa Amalfi Rest.	793 Palisade Ave.
0206-33-018-004	Milton Barrera Corporation T/A Salvadoreno Rest	348 Palisade Ave.
0206-33-021-008	Kaname Inc., T/A Kaname Restaurant	783 Palisade Ave.
0206-33-023-002	512 Anderson Ave Corp T/A Papa Bears Pub	512 Anderson Ave.
0206-33-024-005	Izakaya Maru LLC T/A Izakaya Maru	631 Anderson Ave.
0206-33-028-002	Gill's Tavern, Inc. T/A Gill's Tavern	19 Bender Place
0206-33-029-011	SIBCO Inc. T/A STUDIO (POCKET)	613 Anderson Ave.
0206-33-032-005	Palisadium Restaurant Corp.	700 Palisade Ave.
0206-33-033-008	RSV Inc. T/A SHINPO WABAR	604-606 Anderson
0206-33-035-003	Sufroni Associates Inc. T/A Rudy's	591 Anderson Ave.
0206-33-038-007	Georgies Café LLC T/A Georgies Café, Rest.	454 Palisade Ave.
0206-32-040-005	Shukla Brothers, Inc. T/A Liquor City	494 Anderson Ave.
0206-33-042-005	Sartor & Vitale Inc. T/A R JAY'S Pub	76 Palisade Ave.
0206-33-051-006	458 Cliffside Associates LLC T/A Koyama	458 Palisade Ave.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Cliffside Park having investigated the applications of the following persons for license to conduct business for retail distribution of alcoholic beverages; and

**BE IT RESOLVED**, that the Borough Clerk be and is hereby empowered to issue plenary retail distribution licenses to the following persons for the year commencing on:

#### **July 1, 2009 through June 30, 2010**

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0206-44-006-010	Aatmiya LLC T/A Garden State News	666 Anderson Ave.
0206-44-009-005	Navranjan Inc. T/A Stop-N-Go Convenience Store	81 Palisade Ave.
0206-44-019-005	Ranjan Inc. T/A Campbell's Deli & Liquor	730 Anderson Ave.
0206-44-027-004	Laxmi Stop & Shop, Inc. T/A Minute Mart	442 Anderson Ave.
0206-44-030-007	Oamshish Inc. T/A Minit Mart	237 Palisade Ave.
0206-44-041-006	Nak Inc. T/A Anderson Grocery & Liquor	739 Anderson Ave.
0206-44-043-005	Winston Wine Cellars Inc. T/A Winston Wine & Liquor	659 Palisade Ave.
0206-44-048-009	Anupam Zaveri LLC T/A Garden State News	461 Palisade Ave.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Cliffside Park having investigated the applications of the following for Club License; and

**BE IT RESOLVED**, that the Borough Clerk be and is hereby empowered to issue Club Licenses to the following organizations for the year commencing on:

**July 1, 2009 through June 30, 2010**

0206-31-044-001	Benedict Club Inc. T/A Benedict Club	718 Palisade Ave.
0206-31-050-002	Cliffside Park Elks Lodge #1502	526 Anderson Avenue

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Cliffside Park having investigated the applications of the following for limited retail distribution licenses; and

**BE IT RESOLVED**, that the Borough Clerk be and is hereby empowered to issue limited retail distribution licenses to the following persons for the year commencing on;

**July 1, 2009 through June 30, 2010**

0206-43-003-003	Yianni's Bakery and Deli Inc.	145 Palisade Ave.
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**BE IT FURTHER RESOLVED**, that all of said licenses have been issued pursuant to an Act of the Legislature of the State of New Jersey, entitled "An Act Concerning Alcoholic Beverages, Its Supplements and Amendments Thereto" and the Borough of Cliffside Park.

**On a motion by Councilman T. Calabrese, seconded by Councilwoman Martinotti, Resolution 2009-136 was offered for adoption:**

ROLL CALL:

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

### **RESOLUTION 2009-136**

**WHEREAS**, the Borough of Cliffside Park 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:8a-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

**WHEREAS**, said agreement requires that one Municipal Representative be appointed by the governing body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1, 2009 through June 30, 2010; and

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Cliffside Park hereby appoints Lawrence Bongard, 550 Dewey Avenue (201) 394-4173 and Anne Frey, 408 Palisade Avenue (201) 941-1515 as its representatives to participate on the Community Development Regional Committee.

**On a motion by Councilwoman Spoto, seconded by Councilman Fontana, the meeting was opened to the public to discuss the 2009 Budget.**

**PUBLIC PARTICIPATION: NONE**

**On a motion by Councilman Bongard, seconded by Councilman T. Calabrese, the public hearing on the 2009 Budget was closed.**

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**On a motion by Councilwoman Spoto, seconded by Councilman Fontana, the meeting was opened to the public to discuss the 2009 Budget Amendment.**

**PUBLIC PARTICIPATION: NONE**

**On a motion by Councilman Fontana, seconded by Councilman T. Calabrese, the public hearing on the 2009 Budget Amendment was closed.**

**On a motion by Councilwoman Spoto, seconded by Councilman Fontana, Resolution 2009-137 was offered for adoption:**

**ROLL CALL:**

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

### **RESOLUTION 2009-137**

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**On a motion by Councilman Corcoran, seconded by Councilman T. Calabrese, Resolution 2009-138 was offered for adoption:**

ROLL CALL:

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

### **RESOLUTION 2009-138**

#### **RE: Self Examination of Budget**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 thru 7.5, the Borough of Cliffside Park has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2009 budget year; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Cliffside Park that the 2009 annual budget be examined in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, if applicable, the amounts have been calculated pursuant to law and appropriated as such in the budget.
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated;
  - b. Items of appropriations are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

**On a motion by Councilwoman Spoto, seconded by Councilman Fontana, Resolution 2009-139 was offered for adoption:**

ROLL CALL:

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

### **RESOLUTION 2009-139**

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**Councilman Bongard INTRODUCED AN ORDINANCE ENTITLED:**

**ORDINANCE 2009-07**

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

The Municipal Clerk read the said ordinance by title. Councilman Bongard moved the ordinance be adopted on first reading and published in the Record on June 17, 2009.

The public hearing is to be held on July 14, 2009. Motion was seconded by Councilman T. Calabrese.

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

ROLL CALL:

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

**ORDINANCE 2009-07**

**AN ORDINANCE AMENDING CHAPTER 18, ZONING,  
OF THE GENERAL ORDINANCES OF  
THE BOROUGH OF CLIFFSIDE PARK**

**WHEREAS**, Municipal Planner, Lisa Phillips, P.P., AICP, has recommended to the Planning and Zoning Boards that the following amendments to the Zoning Ordinance be implemented by the Council; and

**WHEREAS**, both the Zoning and Planning Boards have concurred on the recommendations of the Planner; and

**NOW, THEREFORE, BE IT ORDAINED**, that Chapter 18 of the General Ordinances of the Borough of Cliffside Park, specifically, Zoning, be amended as follows:

**Article III  
Residential Zone Regulations**

**18-3 RESIDENTIAL ZONES ENUMERATED.**

Amendment to Article 18-3.1 R-1 One Family Residential Zone:

New Provisions:

18-3.1(b)(9): All one family dwellings shall be limited to floor area ratio of 0.80, excluding basement and garage areas.

18-3.1(b)(10): Installation of outside side door(s) leading to the basement lower level is prohibited in all residential zones.

18-3.1(b)(11): Basement lower levels shall only be permitted to have one (1) five foot by five foot (5' x 5') powder room.

18-3.1(b)(12): Basement ceiling heights shall be limited to seven feet two inches (7'2").

18-3.1(b)(13): Outdoor staircases shall be limited to ten feet (10') from finished grade to the top of the porch.

18-3.1(b)(14): All new construction shall be required to install underground utilities when possible subject to the utility company's final determination (the location and connection of the utilities).

Amendments to 18-3.2 R-2 One and Two Family Residential Zone:

18-3.2(b)(9): All two family dwellings shall be limited to floor area ratio of 0.80, excluding basement and garage areas.

18-3.2(b)(10): Installation of outside side door leading to the basement lower level is prohibited in all residential zones.

18-3.2(b)(11): Basement lower levels shall only be permitted to have one (1) five foot by five foot (5' x 5') powder room.

18-3.2(b)(12): All basement ceiling heights shall be limited to seven feet two inches (7'2").

18-3.2(b)(13): Outdoor staircases shall be limited to ten feet (10') from finished grade to the top of the porch.

18-3.2(b)(14): All new construction shall be required to install underground utilities when possible subject to the utility company's final determination (the location and connection of the utilities).

Amendments to 18-3.3 Multi-Family Townhouse Zone.

18-3.3(b)(9): Installation of outside side door leading to the basement lower level is prohibited in all residential zones.

18-3.3(b)(10): Basement lower levels shall only be permitted to have one (1) five foot by five foot (5' x 5') powder room.

18-3.3(b)(11): All basement ceiling heights shall be limited to seven feet two inches (7'2").

18-3.3(b)(12): Outdoor staircases shall be limited to ten feet (10') from finished grade to the top of the porch.

18-3.3(b)(13): All new construction shall be required to install underground utilities when possible subject to the utility company's final determination (the location and connection of the utilities).

**Article VI  
Supplemental Regulations**

Amendments to 18-6.5 Projections into Required Yards.

18.6.5(b) is hereby deleted in its entirety and shall now read as follows:

All bow or bay windows not exceeding two feet (2') shall be permitted to encroach onto side yards as long as the floor area of the unit does not extend into the two foot (2') bow or bay window overhang.

**Article XIII  
View of Landscape Plans for Developmental Applications**

18.13.1 - The municipal zoning office will prepare an application checklist. Wherein the application shall be submitted to any municipal land use applicant who has submitted a landscaping plan as part of their application proposal. If the landscape plan has not been submitted, a completeness letter will be issued deeming the application incomplete.

18.13.2 - A Five Hundred and 00/100 Dollars (\$500.00) escrow will be required to cover the cost to review landscape plan and two (2) site inspections by the Borough Planner.

18.13.3 - A landscape escrow of Seven Hundred Fifty and 00/100 Dollars (\$750.00) will be required for all multi-family and commercial developments.

18.13-4 - A Five Hundred and 00/100 Dollars (\$500.00) escrow will be required for all single and two family development applications not requiring municipal board approval.

18.13-5 - The landscaping plan must be completed prior to the issuance of Certificate of Occupancy. If, due to inclement weather, the landscaping plan cannot be completed, a temporary Certificate of Occupancy will be granted, the escrow will be released to the applicant once the landscape plan has been completed in conjunction with the issuance of a permanent Certificate of Occupancy.

18.13-6 - All fees noted in this Article may be modified by Council resolution.

**Article XIV  
Reserved**

**18-14 - 18-15 Reserved.**

**Validity, Repealer and Effective Date**

**Validity.**

If any section, paragraph, subdivision, clause or provision of this chapter shall be adjudged invalid, such adjudication shall apply only to the particular section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this chapter shall be deemed valid and effective.

**Effect on Pending Actions, Suits, Etc.**

That nothing in this amending chapter or in the Building Officials and Code Administrators, Uniform Construction Code (UCC) and/or the Municipal Land Use Act (MLUA) which is hereby adopted by reference in Article X shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes in action acquired or existing under any act or ordinance hereby repealed as cited in this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

**Repealer.**

All ordinances and parts of ordinances previously adopted for the Borough of Cliffside Park and in conflict herewith are hereby repealed.

**Effective Date.**

This Ordinance shall become effective after final passage and publication as required by law.

**Councilman T. Calabrese INTRODUCED AN ORDINANCE ENTITLED:**

**ORDINANCE 2009-08**

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

The Municipal Clerk read the said ordinance by title. Councilman T. Calabrese moved the ordinance be adopted on first reading and published in the Record on June 17, 2009.

The public hearing is to be held on July 14, 2009. Motion was seconded by Councilman Bongard.

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

**ROLL CALL:**

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

**ORDINANCE 2009-08**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF CLIFFSIDE PARK, CHAPTER XIV ENTITLED SEWERS CONSTRUCTION, BY ADDING A NEW ARTICLE 14-12 ET SEQ. ENTITLED REGULATION OF REFUSE CONTAINERS AND DUMPSTERS WITHIN THE BOROUGH OF CLIFFSIDE PARK**

**WHEREAS,** the New Jersey Department of Environmental Protection has adopted regulations requiring municipalities to adopt ordinances regulating outdoor containers; and

**WHEREAS,** the Mayor and Council find that it is in the best interest of the residents of the Borough of Cliffside Park and the State of New Jersey to adopt an ordinance regulating containers and dumpsters within the Borough; and

**NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK:**

**Section 1 - PURPOSE:**

The purpose of this Ordinance is to require that dumpsters and other refuse containers that are outdoors or exposed to stormwater be covered at all times and to prohibit the spilling, dumping, leaking or other discharge of liquids, semi-liquids or solids from the containers into the municipal separate storm sewer system(s) operated by the Borough of Cliffside Park and/or the waters of the State of New Jersey so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply with the provisions of this Ordinance.

**Section 2 - DEFINITIONS:**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning stated herein unless their use in the text of this sub-chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word *Ashall* is always mandatory and not merely directory.

- (a) Municipal Separate Storm Sewer System (MS3) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Cliffside Park or other public body, and is designed and used for collecting and conveying storm water.
- (b) Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- (c) Refuse Container - any waste container that a person controls, whether owned, leased, or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.
- (d) Stormwater - means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- (e) Waters of the State - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**Section 3 - PROHIBITED CONDUCT:**

Any person who controls, whether owned, leased or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Cliffside Park.

**Section 4 - EXCEPTIONS TO PROHIBITION:**

- (a) Permitted temporary demolition containers.
- (b) Litter receptacles (other than dumpsters or other bulk containers).
- (c) Individual homeowner trash and recycling containers.
- (d) Refuse containers at facilities authorized to discharge storm water under a valid NJPDES permit.
- (e) Large bulky items (e.g., furniture, bound carpet and padding, white goods placed on curbside for pickup).

**Section 5 - ENFORCEMENT:**

This Ordinance shall be enforced by the Police Department and/or other municipal officials of the Borough of Cliffside Park.

**Section 6 - PENALTIES:**

Any person who is found to be in violation of the provisions of this Ordinance shall be subject to a fine as described in this subsection Article 14.

**XIV**

**Section 7 - SEVERABILITY:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such

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portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

**Section 8 - REPEALER:**

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

**Section 9 - EFFECTIVE DATE:**

This Ordinance shall take effective immediately upon final passage and publication as required by law.

**Councilman T. Calabrese INTRODUCED AN ORDINANCE ENTITLED:**

**ORDINANCE 2009-09**

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

The Municipal Clerk read the said ordinance by title. Councilman T. Calabrese moved the ordinance be adopted on first reading and published in the Record on June 17, 2009.

The public hearing is to be held on July 14, 2009. Motion was seconded by Councilwoman Martinotti.

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

ROLL CALL:

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

**ORDINANCE 2009-09**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF CLIFFSIDE PARK, SPECIFICALLY ARTICLE 8-3.3 AND PARKING@**

**NOW, THEREFORE, BE IT ORDAINED**, in accordance with the provisions of the General Ordinance of the Borough of Cliffside Park of the Section 8-3.3:

**Schedule 1  
No Parking**

No person shall park a vehicle at any time upon any of the following streets or part of the streets as follows:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Esplanade Place	East	From the intersection of Cecilia Avenue south to the terminus of Esplanade Place.

**Severability.**

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

**Effective date.**

This Ordinance shall become effective thirty (30) days after final passage and publication as required by law.

**Repeal of inconsistent ordinances.**

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All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**Councilman Corcoran INTRODUCED AN ORDINANCE ENTITLED:**

**ORDINANCE 2009-10**

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

The Municipal Clerk read the said ordinance by title. Councilman Corcoran moved the ordinance be adopted on first reading and published in the Record on June 17, 2009.

The public hearing is to be held on July 14, 2009. Motion was seconded by Councilman T. Calabrese.

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

ROLL CALL:

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

**ORDINANCE 2009-10**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF CLIFFSIDE PARK, SPECIFICALLY ARTICLE 8, SECTION 8.6 - ONE WAY STREETS@**

**WHEREAS**, the Borough of Cliffside Park has dedicated a portion of Anderson Avenue as an area in need of redevelopment; and

**WHEREAS**, in order to have an orderly flow of traffic for the redevelopment project, the Borough met with various traffic authorities; and

**WHEREAS**, the Planning Board has accepted all traffic recommendations subject to the approval of the Council; and

**WHEREAS**, one of the traffic amendments would be that a portion of Lawton Avenue would be designated as a one way street; and

**NOW, THEREFORE, BE IT ORDAINED**, in accordance with the provisions of the Revised General Ordinance of the Borough of Cliffside Park of the Section 8-6 of the following described streets or parts of the streets are hereby designated as a one-way street in the direction indicated:

**Schedule VI  
ONE WAY STREETS**

<u>Name of Street</u>	<u>Direction</u>	<u>Limits</u>
Lawton Avenue	Westbound	From Anderson Avenue to Glen Street

**BE IT FURTHER ORDAINED**, that this Ordinance although adopted by the Municipality, shall not be effective as law until thirty (30) days prior to the issuance of the General Certificate of Occupancy for the Redevelopment Project.

**Severability.**

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

**Effective date.**

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This Ordinance shall become effective thirty (30) days after final passage and publication as required by law.

**Councilman T. Calabrese INTRODUCED AN ORDINANCE ENTITLED:**

**ORDINANCE 2009-11**

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

The Municipal Clerk read the said ordinance by title. Councilman T. Calabrese moved the ordinance be adopted on first reading and published in the Record on June 19, 2009.

The public hearing is to be held on July 14, 2009. Motion was seconded by Councilwoman Spoto.

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

ROLL CALL:

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

**ORDINANCE 2009-11**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF CLIFFSIDE PARK, SPECIFICALLY ARTICLE 8-3.3 "NO PARKING"**

**WHEREAS**, one of the amendments would be that there would be no parking on the south side of Lafayette Avenue from Anderson through West End; and

**NOW, THEREFORE, BE IT ORDAINED**, in accordance with the provisions of the General Ordinance of the Borough of Cliffside Park of the Section 8-3.3:

**Schedule 1  
No Parking**

No person shall park a vehicle at any time upon any of the following streets or part of the streets as follows:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Lafayette	South	From Anderson Avenue westerly to the intersection of Lafayette and West End

**BE IT FURTHER ORDAINED**, that the Ordinances, although adopted by the Municipality, shall not be effective as law until thirty (30) days prior to the issuance of the General Certificate of Occupancy for the Redevelopment Project.

**Severability.**

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

**Effective date.**

This Ordinance shall become effective thirty (30) days after final passage and publication as required by law.

**Repeal of inconsistent ordinances.**

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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**ORDINANCES: PUBLIC HEARING AND ADOPTION**

**Councilwoman Spoto CALLED UP FOR A SECOND READING AN ORDINANCE ENTITLED:**

**ORDINANCE 2009-03**

The clerk presented affidavit of publication, showing advertisement had been made according to law, which was ordered filed. Councilwoman Spoto moved a public hearing be held on the ordinance. The motion was seconded by Councilman Fontana. So ordered.

Councilwoman Spoto moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title. The mayor then announced that all interested parties would now be given opportunity to be heard for or against the adoption of the ordinance.

The following people spoke on the ordinance: None.

After all interested parties had spoken on the ordinance; Councilman Fontana moved the hearing be closed. The motion was seconded by Councilman T. Calabrese. So ordered.

Councilwoman Spoto moved the ordinance be adopted on second reading and final passage, which was seconded by Councilman Bongard and adopted upon a call of the roll.

ROLL CALL:

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

**ORDINANCE 2009-03**

**CALENDAR YEAR 2009 ORDINANCE TO EXCEED  
THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A-4-45.14)**

**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 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 Borough Council of the Borough of Cliffside Park in the County of Bergen finds its advisable and necessary to increase its CY 2009 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 Borough Council hereby determines that a 1.0% increase in the budget of said year, amount to \$209,692 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council 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 Borough Council of the Borough of Cliffside Park, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2008 budget year, the final appropriations of the Borough of Cliffside Park shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$733,922 and that the 2009 municipal budget for the Borough of Cliffside Park be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that 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,

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**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.

**Councilwoman Martinotti CALLED UP FOR A SECOND READING AN ORDINANCE ENTITLED:**

### **ORDINANCE 2009-04**

The clerk presented affidavit of publication, showing advertisement had been made according to law, which was ordered filed. Councilwoman Martinotti moved a public hearing be held on the ordinance. The motion was seconded by Councilman Bongard. So ordered.

Councilwoman Martinotti moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title. The mayor announced that all interested parties would now be given opportunity to be heard for or against the ordinance.

The following people spoke on the ordinance: None.

After all interested parties had spoken on the ordinance; Councilman Bongard moved the hearing be closed. The motion was seconded by Councilman T. Calabrese. So ordered.

Councilman Bongard moved the ordinance be adopted on second reading and final passage, which was seconded by Councilman T. Calabrese and adopted upon a call of the roll.

ROLL CALL:

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

### **ORDINANCE 2009-04**

#### **AN ORDINANCE ESTABLISHING CHAPTER 29, "CHARITABLE DONATION BINS", OF THE GENERAL ORDINANCE OF THE BOROUGH OF CLIFFSIDE PARK, IN ORDER TO REGULATE THE PLACEMENT AND OPERATION OF DONATION BINS WITHIN THE BOROUGH OF CLIFFSIDE PARK**

**WHEREAS**, the Mayor and Council of the Borough of Cliffside Park are desirous of adopting an ordinance in order to regulate the placement and operation of charitable donation bins within the Borough of Cliffside Park; and

**WHEREAS**, the New Jersey Legislature has adopted *N.J.S.A. 40:48-2.60 et seq.*, to regulate donation clothing bins; and

**WHEREAS**, pursuant to *N.J.S.A. 40:48-2.60 et seq.*, persons desiring to place and/or operate charitable donation bins within the Borough of Cliffside Park must provide certain information to the Borough and otherwise comply with State Law.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Cliffside Park, County of Bergen and State of New Jersey as follows:

**Section 1.** The Code of the Borough of Cliffside Park is hereby amended and supplemented by adding a new Chapter 29, "Charitable Donation Bins", as follows:

#### **CHAPTER 29 Charitable Donation Bins**

**§ 29-1 Purpose.**

**§ 29-2 Definitions.**

**§ 29-3 Permit required.**

**§ 29-4 Application for permit; Fee.**

**§ 29-5 Regulations.**

**§ 29-6 Enforcement.**

**§ 29-7 Receipt, investigation of complaints relative to clothing bin.**

**§ 29-8 Additional penalties; remedies.**

**§29-1 Purpose.**

Pursuant to *N.J.S.A. 40:48-2.60* through *-2.64*, the purpose of this Chapter is to provide a uniform set of procedures for administering the placement and maintenance of clothing bins within the Borough of Cliffside Park ("Borough"), as well as providing for a uniform set of procedures for administering the issuance and revocation of all permits issued by the Borough for the placement of clothing bins, consistent with State law.

**§ 29-2 Definitions.**

For purpose of this Chapter, the following terms shall have the meanings indicated:

DONATION BIN - Any enclosed receptacle, container or other depository made of metal, steel or a similar product and designed or intended for the donation and the temporary storage of clothing or other materials.

SOLICITATION or SOLICIT - The request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind of value. Solicitation shall include, but not be limited to, the use of employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

BONA FIDE OFFICE – Location at which a representative of the person or entity can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or entity. An answering machine or service unrelated to the person or entity does not constitute a bona fide office.

**§29-3 Permit required.**

A. Notwithstanding any other provision of law to the contrary, no person shall place, use or employ a clothing bin, for solicitation purposes, within the Borough without first obtaining a permit valid for a period of one year, from the Borough Construction Official as hereinafter provided.

B. The Borough will only issue permits for three (3) bins per year. The Borough shall create a "wait list" for all of the applicants. The permits for the receptacles will be issued on a first come first serve basis with each company receiving a permit for only one bin.

**§ 29-4 Applications for permit; Fee.**

- A. Application for a permit to place and/or maintain a clothing bin shall be made in writing to the Borough Construction Official prior to placing and/or maintaining the clothing bin.
- B. The application shall contain the following information:
  - a. Name, address, bona fide office and telephone number of the person, firm corporation, club or charitable organization, institution or association placing and/or maintaining such clothing bin;
  - b. Name and address of the owner of the premises on which the clothing bin is to be located and the written consent of the owner if the applicant is other than the owner;
  - c. Name, address, bona fide office and telephone number of any entity which may share or profit from any clothing or other donations collected via the bin;
  - d. The location where the clothing bin would be situated, described as precisely as possible;
  - e. A description of the proposed clothing bin, including dimensions;
  - f. The manner in which the person, firm, corporation, club or charitable organization, institution or association anticipates any clothing or other donations collected via the clothing bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent; and
  - g. The schedule of pick-ups removing the articles from the clothing bins, which can be no less than once per week, and the name and telephone number of the person to be

notified if the clothing bin is overflowing prior to the scheduled date of pick-up; and

- h. Liability Insurance Certificate in an amount not less than \$500,000.00 per incident.
- C. The fee for such application for the permit to place and/or maintain a clothing bin shall be \$25.00.
- D. An expiring clothing bin permit may be renewed upon application to the Borough Construction Official for renewal that shall include the following information and payment of a \$25.00 permit renewal application fee:
- a. Name, address, bona fide office and telephone number of the person, firm, corporation, club or charitable organization, institution or association placing and/or maintaining such clothing bin;
  - b. Name and address of the owner of the premises on which the clothing bin is to be located and the written consent of the owner if the applicant is other than the owner, and, if applicant intends to move the bin to a new location upon renewal, the name and address of the owner of the premises on which the clothing bin is to be located and the written consent of the owner if the applicant is other than the owner;
  - c. Name, address, bona fide office and telephone number of any entity which shared or profited from any clothing or other donations collected via the bin and of any entities which may do so during the period covered by the renewal;
  - d. The location where the clothing bin would be situated, as precisely as possible, and, if the applicant intends to move it, the new location where the clothing bin would be situated, as precisely as possible;
  - e. A description of the proposed clothing bin, including dimensions;
  - f. The manner in which the person, firm, corporation, club or charitable organization, institution or association has used, sold or dispersed any clothing or other donations collected via the clothing bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person, firm, corporation, club or charitable organization, institution or association anticipates it may make in these processes during the period covered by the renewal; and
  - g. The schedule of pick-ups removing the articles from the clothing bins, which can be no less often than once per week and the name and telephone number of the person to be notified if the clothing bin is overflowing prior to the scheduled date of pick-up.
  - h. Liability Insurance Certificate in an amount not less than \$500,000.00 per incident.

**§ 29-5 Regulations.**

- A. The following information shall be clearly and conspicuously displayed on the exterior of the clothing bin:
- 1. The permit number and its date of expiration;
  - 2. The name and address of the registered person, firm, corporation, club or charitable organization, institution or association that owns the clothing bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;
  - 3. The telephone number of the person, firm, corporation, club or charitable organization, institution or association's bona fide office and, if applicable, the telephone number of any other entity which may share or profit from any clothing or other donations collected via the bin;
  - 4. In cases when an entity other than the person who owns the clothing bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin,, their proceeds, or both, may be shared, or given entirely to, an

entity other than the person, firm, corporation, club or charitable organization, institution or association who owns the bin, and identifying all such entities which may share or profit from such donations; and

5. A statement, indicating the manner in which the person, firm, corporation, club or charitable organization, institution or association anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.
- B. An application for a permit to place and/or maintain a clothing bin shall not be granted and/or a permit may be revoked if the Borough Construction Official determines that the placement of the bin could constitute a health or safety hazard. Such hazards shall include, but are not limited to, the placement of a clothing bin in parking spaces, in any area that interferes with pedestrian or vehicular traffic, landscaping, required setbacks, or within 100 yards of any place which stores large amounts of, or sells, fuel or other inflammable liquids or gases, or is likely to or does attract vermin or litter.
- C. Each clothing bin shall be accessory to an existing non-residential use, and shall not be located within 100 feet of a residential area except if located on Borough property.

**§ 29-6 Enforcement.**

This chapter shall be enforced by the Building Department and/or Borough Construction Official. All clothing bins shall be subject to inspection by the Building Department or any duly authorized representative of the Borough.

**§ 29-7 Receipt, investigation of complaints relative to clothing bin.**

- A. The Building Department and/or Borough Construction Official and Police shall receive and investigate, within ten (10) days, any complaints from the public about a clothing bin.
  1. Whenever it appears that a person, firm, corporation, club or charitable organization, institution or association has engaged in, or is engaging in any act, omission or practice which violates this ordinance, the person, firm, corporation, club or charitable organization, institution or association who placed and/or maintains the clothing bin shall be issued a warning, stating that if the violation is not rectified or a hearing is not requested within forty-five (45) days, the bin will be seized or removed at the expense of the person, firm, corporation, club or charitable organization, institution or association who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of.
  2. In addition to any other means used to notify the person, firm, corporation, club or charitable organization, institution or association who placed the bin, such warning shall be affixed to the exterior of the bin itself.
- B. In the event that the person who placed the bin does not rectify the violation or request a hearing within forty-five (45) days of the posting of the warning, the Borough may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Borough.

**§ 29-8 Additional penalties; remedies.**

- A. In addition to any other penalties or remedies authorized by the laws of this State, any person, firm, corporation, club or charitable organization, institution or association violating any of the provisions of this Chapter and/or any provision of P.L.2007, C.209 (*C40:48-2.60 et seq*), which results in the seizure of the donation clothing bin shall be:
  1. Subject to a penalty of \$20,000.00 for each violation. The Borough Construction Official may bring this action in the municipal court or Superior Court as a summary proceeding under the "Penalty Enforcement Law of 1999", N.J.S.A. 2A:58-10 et seq., and any penalty monies collected shall be paid to the Borough; and
  2. Deemed ineligible to place and maintain a clothing bin pursuant to this Chapter. A person, firm, corporation, club or charitable organization, institution of association

disqualified from placing and/or maintaining a clothing bin by violating the provisions of this Section may apply to the Borough Construction Official to have that person, firm, corporation, club or charitable organization, institution or association's eligibility restored. The eligibility of a person, firm, corporation, club or charitable organization, institution or association may be restored if that person, firm, corporation, club or charitable organization, institution or association has:

- (a) Acts within the public interest; and
- (b) Demonstrates a good faith effort to comply with the provisions of this Chapter and all other applicable laws and regulations, or had no fraudulent intentions.

- B. In addition to any other penalties or remedies authorized by the laws of this State and/or under this Chapter, any person, firm, corporation, club or charitable organization, institution or association that violates any provision hereof which results in a threat to public health or safety shall be subject to all penalties and remedies provided by law governing and conferring the Borough's police powers.

**Section 2. Severability.**

If any provision or portion of a provision of this ordinance is held by any court of competent jurisdiction to be unconstitutional, preempted by federal or State law, or otherwise invalid, the remaining provisions of the ordinance shall remain in full force and effect and shall not be invalidated.

**Section 3. Effective date.**

This Ordinance shall become effective thirty (30) days after final passage and publication as required by law.

**Section 4. Repeal of inconsistent ordinances.**

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**Councilman T. Calabrese CALLED UP FOR A SECOND READING AN ORDINANCE ENTITLED:**

**ORDINANCE 2009-05**

The clerk presented affidavit of publication, showing advertisement had been made according to law, which was ordered filed. Councilman T. Calabrese moved a public hearing be held on the ordinance. The motion was seconded by Councilwoman Martinotti. So ordered.

Councilman T. Calabrese moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title. The mayor then announced that all interested parties would now be given opportunity to be heard for or against the adoption of the ordinance.

The following people spoke on the ordinance: None.

After all interested parties had spoken on the ordinance; Councilwoman Spoto moved the hearing be closed. The motion was seconded by Councilman T. Calabrese.

Councilwoman Spoto moved the ordinance be adopted on second reading and final passage, which was seconded by Councilman T. Calabrese and adopted upon a call of the roll.

ROLL CALL:

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

**ORDINANCE 2009-05**

**AN ORDINANCE AMENDING ORDINANCE #12-2005, GRANTING MUNICIPAL CONSENT TO THE RENEWAL OF A FRANCHISE TO TWFANCH-ONE CO. TO CONSTRUCT, OWN,**

JUNE 9, 2009

**OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE BOROUGH OF CLIFFSIDE PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY**

**WHEREAS**, on or about February 7, 1977, the Borough of Cliffside Park (sometimes the ABorough@ or ACliffside Park@) granted its municipal consent for a non-exclusive franchise to Vision Cable Television Company (hereinafter AVision Cable@), to own, operate and maintain a cable television system (ASystem@) within the Borough of Cliffside Park, County of Bergen, State of New Jersey; and

**WHEREAS**, on or about February 4, 1986, the Borough renewed Vision Cable=s Municipal Consent to continue to own, operate and maintain the System in the Borough; and

**WHEREAS**, on or about March 13, 1995, in Docket No. CM94110531 the New Jersey Board of Public Utilities (ABoard@) approved the transfer of the System from Vision Cable to Time Warner Entertainment-Advance/Newhouse Partnership (TWE-A/N@); and

**WHEREAS**, on or about January 31, 2001, in Docket CM00080556, the Board approved the transfer of the System from TWE-A/N to TWFanch-one Co., d/b/a Time Warner Cable of New York and New Jersey (ATime Warner Cable@); and

**WHEREAS**, by Application for Renewal of Municipal Consent filed with the Borough on August 3, 2001 (AApplication@), Time Warner Cable sought issuance of the Borough=s Municipal Consent for the renewal of said franchise; and

**WHEREAS**, the Borough Council considered such Application and has conducted a public hearing after proper public notice pursuant to the terms and conditions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 *et seq.*, and the Regulations adopted by the Board thereunder; and

**WHEREAS**, the Borough determined that Time Warner Cable possesses the necessary legal, technical, character, financial and other qualifications to support a renewed grant of Municipal Consent; and

**WHEREAS**, on December 20, 2005, the Borough adopted Ordinance #12-2005 granting to Time Warner Cable its Municipal Consent to the renewal of a franchise to construct, own, operate and maintain the System within the Borough; and

**WHEREAS**, Paragraph 4 of Ordinance #1-2005 specifies that said Municipal Consent Ashall expire five (5) years from the date of expiration of the Certificate of Approval issued by the Board@; and

**WHEREAS**, the previous Certificate of Approval issued by the Board expired on May 12, 2002, thereby requiring that the term of renewal under Ordinance #1-2005, pursuant to Paragraph 4 thereof, would expire on May 12, 2007; and

**WHEREAS**, in order to invoke the procedures governing franchise renewal proceedings under federal and State law, renewal proceedings are required to be commenced, upon notification, between thirty (30) and thirty-six (36) months prior to expiration of an existing franchise; and

**WHEREAS**, if Paragraph 4 of Ordinance #12-2005 were to remain unchanged, the parties would not have been able to comply with federal and State law insofar as commencing the next renewal proceedings in a timely fashion; and

**WHEREAS**, Time Warner Cable has requested that Paragraph 4 of Ordinance #12-2005 be corrected so as to provide for a renewal term of five (5) years from the date of issuance of a new Certificate of Approval to be issued by the Board; and

**WHEREAS**, such modification will permit the parties to commence the next renewal proceedings in a timely fashion and in compliance with federal and State law; and

**WHEREAS**, it is in the interests of the parties to so amend Ordinance #1-2005;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Cliffside Park, County of Bergen, State of New Jersey, as follows:

1. Ordinance #12-2005 is hereby amended and modified by deleting in its entirety Paragraph 4 therein, entitled ADURATION OF FRANCHISE=. In place thereof, Paragraph 4 of Ordinance #1-2005 shall read as follows:

DURATION OF FRANCHISE

JUNE 9, 2009

The consent herein granted shall expire five (5) years from the date of issuance by the Board of a Renewal Certificate of Approval with regard to this matter.

2. In all other aspects, Ordinance #12-2005 shall remain unchanged.

This Ordinance shall take effect immediately upon passage and publication as provided by law.

**Severability.**

If any section, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

**Repealer.**

All Ordinances of the Borough of Cliffside Park which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**On a motion by Councilwoman Martinotti, seconded by Councilman Corcoran, the meeting was opened to the public to discuss Ordinance 2009-06 entitled:**

**"ORDINANCE OF THE BOROUGH OF CLIFFSIDE PARK, IN THE COUNTY OF BERGEN, NEW JERSEY PROVIDING FOR SEWER REPAIRS AND APPROPRIATING \$ 1,725,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$ 1,725, 000 BONDS OR NOTES OF THE BOROUGH OF CLIFFSIDE PARK TO FINANCE THE COST THEREOF".**

**PUBLIC PARTICIPATION: NONE**

**On a motion by Councilman T. Calabrese, seconded by Councilman Corcoran, the public hearing on Ordinance 2009-06 was closed.**

**Clerk stated that Ordinance 2009-06 will be brought up for adoption at the July 14, 2009 meeting of the Mayor and Council, subject to approval from the local finance board.**

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

**COUNCILWOMAN SPOTO:**

**COUNCILMAN FONTANA:**

**COUNCILMAN BONGARD:**

**COUNCILMAN T. CALABRESE:**

**COUNCILMAN MARTINOTTI:**

**COUNCILMAN CORCORAN:**

**PUBLIC PORTION:**

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

**PUBLIC PARTICIPATION: Susan Richards of 100 Winston regarding bus stop on Palisade Avenue.**

On a motion by Councilman Bongard, seconded by Councilwoman Martinotti, the of the meeting was closed. Carried.

JUNE 9, 2009

On a motion by Councilwoman Martinotti, seconded by Councilman Bongard, the meeting was adjourned at 8:05 p.m.

**ATTEST:**

**APPROVED:**

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**SERCAN ZOKLU, RMC  
BOROUGH CLERK**

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**GERALD A. CALABRESE  
MAYOR**