

JULY 14, 2009

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

MINUTES OF THE REGULAR MEETING JULY 14, 2009

CALL TO ORDER AT 7:15 P.M.

PRESENT AT ROLL CALL:

Mayor	Gerald A. Calabrese
Councilwoman	Donna Spoto
Councilman	Thomas Calabrese
Councilwoman	Dana Martinotti
Councilman	Kenneth Corcoran

ABSENT AT ROLL CALL:

A MOTION WAS MADE TO GIVE COUNCILMAN FONTANA AND COUNCILMAN BONGARD AN EXCUSED ABSENCE.

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.

MINUTES OF THE MEETING OF JUNE 30, 2009 WERE ACCEPTED AS PRESENTED ON A MOTION BY COUNCILWOMAN SPOTO, SECONDED BY COUNCILWOMAN MARTINOTTI, AND CARRIED.

CONSENT AGENDA:

CLAIMS:

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

ROLL CALL:

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

RESOLUTIONS:

On a motion by Councilman Corcoran, seconded by Councilwoman T. Calabrese, Resolution 2009-153 through 2009-158 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-153

WHEREAS, the Mayor and Council of the Borough of Cliffside Park wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$200,000 in 2009 Community Development Block Grant funds for the 2009 Road Program, Oakwood, Columbia, Columbus, Marion, Longview and Oakdene Avenues; and

JULY 14, 2009

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Gerald A. Calabrese, Mayor, to be a signatory to the aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Bruce Bonaventuro, Administrator, 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 any funds not spent in accordance with the Grant Agreement, and that liability of the Mayor and Council is in accordance with HUD requirements.

This Resolution was adopted by the Mayor and Council of the Borough of Cliffside at a meeting on July 14, 2009.

RESOLUTION 2009-154

RE: OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people every day, and almost 18,000 people each year; and

WHEREAS, 26% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the end of summer season is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the "Over the Limit Under Arrest 2009 Statewide Crackdown;" and

WHEREAS, the project will involve increased impaired driving enforcement from August 21 through September 7, 2009; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways; and

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cliffside Park declares its support for the "Over the Limit Under Arrest 2009 Statewide Crackdown" from August 21 through September 7, 2009 and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION 2009-155

WHEREAS, the Cliffside Park Police Department has received a request from Denise Fournier of 233 Main Street for a handicapped parking space in front of her residence. Denise Fournier has been issued Placard #P-908987 by the New Jersey Motor Vehicle Commission; and

WHEREAS, the parking request appears to show legitimate cause for consideration by the Mayor and Council, N.J.S.A. 39:4-197.5 states that any Municipality may by Ordinance or Resolution establish restricted parking spaces in front of Residences, Schools, Hospitals, and other buildings for use by persons who have been issued Special Identification by the New Jersey Motor Vehicle Commission.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Cliffside Park that the following location be designated as a restricted parking space.

Name of Street:
Main Street

Side:
North

Location:
Beginning at a point 207 feet East
of the Southeast curblineline of
Main Street and John Street.

JULY 14, 2009

And continuing to a point 22 feet
Easterly thereof.

RESOLUTION 2009-156

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, Carmen Liang of 234 Wayne 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 2009-157

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 2009-158

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 COLLECTORS OFFICE WHICH 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.

JULY 14, 2009

OFF CONSENT AGENDA:

On a motion by Councilman T. Calabrese, seconded by Councilwoman Spoto, Resolution 2009-159 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-159

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 SETTLE THE FOLLOWING INTERFUNDS:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
CURRENT	UNEMPLOYMENT FUND	\$ 35,000.00
CURRENT	PUBLIC ASSISTANCE	\$ 15,000.00
CURRENT	CAPITAL FUND	\$ 215,000.00

On a motion by Councilwoman Spoto, seconded by Councilwoman Martinotti, Resolution 2009-160 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-160

BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED TO CLEAR OLD OUTSTANDING CHECKS FROM THE CURRENT FUND (\$13,478.84), FROM THE CAPITAL FUND (\$675.00) AND TRUST FUND (\$390.00) IN ACCORDANCE WITH THE LIST'S ON FILE IN THE CHIEF FINANCIAL OFFICERS OFFICE.

On a motion by Councilwoman Spoto, seconded by Councilman Corcoran, Resolution 2009-161 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-161

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

0206-33-002-006 LPP Food, Inc. T/A Gaboja Restaurant 651 Anderson Ave.

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.

JULY 14, 2009

On a motion by Councilman Corcoran, seconded by Councilwoman Spoto, Resolution 2009-162 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-162

Change Order #1, 2008 Road Program, Rothwell Avenue and Lafayette Avenue (East of Palisade Avenue)

WHEREAS, submission has been made to the Mayor & Council of the Borough of Cliffside Park for approval of Change Order No. 1 dated May 28, 2009 in the amount of \$4,730.18 increase for 2008 Road Improvements, Rothwell Avenue and Lafayette Avenue (East of Palisade Avenue) between the Borough of Cliffside Park and English Paving Co., Inc.; and

WHEREAS, funding for this project was provided for in the 2008 Municipal Budget noting that this proposed cumulative increases amount to 2.8 percent of the contract amount; and

WHEREAS, Richard J. Fox, Engineer of the firm of Boswell McClave Engineering, has recommended approval of said Change Order No. 1, noting the cost increase was due primarily to tree removal; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Cliffside Park that Change Order No. 1 dated May 28, 2009 in the amount of \$4,730.18 increase be approved and adjusts the contract amount to \$174,801.76.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Richard J. Fox of Boswell McClave Engineering, to English Paving Co., Inc. and to the Borough Treasurer each with an executed copy of said Change Order No. 1.

On a motion by Councilman Corcoran, seconded by Councilwoman Spoto, Resolution 2009-163 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-163

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

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

WHEREAS, the Annual Report of Audit for the year December 31, 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

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

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations;" and

WHEREAS, the members of the Governing Body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the Group Affidavit Form of the Governing Body attached hereto; and

JULY 14, 2009

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the Annual Audit, pursuant to N.J.A.C. 5:30-6.5; and

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

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

R.S. 52:27BB-52: A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cliffside Park, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

On a motion by Councilman Corcoran, seconded by Councilwoman Martinotti, Resolution 2009-164 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-164

WHEREAS, THE BOROUGH CLERK HAS RECEIVED FROM THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, A SPECIAL RULING TO PERMIT RENEWAL OF INACTIVE LICENSE PURSUANT TO N.J.S.A. 33: 1-12.39 (AGENCY DOCKET NO. 07-09-5869) FOR THE 2009-10 AND 2010-11 LICENSE TERMS TO: JACQUI COOPERS INC, LICENSE #0206-33-017-008; AND

WHEREAS, JACQUI COOPERS, HAS PREVIOUSLY SUBMITTED THE 2009-2010 RENEWAL APPLICATIONS AND ALL THE NECESSARY FEES TO THE BOROUGH CLERK AND SAME HAS BEEN FORWARDED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL; AND

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

Councilwoman Spoto INTRODUCED AN ORDINANCE ENTITLED:

ORDINANCE 2009-12

Councilwoman Spoto moved the ordinance be given its first reading. So ordered.

The Municipal Clerk read the said ordinance by title. Councilwoman Spoto moved the ordinance be adopted on first reading and published in the Record on July 20, 2009.

The public hearing is to be held on August 11, 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, T. Calabrese, Martinotti, Corcoran. ABSENT: Fontana, Bongard.

JULY 14, 2009

ORDINANCE 2009-12

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF CLIFFSIDE PARK, SPECIFICALLY ARTICLE 8, SCHEDULE II- "NO PARKING CERTAIN HOURS"

WHEREAS, the Borough of Cliffside Park Board of Education has requested that the Council amend the parking requirements on Lawton Avenue to facilitate parking during school days; and

WHEREAS, in order to have an orderly flow of traffic, the Borough Police Department agrees with the Board of Education, in that the parking restrictions on Lawton Avenue be changed; and

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

WHEREAS, currently no parking is permitted on Lawton Avenue South from Anderson Avenue to Palisade Avenue on Wednesdays between 9:00 a.m. and 12:00 noon; and

WHEREAS, no parking is permitted on Lawton Avenue North from Anderson Avenue to Palisade Avenue on Thursdays between 9:00 a.m. and 12:00 noon;

NOW, THEREFORE, BE IT ORDAINED, in accordance with the provisions of the Revised General Ordinances of the Borough of Cliffside Park Article 8, Schedule II the following described streets or parts of the streets herein are designated as "no parking certain hours".

**Schedule II
NO PARKING
TUESDAY- 9:00 A.M. TO 12:00 NOON**

<u>Name of Street</u>	<u>Direction</u>	<u>Limits</u>
Lawton Avenue	South side	From Anderson Avenue to Palisade Avenue

**Schedule II
NO PARKING
MONDAY- 9:00 A.M. TO 12:00 NOON**

<u>Name of Street</u>	<u>Direction</u>	<u>Limits</u>
Lawton Avenue	North side	From Anderson Avenue to Palisade Avenue

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.

The Municipal Clerk read the state:

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

JULY 14, 2009

A public hearing on said ordinance will be conducted on August 11, 2009 in the Mayor and Council Chambers at 7PM, at which time all persons wishing to be heard on the proposed ordinance will be heard.”

ORDINANCES: PUBLIC HEARING AND ADOPTION

Councilman Corcoran CALLED UP FOR A SECOND READING AN ORDINANCE ENTITLED:

ORDINANCE 2009-06

The clerk presented affidavit of publication, showing advertisement had been made according to law, which was ordered filed. A public hearing on Ordinance 2009-06 was already conducted at the June 9, 2009 Mayor and Council meeting.

Councilman Corcoran moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title.

Councilwoman Corcoran 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, T. Calabrese, Martinotti, Corcoran. ABSENT: Fontana, Bongard.

ORDINANCE 2009-06

AN 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

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 the sum of \$1,725,000. No down payment is required in connection with the authorization of bonds and notes pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations in accordance with N.J.S.A. 40A:2-7(d), as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,725,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, 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 are to be issued is for the replacement of sanitary and storm water sewer lines, inlets and manholes located along Glen Street, Lafayette Avenue, Pleasant Avenue, Florence

Place and Glen Road and the related roadway repaving, 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 Borough 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 an improvement of a municipal public utility, 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 twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough 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 \$1,725,000 and the issuance of the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding \$545,000 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 purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Borough. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect

and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(f) The Borough reasonably expects to commence acquisition and/or construction of the improvement 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 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. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

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.

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

ORDINANCE 2009-07

The clerk presented affidavit of publication, showing advertisement had been made according to law, which was ordered filed.

Councilwoman Spoto moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title.

Councilwoman Spoto moved the ordinance to be postponed indefinitely, which was seconded by Councilwoman Martinotti and postponed indefinitely upon a roll call.

ROLL CALL:

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

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:

JULY 14, 2009

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 Acompleteness@ 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.

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

JULY 14, 2009

ORDINANCE 2009-08

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 T. Calabrese. 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 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 Corcoran moved the hearing be closed. The motion was seconded by Councilman T. Calabrese.

Councilman Corcoran 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, T. Calabrese, Martinotti, Corcoran. ABSENT: Fontana, Bongard.

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 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.

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

ORDINANCE 2009-09

The clerk presented affidavit of publication, showing advertisement had been made according to law,

JULY 14, 2009

which was ordered filed.

Councilwoman Martinotti moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title.

Councilwoman Martinotti moved the ordinance to be postponed indefinitely, which was seconded by Councilwoman T. Calabrese and postponed indefinitely upon a roll call.

ROLL CALL:

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

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.

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

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

ORDINANCE 2009-10

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 Corcoran. 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.

JULY 14, 2009

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

Councilman Corcoran 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, T. Calabrese, Martinotti, Corcoran. ABSENT: Fontana, Bongard.

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.

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

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

ORDINANCE 2009-11

JULY 14, 2009

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 Councilwoman Spoto. 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 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: Frank Tortora of 415 Lafayette Avenue

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

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

ROLL CALL:

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

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.

JULY 14, 2009

PUBLIC PORTION:

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

PUBLIC PARTICIPATION: NONE.

On a motion by Councilman Corcoran, seconded by Councilman T. Calabrese, the meeting was closed. Carried.

The Mayor and Council entered Closed Executive Session by voice vote on a motion by Councilman Corcoran, seconded by Councilman T. Calabrese. Please refer to Closed Executive Session Minutes.

The Mayor and Council returned from Closed Executive Session and reopened the public portion of the meeting.

On a motion by Councilman Corcoran, seconded by Councilman T. Calabrese, Resolution 2009-166 was offered for adoption:

ROLL CALL:

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

On a motion by Councilman Corcoran, seconded by Councilman T. Calabrese, the meeting was adjourned at 7:35 p.m.

ATTEST:

APPROVED:

**SERCAN ZOKLU, RMC
BOROUGH CLERK**

**GERALD A. CALABRESE
MAYOR**