

SEPTEMBER 15, 2009

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

MINUTES OF THE REGULAR MEETING SEPTEMBER 15, 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.

MINUTES OF THE MEETING OF AUGUST 11, 2009 WERE ACCEPTED AS PRESENTED ON A MOTION BY COUNCILMAN BONGARD, SECONDED BY COUNCILMAN CORCORAN, AND CARRIED.

MINUTES OF THE CLOSED SESSION MEETING OF AUGUST 11, 2009, WERE ACCEPTED AS PRESENTED ON A MOTION BY COUNCILWOMAN SPOTO, SECONDED BY COUNCILMAN BONGARD, AND CARRIED.

APPOINTMENTS:

On a motion by Councilwoman Martinotti, seconded by Councilwoman Spoto, Mr. Kevin China was appointed to the Cliffside Park Office of Emergency Management as a volunteer member.

ROLL CALL:

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

On a motion by Councilwoman Martinotti, seconded by Councilwoman Spoto, Mr. Michael Nappi was appointed to the Cliffside Park Volunteer Fire Department as a volunteer firefighter.

ROLL CALL:

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

CONSENT AGENDA:

CLAIMS:

On a motion by Councilwoman Spoto, seconded by Councilman Bongard, the claims were ordered paid.

ROLL CALL:

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

RESOLUTIONS:

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On a motion by Councilman Bongard, seconded by Councilman Corcoran, Resolutions 2009-193 through 2009-201 were offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-193

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, Michael Park of 184 Jersey Ave, 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 2009-194

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, Ana Clara/Luis Perez of 230 Wheeler 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 2009-195

BE IT RESOLVED, that upon the recommendation of Joseph Capano, Executive Director of the Cliffside Park Housing Authority, the following resolution be rescinded due to an error:

Adopted on August 11, 2009 – RESOLUTION 2009-171 – Bergen County Community Development Grant for Senior Activity Center Programs and Security Cameras for 500 and 550 Gorge Road

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Cliffside Park, that the following resolution be rescinded; and

BE IT FURTHER RESOLVED, that a certified to-be-true copy of said resolution be sent to Joseph Capano, Executive Director of the Cliffside Park Housing Authority.

RESOLUTION 2009-196

WHEREAS, a Bergen County Community Development Block Grant of \$90,000.00 has been proposed by the Cliffside Park Housing Authority for security cameras at the 500 and 550 Gorge Road Buildings, in the municipality of Cliffside Park; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of Cliffside Park (Seniors and Disabled); and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of Cliffside Park hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

RESOLUTION 2009-197

WHEREAS, a Bergen County Community Development Block Grant of \$20,000.00 has been proposed by the Cliffside Park Housing Authority for Senior Activity Center programs, in the municipality of Cliffside Park; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of Cliffside Park (Seniors and Disabled); and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of Cliffside Park hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

RESOLUTION 2009-198

WHEREAS, the Cliffside Park Police Department has received a request from Doris Fisher of 224 Grant Avenue for a handicapped parking space in front of her residence. Doris Fisher has been issued Placard # **P-627592** 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; and

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:	Side:	Location:
Grant Avenue	South	Beginning at a point 357 feet West of the Southwest curb line of Grant Avenue and Palisade Avenue and continuing to a point 22 feet Easterly thereof.

RESOLUTION 2009-199

WHEREAS, the Cliffside Park Police Department has received a request from Luz E Galindo of 545 Olympia Avenue for a handicapped parking space in front of her residence. Luz E Galindo has been issued Placard # **P-920054** 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; and

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:	Side:	Location:
Olympia Avenue	West	Beginning at a point 113 feet North of the Northwest curb line of Olympia Avenue and Greenmount Avenue. And continuing to a point 22 feet Northerly thereof.

RESOLUTION 2009-200

WHEREAS, PSE& G has petitioned the New Jersey Board of Public Utilities requesting an increase in the charges for electric and gas service to the residents of the State of New Jersey; and

WHEREAS, as a result of the current economic climate (recession) the Mayor and Council are of the opinion that the Board of Public Utilities (BPU) should stay any pending application for utility increases until the economy and more importantly the residents of the Borough of Cliffside Park and the State of New Jersey can economically sustain the utility cost increase; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cliffside Park does unanimously request that the New Jersey Board of Public Utilities deny PSE&G's petition for an increase in electric and gas rates and for changes in the tariffs in electric and gas service to the residents of the State of New Jersey; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be submitted to the New Jersey Board of Public Utilities, Chief Executive Officer of PSE&G, Senator Robert Gordon, Assemblywoman Joan Voss and Assemblywoman Connie Wagner.

RESOLUTION 2009-201

BE IT RESOLVED, that 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 \$40,000 in 2009 Open Space Trust Funds for West Grantwood Park Improvements Phase IV; and

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 Frank Berardo, Chief Financial Officer, to sign all County vouchers submitted in connection with the aforesaid project; and

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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 Trust requirements.

OFF CONSENT AGENDA:

On a motion by Councilman Fontana, seconded by Councilman T. Calabrese, Resolution 2009-202 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-202

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

WHEREAS, A VACANCY EXISTS FOR THE POSITION OF HOUSING AUTHORITY COMMISSIONER FOR THE BOROUGH OF CLIFFSIDE PARK DUE TO THE RESIGNATION OF JAMES BUCCO; AND

NOW, THEREFORE, BE IT RESOLVED, THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK APPOINT HARRY GUTTILLA FOR THE UNEXPIRED TERM EXPIRING JUNE 20, 2011; AND

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

1. JOSEPH CAPANO, EXECUTIVE DIRECTOR
2. HARRY GUTTILLA

On a motion by Councilwoman Martinotti, seconded by Councilman Bongard, Resolution 2009-203 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-203

WHEREAS, Chad Patoray has requested a three (3) month leave of absence starting August 21, 2009 to November 21, 2009; and

WHEREAS, the Mayor and Council have determined that he qualifies for such leave; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Cliffside Park that Chad Patoray is approved for the leave of absence with medical benefits terminating on November 21, 2009; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the following:

1. Bruce Bonaventuro, Borough Administrator
2. Frank Berardo, Chief Financial Officer
3. Donald Keane, Police Chief
4. Chad Patoray
5. Personnel File

On a motion by Councilwoman Martinotti, seconded by Councilman T. Calabrese, Resolution 2009-204 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-204

WHEREAS, Jonathan Stern has requested a six (6) month leave of absence starting September 21, 2009 to March 21, 2010; and

WHEREAS, the Mayor and Council have determined that he qualifies for such leave; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Cliffside Park that Jonathan Stern is approved for the leave of absence with medical benefits terminating on March 21, 2010; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the following:

1. Bruce Bonaventuro, Borough Administrator
2. Frank Berardo, Chief Financial Officer
3. Tony Donato
4. Johnathan Stern
5. Personnel File

On a motion by Councilman Bongard, seconded by Councilman T. Calabrese, Resolution 2009-205 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-205

**Change Order #1, 2008 Community Development Project
Sanitary Sewer Rehabilitation-Phase VIII**

WHEREAS, submission has been made to the Mayor & Council of the Borough of Cliffside Park for approval of Change Order No. 1 dated June 29, 2009 in the amount of \$5,368.95 increase for 2008 Community Development Project, Sanitary Sewer Rehabilitation-Phase VIII between the Borough of Cliffside Park and National Water Main Cleaning Co.; and

WHEREAS, funding for this project was provided for in a 2008 Community Development Grant noting that this proposed cumulative increases amount to 4.7 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 point repairs; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Cliffside Park that Change Order No. 1 dated June 29, 2009 in the amount of \$5,368.95 increase be approved and adjusts the contract amount to \$118,360.55.

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

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On a motion by Councilman Bongard, seconded by Councilman T. Calabrese, Resolution 2009-206 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-206

WHEREAS, the Borough Clerk of the Borough of Cliffside Park was previously authorized to advertise for bids for the improvements of the 2009 Community Development Project Sanitary Sewer Rehabilitation Phase IX; and

WHEREAS, pursuant to said notice, the receipt and opening of bids took place September 9, 2009 at 11:00 AM, at which time bids were received from the following:

	<u>Total</u>
1. National Water Main Cleaning Company	\$125,058.50
2. Gotthold Paving, LLC	\$110,932.50

All of the above bids were accompanied by a 10% bid bond.

WHEREAS, the Chief Financial Officer of the Borough of Cliffside Park has filed with the Borough Clerk a Certificate of Availability of funds in the Municipal Budget and from the CDBG funding prior to this resolution becoming effective; and

WHEREAS, Richard J. Fox of Boswell McClave Engineering, Borough Engineers Representative, has recommended acceptance of the bid of Gotthold Paving, LLC being the lower bidder of two (2) bids received for Base Bid; and

WHEREAS, it is in the best interest of the Borough of Cliffside Park to approve the recommendation and accept the bid aforesaid; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cliffside Park award the bid of Gotthold Paving, LLC, P.O. Box 205, Edgewater, New Jersey 07020 (certified at 10 Ivanhoe Drive, Manalapan, New Jersey 07726), in the amount of \$110,932.50; and

BE IT FURTHER RESOLVED, that the Borough Clerk and the Mayor be and they are hereby authorized to enter into a contract with said bidder for the purposes of said bid in the amount of \$110,932.50; and

BE IT FURTHER RESOLVED, that the Borough Attorney be and is hereby authorized to prepare all necessary documents to effectuate this resolution; and

BE IT FURTHER RESOLVED, that one (1) copy of this resolution as certified by the Borough Clerk shall be forwarded to Boswell McClave Engineering, the Chief Financial Officer, Gotthold Paving, LLC, and Borough Attorney Christos J. Diktas.

On a motion by Councilman Bongard, seconded by Councilman Corcoran, Resolution 2009-207 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-207

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. 09-09-6019) FOR THE 2009-10 AND 2010-11 LICENSE TERMS TO: EXPRESS RENOVATION INC, LICENSE #0206-44-013-015; AND

WHEREAS, EXPRESS RENOVATION INC, 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.

On a motion by Councilman Bongard, seconded by Councilwoman Martinotti, Resolution 2009-208 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-208

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. 08-09-5990) FOR THE 2009-10, 2010-11 AND 2011-12 LICENSE TERMS TO: TOWN CENTRE ASSOCIATES, LICENSE #0206-33-034-007; AND

WHEREAS, TOWN CENTRE ASSOCIATES, LLC, 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.

On a motion by Councilman Corcoran, seconded by Councilman Bongard, Resolution 2009-209 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-209

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail consumption license number 0206-33-002-006, heretofore, issued to LPP Food, Inc. for the premises located at 651 Anderson Avenue, Cliffside Park, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cliffside Park does hereby approve, effective September 15, 2009, the transfer of the aforesaid plenary retail consumption license to Keo Boo Kee Corp. and does hereby direct the Borough Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows: "THIS LICENSE, SUBJECT, TO ALL ITS TERMS AND CONDITIONS, IS HEREBY TRANSFERRED KEO BOO KEE CORP. EFFECTIVE SEPTEMBER 15, 2009."

On a motion by Councilman Corcoran, seconded by Councilman T. Calabrese, Resolution 2009-210 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-210

WHEREAS, the Borough has been informed by the Construction Code Official, Property Maintenance Official and various residents that a health hazard existed at 225 Knox Avenue, Cliffside Park, New Jersey; and

WHEREAS, after inspection by various municipal departments including the Borough Engineer, it was concluded that the exterior of the property was completely overrun with garbage, debris and vegetation; and

WHEREAS, the property owner, Marie Rotondella, was given a reasonable period of time to clean up the property; and

WHEREAS, the property owner, Marie Rotondella, failed to respond to Borough communications; and

WHEREAS, on September 10, 2009, the Borough dispatched the Department of Recreation and Department of Public Works employees to conduct immediate clean up of the premises; and

WHEREAS, the Department heads have submitted the attached invoices for services, which are attached hereto and incorporated herein as set forth in their entirety; and

NOW, THEREFORE, BE IT RESOLVED, that the Council does hereby authorize Tax Collector Frank Berardo to file a tax lien on 225 Knox Avenue for extraordinary Borough services in the amount of \$542.12; and

BE IT FURTHER RESOLVED, that the Clerk shall tender a certified to be true copy of this resolution to the owner, Marie Rotondella c/o Maryann Carballo, 406 Hickory Street, Washington Township, New Jersey, 07676.

ORDINANCES: INTRODUCTION

Councilwoman Spoto INTRODUCED AN ORDINANCE ENTITLED:

ORDINANCE 2009-14

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 September 21, 2009. Motion was seconded by Councilman T. Calabrese.

The public hearing is to be held on October 6, 2009 in the Mayor and Council Chambers at 7:00 pm, at which time all persons wishing to be heard on the proposed ordinance will be heard.

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

ROLL CALL:

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

ORDINANCE 2009-14
ORDINANCE OF THE BOROUGH OF CLIFFSIDE PARK
ADDRESSING THE LICENSING, LOCATION AND NUMBER
OF NEWSRACKS IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the uncontrolled placement of newsracks in public rights-of-way presents an inconvenience and danger to the health, safety and welfare of persons using such public rights-of-way, including pedestrians, person entering and leaving vehicles and buildings, and person performing essential utility, traffic control and emergency services; and

WHEREAS, the uncontrolled placement of newsracks is also detrimental to the aesthetic characteristics of the Borough of Cliffside Park and unsightly newsracks located in the public rights-of-way constitute public nuisances and cause visual blight.

NOW, THEREFORE, BE IT ORDAINED, that the Council of Cliffside Park does hereby obtain the following.

Section 1.
Definitions

As used herein, the following terms shall have the meanings indicated:

BUILDING DEPARTMENT– The Borough of Cliffside Park Building Department.

DISTRIBUTOR – The person, corporation, employee, servant or agent who erects, places, maintains or operates a newsrack in the public right-of-way.

NEWSRACK– Any self-service or coin-operated box, container, storage unit or other dispenser erected, placed, maintained or operated for the display, distribution and/or sale of newspapers, circulars, pamphlets, news periodicals, magazines, announcements advertisements, leaflets or other similar publications.

PUBLIC RIGHT-OF-WAY– A street, sidewalk or roadway.

ROADWAY– That portion of a street improved, designated or ordinarily used for vehicle travel.

SIDEWALK– Any public surface or area provided for the use of pedestrians.

STREET– All that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

Section 2.
Permit required.

2.01 It shall be unlawful for a distributor to erect, place, maintain or operate a newsrack on any public right-of-way in the Borough of Cliffside Park without first having obtained a permit from the Building Department, signed by the Construction Official. The permit shall specify the exact location of each newsrack. One permit may be issued for multiple newsracks.

2.02 Application for permit.

- 2.02.01 An application for a permit shall be made, in writing, to the Building Department, attention Construction Official. The application shall be on forms promulgated by the Building Department. The application shall contain the name and address of the applicant, the proposed specific location of the newsrack(s), a drawing and specification of the proposed newsrack(s) depicting compliance with requirements for dimensions, color and lettering, insurance certificate, the application shall be signed by the applicant and notarized.
- 2.02.02 The Borough shall limit the number of newsrack permits to twenty (20) per calendar year. Permits shall be issued on a race listing schedule with no distributor permitted to have more than two (2) newsracks in the municipality.
- 2.03 Conditions for permit.
- 2.03.01 Permits shall be issued by the Building Department to a distributor to erect, place, maintain or operate a newsrack on the public right-of-way, provided said placement, maintenance and operation complies with the provisions of this chapter.
- 2.03.02 An annual permit fee of \$200 per newsrack is required.
- 2.03.03 Applications shall be either granted or denied within 20 business days after the filing of a completed application, as required by this chapter. For each requested location in excess of 1 location, the Building Department shall have an additional ten business days to act on the application. Separate applications by the same distributor will be deemed to be one application for purposes of this ordinance.
- 2.03.04 The permit shall be valid for a period of one year on a calendar-year basis, commencing January 1, and shall be renewable on January 1 of any subsequent year. The annual fee shall not be prorated if the permit is issued subsequent to January 1.
- 2.03.05 Before the Building Department may issue a newsrack permit to any person; the person must execute an indemnification agreement which shall read as follows:
- “The applicant and any other person, organizations, firms or corporations on whose behalf the application is made represent, stipulate, contract and agree that they will jointly and severally defend, indemnify and hold the Borough of Cliffside Park harmless against liability for any and all claims for damage to property, or injury to or death of persons, arising out of or resulting from the newsrack, the issuance of the permit for the newsrack, or the control, maintenance or ownership of the newsrack.”
- 2.04 Insurance.
- 2.04.01 Before the Building Department may issue a newsrack permit to any person, that person shall file with the Building Department an insurance policy or policies of a company duly licensed to transact business under the insurance laws of this state, with coverage limits of at least \$100,000 for one person, and for more than one person, \$1,000,000, insuring against loss from liability imposed by law upon the distributor for damages on account of bodily injury or death suffered, and in the sum of \$50,000 against loss on account of property damage suffered by any person or persons as a result of an accident occurring by reason of the ownership, control or maintenance of a newsrack, and no permit shall continue effective unless such insurance shall remain in full force and effect during the entire term of the permit. Such insurance policy shall provide for the

payment of any final judgment recovered by any person on account of the ownership, maintenance and control of such person suffering loss, damage or injury as aforesaid.

2.04.02 Each insurance policy shall provide that neither the distributor, nor its insurer, shall have any right to subrogation against the Borough of Cliffside Park. Each insurance policy shall provide primary coverage for any and all losses and shall be drafted so as to protect all parties.

2.04.03 Within 10 days of the issuance of the permit, the distributor shall have the Borough of Cliffside Park added as an additional insured on the insurance policies required by this section.

2.05 Standards for maintenance and installation.

Any newsrack which, in whole or part, rests upon, in or over any public right-of-way shall comply with the following standards:

2.05.01 No newsrack shall exceed 49 inches in height, 20 inches in width or 18 inches in depth. Newsrack shall be manufactured of sturdy metal housing, using twelve-gauge sheet metal or better, finished with a prime coat and baked powder coat finish.

2.05.02 Newsracks shall be green, with white lettering, but lettering shall not exceed three inches in height and shall not cover more than 10% of the surface area of the newsrack.

2.05.03 Notwithstanding any provision in this chapter to the contrary, any newsrack located in a streetscape designated area shall conform to the aesthetic characteristics of the streetscape plan.

2.05.04. No newsrack shall be used for advertising signs or for publicity purposes other than that dealing with the display, sale or purchase of the newspapers or news periodicals sold therein.

2.05.05 Unless publications are made at no cost, each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event he is unable to receive the publication paid for. The coin-return mechanisms shall be maintained in good working order.

2.05.06 Each newsrack shall have affixed to, in a readily visible place so as to be seen by anyone using the newsrack, a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to report a malfunction of the coin-return mechanism or to give the notices provided for in this chapter.

2.05.07 Each newsrack shall be maintained by the distributor in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:

- (1) It is free of chipped, faded, peeling and cracked paint in the visible painted area thereof;
- (2) It is free of rust and corrosion;
- (3) The clear plastic or glass parts thereof, if any through which the publications therein are viewed, are unbroken and free of cracks, dents, blemishes and discolorations;

- (4) The paper or cardboard parts or inserts thereof, if any, are free of tears, peeling or fading;
 - (5) It shall not have any structural parts which are broken, duly misshapen or otherwise dangerous; and
 - (6) It is free of garbage and litter.
- 2.05.08 It shall be unlawful for any distributor to place or maintain any publication or material in a newsrack which is obscene as defined by the United States Supreme Court and/or as set forth in N.J.S.A. 2C:34-2 or 2C:34-3.
- 2.05.09 Each newsrack shall be maintained to prevent their contents from being scattered about the area.
- 2.06 Placement of newsracks.
- 2.06.01 Any newsrack which, in whole or in part, rests upon, on or over any portion of the public right-of-way shall be located in accordance with the provisions of this section.
- 2.06.02 No newsrack shall be used or maintained which projects onto, into or over any part of the roadway.
- 2.06.03 Newsracks shall be placed and secured using a cement tray or equivalent means so as to prevent their being blown down or around the public right-of-way. Newsracks shall not be chained or otherwise affixed or secured to any traffic or street signs or signals, hydrants, mailboxes, sidewalks or other public property.
- 2.06.04 No more than two newsracks may be placed adjacent to each other at any location that complies with this chapter. After a newsrack (or pair of newsracks) is permitted for a specific location, no additional newsrack(s) shall be placed less than seven city blocks from the permitted newsrack (or pair of newsracks).
- 2.06.05 No newsrack shall be permitted which:
- (1) Endangers the safety of the person or property;
 - (2) Unreasonably interferes with or impedes the flow of pedestrians or vehicular traffic, including any legally parked or stopped vehicle;
 - (3) Unreasonably interferes with the ingress to or egress from any residence or place of business;
 - (4) Unreasonably interferes with passengers boarding or exiting from buses at designated bus stops;
 - (5) Unreasonably interferes with the use of traffic signs or signals, fire hydrants or mailboxes located or permitted at or near said location.
- 2.06.06 No newsrack shall be placed, installed, used or maintained:
- (1) Within three feet of any marked crosswalk;
 - (2) Within 18 inches of a curb;
 - (3) Within 15 feet of any fire hydrant, fire call box, police call box or other emergency facility;
 - (4) Within five feet of any driveway;

- (5) At any location whereby the clear space for the passageway for pedestrians is reduced by the newsrack to less than six feet;
- (6) Within three feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping;
- (7) Within 300 feet of any other newsrack containing the same issue or edition of the same publication;
- (8) Within 10 feet of any standby or sprinkler connection or related safety of fire equipment;
- (9) Within five feet of any building, unless written permission is secured from the property owner, and same is filed with the application;
- (10) In front of a single family or two-family residence.

2.06.07 Notwithstanding anything to the contrary contained in this chapter, if the Borough of Cliffside Park designates certain areas (known as “convenience nodes”) for the placement of newsracks as part of a streetscape or redevelopment project, newsracks shall only be placed within the convenience nodes. Except as provided in this subsection, no newsracks shall be placed within 30 feet from the curb of a streetscape or redevelopment project.

2.06.08 No newsrack shall be permitted in any location zoned as residential.

2.06.09 Upon removal of any newsrack, the distributor shall promptly eliminate any potential hazards to the public, such as bolts, brackets or holes, and otherwise repair and restore the public right-of-way and public property.

2.07 Locations permitted.

2.07.01 Notwithstanding anything contained in this chapter to the contrary, the following shall constitute the only locations at which newsracks may be installed/placed:

- A. 700 block of Anderson Avenue.
- B. Winston Drive and Palisade Avenue.
- C. Lafayette Avenue and Palisade Avenue.
- D. Washington Avenue and Anderson Avenue.
- E. Prospect Avenue and Palisade Avenue.

2.08 Appeals process.

Any potential distributor denied a permit to erect, place, maintain or operate any newsrack may file with the Mayor and Council of Cliffside Park or their designee, a written appeal, which shall be acted upon within 45 days.

2.09 Violations and penalties.

Any violation of this chapter shall subject the violator to a fine of not less than \$100 no more than \$500, to confinement of not more than 90 days in jail, or both. Each newsrack violation constitutes a separate violation, and each day of said violation constitutes a separate violation, and each day of said violation constitutes a separate offense.

2.10 Suspension or revocation of permit.

In addition to the penalties provided, it shall be within the power and discretion of the Building Department to suspend or revoke a permit for continued or repeated violations or infractions of any provision of this chapter, or of any rule, direction or regulation of the Building Department. Suspension or revocation of a permit shall be mandatory for the third violation of this chapter.

2.11 Notice.

A notice of violation shall be issued to the distributor at least 48 hours in advance of the issuance of any summonses.

2.12 Abandonment, removal and storage fee.

2.12.01 In the event that a newsrack remains empty for a period of 7 continuous days, the same shall be deemed abandoned and may be removed at the distributor's cost, by Borough of Cliffside Park, or any of its designated departments.

2.12.02 If a distributor is convicted of a violation of this chapter and fails to correct or remedy the violation within 10 days following said conviction, or disposition of any appeal, then the Building Department or any designated department of the Borough may remove the newsrack(s) which was the basis of the conviction, at the distributor's cost.

2.12.03 Upon removal of a newsrack, the distributor shall be notified at the address listed on the newsrack. If the newsrack is not claimed within 20 days of the mailing of said notice, the Borough of Cliffside Park or any designated department of the Borough may dispose of the newsrack.

2.12.04 For any newsrack that is abandoned or removed in accordance with this chapter, then stored by the Borough, the Borough of Cliffside Park shall charge a twenty-five dollar per day storage fee. After thirty (30) consecutive days, the newracks will be sold for scrap metal. Any funds obtained for scrap metal shall be used to offset the daily storage charge.

2.13 Permits not to be assigned.

The permits issued pursuant to this chapter shall not be assigned or transferred.

2.14 Effective Date/Moratorium

2.14.01 All distributors shall have forty-five (45) days from adoption of this ordinance to comply with its terms.

2.14.02 Failure of the distributor to comply within said time period shall be conclusively presumed that the newsrack has been deemed abandoned as addressed in this ordinance.

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.

SEPTEMBER 15, 2009

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 Bongard INTRODUCED AN ORDINANCE ENTITLED:

ORDINANCE 2009-15

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 September 21, 2009. Motion was seconded by Councilman T. Calabrese.

The public hearing is to be held on October 6, 2009 in the Mayor and Council Chambers at 7:00 pm, at which time all persons wishing to be heard on the proposed ordinance will be heard.

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

ROLL CALL:

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

ORDINANCE 2009-15

**AN ORDINANCE TO ESTABLISH PROCEDURE FOR
THE EMPLOYMENT OF OFF-DUTY POLICE OFFICERS**

BE IT ORDAINED, by the Council of the Borough of Cliffside Park that the following Ordinance is hereby adopted.

1. Section 1 Findings.

The Council of the Borough of Cliffside Park hereby ordain as follows:

A. The Attorney General of the State of New Jersey and the Division of Local Government Services have determined that members of a municipal police department may, during their off-duty hours, engage in police related activities for private persons and entities. Pursuant to the laws of the State of New Jersey, a municipality must agree to implement a system whereby the off-duty assignments of police officers is arranged through a contract directly with the municipality and the private person or entity.

B. That the contracting between the municipality and private person or entity must include a plan whereby the compensation for off-duty police related services is channeled through the office of the Chief Financial Officer, and that said compensation is place in a separate account will be established by the municipality, and that the proceeds of said fund will be disbursed through the office of the Chief Financial Officer to the individual police officers performing such services.

C. It is in the best interest if the Borough of Cliffside Park to establish a procedure for the assignment of off-duty police work which will allow for the greater protection of the citizens of the Borough.

2. Section 2 Assignments.

The Chief of Police shall be responsible for the assignment of all off-duty police related activities, and the billing of all compensation due to the Borough. The Chief of Police shall be authorized to designate other members of the police department as needed to assist him in the

assignment off-duty police related activities. The procedure for assignment of off-duty police related activities shall be as follows:

- A. The Chief of Police or his designee shall create and maintain a list whereby police officers will volunteer, from a rotating schedule, for off-duty police related activities.
- B. The Chief of Police or his designee shall assign all off-duty police related activities from the aforementioned list of officers desiring said assignment; said assignments to be made on a rotating basis as the assignment becomes available.

3. Section 3 Contracts with Private Entities.

Any private person or entity desiring to retain the services of police officers of the Borough of Cliffside Park for off-duty police related activities shall be required to enter into a contract with the Borough of Cliffside Park. Said contract shall include, but not be limited to the nature of duties to be performed, the location of said duties, the date and hours of service, the rate of payment for services to the officers, administrative fees to the Borough of Cliffside Park, and fees for the use of Borough owned equipment. This ordinance and any contracts shall require that deposits be placed in advance by the contractor for services to be performed, prior to the Borough authorizing the contract or to commence construction. The duration of the contract's scope of services shall be established by the Chief of Police and the Borough Engineer.

4. Section 4 Payment for Off-Duty Assignments.

All private persons or entities shall be required to make all payments for off-duty assignments payable to the Borough of Cliffside Park. The Chief Financial Officer shall deposit the monies collected from said private persons or entities, earmarked for payment of the off-duty officers, into a separate account to be established to receive such monies. All members of the police department shall be paid for services performed on the first or second regular pay date, after the receipt of funds from the contracting party and upon the submission of written authorization from the Police Chief, or his designee. All police officers shall be paid at an hourly rate to be designated by resolution from time to time by Council.

5. Section 5 Administrative and General Costs.

A. In addition to the aforementioned fees to be collected by the Borough of Cliffside Park from said private persons or entity for the payment of said off-duty police officers, the Borough of Cliffside Park shall collect an administrative fee of \$5.00 per hour, per person, assigned to said private entity. Said fee shall be used to off-set the administrative costs associated with the assignment of Borough police officers.

B. In addition to the aforementioned administrative fee, the Chief and/or his designee's shall determine what equipment is required, and said private persons or entity shall pay the Borough of Cliffside Park for the use or rental of any Borough equipment based upon the following pay scale.

- (1) Unmarked police vehicle - \$5.00 per hour
- (2) Marked police vehicle - \$5.00 per hour
- (3) Flares - \$2.00 each
- (4) Vehicle barricades - \$2.00 per hour
- (5) Emergency tape- \$15.00 per roll
- (6) Hourly rates for Police Officer on off-duty assignment shall be:
 - (a) all details- \$55.00 per hour
- (7) Lighting/ gas powered generator- \$5.00 per hour
- (8) This ordinance shall not apply to the Borough and/or Board of Education projects.
- (9) This ordinance shall not apply to any licensed public utility.

C. Notwithstanding anything to the contrary, the Borough of Cliffside Park shall not be required to allow its equipment to be used on any off-duty assignment.

6. Section 6.

A. Worker's Compensation Fund. In addition to the aforementioned fees for administrative costs, as well as the fees for the hourly rate of pay for said police officers, said private person or entity wishing to employ off-duty police officers shall be required to pay the Borough of Cliffside Park a separate fee of \$5.00 per hour. This additional fee shall be used for the purposes of contribution to the Borough's Workers' Compensation Fund.

B. Insurance. Each private persons or entity who shall employ off-duty police officers pursuant to this section shall be responsible for maintaining their own insurance coverage. Said insurance coverage shall include, but not be limited to general liability and automobile. Proof of said insurance coverage shall be provided to the Borough of Cliffside Park prior to the assignment of any off-duty police officers to said private person or entity. The private person or entity shall provide the aforementioned for any and all officers, vehicles and/or equipment utilized in the off-duty assignment.

7. Section 7 Emergencies.

The Chief of Police or his designee shall have the authority to order any police officer, engaged in off-duty assignments within the Borough of Cliffside Park, to respond to an emergency situation within the Borough of Cliffside Park. The Chief of Police or his designee shall also have the right to order any off-duty assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty officer and/or the residents of the Borough of Cliffside Park. In the event a police officer is assigned to an emergency situation, the Police Chief or his designee shall make note of said emergency situation, as well as the time said officer was removed from said off-duty assignment. In any situation where an off-duty police officer is called to an emergency situation, said, private person or entity shall not be responsible for the payment of the officer's hourly rate, administrative fee, or any other fees to the Borough of Cliffside Park until such time as said police officer and/or equipment returns to the assignment with the off-duty employer.

8. The administrative costs referenced in the ordinance may be modified annually or on an "as needed" basis by Council resolution.

9. Indemnification.

Any private person or entity requesting the services of off-duty police officers shall indemnify the Borough of Cliffside Park for any and all damages (personal/property and/or otherwise) which may arise from the off-duty police officer's employment by said private person or entity.

10. Severability.

If any section or paragraph of this ordinance shall be declared to be invalid, unconstitutional or inoperative, in whole or in part, by any Court of competent jurisdiction, this entire ordinance shall be deemed void.

11. All ordinances or parts of ordinances inconsistent herewith or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

12. This ordinance shall take effect immediately after final passage, adoption, and publication as required by law.

The Municipal Clerk read the following statement:

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

A public hearing on said ordinance will be conducted on October 6, 2009 in the Mayor and Council Chambers at 7 pm, 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 2009-13

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

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

ORDINANCE 2009-13

AN ORDINANCE FIXING SALARIES, WAGES AND COMPENSATION FOR EMPLOYEES OF THE POLICE DEPARTMENT WITHIN THE BOROUGH OF CLIFFSIDE PARK, COUNTY OF BERGEN AND STATE OF NEW JERSEY

BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK AS FOLLOWS:

SECTION I – SALARY

THE FOLLOWING SALARIES, WAGES AND/OR COMPENSATION SHALL BE PAID TO THE RESPECTIVE EMPLOYEES OF THE BOROUGH OF CLIFFSIDE PARK POLICE DEPARTMENT AS SET FORTH BELOW RETROACTIVE FROM JANUARY 1, 2007.

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Deputy Chief	\$ 98,893.00	\$ 102,848.00	\$ 106,962.00	\$ 123,678.00
Captain	\$ 93,474.00	\$ 97,213.00	\$ 101,102.00	\$ 117,004.00
Lieutenant	\$ 89,361.00	\$ 92,935.00	\$ 96,653.00	\$ 111,894.00
Sergeant	\$ 85,244.00	\$ 88,653.00	\$ 92,199.00	\$ 106,777.00
Senior Officer	\$ 80,388.00	\$ 83,603.00	\$ 86,947.00	\$ 100,744.00
Patrolman Step 7	\$ 71,361.00	\$ 74,215.00	\$ 77,184.00	\$ 89,502.00
Patrolman Step 6	\$ 65,827.00	\$ 68,460.00	\$ 71,198.00	\$ 82,652.00
Patrolman Step 5	\$ 58,190.00	\$ 60,518.00	\$ 62,938.00	\$ 73,163.00
Patrolman Step 4	\$ 51,472.00	\$ 53,531.00	\$ 55,672.00	\$ 64,816.00
Patrolman Step 3	\$ 45,550.00	\$ 47,372.00	\$ 49,267.00	\$ 57,458.00
Patrolman Step 2	\$ 40,320.00	\$ 41,933.00	\$ 43,610.00	\$ 50,960.00
Academy Step	\$ 35,681.00	\$ 37,109.00	\$ 38,593.00	\$ 45,196.00

SECTION II – WORK SCHEDULE

EFFECTIVE JANUARY 1, 2010, ALL MEMBERS OF THE CLIFFSIDE PARK POLICE DEPARTMENT SHALL BE REQUIRED TO WORK 1,992 HOURS PER YEAR IN ACCORDANCE WITH THE SCHEDULE SET FORTH BY THE CHIEF OF POLICE.

SECTION III – UNIFORM ALLOWANCE

THE CLOTHING ALLOWANCE FOR THE MEMBERS OF THE POLICE DEPARTMENT SHALL BE INCREASED FROM \$550 PER ANNUM TO \$750 PER ANNUM FOR YEARS 2007, 2008 AND 2009. EFFECTIVE JANUARY 1, 2010, A SEPARATE PAYMENT FOR CLOTHING ALLOWANCE WILL NOT BE MADE AS SUCH HAS BEEN ROLLED INTO THE BASE SALARY.

SECTION IV – HOLIDAY PAY

EFFECTIVE JANUARY 1, 2010, ALL HOLIDAY PAY IN THE AMOUNT OF TWELVE DAYS IS EFFECTIVELY ROLLED INTO THE BASE SALARY. NO SEPARATE PAYMENTS SHALL BE MADE FOR HOLIDAY PAY OTHER THAN FOR THE YEARS 2007, 2008 AND 2009.

SECTION V – LONGEVITY

Employees hired on or before July 14, 2009

<u>Completed Years of Service</u>	<u>Longevity %</u>
Completion of four (4) years of service	3% of base salary
Completion of eight (8) years of service	6% of base salary
Completion of twelve (12) years of service	9% of base salary
Completion of sixteen (16) years of service	12% of base salary
Completion of twenty (20) years of service	15% of base salary

Employees hired after July 14, 2009

<u>Completed Years of Service</u>	<u>Longevity %</u>
Completion of five (5) years of service	3% of base salary
Completion of ten (10) years of service	6% of base salary
Completion of fifteen (15) years of service	9% of base salary
Completion of twenty (20) years of service	12% of base salary
Completion of twenty-five (25) years of service	15% of base salary

EFFECTIVE JANUARY 1, 2010, LONGEVITY PAYMENTS SHALL BE ADJUSTED FOR ELIGIBLE PERSONNEL ON A SEMI-ANNUAL BASIS ON JANUARY 1ST AND JULY 1ST.

SECTION VI – PAYROLL DISTRIBUTION

EFFECTIVE JANUARY 1, 2010, THE PAYROLL SHALL BE DISTRIBUTED OVER 26 WEEKS OF THE YEAR IN LIEU OF A 52 WEEK SCHEDULE.

SECTION VII – HEALTH BENEFITS

THE NEW JERSEY STATE HEALTH BENEFITS PLAN IS TO BE NON-CONTRIBUTORY ON THE PART OF ALL PARTICIPATING EMPLOYEES WITH SAID PAYMENTS TO BE MADE BY THE MUNICIPALITY BENEFITS PLAN.

SECTION VIII

THIS ORDINANCE SHALL TAKE EFFECT UPON FINAL PASSAGE, APPROVAL AND PUBLICATION AS REQUIRED BY LAW.

SECTION IX

NO BENEFITS OF ANY KIND PREVIOUSLY IN FORCE OR NOW BEING ENJOYED BY THE VARIOUS EFFECTED EMPLOYEES OF THE BOROUGH OF CLIFFSIDE PARK SHALL BE REDUCED IN ANY MANNER, BUT SHALL BE CONTINUED IN FORCE.

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

MAYOR CALABRESE:

COUNCILWOMAN SPOTO:

COUNCILMAN FONTANA:

COUNCILMAN BONGARD:

COUNCILMAN CALABRESE:

COUNCILWOMAN MARTINOTTI:

COUNCILMAN CORCORAN:

PUBLIC PORTION:

On a motion by Councilman Corcoran, seconded by Councilman Fontana, the meeting was opened to the public. Carried.

PUBLIC PARTICIPATION: Edward Attal of 707 Grove Avenue, Cliffside Park, NJ 07010. He asked if there were any updates regarding the fire hydrant. Mayor Calabrese informed Mr. Attal that he had contacted United Water and that the water company should be getting back to him shortly.

John Mitchell of 770 Anderson Avenue, Unit 2Q, Cliffside Park, NJ 07010. Mr. Mitchell complimented the professionalism of the town offices in response to his OPRA requests. He asked if the Towne Center project had a schedule for its completion. Borough Attorney Chris Diktas advised Mr. Mitchell of the 30 month completion of the project. Mr. Mitchell asked about the current debt service for the town. He was advised to OPRA any documents that he wanted access to. Mr. Mitchell asked why August meeting minutes were not on the website. Borough Clerk Sercan Zoklu informed Mr. Mitchell that the August meeting minutes were just approved at tonight's meeting and that they will be on the website a few days following this meeting.

Michael Park of 184 Jersey Avenue, Cliffside Park, NJ 07010. Mr. Park stated that he had a parking space issue near his home. He stated that individuals were blocking his driveway. Chief Keane advised him to call the police if anyone blocks his driveway. Borough Clerk Sercan Zoklu advised Mr. Park that he will take down his information after the meeting to resolve any other issues that he may have with parking.

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

On a motion by Councilman Corcoran, seconded by Councilman Bongard, Resolution 2009-211 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2009-211

Whereas, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

Whereas, this public body is of the opinion that such circumstances presently exist; and

SEPTEMBER 15, 2009

Whereas, the Mayor and Council of the Borough of Cliffside Park wishes to discuss the following:

Personnel

Minutes will be kept, and once the matter involving the confidentiality of the above no longer requires that confidentiality, the minutes can be made public.

Now, Therefore Be It Resolved, that the public be excluded from this meeting.

ADJOURN:

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

ATTEST:

APPROVED:

**SERCAN ZOKLU, RMC
BOROUGH CLERK**

**GERALD A. CALABRESE
MAYOR**