

JUNE 7, 2016

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

**MINUTES OF THE REGULAR MEETING
JUNE 7, 2016**

CALL TO ORDER AT 7:00 P.M.

FLAG SALUTE LED BY MAYOR THOMAS CALABRESE

PRESENT AT ROLL CALL:

Mayor	Thomas Calabrese
Councilwoman	Donna Spoto
Councilman	Bernard Fontana
Councilman	Larry Bongard
Councilwoman	Dana Martinotti
Councilman	Kenneth Corcoran
Councilman	Peter Colao

SERCAN ZOKLU STATED:

THIS IS A REGULAR MEETING OF THE MAYOR AND COUNCIL, AND NOTICE WAS GIVEN AS FOLLOWS:

1. NOTICE PUBLISHED JANUARY 8, 2016 WITH THE RECORD, AND JANUARY 11, 2016 WITH THE JERSEY JOURNAL, BOTH OFFICIAL NEWSPAPERS OF THE BOROUGH.
2. POSTING OF NOTICE ON THE BULLETIN BOARD.
3. PRESERVING A COPY IN THE CLERK'S OFFICE.

MINUTES:

On a motion by Councilman Bongard, seconded by Councilman Fontana, the minutes of the Caucus Meeting of May 10, 2016 were accepted.

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran, Colao.

On a motion by Councilman Bongard, seconded by Councilman Fontana, the minutes of the Regular Meeting of May 10, 2016 were accepted.

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran, Colao.

PRESENTATION:

PRESENTATION BY ASSEMBLYMAN GARY SCHAER TO MR. AAKASH SHAH OF CLIFFSIDE PARK FOR BEING HONORED BY THE WHITE HOUSE AS A CHAMPION OF CHANGE FOR THE AFFORDABLE CARE ACT

CONSENT AGENDA:

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

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran, Colao.

RESOLUTIONS:

On a motion by Councilman Bongard, seconded by Councilman Fontana, Resolutions 2016-115 to 2016-130 were offered for adoption:

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran, Colao.

RESOLUTION 2016-115

WHEREAS, CHAPTER 11-5 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, Dmitry Serebrianik, owner of the property 73-75 Columbia Avenue, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the 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 the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-116

WHEREAS, CHAPTER 11-5 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, Carollyn Egan of 392 Columbia Avenue, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the 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 the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-117

WHEREAS, CHAPTER 11-5 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, Eduayo Brogna of 11 Crescent Avenue, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the 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 the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION -118

WHEREAS, CHAPTER 11-5 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, Marco Ruggerio of 545 Hilltop Terrace, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the property for privacy and safety; and

JUNE 7, 2016

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 the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-119

WHEREAS, CHAPTER 11-5 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, Bashkim Dobrusu of 255 Columbia Avenue, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the 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 the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-120

GRANTEE AUTHORIZING RESOLUTION

BE IT RESOLVED that the Mayor and Council of Cliffside Park wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$52,474.00 matching grant award from the 2015 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled "Improvements to Little League Field" located in Lot 31 in Block 3205 and Lot 8 in Block 3301 on the tax maps of the Borough of Cliffside Park; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorize the Mayor Thomas Calabrese and/or Administrator Joseph Rutch to be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about May 18, 2018; and

BE IT FURTHER RESOLVED that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

BE IT FURTHER RESOLVED that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements.

This resolution was adopted by the Mayor and Council of Cliffside Park at a meeting on June 7, 2016.

RESOLUTION 2016-121

WHEREAS, PILAR MONTERO OF 457 NELSON AVE B.2004 L.9 CLIFFSIDE PARK, HAS DEPOSITED A CHECK IN THE AMOUNT OF \$50,316.04 WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 12-06 SOLD TO DGP CAPITAL LLC FOR 2011 TAXES IN THE AMOUNT OF \$4,601.37.

JUNE 7, 2016

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT THE CHIEF FINANCIAL OFFICER BE AND HE IS HEREBY AUTHORIZED TO ISSUE AND SIGN A CHECK IN THE AMOUNT OF \$50,316.04 FOR THE REDEMPTION OF SAID TAX TITLE LIEN, AND A CHECK IN THE AMOUNT OF \$14,700.00 FOR PREMIUM PAID ON SAID PROPERTY AND,

BE IT FURTHER RESOLVED THAT SAID CHECK BE DRAWN ON THE BOROUGH OF CLIFFSIDE PARK TRUST ACCOUNT AND PAYABLE TO DGP CAPITAL LLC, 12-24 RIVER ROAD FAIR LAWN, NJ 07410.

RESOLUTION 2016-122

WHEREAS, CERTAIN TAXPAYERS APPLIED FOR STATE BOARD JUDGMENTS ON THEIR 2014 AND PRIOR TAXES; AND

WHEREAS, THE GRANTING OF SAID REDUCTIONS RESULTED IN OVERPAYMENTS ON THEIR 2014 AND PRIOR TAXES;

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 2014 AND PRIOR TAXES IN ACCORDANCE WITH THE SCHEDULES WHICH ARE ON FILE IN THE OFFICE OF THE TAX COLLECTOR.

RESOLUTION 2016-123

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT CERTAIN TAXPAYERS HAVE MADE DUPLICATE 2015 TAX PAYMENTS ON PROPERTY WHICH IS ON FILE IN THE TAX COLLECTORS OFFICE, RESULTED IN OVERPAYMENTS;

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,

BE IT FURTHER RESOLVED THAT THE ABOVE CHECKS BE DRAWN ON THE CURRENT ACCOUNT BANK OF NEW JERSEY.

RESOLUTION 2016-124

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

WHEREAS, SIMONE CARAFA'S TERM AS A HOUSING AUTHORITY COMMISSIONER FOR THE BOROUGH OF CLIFFSIDE PARK EXPIRES ON JUNE 20, 2016; AND

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK RE-APPOINT SIMONE CARAFA FOR A FIVE (5) YEAR TERM EXPIRING JUNE 20, 2021; AND

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

1. JOSEPH CAPANO, EXECUTIVE DIRECTOR
2. SIMONE CARAFA

RESOLUTION 2016-125

JUNE 7, 2016

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

WHEREAS, HARRY GUTTILLA'S TERM AS A HOUSING AUTHORITY COMMISSIONER FOR THE BOROUGH OF CLIFFSIDE PARK EXPIRES ON JUNE 20, 2016; AND

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK RE-APPOINT HARRY GUTTILLA FOR A FIVE (5) YEAR TERM EXPIRING JUNE 20, 2021; 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

RESOLUTION 2016-126

WHEREAS, THERE EXISTS A NEED FOR THE BOROUGH OF CLIFFSIDE PARK TO HIRE PART TIME SUMMER WORKERS IN VARIOUS BOROUGH DEPARTMENTS; AND

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK AS FOLLOWS:

1. THAT THE ADMINISTRATOR AND/OR BOROUGH CLERK OF THE BOROUGH OF CLIFFSIDE PARK IS HEREBY AUTHORIZED TO HIRE PART TIME SUMMER WORKERS IN VARIOUS BOROUGH DEPARTMENTS.

BE IT FURTHER RESOLVED THAT THE CHIEF FINANCIAL OFFICER HAS CERTIFIED, IN ACCORDANCE WITH N.J.A.C. 5:30 14.5 THAT SUFFICIENT LEGALLY APPROPRIATED FUNDS WILL BE AVAILABLE FOR THIS PURPOSE SUBJECT TO APPROPRIATION OF FUNDS IN THE 2016 ADOPTED BUDGET.

BE IT FURTHER RESOLVED THAT A CERTIFIED COPY OF THIS RESOLUTION BE SENT TO THE CHIEF FINANCIAL OFFICER.

RESOLUTION 2016-127

WHEREAS, the Borough of Cliffside Park participates in the State Local Cooperative Housing Inspection Program;

WHEREAS, the Borough of Cliffside Park has received authorization to conduct the State mandated inspections of hotels and multiple dwellings within its jurisdiction on behalf of the Bureau of Housing Inspection during the period from July 1, 2016 to June 30, 2017; and

WHEREAS, the Borough of Cliffside Park receives money from the State for these inspections; and

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

1. That the Mayor is hereby authorized to execute any and all agreements to participate in the State Local Cooperative Housing Inspection Program.

RESOLUTION 2016-128

MAYOR'S APPOINTMENTS

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

JUNE 7, 2016

VOLUNTEER FIREFIGHTER – 1 Year Term

Jared Reyes
Jaber Jaber

Term Expires

12/31/16
12/31/16

RESOLUTION 2016-129

WHEREAS, Anthony Donato has been employed with the Borough for over 26 consecutive years; and

WHEREAS, Anthony Donato, during his tenure, has accumulated vacation and sick time throughout the 26 year and one month period of service, as more fully described in the CFO’s memorandum attached hereto; and

WHEREAS, pursuant to Resolution 56-2000, Borough Employees are entitled to receive one half of all unused sick time not to exceed the amount of \$20,000.00, plus the repayment of all accrued vacation; and

BE IT FURTHER RESOLVED that Anthony Donato has petitioned the Council, and the Council has agreed to accept July 1, 2016 as the last day of employment with retirement commencing on July 1, 2016; and

THEREFORE, BE IT RESOLVED this Council does hereby accept the retirement calculations prepared by Borough CFO Frank Berardo, and does hereby authorize the payments to Anthony Donato as more fully described in the CFO’s memorandum; and

BE IT FURTHER RESOLVED a certified to be true copy of this Resolution be tendered to Anthony Donato, Frank Berardo, CFO, and Joseph Rutch, Borough Administrator.

RESOLUTION 2016-130

WHEREAS, Resolution 2016-110 was adopted by the Cliffside Park Mayor and Council on May 10, 2016; and

WHEREAS, after the adoption, the Borough Clerk was informed by the Property Maintenance Inspector that the bill submitted by the Contractor had an error; and

NOW, THEREFORE, BE IT RESOLVED the Council does hereby rescind Resolution 2016-110 and directs Tax Collector Frank Berardo to remove any municipal liens against all properties described herein that pertain to Resolution 2016-110.

OFF CONSENT AGENDA:

On a motion by Councilman Corcoran, seconded by Councilman Bongard Resolution 2016-131 was offered for adoption.

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran. ABSTAIN: Colao.

RESOLUTION 2016-131

ADOPTION OF THIRD AMENDED AND RESTATED REDEVELOPMENT AGREEMENT

“OFFICIAL ACTION”

WHEREAS, this Resolution pertains to the Redevelopment of certain land within the Borough of Cliffside Park (the “Borough”) and actions of the designated Redeveloper known and identified as TOWNE CENTRE URBAN RENEWAL COMPANY, LLC, an urban renewal limited liability company

JUNE 7, 2016

established and operated within the State of New Jersey (hereinafter referred to as the "Redeveloper"), having a business address at 1000 Portside Drive, P.O. Box 207 Edgewater, New Jersey 07020; and

WHEREAS, on February 16, 1999, the Cliffside Park Borough Council (the "Borough Council") adopted Ordinance No. 3-99 which designated the Borough Council as the Redevelopment Agency pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, pursuant to Ordinance No. 8-99 adopted September 14, 1999, as amended by Ordinance No. 03-2006 adopted March 21, 2006, the Borough Council designated the land surrounded on three sides by Anderson Avenue, Glen Street and Lawton Street (and an existing structure on the fourth side) consisting of Block 2804, Lot 1.01 (formerly Block 2803, Lots 1, 16, 17, 18, 19, 20 and 21; and Block 2804, Lots 1, 2, 3, 4, 5, 6 and 7) on the Tax Map of the Borough as an area in need of redevelopment (hereinafter the "Redevelopment Area"); and

WHEREAS, in furtherance of the Borough Council's continuing efforts to enhance and revitalize the Anderson Avenue Business District and vicinity, the Borough entered into a Redevelopment Agreement (the "Initial Redevelopment Agreement"), dated January 9, 2006 with Towne Centre C.P., LLC (hereinafter referred to as "Towne Centre") to undertake redevelopment of the Redevelopment Area; and

WHEREAS, in accordance with the Initial Redevelopment Agreement, Redeveloper designed a project (the "Project") which has been modified from time to time and now consists of, amongst other improvements, a residential building of eleven (11) stories plus two (2) two-story penthouses containing 266 residential units, 49,418 sq. ft. of commercial and retail space, a two level parking structure, and a plaza; and

WHEREAS, the Borough and Redeveloper entered into an Amended and Restated Redevelopment Agreement ("First Amended and Restated Redevelopment Agreement"), dated the 13th day of April, 2010, which restated, amended and superseded in its entirety the terms of the Initial Redevelopment Agreement; and

WHEREAS, the Borough and Redeveloper entered into a Second Amended and Restated Redevelopment Agreement ("Second Amended and Restated Redevelopment Agreement"), dated the 28th day of June, 2011, which restated, amended and superseded in its entirety the terms of the First Amended and Restated Redevelopment Agreement and which alleviated certain fee payments previously imposed and other obligations of the Redeveloper; and

WHEREAS, the Borough Council continues to recognize Redeveloper, an affiliate of Towne Center, as the party to effectuate and complete the Project in accordance with the terms of the Second Agreement and Restated Redevelopment Agreement; and

WHEREAS, for a variety of reasons, including unprecedented weather conditions in 2014 and 2015 as well as the unforeseen presence of geological rock formations requiring drilling and hammering and the piling of footings and foundations, certain delays, beyond the initial economic-related delays, in the construction completion schedule have occurred relative to the Project; and

WHEREAS, the Redeveloper and the Borough have agreed that the construction related conditions and resulting delays justify extensions in the construction completion process and Project Schedule and thereby seek amendment to same as set forth in the Third Amended and Restated Redevelopment Agreement; and

WHEREAS, the Borough Council has resolved to adopt and to authorize the Mayor to execute a Third Amended and Restated Redevelopment Agreement as attached to this Resolution, which amends only the Completion date and Project Schedule, extending the Project Completion date to March, 2017 and leaves all other terms and provisions of the Second Amended and Restated Redevelopment Agreement in full force and effect, all in accordance with the terms set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Cliffside Park Borough Council hereby approves the Third Amended and Restated Redevelopment Agreement as attached hereto subject to the execution of such Agreement by the Redeveloper. The Mayor is authorized to execute, on behalf of the Borough, all necessary documents related hereto. This Resolution shall take effect in accordance with applicable law.

On a motion by Councilman Corcoran, seconded by Councilman Bongard, Resolution 2016-132 was offered for adoption.

JUNE 7, 2016

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran, Colao.

RESOLUTION 2016-132

WHEREAS, as a result of this request, the Council directed Borough Clerk, Sercan Zoklu to prepare and publish bids for the "Summer Food Service Program"; and

WHEREAS, the following entities submitted bids:

Revolution Foods 8393 Capwell Drive, Suite 200 Oakland, CA 94621	\$ 26,911.28
Feeding Our Children, Inc. 749 Westside Avenue Jersey City, NJ 07306	\$ 28,296.84
North Jersey Friendship House 125 Atlantic Street Hackensack, NJ 07601	\$ 28,791.54
Nu-Way Concessionaires, Inc. 339-345 Bergen Avenue Kearny, NJ 07032	\$ 36,409.92

WHEREAS, Revolution Foods' bid is disqualified for failure to comply with the State of New Jersey Vendors Requirements whereby the vendor did not submit a Sample Lunch, with or without milk;

NOW THEREFORE BE IT RESOLVED that the Council does hereby award the Summer 2016 Recreation Food Service bid concession to the lowest responsive bidder, Feeding Our Children, Inc.; and

BE IT FURTHER RESOLVED that the Council does hereby authorize Mayor Thomas Calabrese to execute a contract for recreational summer food services, subject to review and acceptance by the Borough Attorney; and

BE IT FURTHER RESOLVED that Feeding Our Children, Inc. be tendered a certified copy of this Resolution.

ORDINANCES: INTRODUCTION

Councilman Bongard INTRODUCED AN ORDINANCE ENTITLED:

ORDINANCE 2016-06

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 and in The Record on June 11, 2016 and The Jersey Journal on June 13, 2016. Motion was seconded by Councilman Corcoran.

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

The public hearing is to be held on July 5, 2016 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.

JUNE 7, 2016

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran, Colao.

ORDINANCE 2016-06

**AN ORDINANCE AMENDING CHAPTER 5,
MUNICIPAL HOURS OF OPERATION OF ALL
BUSINESS INCLUDING ALCOHOL BEVERAGE
ESTABLISHMENTS, REGULATION OF LICENSED
PREMISES AND ALCOHOLIC BEVERAGE CONTROL
OF THE GENERAL ORDINANCES OF
THE BOROUGH OF CLIFFSIDE PARK**

BE IT ORDAINED, that Chapter 5 of the General Ordinances of the Borough of Cliffside Park, shall be amended as follows:

5-4 HOURS OF OPERATION.

a. Establishments.

Section 5-4.1 Existing language stricken in its entirety.

Replacement Language

Establishments shall be permitted to sell, deliver, or serve alcohol in any "licensed premises" Monday through Saturday between the hours of 6:00 a.m. and 2:00 a.m. on the next day.

Section 5-4.2 Existing language stricken in its entirety.

Replacement Language

Establishment shall be permitted to sell alcohol on Sunday as prescribed by State Statute and/or ABC Regulations but in any event the sale of alcohol shall not be before 12:00 p.m. and after 2:00 a.m. on the next day.

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

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

EFFECTIVE DATE. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Councilman Colao INTRODUCED AN ORDINANCE ENTITLED:

ORDINANCE 2016-07

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

The Municipal Clerk read the said ordinance by title. Councilman Colao moved the ordinance be adopted on first reading and published and in The Record on June 11, 2016 and The Jersey Journal on June 13, 2016. Motion was seconded by Councilman Corcoran.

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

The public hearing is to be held on July 5, 2016 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.

JUNE 7, 2016

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran, Colao.

ORDINANCE 2016-07

ORDINANCE AMENDING CHAPTER XI SECTION 11.10 ENTITLED "ILLEGAL RENTAL OF BUILDING AND APARTMENTS," REVISED GENERAL ORDINANCES OF THE BOROUGH OF CLIFFSIDE PARK

WHEREAS, the Borough Council has become aware that the possibilities of social media have created a market for the temporary occupancy of dwelling units or portions of dwelling units; and

WHEREAS, the proximity of Cliffside Park to New York City enhances the probability of the temporary occupancy of dwelling units or portions thereof; and

WHEREAS, the emergence of short lead time connections enabling temporary occupancy of dwelling units or portions thereof likely militates against the performance of inspections necessary for the issuance of occupancy certificates in the promotion of the public health, safety, and welfare;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Cliffside Park, County of Bergen, State of New Jersey that the aforesaid Ordinance is hereby amended as set forth infra.

Section 11.10 Definitions

Add New Subsection 11.10-3

"Temporary Occupancy" means the use and occupancy of other than a principal residence or dwelling, by persons for a period of less than thirty consecutive days.

Add New Subsection 3.5 to Section 11.10-3

No person, firm, partnership or corporation shall permit any person or persons, firms, partnerships or corporations to take temporary occupancy of any house, apartment, or other structure having a residential use; nor shall any person, firm, partnership or corporation permit the temporary occupancy of an individual component(s) of a dwelling unit resulting in the occupancy of less than a dwelling unit.

ORDINANCES: SECOND HEARING AND ADOPTION

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

ORDINANCE 2016-03

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

Councilman Fontana moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title. The clerk 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 Bongard moved the hearing be closed. The motion was seconded by Councilman Colao.

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

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran, Colao.

JUNE 7, 2016

ORDINANCE 2016-03

CALENDAR YEAR 2016

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

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CLIFFSIDE PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

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

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

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

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

amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

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

Appropriation and Estimated Cost	\$ 840,000
Down Payment Appropriated	\$ 40,000
Bonds and Notes Authorized	\$ 800,000
Period of Usefulness	10 years

B. Improvements to various parks, including, but not limited to, the construction of a spray park at Grantwood Park.

Appropriation and Estimated Cost	\$ 445,000
Down Payment Appropriated	\$ 21,200
Bonds and Notes Authorized	\$ 423,800
Period of Usefulness	15 years

C. Acquisition of new additional or replacement equipment and machinery and a new automotive vehicle, including original apparatus and equipment for the use of the Department of Public Works consisting of (i) a street sweeper and (ii) a garbage truck.

Appropriation and Estimated Cost	\$ 445,000
Down Payment Appropriated	\$ 21,200
Bonds and Notes Authorized	\$ 423,800
Period of Usefulness	5 years

D. Installation of emergency generators at Cliffside Park High School and at the Manhattan Place Pump Station.

Appropriation and Estimated Cost	\$ 170,000
Down Payment Appropriated	\$ 8,100
Bonds and Notes Authorized	\$ 161,900
Period of Usefulness	15 years

E. Acquisition of new additional or replacement equipment and machinery consisting of lift systems for ambulances.

Appropriation and Estimated Cost	\$ 100,000
Down Payment Appropriated	\$ 9,500

JUNE 7, 2016

Bonds and Notes Authorized	\$ 90,500
Period of Usefulness	5 years

Aggregate Appropriation and Estimated Cost	\$2,000,000
Aggregate Down Payment Appropriated	\$ 100,000
Aggregate Amount of Bonds and Notes Authorized	\$1,900,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$300,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$100,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$100,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations

prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.18 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,900,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance. Section 15. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations

JUNE 7, 2016

shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

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

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

ORDINANCE 2016-04

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

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

The following people spoke on the ordinance: None.

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

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

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran, Colao.

ORDINANCE 2016-04

ORDINANCE APPROPRIATING \$200,000 FROM THE RESERVE FOR SEWER HOOKUP FEES FOR VARIOUS SEWER SYSTEM IMPROVEMENTS IN AND BY THE BOROUGH OF CLIFFSIDE PARK, IN THE COUNTY OF BERGEN, NEW JERSEY

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF CLIFFSIDE PARK, IN THE COUNTY OF BERGEN, NEW JERSEY AS FOLLOWS:

Section 1. \$200,000 is hereby appropriated from the Reserve for Sewer Hookup Fees of the Borough of Cliffside Park, in the County of Bergen, New Jersey (the "Borough") for various sewer system improvements, consisting of the repairs and replacement to sewer system emergency sewer repairs, acquisition of pumps and related equipment, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

JUNE 7, 2016

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect as provided by the law.

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

ORDINANCE 2016-05

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 clerk 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 Bongard.

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

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran, Colao.

ORDINANCE 2016-05

CHAPTER 23

CRANE REGULATIONS AND PROCEDURES

WHEREAS, the Council after the crane collapse of 2015 recognizes that a consistent policy is necessary concerning the operation of cranes within the Municipality. The adoption of this Ordinance will help to preserve safety and prevent damage to individuals, personal property and real estate located in the Municipality; and

WHEREAS, there exists the need to create a standard by which crane operators and cranes are governed in the Borough of Cliffside Park; and

WHEREAS, the licensing of crane operators and cranes is a matter of public safety; and

WHEREAS, in dense urban environments, cranes are operated often in close proximity to residential units, office spaces, and pedestrians, thus underscoring the need for safe cranes and professional crane operators who adhere to the highest standards of safety; and

WHEREAS, the Municipality wishes to enact legislation which will govern registration

of cranes, safety and use of cranes in the Municipality.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council

The Ordinances of the Borough of Cliffside Park are hereby supplemented with a new Chapter 23 entitled "Crane Regulations and Procedures" the Chapter shall read as follows:

23-1 Definitions.

As used in this Chapter, the following terms for the purpose of these regulations shall be defined as follows:

Accessory means a secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

Appointed means assigned specific responsibilities by the employer or the employer's representative.

Angle Indicator (boom) means an accessory which measures the angle of the boom to the horizontal.

Attachments means elements that can be readily added to or removed from a crane or derrick and which expand the range or function of the crane or derrick. Examples include, but are not limited to: an auger, boom extension, clamshell, drill, jib, jib extension, or pile-driver.

Axis of Rotation means the vertical axis around which the crane superstructure rotates.

Axle means the shaft or spindle with which or about which a wheel rotates. On truck and wheel mounted cranes it refers to an automotive type of axle assembly including housing gearing, differential, bearings and mounting appurtenances.

Axle (bogie) means two or more automotive type axles mounted in tandem in a frame so as to divide the load between the axles and permit vertical oscillation of the wheels.

Base (mounting) means the base or carrier on which the rotating superstructure is mounted such as a truck, crawler or platform.

Board means the Crane Operators License Advisory Board established pursuant to N.J.S.A. 45:26-3.

Boom means A section or strut, of which the heel (lower end) is affixed to a base, carriage or support, and whose upper end supports a cable and sheaves where the load is lifted by means of wire rope and a hook.

Boom Angle means the angle between the longitudinal centerline of the boom and the horizontal. The boom longitudinal centerline is a straight line between the boom foot pin (heel pin) centerline, and boom point sheave pin centerline.

Boom Harness means the block and sheave arrangement on the boom point to which the topping lift cable is reeved for lowering and raising the boom,

Boom Hoist means a hoist drum and rope reeving system used to raise and lower the boom.

Boom Point means the outward end of the top section of the boom containing the hoist sheave assembly.

Boom Stop means a device used to limit the angle of the boom at the highest position.

Brake means a device used for retarding or stopping motion by friction or power means.

Cab means a housing which covers the rotating superstructure machinery and/or operators station.

Cableway means a power operated system for moving loads in a generally horizontal direction in which the loads are conveyed on an overhead cable, track or carriage.

Certificate of Approval means a certificate issued by the Building Department upon review and approval of the engineering and testing of a specific make and model of hoisting equipment to ensure compliance with the applicable provisions of this code and its National Standards.

Certificate of Operation means a certificate issued by the Building Department upon satisfactory inspection of the crane equipment which has received a Certificate of Approval.

Certificate of On-Site Inspection means a certificate issued by the Building Department based on a site specific approval of the placement, founding and operation of hoisting equipment.

Certification means certification from the National Commission for the Certification of crane Operators or any other organization found by the Board to offer an equivalent testing and certification program meeting the requirements of the American Society of Mechanical Engineers ASME B30.5 and the accreditation requirements of the National Commission for Certifying Agencies.

Clamshell means a shovel bucket with two jaws that clamp together by their own weight when it is lifted by a closing line.

Climbing/Jumping means the raising or lowering of a tower or climber crane to different floors or levels of a building or structure.

Clutch means a friction, electromagnetic, hydraulic, pneumatic or positive mechanical device for engagement of power.

Competent Person means one who is capable of identifying existing predictable hazards in the surroundings or conditions that are unsanitary, hazardous or dangerous, and who has authorization to take prompt corrective measures to eliminate such hazards.

Component means a structural part or mechanical system that is integral to the crane or derrick, or an element that supports an integral structural part or mechanical system. Examples include, but are not limited to: a-frame, attachments, boom, boom tip, braking system, climbing frame or section, climbing mechanism, collar, counter jibs, counterweight, counterweight support system, engine, heel boom, hoist drum, hoist motor, machine deck or platform, mast, operator's cabin, pendant bars (excluding wire rope pendants), suspension system, tower base/base frame, tower top, and turntable. For a derrick, a component also includes base plates, junctions, poles and other uprights, seats, and stiff legs.

Counterweight means weight used to supplement the weight of the machine in providing stability for lifting working loads.

Crane means a power-operated machine for lifting or lowering a load and moving it horizontally which utilizes wire rope and in which the hoisting mechanism is an integral part of the machine. The definition of a crane shall also include articulating boom crane, regardless of whether it has a hoisting mechanism integral to the machine.

- i. "Crane Operator" means an individual engaged in the operation of a crane.
- ii. "Crane related experience" means operating, inspecting, training and maintenance experience acceptable to the board.
- iii. "Articulating Boom Crane" means a power-operated machine for lifting or lowering a load and moving it horizontally that utilizes a boom consisting of a series of folding pin connected structural members, typically manipulated to extend or retract by power from hydraulic cylinders, with or without a hoisting mechanism integral to the machine.
- iv. "Mobile Crane" means a commercial truck mounted crane, crawler crane,

wheel mounted crane (multiple control stations), or wheel mounted crane (single control station).

v. "Commercial Truck Mounted Crane (BOOM TRUCK)" means a crane consisting of a rotating superstructure (center post or turntable), boom, operating machinery, and one or more operator's stations mounted on a frame attached to a commercial truck chassis, usually retaining a payload hauling capability whose power source usually powers the crane. Its function is to lift, lower, and swing loads at various radii.

vi. "Crawler Crane" means a crane consisting of a rotating superstructure with a power plant, operating machinery, and boom, mounted on a base and equipped with crawler treads for travel. Its function is to lift, lower, and swing loads at various radii.

vii. "Wheel Mounted Crane (Multiple Control Stations)" means a crane consisting of a rotating superstructure operating machinery, and operator's station and boom, mounted on a crane carrier equipped with axles and rubber-tired wheels for travel, a power source(s), and having separate stations for driving and operating. Its function is to lift, lower, and swing loads at various radii.

viii. "Wheel Mounted Crane (Single Control Station)" means a crane consisting of a rotating superstructure, operating machinery, and boom, mounted on a crane carrier equipped with axles and rubber-tired wheels for travel, a power source, and having a single control station for driving and operating. its function is to lift, lower, and swing loads at various radii.

ix. "Tower Crane " means a power-operated hoisting machine that utilizes a vertical tower with a rotating superstructure and includes a load boom (jib) in order to lift or lower a load and move it horizontally.

x. "Climber Crane" means a tower crane that can be raised to a new working height, either by adding tower sections to the top of the crane (top climbing), or by a system in which the entire crane is raised inside the structure (inside climbing).

xi. "Self-Erecting Tower Crane" means a tower crane that adjusts its operating radius by means of a trolley traversing a jib and that; (i) possesses vertical or nearly vertical bottom slewing and mounted on fixed, traveling, or mobile bases; and (ii) is capable of folding and unfolding to facilitate transit from jobsite to jobsite with minimal assembly.

Dedicated Pile Driver means a power-operated machine that is designed exclusively to drive, hammer, press, or vibrate piles into the earth ("pile drive") and which possess the ability to both hoist the material that will be pile driven and to pile drive that material.

Derrick means an apparatus consisting of a mast or equivalent member held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism and operating for lifting or lowering a load and moving it horizontally. The definition of a derrick includes but is not limited to: A-frame derrick, basket derrick, breast derrick, Chicago boom derrick, gin pole derrick, guy derrick, shearleg derrick, and stiffleg derrick.

i. A-Frame Derrick means a derrick in which the boom is hinged from p cross member between the bottom ends of two upright members spread apart at the lower ends and joined at the top; the boom point secured to this junction of the side members, and the side members are braced or guyed from the junction point.

ii. "Basket Derrick" means a derrick without a boom, similar to a gin pole with its base supported by ropes attached to corner posts or other parts of the structure. The base is at a lower elevation than its supports. The location of the

base of a basket derrick can be changed by varying the length of the rope supports. The top of the pole is secured with multiple reeved guys to position the top of the pole to the desired location by varying the length of the upper guy lines. The load is raised and lowered by ropes through a sheave or block secured to the top of the pole.

iii. "Breast Derrick" means a derrick without a boom. The mast consists of two side members spread farther apart at the base than at the top and tied together at top and bottom by rigid members. The mast is prevented from tipping forward by guys connected to its top. The load is raised and lowered by ropes through a sheave or block secured to the top crosspiece.

iv. "Chicago Boom Derrick" means a derrick with a boom which is attached to a structure, an outside upright member of the structure serving as the mast, and the boom being stepped in a fixed socket clamped to the upright. The derrick is complete with load, boom and boom point swing line falls.

v. Gin Pole Derrick means a derrick that consists of a boom without a mast and which has guys arranged from its top to permit leaning the mast in one or more directions. The load is lifted and lowered by ropes reeved through sheaves or blocks at the top of the mast and the lower block.

vi. "Guy Derrick" means a fixed derrick consisting of a mast capable of being rotated, supported in a vertical position by guys, and a boom whose bottom end is hinged or pivoted to move in a vertical plane with a reeved rope between the head of the mast and the boom point for raising and lowering the boom, and a reeved rope from the boom point for raising and lowering the load.

vii. Shearleg Derrick means a derrick without a boom. The mast, wide at the bottom and narrow at the top, is hinged at the bottom and has its top secured by a multiple reeved guy to permit handling loads at various radii by means of load tackle suspended from the mast top.

viii. Stiffleg Derrick means a derrick similar to a guy derrick except that the mast is supported or held in place by two or more stiff members, called stifflegs, which are capable of resisting either tensile or compressive forces. Sills are generally provided to connect the lower ends of the stifflegs to the foot of the mast.

Dismantling means the final process of taking apart, piece by piece, in a specific sequence, the components of a crane. Dismantling shall include climbing and jumping.

Drum means the cylindrical member around which a rope is wound for raising and lowering the load or boom.

Dynamic (loading) means loads introduced into the machine or its components by forces in motion.

Engineer means a person licensed and registered to practice the profession of engineering in the State of New Jersey except that the certifications for matters relating to the manufacturer's design and applications for prototyping a crane or derrick may be made by an engineer who is (1) employed full time by the crane or derrick manufacturer and (2) who is licensed to practice the profession of engineering under the law of any State or Foreign jurisdiction, or who submits proof, acceptable to the Borough Engineer of his or her professional qualifications.

Erection means the assembly and placement of crane sections and components into places including all operations incidental thereto. Erection shall include climbing and jumping.

Extension means see "Attachment."

Gantry (A-Frame) means a structural frame, extending above the superstructure of a crane, to which the boom support ropes are reeved.

Gudgeon Pin means a pin connecting the mast cap to the mast, allowing rotation of the mast.

Guy means a rope used to steady or secure the mast or other members in the desired position.

Hoisting Equipment means equipment used to raise and lower personnel and/or material with intermittent motion. Hoisting equipment does not include scaffolds, mast climbers, and elevators.

Hoisting Machine means a power operated machine used for lifting or lowering a load, utilizing a drum and wire rope, excluding elevators. This shall include but not be limited to a crane, derrick, and cableway and hydraulic lifting system, and articulating booms.

Hoisting Mechanism means a hoist drum and rope reeving system used for lifting and lowering loads.

JIB means an extension attached to the boom point to provide added boom length for lifting specified loads. The jib maybe in line with the boom or offset to various angles in the vertical plane of the boom.

Jump (jumping) means the process of adding or removing mast or tower sections to equipment that has already been erected.

LAY means the distance measured along a wire rope in which one strand makes one complete helical convolution about the core or center.

LOAD (working) means the external load, in pounds (kilograms), applied to the crane or derrick, including the weight of auxiliary load attaching equipment such as load blocks, shackles, and slings.

Load Block (upper) means the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended from the boom point.

Load Block (lower) means the assembly of hook or shackle, swivel, sheaves, pins and frame suspended by the hoisting ropes.

Load Hoist means a hoist drum and rope reeving system used for hoisting and lowering loads.

Load Indicator means a device that measures the weight of the load.

Load Moment Indicator means a system that aids the operator by sensing (directly or indirectly) the overturning moment of the crane or derrick. It compares this lifting condition to the equipment's rated capacity, and indicates to the operator the percentage of capacity at which the equipment is working.

Load Moment Limiter means a system which aids the operator by sensing (directly or indirectly) the overturning moment of the crane or derrick. It compares this lifting condition to the equipment's rated capacity, and when the rated capacity is reached, it shuts off power to those equipment functions which can increase the severity of loading on the equipment.

Load Rating means Crane and derrick ratings in pounds (kilograms) established by the manufacturer in accordance with standards set forth in rules promulgated by the commissioner.

Load Rating Chart means a full and complete range of manufacturer's crane load ratings at all stated operating radii., boom angles, work areas, boom lengths and configurations, jib lengths and angles (or offset), as well as alternative ratings for use and nonuse of optional equipment on the crane, such as outriggers .and extra counterweights, that affect ratings.

“Manufacturer” means a person, firm, or corporation that (i) builds or assembles, or has built or assembled, a crane or derrick. (ii) may lawfully sell and/or distribute such crane or derrick under its own name or trademark, and (iii) provides, either by itself or through authorized representatives, replacement pans, service support, technical support, safely bulletins, and recall notices for such crane or derrick.

Mast (derrick) means the upright member of a derrick.

Mast (boom) means a frame hinged at or near the boom hinge for use in connection with supporting a boom. The head of the mast is usually supported and raised or lowered by the boom hoist ropes.

Mast (jib) means a frame hinged at or near the boom point for use in connection with supporting a jib.

Mast (tower). See "Tower"

Outriggers (crane) means extendable or fixed members attached to the mounting base that rest on supports at the outer ends used to support the crane.

Qualified Person means a person who by possession of a recognized degree, certificate or professional standing, or who by knowledge, training and experience has successfully demonstrated his or her ability to solve or resolve problems related to the subject matter, the work, or the project.

Reeving means a rope system in which the rope travels around drums and sheaves.

Rope means a continuous line of material comprised of a number of twisted or braided strands of fiber (natural or synthetic) or metal wire.

Side Loading means a load applied at an angle to the vertical plane of the boom.

Sill means a member connecting the foot block and stiffleg or a member connecting the lower ends of a double member mast.

Standing (GUY) Rope means a supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

Superstructure means the rotating upper frame structure of the machine and the operating machinery mounted thereon.

Swing means rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

Swing Mechanism means the machinery involved in providing rotation of the superstructure.

Tackle means an assembly of ropes and sheaves arranged for hoisting and pulling.

Telescopic Boom means a boom constructed of sections of diminishing cross sections in which the sections fit within each other. The boom may be extended in a manner similar to

Tower means a vertical structural frame consisting of columns and bracing that are capable of supporting working and dynamic loads and transmitting them to the support(s).

Transit means the moving or transporting of a crane from one job site to another.

Travel means the function of the machine moving from one location to another on a job site.

Travel Mechanism means the machinery involved in providing travel power.

Two-Blocking means a condition in which the lower load block or hook assembly come into contact with the upper load block or boom point sheave assembly.

Wheel Base means the distance between center of front and rear axles. For a multiple axle assembly the axle center wheel base measurement is taken as the midpoint of the assembly.

Whipline means a separate hoist rope system of lighter load capacity and higher speed than

provided by the main hoist.

Winch Head means a power driven spool for handling of loss by means of friction between fiber or wire rope and spool.

23-1.1 General Requirements.

- a. Five (5) business days before any crane operator, contractor or other person or company initiates the use of a crane within the Borough, a Permit shall be obtained. In emergent situations the Construction Code Official may waive this requirement in his or her own discretion if the operator meets the balance of the requirements of this Ordinance.
- b. Inspection Check Lists. Manufacturer-furnished checklists for the inspection of the crane or derrick. Such checklists must account for all components for which approval is sought and all phases of the manufacturer's recommended schedule of inspections, for example, daily, monthly, and annual.
- c. Listing of Components. Manufacturer-furnished list of all components for which approval is sought. The list is generic and does not have to provide specific part or model numbers. The list must also be accompanied by:
 - i. For a tower crane, other than a self-erecting tower crane, manufacturer-furnished drawings indicating the weight, dimensions, center of gravity, and lifting points for the boom, mast, jib, collar, and all attachments, or individual sections thereof, for which approval is sought.
 - ii. For all cranes or derricks, other than a tower crane that is not a self-erecting tower crane, manufacturer-furnished drawings indicating, as applicable, the weight, dimensions, center of gravity, and lifting points for the lattice boom, jib, and all attachments, or individual sections.
 - iii. In addition to the provisions of clauses (a) and (B) above, for a crane or derrick with a telescoping boom, manufacturer-furnished drawings indicating the weight, dimensions, and center of gravity for the entire crane or derrick with the boom fully retracted and fully extend.
 - iv. Counterweight Tables. Manufacturer-furnished table of all counterweight combinations and counterweight attachments for each configuration for which approval is sought.
 - v. All Other Cranes and Derricks. For all cranes or derrick, other than tower cranes that are not self-erecting tower cranes, the manufacturer must provide tables showing the maximum in-service and out-of-service boom, mast, and attachment lengths for each configuration for which approval is sought.
 - vi. The permit will be maintained with the Municipality as well as with the crane operator all times; a copy of the permit shall be produced on the work site when requested. The cost of the permit will be established annually by the Council by Resolution.

23-1.2 Operation of Cranes and Derricks Requirements.

- a. Operators. Licensure of crane operators, pursuant to N. J. S. A 45:26-7. No person shall engage in the operation of a crane, offer himself for employment as a crane operator or otherwise act, attempt to act, present or represent himself as a crane operator unless licensed as such under the provisions of this Section.
- b. All crane operators must have and submit a crane operator certificate from one of the following organizations:
 - i. National Commission for the Certification of Crane Operators (NCCCO)
 - ii. Operating Engineers Certification Program (OECF)

iii. Crane Institute of America Certification.

a. Cranes and derricks shall be operated by an applicant who fulfills the following requirements:

- i. Persons over eighteen (18) years of age and licensed as operators by the State of New Jersey; or

Learners in the presence of and under the direct supervision of a licensed operator.
- ii. No person other than those listed under Section 23-1.2 and persons such as oilers and supervisions, whose duties require them to do so, shall enter the cab of a crane and then only in the performance of his duties and with knowledge and consent of the operator.
- iii. Proof that Crane operator submits to a recognized and licensed random drug/alcohol testing program.
- iv. A crane operator's license shall be valid only in conjunction with a current certification and only in the specialty or specialties for which the crane operator is certified. The specialties are lattice boom crawler crane (LBC), lattice boom truck crane (LBT), telescopic boom cranes (TLL, Swing Cab) & (TSS, Fixed Cab), Tower cranes and Overhead cranes.

23-1.3 Insurance Requirements.

- Bodily Injury:
- i. For any one (1) person in the amount of \$1,000,000
 - ii. For any occurrence in the amount \$5,000,000
- Property Damage:
- i. For any one accident in the amount of \$1,000,000
 - ii. For any aggregate of occurrences in the amount of \$5,000,000

Upon receipt of a properly completed application and compliance with the requirements of Sections 23-1.2 and Section 23-1.3, the Building Department shall issue or deny the requested permit within five (5) business days. If the application is denied, the reasons for the denial shall be furnished with the application in writing.

23-1.4 Fee Schedule.

The permit fee for each crane shall be \$350.00 and amended annually by Resolution. Each permit is valid for sixty (60) days and may be extended and/or renewed provided that compliance with the requirements of this Ordinance continues to be met. Fee for an extended or renewal permit is \$100.00.

23-1.5 Notification of Accident or Safety Issue Requirements.

It shall be the duty of each crane operator or person employing such crane operator to immediately report to the building department any and all accidents or safety issue(s) regarding the operating, assembly, and disassembly or jumping of a crane.

23-1.6 Safety Equipment Requirements.

- a. All crane equipment shall be kept in safe working condition at all times by the owner and licensee.
- b. If any safety or operational aid used or required to be used in connection with the

operation of a crane is not working properly, the person operating such crane shall immediately shut down the crane until such time that the required safety or operational aid is repaired or replaced and the crane is restored to property working order.

c. Any and all safety requirements promulgated by the County of Bergen, State of New Jersey and/or the Municipality must be adhered to at all times.

23-1.7 Administration/Enforcement.

The Council may issue rules and regulations for the Administration of the provisions of this Ordinance. Any provisions of this Ordinance shall be enforced by the building department and/or the Borough Engineer.

23-1.8 Violations/Penalties.

a. Any person who operates a crane without meeting the requirements of this ordinance or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$1,000.00 and no more than \$10,000.00 for each violation. Each one hour period of illegal operation shall constitute a separate and distinct offense.

b. Any person or company who employs an unlicensed person as a crane operator or who permits or directs an unlicensed person to operate a crane shall be subject to a fine of not less than \$2,000.00 nor more than \$5,000.00 for each violation. Each one hour period of illegal operation shall constitute a separate and distinct offense.

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

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

EFFECTIVE DATE. This ordinance shall take effect immediately upon final passage and publication as required by law.

RECESS:

On a motion by Councilman Colao, seconded by Councilwoman Spoto, the meeting was recessed for five (5) minutes.

ROLL CALL:

AYES: Spoto, Fontana, Bongard, Martinotti, Corcoran, Colao.

COMMITTEE REPORTS: ALL COMMITTEE REPORTS ON FILE IN THE CLERK'S OFFICE.

PUBLIC PORTION:

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

The Clerk stated that any member of the public wishing to be heard could now do so, by coming to the podium and stating their name and address for the record.

PUBLIC PARTICIPATION: None.

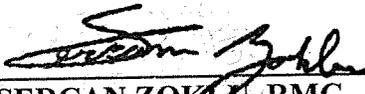
On a motion by Councilman Bongard, seconded by Councilman Fontana, the meeting was closed to the public.

JUNE 7, 2016

ADJOURN:

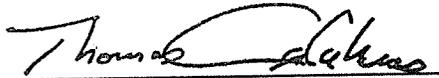
On a motion by Councilman Bongard, seconded by Councilman Fontana, the meeting was adjourned at 7:27 p.m.

ATTEST:



SERCAN ZOKLU, RMC
BOROUGH CLERK

APPROVED:



THOMAS CALABRESE
MAYOR