

September 13, 2016

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

**MINUTES OF THE REGULAR MEETING
SEPTEMBER 13, 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 Colao, the minutes of the Caucus Meeting of August 9, 2016 were accepted.

ROLL CALL:

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

On a motion by Councilman Bongard, seconded by Councilman Colao, the minutes of the Closed Executive Session August 9, 2016 were accepted.

ROLL CALL:

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

On a motion by Councilman Bongard, seconded by Councilman Colao, the minutes of the Regular Meeting of August 9, 2016 were accepted.

ROLL CALL:

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

CONSENT AGENDA:

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

ROLL CALL:

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

RESOLUTIONS:

On a motion by Councilman Bongard, seconded by Councilwoman Martinotti, Resolutions 2016-198 to 2016-216, except 2016-215, were offered for adoption.

ROLL CALL:

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

RESOLUTION 2016-198

WHEREAS, the tenant of the property located at 404 Anderson Avenue, Cliffside Park, New Jersey would like to install an awning sign for the business establishment, Gardenia Deli & Restaurant; and

WHEREAS, the Zoning Official has reviewed the application and all pertinent documentation and has found them to be in order and has given his approval to the application; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park that the application of Gardenia Deli & Restaurant for an awning sign be approved; and

BE IT FURTHER RESOLVED that the Zoning Official is hereby authorized to execute the application this 13th day of September, 2016.

RESOLUTION 2016-199

CORRECTIVE ACTION PLAN

Borough of Cliffside Park

2015 Annual Audit

Prepared by: Frank Berardo, CMFO

Recommendation

The encumbrance system be enhanced to ensure that contracts awarded are properly encumbered.

Analysis

Purchase orders were not always issued for contracts awarded.

Corrective Action

Contracts will have purchase orders issued and amounts encumbered when contracts are awarded.

Implementation Date

Immediately

Recommendation

All purchases in excess of the bid threshold made through the use of state contracts or cooperative purchasing programs be approved by resolution.

Analysis

Certain purchases in excess of the bid threshold made through state contracts or cooperative purchasing programs were not formally approved by resolution of the governing body.

Corrective Action

Purchases made through the use of state contracts or cooperative purchasing programs will be approved by resolution of the governing body.

Implementation Date

Immediately

Recommendation

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Grant receivable balances in the Current Fund be reviewed for collectability or otherwise cleared of record.

Analysis

Certain prior year grant receivable balances exist in the Current Fund.

Corrective Action

Grant receivable balances in the Current Fund will be reviewed for collectability or otherwise formally cleared of record.

Implementation Date

Immediately

CORRECTIVE ACTION PLAN

Borough of Cliffside Park
2015 Annual Audit
Prepared by: Frank Berardo, CMFO

Recommendation

Political Contribution Disclosure forms be obtained for all eligible vendors paid in excess of \$17,500.

Analysis

Political Contribution Disclosure forms were not always obtained for all vendors paid in excess of \$17,500.

Corrective Action

Political Contribution Disclosure forms will be obtained for all eligible vendors paid in excess of \$17,500.

Implementation Date

Immediately

Recommendation

Employee health benefit contributions be calculated based on current annual premium rates.

Analysis

Employee health benefit deductions withheld for the first 18 pay periods for 2015 were calculated based on the 2014 premium rate.

Corrective Action

Employee health benefit contributions will be calculated based on current annual premium rates.

Implementation Date

Immediately

Recommendation

Appropriations be made available prior to commitment of Borough funds for expenditures.

Analysis

Over-expenditures were incurred from certain 2015 budget appropriations.

Corrective Action

Appropriations will be made available prior to commitment of Borough funds for expenditures.

Implementation Date

Immediately

CORRECTIVE ACTION PLAN

Borough of Cliffside Park
2015 Annual Audit
Prepared by: Frank Berardo, CMFO

Recommendation

With respect to the Municipal Court:

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- a) Bail account reconciliations be completed on prescribed ATS/ACS bank reconciliation forms
- b) Bail reinstatements be reviewed and properly reflected monthly
- c) Cash bail on account per the ATS/ACS system be properly reconciled to the bail bank account balance.
- d) All bail receipts and disbursements be entered into ATS/ACS in the month received/paid.
- e) All municipal fines and costs be remitted to the Borough by the 15th of the month following receipts.

Analysis

- a) Municipal Court bank reconciliations were completed using a form other than the prescribed ATS/ACS form
- b) Certain adjustments for bail reinstatements were not properly reflected in records
- c) Cash bail on account per the ATS/ACS system did not agree to the reconciled bail bank account balance
- d) Bail receipts and disbursements were not entered into the ACS/ATS System in the same month in which they were received/paid.
- e) Municipal fines and costs were not remitted to the Borough by the 15th of the month following receipt.

Corrective Action

- a) Municipal Court bank reconciliations will be completed using the prescribed ATS/ACS form.
- b) The process of recording bail reinstatements will be reviewed.
- c) Cash bail on account per the ATS/ACS System will be reviewed and reconciled to the bail bank account balance.
- d) Bail receipts and disbursements will be entered in the same month in which they are received/paid.
- e) Municipal fines and costs will be remitted to the Borough by the 15th of the month following receipt.

Implementation Date

Immediately

RESOLUTION 2016-200

WHEREAS, EDUCTNIL CORP ILSONG FOUNDATION, 100 WINSTON DRIVE, UNIT CS09D B.3601 L.8 CS09D CLIFFSIDE PARK, HAS DEPOSITED A CHECK IN THE AMOUNT OF \$59,957.19 WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 13-19 SOLD TO US BANK CUST FOR BVOO1 TRUST FOR 2012 TAXES IN THE AMOUNT OF \$6,631.42; AND

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, THAT THE CHIEF FINANCIAL OFFICER BE, AND HE IS HEREBY AUTHORIZED TO ISSUE AND SIGN A CHECK IN THE AMOUNT OF \$59,957.19 FOR THE REDEMPTION OF SAID TAX TITLE LIEN, AND A CHECK IN THE AMOUNT OF \$41,100.00 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 US BANK CUST FOR BV001 TRUST 50 SOUTH 16TH STREET, SUITE 1950, PHILADELPHIA, PA 19102.

RESOLUTION 2016-201

WHEREAS, CERTAIN TAXPAYERS APPLIED FOR STATE BOARD JUDGMENTS ON THEIR 2015 AND PRIOR TAXES; AND

WHEREAS, THE GRANTING OF SAID REDUCTIONS RESULTED IN OVERPAYMENTS ON THEIR 2015 AND PRIOR TAXES; AND

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, THAT THE PROPER FINANCIAL OFFICER BE, AND HE IS HEREBY AUTHORIZED TO ISSUE CHECKS AS REFUNDS ON THEIR 2015 AND PRIOR TAXES IN

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ACCORDANCE WITH THE SCHEDULES WHICH ARE ON FILE IN THE OFFICE OF THE TAX COLLECTOR.

RESOLUTION 2016-202

WHEREAS, the Mayor and Council desire to authorize the acquisition of one (1) new broom street sweeper with belt conveyor for the Department of Public Works; and

WHEREAS, the Capital Budget which allocates funds for such purpose has been adopted; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cliffside Park authorize Joseph Rutch and Sercan Zoklu to prepare plans and specifications for bidding the acquisition of one (1) new broom street sweeper with belt conveyor; and

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

RESOLUTION 2016-203

MAYOR’S APPOINTMENTS

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

	Term Expires
<u>VOLUNTEER FIREFIGHTER – 1 Year Term</u>	
Jacy P. Acquaviva	12/31/16

RESOLUTION 2016-204

WHEREAS, the Mayor and Council of the Borough of Cliffside Park desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$36,160.00 to carry out a project for 10% match for Super Storm Sandy recovery activities for Debris removal and emergency protection measures;

BE IT THEREFORE RESOLVED that the Mayor and Council of the Borough of Cliffside Park hereby authorize the application for such a grant; and

BE IT FURTHER RESOLVED that the Mayor and Council recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Cliffside Park and the New Jersey Department of Community Affairs.

This Resolution was adopted by the Mayor and Council of the Borough of Cliffside Park at a meeting on September 13, 2016.

RESOLUTION 2015-205

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

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

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WHEREAS, the Annual Report of Audit for the year December 31, 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

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

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

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

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

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

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

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

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

RESOLUTION 2016-206

WHEREAS, THE BOROUGH CLERK HAS RECEIVED FROM THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, A SPECIAL RULING TO PERMIT RENEWAL OF INACTIVE LICENSE PURSUANT TO N.J.S.A. 33: 1-12.39 (AGENCY DOCKET NO. 07-16-314.85466) FOR THE 2015-16 AND 2016-17 LICENSE TERMS TO: ROOSTER BAR LLC, LICENSE #0206-33-016-004; AND

WHEREAS, ROOSTER BAR LLC HAS PREVIOUSLY SUBMITTED THE 2015-2016 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.

RESOLUTION 2016-207

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.

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07-16-314.85466) FOR THE 2015-16 AND 2016-17 LICENSE TERMS TO: ROOSTER BAR LLC, LICENSE #0206-33-016-004; AND

WHEREAS, ROOSTER BAR LLC HAS PREVIOUSLY SUBMITTED THE 2016-2017 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.

RESOLUTION 2016-208

WHEREAS, Ordinance 2010-3 requires that property owners maintain their respective premises from overgrown grass, weeds, shrubbery and/or debris; and

WHEREAS, the Ordinance has determined that failure to comply with the Property Maintenance requirements, affects the health, safety and welfare of residents of the Borough, its visitors and municipal employees; and

WHEREAS, according to N.J.S.A.40:65-12 and 40:48-12.2(7), Council authorized Ordinance 2010-3, permitting the Borough to cut overgrown grass, weeds, shrubbery and/or debris removal at the cost of the property owner; and

WHEREAS, Frank Poerio and/or Greg Yfantis, Municipal Property Maintenance Officials, issued the notice to the following property owners in violation of the ordinance:

Assunta Peluso & John Hroncich	\$500.00
365 Lincoln Avenue	
Cliffside Park, NJ 07010	

WHEREAS, in order to maintain the health, safety and welfare of the Municipality, the Borough has incurred maintenance costs in the afore described respective amounts; and

WHEREAS, the Borough retained Onorato Landscaping, LLC to undertake the emergency maintenance of the afore described properties; and

NOW THEREFORE BE IT RESOLVED pursuant to Ordinance 2010-3, the Council does hereby authorize the payment to Onorato Landscaping LLC in the amount of \$500.00, and directs the Tax Collector Frank Berardo to issue and file municipal liens against all properties described herein; and

BE IT FURTHER RESOLVED that a certified to be true copy of this resolution be tendered to all property owners as follows:

Assunta Peluso & John Hroncich	\$500.00
365 Lincoln Avenue	
Cliffside Park, NJ 07010	

RESOLUTION 2016-209

WHEREAS, Borough Administrator Joseph Rutch has recommended the following per diem appointment as a Security Officer:

NAME
Paul Lombardi

WHEREAS, this position is an appointment by the Mayor with the advice and consent of the Borough Council; and

WHEREAS, the Mayor requests the advice and consent of the Council to appoint the above individual to the position of per diem security officer at an hourly rate of \$16.81 without any health benefits; and

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NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cliffside Park hereby consent to the above security officer appointment, subject to the satisfactory completion of all of the conditions adopted pursuant to the job description dated July 17, 2014; and

BE IT FURTHER RESOLVED that this appointment be effective immediately and that it shall expire at the end of the current calendar year and may be revoked without cause or hearing.

RESOLUTION 2015-210

FLU / PNEUMOCOCCAL PROFESSIONAL SERVICES AGREEMENT

BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park, that the Borough be and is hereby authorized to enter into an agreement with the County of Bergen for the purchase of flu vaccine for the at risk residents of Cliffside Park; and

BE IT RESOLVED that the cost of this vaccine shall be \$175.00 per 10 dose vial for the flu vaccine; and

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized to execute the necessary agreement with the County of Bergen, in a form to be approved by the Borough's Council.

RESOLUTION 2016-211

WHEREAS, the Borough of Cliffside Park has been presented with an opportunity to enter into a Shared Services Agreement with the County of Bergen, Bergen County Department of Public Works Division of Mechanical Services, for vehicle maintenance and repair services; and

WHEREAS, in furtherance of the Borough's effort to effectuate a Regionalization of Services for vehicle repairs and maintenance, it is necessary for the Borough of Cliffside Park and the County of Bergen to enter into a Shared Services Agreement; and

NOW THEREFORE BE IT RESOLVED that the Mayor Thomas Calabrese, Borough Administrator Joseph Rutch and Borough Clerk Sercan Zoklu are hereby authorized to negotiate with the County of Bergen and execute a Shared Services Agreement for vehicle maintenance and repair services; and

BE IT FURTHER RESOLVED that a certified to be true copy of this Resolution shall be tendered to Borough Administrator Joseph Rutch, CFO Frank Berardo Bergen County Attn: Marc N. Schrieks and Borough Attorney Christos J. Diktas.

RESOLUTION 2016-212

WHEREAS, the Mayor and Council desire to authorize the purchase of power stretchers and power loading systems for the EMS Department; and

WHEREAS, the Capital Budget which allocates funds for such purpose has been adopted; and

WHEREAS, the Borough advertised for bids twice previously and no bids were received; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk and Borough Administrator are hereby authorized to negotiate with vendors for the purchase of power stretchers and power loading systems for the EMS Department.

RESOLUTION 2016-213

WHEREAS, a Bergen County Community Development grant of \$310,000.00 has been proposed by the Borough of Cliffside Park for Sanitary Sewer Improvements for Franklin Ave. and Cedar Street in the municipality of Cliffside Park; and

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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 the Borough of Cliffside Park; 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 the Borough of Cliffside Park hereby confirms endorsement of the aforesaid project; and

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

RESOLUTION 2016-214

TRUST FUND APPLICATION MUNICIPAL ENDORSING RESOLUTION

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of municipal recreation facilities; and

WHEREAS, the Borough of Cliffside Park desires to further the public interest by obtaining a matching grant of \$97,500.00 from the County Trust Fund to fund the following project: *West Grantwood Park Playground Safety Surfaces Project*; and

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application to use the matching grant and provide application information and furnish such documents as may be required; and

WHEREAS, as part of the application process, the governing body/board will receive public comments on the proposed park improvements in the application on September 13, 2016; and

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of October 13, 2016 as established by the County; and
2. That in the event of a County Trust Fund award that may be less than the grant amount requested above, the Mayor and Council of the Borough of Cliffside Park has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and
3. That Mayor and Council of the Borough of Cliffside Park is committed to providing a dollar for dollar cash match for the project; and
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.

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5. That Mayor and Council of the Borough of Cliffside Park agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
6. That this resolution shall take effect immediately.

On a motion by Councilman Bongard, seconded by Councilman Corcoran, Resolution 2016-215 was tabled.

ROLL CALL:

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

RESOLUTION 2016-216

RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, a Bergen County Community Development (un-programmed funds) grant of \$120,000.00 has been proposed by the Borough of Cliffside Park for Grantwood Park Basketball Courts Resurfacing Project 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; 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 the Borough of Cliffside Park hereby confirms endorsement of the aforesaid project; and

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

On a motion by Councilman Bongard, seconded by Councilman Corcoran, Resolution 2016-215 was tabled.

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

ORDINANCE 2016-08

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 Colao.

Councilman Corcoran 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.

ORDINANCE 2016-08

ORDINANCE AMENDING ORDINANCE 18-6.9 FENCES AND WALLS

WHEREAS, the Borough pursuant to Ordinance has received numerous fence applications which have resulted in the necessity of Zoning Board of Adjustment variance applications; and

WHEREAS, at the request of the Zoning Official, Municipal Planner George Stevenson prepared a zoning report which reviews and proposes amendments to the fence ordinance;

NOW, THEREFORE, BE IT ORDAINED that the Council hereby amends zoning ordinance 18-6.9 Fences and Walls as follows:

18-6.9 Fences and Walls

(1) Definition- A fence as used in this section shall be defined and include permanent structure of solid materials including but not limited to aluminum, lumber or masonry materials, which have been installed to enclose the property or a portion thereof of the current owner .

(2) Application for Building Permit- No fence shall be erected in the Borough without application first being made the Building Department for a building permit.

(3) Height- No building permit shall be issued for any fence in excess of six feet in height.

(4) Application Information- A building permit shall be issued only by the Building Department establishing the following:

- A. Survey of the applicant showing the boundaries of the parcel owned by the applicant and showing the street upon which the same faces and showing the distances of the corner of the property abutting the street line to the nearest intersection;
- B. The survey shall show the location of the dwelling or buildings erected upon the applicant's premises as well as the buildings erected upon adjacent premises with distances noted;
- C. A onetime fee for such building A fence permit shall be \$100.00, which may be amended annually by Resolution;
- D. Fences in excess of six feet may not be issued without a variance.
- E. Barb wire fence will only be permitted in industrial zones.

(5) All fences, whether aluminum, metal, wood, or other man-made or natural materials shall be constructed so that the finished side of the fences faces outward. The posts, bracing, supports and other structural members of the fence, as well as the hardware, shall face the interior area enclosed by the fence.

(6) Fences shall be constructed to allow for the flow of natural drainage and shall not cause surface water to be blocked or dammed to cause the ponding of water;

(7) Retaining walls (subject to Municipal Engineering approval) are permitted within all yard areas and are not subject to any height restriction as noted in this Ordinance;

(8) Any fence, including those on a corner lot, shall comply with Section 18-6.10 Visibility at Intersections.

(9) No fence shall be constructed in any front or side yard within the setback areas.

NON-REPEALER. All other Sections of the revised Borough Ordinance not specifically amended by the provisions of this Ordinance shall remain in full force and effect.

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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.

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

PUBLIC PORTION:

On a motion by Councilman Bongard, seconded by Councilman Colao, 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.

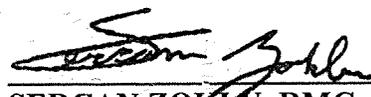
PUBLIC PARTICIPATION: None.

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

ADJOURN:

On a motion by Councilman Bongard, seconded by Councilman Corcoran, the meeting was adjourned at 7:11 p.m.

ATTEST:



SERCAN ZOKLU, RMC
BOROUGH CLERK

APPROVED:



THOMAS CALABRESE
MAYOR