

OCTOBER 4, 2016

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

**MINUTES OF THE REGULAR MEETING  
OCTOBER 4, 2016**

**CALL TO ORDER AT 7:00 P.M.**

**FLAG SALUTE LED BY MAYOR THOMAS CALABRESE**

**PRESENT AT ROLL CALL:**

Mayor	Thomas Calabrese
Councilman	Larry Bongard
Councilwoman	Dana Martinotti
Councilman	Kenneth Corcoran
Councilman	Peter Colao

**ABSENT AT ROLL CALL:**

Councilwoman	Donna Spoto
Councilman	Bernard Fontana

**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 Closed Executive Session Meeting of September 13, 2016 were accepted.**

**ROLL CALL:**

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

**On a motion by Councilman Bongard, seconded by Councilman Colao, the minutes of the Caucus Meeting of September 13, 2016 were accepted.**

**ROLL CALL:**

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

**On a motion by Councilman Bongard, seconded by Councilman Colao, the minutes of the Regular Meeting of September 13, 2016 were accepted.**

**ROLL CALL:**

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

**CONSENT AGENDA:**

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

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ROLL CALL:

AYES: Bongard, Martinotti, Corcoran, Colao.

ABSENT: Spoto, Fontana.

**RESOLUTIONS:**

**On a motion by Councilman Bongard, seconded by Councilman Colao, Resolutions 2016-218 to 2016-226, except 2016-220, were offered for adoption:**

ROLL CALL:

AYES: Bongard, Martinotti, Corcoran, Colao.

ABSENT: Spoto, Fontana.

**RESOLUTION 2016-218**

**WHEREAS**, an application has been submitted by the Parents’ Guild Academy of the Holy Angels as follows:

Conduct Merchandise Raffle as permitted under State Statute on March 31, 2017; and

Conduct 50/50 Raffle as permitted under State Statute on March 31, 2017.

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

**RESOLUTION 2016-219**

**Adopt a Policy Requiring the Borough of Cliffside Park Tax Assessor to Notify the Governing Body and Chief Financial Officer of All Tax Appeals upon filing**

**WHEREAS**, the active monitoring and management of a municipality’s ratable base is fundamental to help to insure financial stability: and

**WHEREAS**, the refunding of tax appeals can affect the cash flow of a municipality, the calculation for the reserve for uncollected taxes which is necessary to the preparations of a budget and fund balance; and

**WHEREAS**, every taxpayer has a right to appeal a tax assessment, first through administrative channels and if not satisfied with the results there, ultimately through the County Board of Taxation and the courts; and

**WHEREAS**, reporting of this information is essential to operations of the municipality; and

**WHEREAS**, it is in the best interest of the Borough of Cliffside Park that its Governing Body have this information on a timely basis.

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Assessor is requested to follow the policy requiring that the Tax Assessor of the Borough of Cliffside Park notify the Governing Body and Chief Financial Officer of all tax appeals upon filing not later than June 1<sup>st</sup> of each year.

**RESOLUTION 2016-221**

**RESOLUTION ESTABLISHING A COMPLIANCE COMMITTEE FOR PAYMENT IN LIEU OF TAX AGREEMENTS**

**WHEREAS**, N.J.S.A., 40A:20-1 et seq. permits municipalities to grant Payment in Lieu of Tax (PILOT) Agreements to certain properties meeting the statutory requirements; and

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**WHEREAS**, the Borough of Cliffside Park has approved several PILOT agreements it has deemed in the best interest of the Borough of Cliffside Park; and

**WHEREAS**, it is a best practice to establish a monitoring system whereby the Borough of Cliffside Park is ensured the proper payments in a timely manner from a formally accepted PILOT agreement; and

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that a formal review process is hereby authorized and approved establishing a yearly PILOT review committee; and

**BE IT FURTHER RESOLVED** said committee shall consist of the tax assessor, tax collector, and borough administrator, and a review of each existing PILOT agreement shall be completed by September 30 of each year and a report provided to the Mayor and Council.

### **RESOLUTION 2016-222**

**Resolution:**     **Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation under the Transportation Alternatives Program for Palisade Avenue and Anderson Avenue Streetscape Improvements project.**

**WHEREAS**, the Council of the Borough of Cliffside Park formally approves the grant application for the above stated project for funding under the Transportation Alternatives Program; and

**WHEREAS**, the above stated project meets all the criteria necessary to receive funding under the Transportation Alternatives Program; and

**WHEREAS**, the above stated project will encourage alternative modes of transportation, enhance the travel experience, improve open space and smart growth, and improve the quality of life for the residents of the Borough of Cliffside Park; and

**WHEREAS**, the Borough of Cliffside Park certifies continual ownership and agrees to assume a commitment for maintenance of the above stated project after construction is completed; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as TA – 2016 – Palisade Avenue and Anderson Avenue – 00014 to the New Jersey Department of Transportation on behalf of the Borough of Cliffside Park.

### **RESOLUTION 2016-223**

**WHEREAS**, the County of Bergen maintains and controls approximately 450 miles of County roads; and

**WHEREAS**, maintenance of the County roads requires periodic resurfacing for the benefit of the drivers and residents of Bergen County; and

**WHEREAS**, the County’s Road Resurfacing Projects require cooperation and coordination between the County and the seventy municipalities in which the County roads are located; and

**WHEREAS**, N.J.S.A. 40A:65-4(a)(1) states, in part, that “[a]NY local unit may enter into an agreement with any other local unit or units to provide or receive any service each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction;” and

**WHEREAS**, the County and the seventy municipalities within Bergen County are “local units” under N.J.S.A. 40:65-4(a)(1), authorized to enter into shared services agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.; and

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**WHEREAS**, County Counsel has, with the input of the Department of Public Works (Supervisor of Roads) and the Department of Planning and Engineering (County Engineer), prepared a form of shared services agreement for execution between the County of Bergen and each municipality in which the County will carry out its Road Resurfacing Project, a copy of which is annexed hereto as Exhibit A; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Cliffside Park, upon the recommendation of Joseph Rutch, Borough Administrator, as follows:

1. The recitals set forth above are hereby incorporated into the body of this resolution as if set forth at length herein.
2. The Borough of Cliffside Park hereby approves and authorizes the execution of a shared services agreement between the County and the Borough of Cliffside Park in which the County will be performing a Road Resurfacing Project, in substantially the form annexed hereto as Exhibit A.
3. The Mayor is hereby authorized to execute a shared services agreement with the County of Bergen in a form determined by County Counsel to be in substantially the form annexed as Exhibit A.

#### **RESOLUTION 2016-224**

**WHEREAS**, the Borough's Department of Emergency Medical Services is in need of per diem Emergency Medical Technicians (EMT); and

**WHEREAS**, interviews were conducted for said positions; and

**NOW, THEREFORE, BE IT RESOLVED** the following applicants are recommended for employment as per diem EMTs with a starting hourly rate of \$14.50:

- Bryan Antolos
- Catherine Karros
- Louis Lessner
- Mercedes Longmore
- Jason Crawford
- Michael Del Rio
- Jamie Anderson
- Scott Kolich
- Andres Marquez

**BE IT FURTHER RESOLVED** that said appointments are contingent upon the successful completion and findings of a medical physical examination, psychological examination and appropriate background check; and

**BE IT FURTHER RESOLVED** that all of these appointments are placed on a 90 day probation; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to EMS Director Michael Russo.

#### **RESOLUTION 2016-225**

**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



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**ADOPTION OF FOURTH 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 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**, in the latter part of 2013 through January, 2014, the Redeveloper made certain internal design changes to the structure which, while not altering the height, footprint, total floor area or building density, did result in a planned development of 314 units as opposed to the previously approved 276. Said changes were reviewed by the Borough Engineer which opined in a letter dated January 28, 2014 that the changes were de minimus and not material to the Redevelopment and that a building permit could issue for the Project as redesigned. In reliance thereon, the Borough Construction Office did issue construction permits based upon the new design and in reliance upon the Borough Engineer’s letter which is attached to this Resolution as Exhibit A; and

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**WHEREAS**, the Borough and Redeveloper entered into an Amended and Restated Redevelopment Agreement (“First Amended and Restated Redevelopment Agreement”), dated the 13<sup>th</sup> 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 28<sup>th</sup> 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**, in June, 2016, the Borough approved a Third Amended and Restated Redevelopment Agreement (“Third Amended and Restated Redevelopment Agreement”) for the purpose of extending the Project/Milestone Construction Schedule; 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 and Third Agreement and Restated Redevelopment Agreements; and

**WHEREAS**, for a variety of reasons, 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 additional extensions in the construction completion process and Project Schedule and thereby seek further amendment to same as set forth in the Fourth Amended and Restated Redevelopment Agreement; and

**WHEREAS**, the Borough Council has resolved to adopt and to authorize the Mayor to execute a Fourth Amended and Restated Redevelopment Agreement as attached to this Resolution, which (1) amends the Completion date and Project Schedule, extending the Project Completion date to May 31, 2017, and (2) affirms and ratifies the actions of the Borough Construction Code Official which issued permits to Redeveloper based on revisions to the Project plan that showed a total of 314 residential units as opposed to 276, and leaves all other terms and provisions of the Redeveloper Agreement, [First] Amended and Restated Redeveloper Agreement and the Second and Third Amended and Restated Redevelopment Agreements 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 Fourth 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.

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

**COUNCILMAN PETER COLAO PROVIDED A REPORT ON THE CLIFFSIDE PARK HOUSING AUTHORITY**

**PUBLIC PORTION:**

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

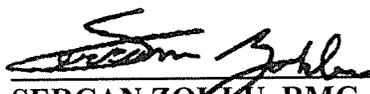
On a motion by Councilman Bongard, seconded by Councilwoman Martinotti, the meeting was closed to the public.

**ADJOURN:**

On a motion by Councilman Bongard, seconded by Councilwoman Martinotti, the meeting was adjourned at 7:08 p.m.

**ATTEST:**

**APPROVED:**

  
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SERCAN ZOKLU, RMC  
BOROUGH CLERK

  
\_\_\_\_\_  
THOMAS CALABRESE  
MAYOR