

December 6, 2016

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

**MINUTES OF THE REGULAR MEETING
DECEMBER 6, 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	Larry Bongard
Councilwoman	Dana Martinotti
Councilman	Kenneth Corcoran
Councilman	Peter Colao

ABSENT AT ROLL CALL:

On a motion by Councilman Bongard, seconded by Councilman Corcoran, Councilman Fontana was given an excused absence.

ROLL CALL:

AYES: Spoto, Bongard, Martinotti, Corcoran, Colao. **ABSENT:** 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 Corcoran, the minutes of the Closed Executive Session Meeting of November 1, 2016 were accepted.

ROLL CALL:

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

On a motion by Councilman Bongard, seconded by Councilman Corcoran, the minutes of the Caucus Meeting of November 1, 2016 were accepted.

ROLL CALL:

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

On a motion by Councilman Bongard, seconded by Councilman Corcoran, the minutes of the Regular Meeting of November 1, 2016 were accepted.

ROLL CALL:

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

CONSENT AGENDA:

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

ROLL CALL:

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

ABSENT: Fontana.

RESOLUTIONS:

On a motion by Councilman Corcoran, seconded by Councilman Bongard, Resolutions 2016-252 to 2016-268 were offered for adoption:

ROLL CALL

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

ABSENT: Fontana.

RESOLUTION 2016-252

WHEREAS, the tenant of the property located at **298 Palisade Avenue**, Cliffside Park, New Jersey would like to install an awning sign for the business establishment, **Zabdi Realty**; 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 **Zabdi Realty** for an awning sign be approved; and

BE IT FURTHER RESOLVED that the Zoning Official is hereby authorized to execute the application this 6th day of December, 2016.

RESOLUTION 2016-253

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 CLEAR OLD OUTSTANDING CHECKS FROM THE (\$4,590.54) WHICH DETAIL IS ON FILE IN THE OFFICE OF THE CHIEF FINANCIAL OFFICER.

RESOLUTION 2016-254

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; AND

THEREFORE, BE IT FURTHER RESOLVED THAT THE PROPER FINANCIAL OFFICER BE, AND HE IS HEREBY AUTHORIZED TO ISSUE AND SIGN WARRANTS TO THE RESPECTIVE TAXPAYERS; AND

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

RESOLUTION 2016-255

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BE IT RESOLVED THAT THE FOLLOWING CLAIM BE PAID, THE SAME HAVING BEEN AUDITED AND APPROVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, FOR SUBMISSION TO THE BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM.

BERGEN COUNTY VOUCHER #243054
MUNICIPAL APPROVAL
VENDOR: TEC-CON CONTRACTORS
PURPOSE: LITTLE LEAGUE FIELD IMPROVEMENTS
AMOUNT: \$154,000.00

BE IT FURTHER RESOLVED THAT THE CHIEF FINANCIAL OFFICER, FRANK BERARDO, BE AUTHORIZED TO SIGN THE BERGEN COUNTY VOUCHER FOR PAYMENT OF SAID CLAIM.

RESOLUTION 2016-256

BE IT RESOLVED THAT THE FOLLOWING CLAIM BE PAID, THE SAME HAVING BEEN AUDITED AND APPROVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, FOR SUBMISSION TO THE BERGEN COUNTY OPEN SPACE TRUST FUND.

BERGEN COUNTY VOUCHER #243054
MUNICIPAL APPROVAL
VENDOR: TEC-CON CONTRACTORS
PURPOSE: LITTLE LEAGUE FIELD IMPROVEMENTS
AMOUNT: \$52,474.00

BE IT FURTHER RESOLVED THAT THE CHIEF FINANCIAL OFFICER, FRANK BERARDO, BE AUTHORIZED TO SIGN THE BERGEN COUNTY VOUCHER FOR PAYMENT OF SAID CLAIM.

RESOLUTION 2016-257

WHEREAS, an application has been submitted by the Cliffside Park School No. 6 PTA as follows:

- Conduct Bingo game as permitted under State Statute on February 24, 2017; and
- Conduct 50/50 Raffle as permitted under State Statute on February 24, 2017; and

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 2016-258

WHEREAS, applications have been submitted by the Church of the Epiphany as follows:

- Conduct bingo games as permitted under State Statute from January 5, 2017 to December 21, 2017; and
- Conduct instant raffles from January 1, 2017 to December 31, 2017; and

WHEREAS, an application has been submitted by the Epiphany Holy Name Society to conduct bingo games as permitted under State Statute from January 3, 2017 to December 19, 2017; and

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

RESOLUTION 2016-259

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WHEREAS, an application has been submitted by the Cliffside Park High School PTSO/Project Graduation as follows:

Conduct Raffle as permitted under State Statute on January 21, 2017; and

Conduct 50/50 Raffle as permitted under State Statute on January 21, 2017; and

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 2016-260

WHEREAS, MILLENIUM NEXT INC. NJ, 490 ANDERSON AVE. B.1601 L.1 CLIFFSIDE PARK, HAS DEPOSITED A CHECK IN THE AMOUNT OF \$100,601.24 WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 13-08 SOLD TO US BANK CUST FOR BVOO1 TRUST FOR 2012 TAXES IN THE AMOUNT OF \$17,388.48; 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 \$100,601.24 FOR THE REDEMPTION OF SAID TAX TITLE LIEN, AND A CHECK IN THE AMOUNT OF \$75,000.00 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 2016-261

WHEREAS, the Borough of Cliffside Park will bring together surplus vehicles and other equipment for an online municipal auction to be held beginning at 9:00 AM on Wednesday, January 4, 2017 and ending at 6:00 PM on Wednesday, January 11, 2017; and

WHEREAS, Stephan J. Miranti, US Gov Bid / Auction Liquidation Services, P.O. Box 1216, Eatontown, NJ will conduct the auction on their website located at www.usgovbid.com for a commission rate of 5.5% of the gross selling price; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires the authorization of the sale of said property via adoption of a resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold; and

WHEREAS, the below list of vehicles for sale will be published in **The Record** not less than 7 nor more than 14 days after the latest publication of the notice thereof; and

1. 1995 Toyota Tacoma 4x4 Vin: 4TAUN61C9SZ021213 Mileage: 100,000

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park that the Borough be authorized to dispose the following vehicles and equipment through the process of an online auction to be held beginning at 9:00 AM on Wednesday, January 4, 2017 and ending at 6:00 PM on Wednesday, January 11, 2017 on the website located at www.usgovbid.com; and

BE IT FURTHER RESOLVED that these vehicles and equipment are being sold in as is condition and without warranty of any kind; and

BE IT FURTHER RESOLVED that the Administrator and/or Borough Clerk is authorized to execute the contract of Auction Liquidation Services for the Borough of Cliffside Park.

RESOLUTION 2016-262

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BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park that the Mayor and Council Sine Die Meeting will be held on Tuesday, January 3, 2017 at 5:00 P.M. in the Council Chambers located on the 3rd Floor of the Municipal Complex, 525 Palisade Avenue, Cliffside Park, New Jersey, at which time the public is invited and official action may be taken.

RESOLUTION 2016-263

BE IT RESOLVED, by the Mayor and Council of the Borough of Cliffside Park that the Mayor and Council Reorganization Meeting will be held on Tuesday, January 3, 2017 at 6:00 P.M. in the Council Chambers located on the 3rd Floor of the Municipal Complex, 525 Palisade Avenue, Cliffside Park, New Jersey, at which time the public is invited and official action may be taken.

RESOLUTION 2016-264

WHEREAS, HOLY NAME MEDICAL CENTER OCCUPATIONAL HEALTH SERVICES ADMINISTERS AND PROVIDES THE FOLLOWING SERVICES FOR THE BOROUGH OF CLIFFSIDE PARK IN PREPARATION FOR ITS COMPLIANCE WITH THE DEPARTMENT OF TRANSPORTATION (DOT) DRUG TESTING STANDARD:

DOT DRUG SCREEN / GC / MS CONFIRMATION
EVIDENTIAL BREATH TESTING
MRO SERVICES
EMPLOYEE RECORDKEEPING
COLLECTION MATERIALS
SUPERVISOR TRAINING
NIDA APPROVED LABORATORY
CERTIFIED BREATH ALCOHOL TECHNICIANS
COMPUTER GENERATED RANDOM SELECTION
STATISTICAL REPORTING
ASSISTANCE WITH POLICY DEVELOPMENT
5 YEAR STORAGE AND DOCUMENTATION OF POSITIVE TESTING

WHEREAS, THIS RESOLUTION SHOULD DESIGNATE THE INDIVIDUAL AUTHORIZED TO ENSURE THE MEMORANDUM OF UNDERSTANDING AND AGREEMENT IS PROPERLY COMPLETED AND TIMELY FILED; AND

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT THE MAYOR AND/OR ADMINISTRATOR IS HEREBY AUTHORIZED AND DESIGNATED TO SIGN THE MEMORANDUM OF UNDERSTANDING AND AGREEMENT WITH HOLY NAME MEDICAL CENTER OCCUPATIONAL HEALTH SERVICES.

RESOLUTION 2016-265

WHEREAS, an application has been filed for a person-to-person and place-to-place transfer of plenary retail consumption license number 0206-33-016-004, heretofore, issued to Rooster Bar LLC; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cliffside Park does hereby approve, effective December 6, 2016, the transfer of the aforesaid plenary retail

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consumption license to Avo’s Kitchen, LLC located at 720 Anderson Avenue, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "THIS LICENSE, SUBJECT, TO ALL ITS TERMS AND CONDITIONS, IS HEREBY TRANSFERRED TO AVO’S KITCHEN, LLC EFFECTIVE DECEMBER 6, 2016."

RESOLUTION 2016-266

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail consumption license number 0206-33-037-009, heretofore, issued to 339 Bar Inc.; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cliffside Park does hereby approve, effective December 6, 2016, the transfer of the aforesaid plenary retail consumption license to Ermes M. Inc. located at 339 Palisade Avenue, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "THIS LICENSE, SUBJECT, TO ALL ITS TERMS AND CONDITIONS, IS HEREBY TRANSFERRED TO ERMES M. INC. EFFECTIVE DECEMBER 6, 2016."

RESOLUTION 2016-267

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:

<u>BOARD OF ADJUSTMENT – 4 Year Term</u>		Term Expired
Carl Raincourt	Unexpired Term	12/31/19

RESOLUTION 2016-268

WHEREAS, the Cliffside Park Police Department has received a request from **John Rahme** of **43 Washington Avenue** for a handicapped parking space in front of the residence. **John Rahme** has been issued Permanent Handicap Place Card **2351HB** by the New Jersey Motor Vehicle Commission; and

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

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

Name of Street: Washington Avenue

Side: North

Location: 39 Washington Avenue

Measurements: Beginning at a point of 143 feet west of the northwest curb line of Hudson Terrace and Washington Avenue continuing to a point of 18 feet westerly thereof.

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OFF CONSENT AGENDA:

On a motion by Councilman Corcoran, seconded by Councilman Bongard, Resolution 2016-269 was offered for adoption.

ROLL CALL:

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

RESOLUTION 2016-269

WHEREAS, the Borough was statutorily mandated to negotiate with the Cliffside Park Police Local PBA 96 in order to establish a current Collective Bargaining Agreement; and

WHEREAS, the Council appointed a negotiating team consisting of Borough Administrator Joseph Rutch, CFO Frank Berardo, Borough Auditor Dieter Lerch and Borough Attorney Christos J. Diktas; and

WHEREAS, over the course of the last year, the Negotiating Ream met with the PBA President plus various members consisting of the negotiating team; and

WHEREAS, through negotiations, the PBA and Municipal Negotiating Team, subject to Council approval, have reached a consensus regarding the Collective Bargaining Agreement for the calendar years 2015 and 2016, including a one-year extension through December 31, 2017. The terms of the 2017 Collective Bargaining Agreement extension are to be identical to the 2015 and 2016 Collective Bargaining Agreement; and

WHEREAS, the new terms amending and extending the Collective Bargaining Agreement are attached hereto and accepted in their entirety by the Council;

NOW, THEREFORE BE IT RESOLVED that the Council does hereby accept the contract recommendations presented by the Negotiation Team and accepted by the PBA Local 96; and

BE IT FURTHER RESOLVED that the Council does hereby authorize the economic package for 2015 and 2016 presented by the Negotiating Team and accepted by the PBA, effective *nunc pro tunc* to January 1, 2015; and

BE IT FURTHER RESOLVED that the Council does hereby authorize a one year extension of the Collective Bargaining Agreement commencing on January 1, 2017 and terminating on December 31, 2017; and

BE IT FURTHER RESOLVED that the Council does hereby authorize Mayor Thomas A. Calabrese or his designee Borough Administrator Joseph Rutch to execute the Collective Bargaining Agreement and a one year extension when presented by the Borough Attorney; and

BE IT FURTHER RESOLVED that a certified to be true copy of this Resolution be tendered to PBA President Michael Miller, Borough Auditor Dieter Lerch, Borough Administrator Joseph Rutch, CFO Frank Berardo and Borough Attorney Christos J. Diktas.

ORDINANCES: SECOND HEARING AND ADOPTION

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

ORDINANCE 2016-09

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 Councilwoman Spoto. 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 Bongard moved the hearing be closed. The motion was seconded by Councilman Corcoran.

Councilman Bongard 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, Bongard, Martinotti, Corcoran, Colao. ABSENT: Fontana.

ORDINANCE 2016-09

**AN ORDINANCE AMENDING
CHAPTER XVIII OF THE
GENERAL ORDINANCES OF
THE BOROUGH OF CLIFFSIDE PARK**

BE IT ORDAINED, that Chapter 18 of the General Ordinances of the Borough of Cliffside Park is amended as follows; specifically creating Section 18-13.8 in Chapter XVIII Zoning:

18-13.8 This Section shall be known as the Borough of Cliffside Park
 “TREE PROTECTION ORDINANCE”

18-13.8.1 **Purpose.**

The purpose of this Section is to establish protective measures for trees in the Borough of Cliffside Park to (i) promote public health, safety, and welfare; (ii) to advance sustainability, to mean, the utilization of natural resources in such manner as to meet current needs without impinging upon the ability of future generations to do the same; and (iii) to advance creative design respectful of the natural environment.

18-13.8.2 **Intent.**

The intent of this Article is to encourage the protection of all trees within the Borough and, to the greatest extent practicable, specimen and non-specimen trees in conjunction with the development of review and approval, and construction processes.

18-13.8.3 **Definitions.**

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

CLIFFSIDE PARK TREE TRUST FUND - A monetary fund established for the purpose of receiving cash contributions as a result of the need for tree replacement. This fund shall be separately maintained by the Borough for the purpose of reestablishing and maintaining tree cover through the Borough or for other purposes, as determined by the Mayor and Council, not inconsistent with the purposes of this article.

DISTURBANCE ZONE - That portion of a lot covered by existing or proposed buildings, structures or improvements and within a certain distance around the same as noted below:

- A. Building: 10 feet (averaged around all sides).
- B. Driveway/sidewalk: 5 feet

- C. Underground utility: 5 feet
- D. Paved parking/drive aisle: 5 feet

LANDMARK TREE - Any tree with a diameter of 30 inches or greater.

NON-SPECIMEN TREES - Any tree with a diameter less than 16 inches but at least six inches.

SPECIMEN TREE - Any tree with a diameter of at least 16 inches but less than 30 inches.

18-13.8.4 Applicability.

- A. The provisions of this Article are applicable to development proposals necessitating the submission of minor site plans, major and minor site plans and subdivisions.
- B. Plans submitted for the type of development approvals in the subsection above are to include a landscape plan, prepared by a State of New Jersey licensed professional engineer or landscape architects, which depicts:
 - 1. Locations and species of all trees of 6" or more in caliper,
 - 2. Trees to be retained and trees proposed for removal, and
 - 3. A planting schedule identifying all proposed replacement trees by common name, botanical name, and size at time of planting, and typical planting notes and details.
- C. Exceptions. The following are exempt from the provisions of this Article:
 - 1. Trees, as determined by the Borough, constituting an immediate threat to the public health, safety, and welfare,
 - 2. Trees, which are no longer viable (dead), and
 - 3. Removal/pruning of trees by utility companies.

18.13.8.5 Landmark and Specimen Tree Protection.

- A. For the protection of existing trees, the below standards are applicable:
 - 1. All landmark trees are to be preserved, except where the circumstances cited at §18-13.4(c) above are applicable or, in the alternative, where it can be demonstrated to the satisfaction of the land use board having jurisdiction, that physical conditions affect the parcel to such extent that the site cannot be developed without removal.
 - 2. All trees having a caliper of 6" or greater and all specimen trees are to be retained, except within the area of disturbance.

18.13.8.6 Existing Tree Protection.

- A. Due care is to be exercised to protect trees to be retained from damage during construction. The following procedures are to be observed in order to protect retained trees:
 - 1. Trees to be retained within 25 feet of a building and all other Improvements should be protected from equipment damage by enclosing the driplines of the trees with sections of snow fence or boards, wired together. All exposed roots and low-hanging branches should be equally protected. Groups of trees may be protected by fencing the driplines of the entire tree mass to be retained.
 - 2. Trees are not to be used for roping, cables, signs or fencing nor should nails and spikes be driven into trees.
 - 3. The area around the base of existing trees should be left open to

- provide access for water and nutrients.
- 4. Trenches should bypass the root area.
- 5. Trenches should be no closer to tree trunks than half the distance from the drip line.

18.13.8.7 Compensatory Tree Replacement.

- A. Where in the judgment of the land use board having jurisdiction, it is necessary to remove a specimen tree to allow for the development of a site, the applicant shall replant 1" of new tree diameter for every 4" of existing tree diameter removed. In any event, no less than two (2) trees shall be planted in respect of the foregoing. New replacement trees are to have a minimum diameter of 2 1/2" as measured 6" above the ground and are to be replanted in accordance with the American Standard for Nursery Stock (ANSI Z60.1), promulgated by the American Landscape and Nursery Association; and
- B. Where in the judgment of the land use board having jurisdiction, the removal of a landmark tree is necessary, the applicant shall replace 1" of new tree diameter for every 1" of removed landmark tree diameter. Replacement trees are to have a minimum diameter of 8" measured 6" above the ground and be replanted in accordance with the American Standard for Nursery Stock (ANSI Z60.1), promulgated by the American Landscape and Nursery Association.
- C. Replacement trees are to be of the same species as the trees being removed or, in the alternative, may be another species native to the Borough. In the selection of replacement trees, the below characteristics should be considered:
 - 1. Species longevity;
 - 2. Hardiness;
 - 3. Resistance to insect and disease, attack and to pollution;
 - 4. Aesthetic values (autumn coloration, type of flowers or fruit, form characteristics);
 - 5. Low maintenance and care;
 - 6. High wildlife values;
 - 7. Size at maturity;
 - 8. Effect of soil retention and erosion control; and
 - 9. Value as a noise buffer.
- D. In addition to the planting of replacement trees, the applicant shall make a cash contribution to the Borough of Cliffside Park Tree Trust Fund. Cash contributions will be in the amount as determined by the engineer of the land use board having jurisdiction based on current bonding costs or as outlined in the Ordinance. In an event, the contribution shall not be less than \$500.00 (five hundred dollars) and no matter than \$5,000.00 (five thousand dollars). If the amount is deemed greater than the \$5,000.00 (five thousand dollars), the Borough Attorney shall petition the Council who may adjust the required sum by Resolution.
- E. If any provision of Article XIII Section 18-13.8 *et seq* is in conflict with any other Borough Ordinance or Regulation, it shall be conclusively presumed that Article XIII Section 18.13.8 shall control.

18.13.8.8 Penalties.

- A. If the offending party is found guilty of violating this Ordinance the penalties shall be as follows:
 - 1. First Offense \$500.00
 - 2. Second Offense \$750.00

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3. Third Offense \$1,000.00
4. Fourth or more offenses \$1,000.00 per offense and one hundred and twenty (120) days of community service.
5. If the offender is found guilty of four (4) or more offenses the penalties shall be as noted herein plus one (1) day in jail per each tree illegally removed.
6. The removal of each tree shall be deemed a separate 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.

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

ORDINANCE 2016-10

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

Councilman Bongard 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, Bongard, Martinotti, Corcoran, Colao. ABSENT: Fontana.

ORDINANCE 2016-10

AN ORDINANCE AMENDING CHAPTER XXVII OF THE GENERAL ORDINANCES OF THE BOROUGH OF CLIFFSIDE PARK

BE IT ORDAINED, that Chapter 27 of the General Ordinances of the Borough of Cliffside Park, specifically "Resident Permit Parking" be amended as follows;

The Council re-adopts the provisions of Chapter 27 except as amended as follows:

27-3 RESIDENTIAL APARTMENT.

Section b.4 - Existing provision deleted in its entirety.

Section c.3 - Leased Vehicles - Existing provision deleted in its entirety.

Replacement Language

3. Original and one copy of a valid New Jersey driver's license; the presented New Jersey driver's license must reflect an address
4. Either the insurance card or the lease documents must reflect an address in the Borough of Cliffside Park.

Section d.1 through 4 - Existing provisions deleted in their entirety

Replacement Language

- d. Company owned vehicles. Resident parking permits will be issued to a bona fide Cliffside Park resident for use with a company owned vehicle, subject to the submission of the following documents:
 1. (a) Original and one copy of a valid New Jersey driver's license; the presented New Jersey driver's license must reflect an address in the Borough of Cliffside Park; and
 2. (b) Proof of ownership or legal tenancy in a residential dwelling unit located in the Borough of Cliffside Park; and
 3. Original and one copy of valid motor vehicle registration.

27-4 TEMPORARY PERMITS. Existing provisions deleted in their entirety.

27-5 VISITOR PARKING AND GUEST PERMITS.

Sections a through g. Existing provisions deleted in their entirety

Replacement Language

- a. Upon request, each resident who is issued a residential parking permit is permitted to receive one guest parking placard.
 - b. Property owners who do not reside in the Borough of Cliffside Park will receive one guest pass upon providing proof of ownership of property located in the Borough of Cliffside Park.
 - c. Guest parking placard shall expire on December 1st of the same year as the applicant's residential parking permit.
 - d. All guest parking placards shall be prominently displayed in the front's driver's windshield.
- 27.6 BUSINESS PERMITS.** Existing provisions deleted in their entirety. Sub Article 6 intentionally left blank.

27-7 BOROUGH EMPLOYEES, STUDENTS THAT DO NOT RESIDE IN CLIFFSIDE PARK.

Section 27-7.c - Existing provision deleted in its entirety.

Replacement Language

All non-resident/Borough employee permits shall be prominently displayed in the driver's side front windshield.

27-9 TERMS OF PERMITS.

Sections a through g. Existing provisions deleted in their entirety.

Replacement Language

- a. Residential parking permit: Expires December 31st of each year of issue.
- b. Guest parking permit: Expires December 31st of the same year as the applicant's residential parking permit.
- c. Business parking permit: Expires December 31st of each year of issue.
- d. Non-resident/Borough Employee parking permit: Expires December 31st of each year of issue

27.11 FEES.

Section b through k. Existing provisions deleted in their entirety.

Replacement Language

- b. Business parking permit per employee \$5.00
- c. Non-resident/Borough employee parking permit No Fee
- d. Guest parking permit No Fee
- e. Permit replacement costs \$5.00
- f. A schedule of all fees set pursuant to this chapter shall be available for public inspection during business hours at the office of the Borough Clerk/Administrator
- g. Fees shall be reviewed annually and may be amended by Council Resolution

27-12 HOLIDAYS.

Section a through g. Existing provisions deleted in their entirety.

Replacement Language

- a. New Year's Day
- b. Martin Luther King, Jr. Day
- c. President's Day
- d. Good Friday
- e. Memorial Day
- f. Independence Day
- g. Labor Day
- h. Rosh Hashanah
- i. Yom Kippur
- j. Columbus Day
- k. Election Day
- l. Veteran's Day
- m. Thanksgiving Day
- n. Christmas Day

At the discretion of the Police Chief, the enforcement of this chapter may be suspended.

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 Corcoran CALLED UP FOR A SECOND READING AN ORDINANCE ENTITLED:

ORDINANCE 2016-11

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, Bongard, Martinotti, Corcoran, Colao. ABSENT: Fontana.

ORDINANCE 2016-11

**AN ORDINANCE AMENDING
CHAPTER XII ENTITLED LICENSING OF DOGS
AND DELETING THE BOARD OF HEALTH ORDINANCE XV
LICENSING OF DOGS AND CATS**

WHEREAS, the Council does hereby amend the title of Chapter VII of the General Ordinance and Board Health Chapter XV; specifically creating Section 7.5 in Chapter VIII;

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make amend, repeal, and enforce such other ordinances, regulations, rules and by laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for e good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). According to The Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not

present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current Federal and State regulations do not adequately address the sale of kitten mill dogs and cats in pet shops; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, according to the New Jersey Department of Health 2014 Animal Intake and 7 Disposition Survey, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually. Restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Borough of Cliffside Park believes it is in the best interests of this Municipality to adopt reasonable regulations to reduce costs to the Borough and its residents, protect the citizens of Borough who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Borough.

NOW, THEREFORE BE IT ORDAINED, that Chapter 7 of the General Ordinances of the Borough of Cliffside Park, specifically "Licensing of Dogs" be amended as follows:

Chapter VII shall be renamed: **DOMESTIC ANIMALS**
 Licensing of Dogs and Cats and
 banning the sale of dogs and cats

7-1 LICENSING

Section 7-1.1.b - Existing language deleted in its entirety.

Replacement Language

b. Dog means a member of the species of domestic dogs, canis familiaris.

Section 7-1.3 -Existing provision deleted in its entirety

Replacement Language

The person applying for a license and registration tag shall pay the fee of eighteen dollars (\$18.00) for each dog license if the animal is spayed or neutered. If the animal is not spayed or neutered the license and registration fee will be \$21.00. The council reserves the right to adjust the licensing fees by Resolution.

*The remaining provisions 7-1.1 through 7-4.6 except as noted herein are re-adopted in their entirety.

7-5 BANNING THE SALE OF DOGS AND CATS FROM PUPPY/CAT MILLS AND PET STORES

7-5.1 Definitions.

As used in this section:

- A. **Animal care facility** means an animal control center or animal center, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or signification part, the rescue and placement of animals in permanent homes or rescue organizations.
- B. **Animal rescue organization** means any not-for-profit organization which has tax-exempt status under Section 501 (c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or insignificant part, the rescue and placement of animals in permanent homes.
- C. **Cat** means a member of the species of domestic cat, Felis catus.
- D. **Dog** means a member of the species of domestic dog, Canis familiaris.
- E. **Kennel, Pet Shop or Pound** means any business, shop, establishment, property or place which harbors, keeps or maintains five or more dogs, cats
- F. **Offer for Sale** means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

7-6 ANIMAL SALE RESTRICTIONS

- 1. A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
 - (a) An animal care facility; or
 - (b) An animal rescue organization.
- 2. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

*Board of Health Ordinance XV Licensing of Cats is hereby deleted in its entirety.

Replacement Provision

7-7 LICENSING OF CATS

- 1. **PURPOSE AND OBJECTIVES.** This provision is made and enacted to protect the public and animals from the spread of rabies to animals and humans since rabies is transmissible to humans which could result in death as a result of a bite from a rabid animal. It is the objective of this provision is to protect the public from animal related nuisances and threats to the public health, safety and welfare.
- 2. **ADOPTION OF CODE.** The Cat Licensing Code of New Jersey-187 which was approved by the State Department of Health be adopted by the Board of Health of the Borough of Cliffside Park and that hereafter an annual license must be obtained by any person who shall own, keep or harbor a cat and such person shall apply for and procure from the Board of Health a license and official metal registration tag when such cats are owned, kept or harbored and shall place upon each cat, a collar or harness with the registration tag securely fastened hereto.
- 3. **FEES AND RENEWALS.** Licenses shall be obtained during the month of January of each year. The registration fee shall be eighteen dollars (\$18.00) dollars for a spayed or neutered. The Council reserves the right to amend the license fees by Resolution.
- 4. **PROOF OF VACCINATION.** No license or registration tag shall be granted unless the owner of the cat provides evidence that the cat to be licensed and

registered has been inoculated with a rabies vaccine in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians. The Vaccination must be valid for the entire licensing period.

5. TIME TO APPLY. The owner of the newly acquired cat shall apply for a license registration tag within ten days of such acquisition.
6. APPLICATION ON FILE. An application shall be completed by the owner of the cat which shall be placed on file with the Board of Health.
7. RUNNING AT LARGE. No cat shall at any time be permitted by the owner or harbinger to run at large in the Borough.
8. IMPOUNDMENT. The chief of police or any member of the police department or board of health or health officer or such persons acting under their direction or the humane society or agents appointed for that purpose by the board of health shall take into custody, or cause to be taken into custody or impound, the following:
 - (a) Any cat running at large
 - (b) Any cat off the premises of the owner
 - (c) Any cat off the premises of the owner without a collar or registration tag on its collar.

Any cat seized under the provisions of this section shall be handled, destroyed and disposed of with proper notice given as provided for by R.S. 4:19-15 .16 et seq. as amended.

9. AUTHORITY TO ENTER PREMISES. Any officer, agent or employee authorized or empowered to perform any duty under this chapter is authorized to go upon any premises to seize for impounding any cat which he may lawfully seize or impound when such officer: (a) is in immediate pursuit of such cat, except upon the premises of the owner of the cat, if the owner is present and forbids the same. (Ord. 12/8/92)
10. HABITUALLY CRYING CATS. No person shall own, keep, harbor or maintain a cat which habitually cries between the hours of 8:00 p.m. and 8:00 a.m.

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 Councilwoman Martinotti, 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.

December 6, 2016

PUBLIC PARTICIPATION:

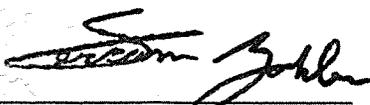
Constantine Brancoveau of 357 Palisade Avenue expressed concern over school buses parking on Palisade Avenue during the day. In addition, he stated that vehicles speed on Palisade Avenue even though it is a school zone. Chief of Police Richard Gaito was in the audience and was asked to address all of Mr. Brancoveau's concerns after the meeting.

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

ADJOURN:

On a motion by Councilwoman Martinotti, seconded by Councilman Spoto, the meeting was adjourned at 7:13 p.m.

ATTEST:



SERCAN ZOKLU, RMC
BOROUGH CLERK

APPROVED:



THOMAS CALABRESE
MAYOR