

JANUARY 23, 2018

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

**MINUTES OF THE REGULAR MEETING  
JANUARY 23, 2018**

**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	Lawrence 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 16, 2018 WITH THE RECORD, AND JANUARY 10, 2018 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 Sine Die Meeting of January 4, 2018 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 Reorganization Meeting of January 4, 2018 were accepted.**

**ROLL CALL:**

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

**CONSENT AGENDA:**

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

**ROLL CALL:**

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

**RESOLUTIONS:**

**On a motion by Councilman Bongard, seconded by Councilman Corcoran, Resolutions 2018-22 through 2018-33 were offered for adoption:**

**ROLL CALL**

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

**RESOLUTION 2018-22**

**BE IT RESOLVED** that the Mayor and Council of the Borough of Cliffside Park does hereby approve the 2018 Cliffside Park Anderson Avenue Sidewalk Sales which will take place on the following dates:

**1. SPRING EVENT:**

Thursday May 10, 2018  
Friday May 11, 2018  
Saturday May 12, 2018

**2. SUMMER EVENT:**

Thursday July 19, 2018  
Friday July 20, 2018  
Saturday July 21, 2018

**3. AUTUMN EVENT:**

Thursday September 13, 2018  
Friday September 14, 2018  
Saturday September 15, 2018

**RESOLUTION 2018-23**

**WHEREAS**, HELENA MARGARET FLAUM OF 456 LAWTON AVENUE, CLIFFSIDE PARK, NJ B.2005 L22 HAS DEPOSITED A CHECK IN THE AMOUNT OF \$3,135.72 WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 17-003 SOLD TO GREEN KNIGHT CAPITAL FOR 2016 TAXES IN THE AMOUNT OF \$3,010.51; 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 \$3,135.72 FOR THE REDEMPTION OF SAID TAX TITLE LIEN, AND A CHECK IN THE AMOUNT OF \$25,000.00 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 GREEN KNIGHT CAPITAL 474 MARY ALLEN WAY, MOUNTAINSIDE, NJ 07092.

**RESOLUTION 2018-24**

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

Conduct Raffle as permitted under State Statute on March 21, 2018; and

Conduct 50/50 Raffle as permitted under State Statute on March 21, 2018; 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 2018-25**

**WHEREAS**, an application has been submitted by the CPHS PTSO/Project Graduation as follows:

Conduct Raffle as permitted under State Statute on March 3, 2018; and

Conduct 50/50 Raffle as permitted under State Statute on March 3, 2018; 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 2018-26**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Aysel Uyaniker** of 257 Grant Avenue Apt. C6, Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Aysel Uyaniker** has been issued Permanent Handicap Placard **P1660324** 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:

<b>Name of Street</b>	<b>Side:</b>	<b>Location:</b>
Grant Avenue	North	Beginning at a point approximately 45 feet west of the northwest curb line of Railroad Avenue and Grant Avenue, and continuing to a point 19 feet westerly thereof.

**RESOLUTION 2018-27**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Caesar Calderon** of 296 Knox Avenue Apt. B2, Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Caesar Calderon** has been issued Permanent Handicap Placard **P1760076** 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:

<b>Name of Street</b>	<b>Side:</b>	<b>Location:</b>
Knox Avenue	South	Beginning at a point approximately 237 feet east of the southeast curb line of Anderson Avenue and Knox Avenue, and continuing to a point 19 feet easterly thereof.

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**RESOLUTION 2018-28**

**Rescind Resolution for Renewal of Liquor License**

**WHEREAS**, the State of New Jersey, Division of ABC has determined that the liquor license listed below required a special ruling pursuant to NJSA 33:1-12.39; and

**NOW, THEREFORE, BE IT RESOLVED** that the liquor license listed below be rescinded from Resolution 2017-171 for the 2017-2018 licensing term until a special ruling is obtained.

0206-33-018-004 Milton Barrera Corporation T/A Salvadoreno Restaurant 348 Palisade Ave.

**RESOLUTION 2018-29**

**Resolution for Bergen County Law Enforcement Mutual Aid and Rapid Deployment**

**WHEREAS**, the police departments in Bergen County have a day to day responsibility to provide for the security of lives and property, for the maintenance and preservation of the public peace and order; and

**WHEREAS**, Law Enforcement Officials also have a responsibility to provide for preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, etc., man-made causes, civil unrest, and civil disobedience such as riots, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorders, terrorist incidents and bombings, state and national emergencies; and

**WHEREAS**, the Bergen County Police Chief's Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies; and

**WHEREAS**, this Plan is adopted in accordance with the provisions of N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1, N.J.S.A. 40A:14-156.4 and N.J.S.A. App. A: 9-40.6; and

**WHEREAS**, this Plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot or disorder, in order to protect life and property; and

**WHEREAS**, it is also recognized that the Borough of Cliffside Park Chief of Police, in accordance with the provisions of N.J.S.A. 40A:14-118 and under the authority of the Bergen County Prosecutor, has the authority to assign officers to a Task Force, Rapid Deployment Team, or Regional SWAT Team operated in conjunction with the Bergen County Prosecutor's Office; and

**WHEREAS**, it is the desire of the Mayor and Council of the Borough of Cliffside Park to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the Plan as submitted by the Bergen County Police Chief's Association.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the Police Department of the Borough of Cliffside Park under the direction of Richard Gaito, Chief of Police, cooperate with the Bergen County Police Chief's Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force; and

**BE IT FURTHER RESOLVED** that a certified to be true copy of this Resolution be forwarded to Richard Gaito, Cliffside Park Police Chief.

**RESOLUTION 2018-30**

**WHEREAS**, Boswell Engineering, as the Borough of Cliffside Park's Engineer, has prepared plans and specifications for a project named CDBG Franklin Avenue and Glen Street Sanitary Sewer Improvements; and

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**WHEREAS**, based on the scope of the proposed activities, the regulations of the New Jersey Department of Environmental Protection require a Treatment Works Approval Permit; and

**WHEREAS**, an application for the Treatment Works Approval has been prepared by Boswell Engineering for the construction of sanitary sewer and other related improvements along Glen Street between Lafayette Avenue and Lawton Avenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council are hereby authorized and directed to execute a statement of consent on behalf of the Borough of Cliffside Park and that a certified copy of this resolution be provided to the applicant.

### **RESOLUTION 2018-31**

#### **APPOINTMENT OF THE ALTERNATE MUNICIPAL PROSECUTOR**

**WHEREAS**, THE STATUTE REQUIRES THAT ALL MUNICIPALITIES DRAFT EITHER AN ORDINANCE OR RESOLUTION APPOINTING AN ALTERNATE MUNICIPAL PROSECUTOR; AND

**WHEREAS**, THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK DO HEREBY MOVE THIS RESOLUTION IN ACCORDANCE WITH P.L. 1996, C.95.

**NOW, THEREFORE, BE IT RESOLVED** BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT CRYSTAL CALABRESE, ESQ., IS HEREBY APPOINTED ALTERNATE MUNICIPAL PROSECUTOR OF THE BOROUGH OF CLIFFSIDE PARK, BERGEN COUNTY, NEW JERSEY AT A PER DIEM RATE OF \$300 PER SESSION; AND

**BE IT FURTHER RESOLVED THAT** THIS RESOLUTION IS AN OFFICIAL ACT OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, COUNTY OF BERGEN AND STATE OF NEW JERSEY APPOINTING CRYSTAL CALABRESE, ESQ., FOR A ONE (1) YEAR TERM COMMENCING IMMEDIATELY AND TERMINATING ON DECEMBER 31, 2018 FOR THE POSITION OF ALTERNATE MUNICIPAL PROSECUTOR.

### **RESOLUTION 2018-32**

**WHEREAS**, THE BOROUGH CLERK HAS RECEIVED FROM THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, A SPECIAL RULING TO ISSUE A NEW LICENSE PURSUANT TO N.J.S.A. 33:1-12.18 (AGENCY DOCKET NO. 10-17-1285 JOB NO. 194897) FOR THE 2017-2018 LICENSE TERMS TO: KANAME INC., LICENSE #0206-33-021-008; AND

**WHEREAS**, KANAME INC. HAS PREVIOUSLY SUBMITTED THE 2017-2018 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 2018-33**

**WHEREAS**, on December 5, 2017 the Council adopted Ordinance 2017-13 Amending Chapter 18A-7.2 Anderson/Grant Avenue Redevelopment Plan, Cliffside Park, New Jersey; and

**WHEREAS**, the Amended Ordinance permitted businesses located within the Redevelopment Zone to petition the Council to remain open for 24 hours a day; and

**WHEREAS**, the Council may conditionally approve or deny any business entities requesting to extend their hours of operation by Resolution; and

**WHEREAS**, the Council does hereby acknowledge receipt of GFF Fitness, Inc., d/b/a Anytime Fitness's request dated November 28, 2017 to the Mayor and Council, wherein they formally petitioned the Council for the authority to modify their hours of operation to twenty-four (24) hours a day seven (7) days a week, three hundred and sixty-five (365) days a year; and

**WHEREAS**, the petitioner's application met the requirements of the Ordinance, specifically detailing the time and extension requested, the type of business requesting the extension of the hours operation, and the consent of the property owner; and

**NO, THEREFORE BE IT RESOLVED** that the Council, pursuant to Ordinance 2017-13 Amending General Ordinances Chapter 18A-7.2 accepts the GFF Fitness, Inc. d/b/a Anytime Fitness Petition and does hereby extend a Grant of Authority and not a Zoning Approval nor a Property Right to the Petitioner to permit the business establishment to remain open for 24 hours a day 7 days a week, 365 days a year.

**BE IT FURTHER RESOLVED** that, pursuant to Ordinance 2017-13 Amending Chapter 18A-7.2, the Council shall have the right to terminate the extended hour privilege upon just cause after due process and hearing before the Council or its designee.

**BE IT FURTHER RESOLVED** that the Council's grant to extend hours of operation shall be specific to GFF Fitness, Inc. d/b/a Anytime Fitness and not to any assignee, sub-tenant or contract vendee who may, within the confines of the Ordinance, petition the Council for an approval to extend the hours of operation if said factual occurrence develops.

**BE IT FURTHER RESOLVED** that the Council does hereby Grant GFF Fitness, Inc. d/b/a Anytime Fitness the extension of hours of operation, which shall not be deemed a Zoning Grant, nor shall it be deemed to establish legal precedent for any other business located within the Redevelopment Zone or any other zone located within the Municipality.

**BE IT FURTHER RESOLVED** that a Certified True Copy of this Resolution be served upon Michael Orecchio, Member, GFF Fitness, Inc. d/b/a Anytime Fitness; Scott Heller, Esq; James Demetrakis, Esq., President, Property Owner, Towne Center Urban Renewal Company, LLC; Richard Gaito, Police Chief; Joseph Rutch, Borough Administrator, Sercan Zoklu, Borough Clerk; Frank Poerio, Property Maintenance Official; John Candello, Construction Code Official; Chris Moutenot, Zoning Officer.

**OFF CONSENT AGENDA:**

**ORDINANCES: INTRODUCTION**

**Councilman Corcoran INTRODUCED AN ORDINANCE ENTITLED:**

**ORDINANCE 2018-01**

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

The Municipal Clerk read the said ordinance by title. Councilman Corcoran moved the ordinance be adopted on first reading and published in The Record on January 28, 2018 and in The Jersey Journal on January 27, 2018. Motion was seconded by Councilman Bongard.

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

The public hearing is to be held on February 6, 2018 in the Mayor and Council Chambers at 7:00 pm, at which time all persons wishing to be heard on the proposed ordinance will be heard.

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

ROLL CALL:

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

## **ORDINANCE 2018-01**

### **AMENDED ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK AUTHORIZING THE VACATION OF A PORTION OF GRANT AVENUE**

**WHEREAS**, ON JULY 11, 2006, THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK ADOPTED ORDINANCE 8-2006, WHICH AUTHORIZED THE VACATION OF A PORTION OF GRANT AVENUE, AS MORE FULLY DESCRIBED IN THE METES AND BOUNDS DESCRIPTION AND A PLAN OF SURVEY PREPARED BY NEGLIA ENGINEERING DATED FEBRUARY 20, 2006 ATTACHED THERETO; AND

**WHEREAS**, THEREAFTER IT WAS DETERMINED THAT AN ERROR WAS MADE IN THE METES AND BOUNDS DESCRIPTION AND THE FEBRUARY 20, 2006 PLAN OF SURVEY REGARDING THE DESCRIPTION OF THE AREA TO BE VACATED; AND

**WHEREAS**, THE PURPOSE OF THIS ORDINANCE IS TO CORRECT THE ERROR AND TO VACATE THE REMAINING PORTION OF GRANT AVENUE, AN AREA CONSISTING OF 519.5 SQUARE FEET, SITUATED AT THE INTERSECTION OF LAWTON AVENUE AND GLEN STREET, AS WHICH WAS INADVERTENTLY NOT INCLUDED IN THE FEBRUARY 20, 2016 PLAN OF SURVEY; AND

**THEREFORE, BE IT ORDAINED** THAT THE CLIFFSIDE PARK MAYOR AND COUNCIL DOES HEREBY AUTHORIZE THE VACATION OF THE REMAINING PORTION OF GRANT AVENUE, AS MORE FULLY DESCRIBED IN THE METES AND BOUNDS DESCRIPTION ATTACHED HERETO AS EXHIBIT A, AND A PLAN OF SURVEY ENTITLED "ROAD VACATION , PORTION OF GRANT AVENUE," PREPARED BY NEGLIA ENGINEERING DATED OCTOBER 5, 2017, ATTACHED HERETO AS EXHIBIT B, AND ANY INTEREST HELD IN THE PROPERTY IS HEREBY RETURNED TO THE BOROUGH OF CLIFFSIDE PARK, SUBJECT TO THE BOROUGH RESERVATION OF RIGHTS.

#### SEVERABILITY

- A. ALL ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH ARE HEREBY REPEALED;
- B. THIS ORDINANCE SHALL BE PART OF THE BOROUGH OF CLIFFSIDE PARK LAND USE ORDINANCE AS THOUGH CODIFIED AND SET FORTH FULLY THEREIN;
- C. THE BOROUGH OF CLIFFSIDE PARK TAX MAP SHALL BE AMENDED TO IDENTIFY THE VACATED AREA;
- D. A CERTIFIED COPY OF THIS ORDINANCE SHALL BE TENDERED TO THE TAX ASSESSOR MATTHEW S. RINALDI AND THE TAX COLLECTOR FRANK BERARDO WHO ARE DIRECTED TO ACCORDINGLY AMEND THE BOROUGH'S TAX RECORDS.

#### TERMS OF THE ORDINANCE

- A. IF ANY PROVISION OF THIS ORDINANCE OR THE APPLICATION OF SAID PROVISIONS TO ANY PERSON OR CIRCUMSTANCES IS DECLARED INVALID, SUCH INVALIDITY SHALL NOT AFFECT THE REMAINDER OF THE ORDINANCE AND TO THIS END, THE PROVISIONS OF THIS ACT ARE DECLARED TO BE SEVERABLE;
- B. IF ANY PROVISION OF THIS ORDINANCE IS DECLARED UNCONSTITUTIONAL, SAME SHALL NOT AFFECT THE REMAINDER;
- C. ALL ORDINANCES OR PART THEREOF INCONSISTENT HEREWITH ARE HEREBY REPEALED TO THE EXTENT OF SUCH INCONSISTENCY OF THIS ORDINANCE AND TO THIS END, THE PROVISIONS OF THIS ACT ARE DECLARED TO BE SEVERABLE.

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THIS ORDINANCE SHALL TAKE EFFECT AT THE TIME AND IN THE MANNER PRESCRIBED 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 Spoto, 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 Colao, the meeting was closed to the public.

**ADJOURN:**

On a motion by Councilman Bongard, seconded by Councilman Colao, the meeting was adjourned at 7:09 p.m.

The Mayor invited all present to "Villa Amalfi" Restaurant for a reception immediately following the meeting.

**ATTEST:**

**APPROVED:**

  
SERCAN ZOKLU, RMC  
BOROUGH CLERK

  
THOMAS CALABRESE  
MAYOR