

MARCH 27, 2018

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

**MINUTES OF THE REGULAR MEETING
MARCH 27, 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 Councilwoman Spoto, Councilman Fontana was given an excused absence.

ROLL CALL:

AYES: 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 Councilwoman Spoto, seconded by Councilman Corcoran, the minutes of the Caucus Meeting of March 6, 2018 were accepted.

ROLL CALL:

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

On a motion by Councilwoman Spoto, seconded by Councilman Corcoran, the minutes of the Closed Executive Session Meeting of March 6, 2018 were accepted.

ROLL CALL:

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

On a motion by Councilwoman Spoto, seconded by Councilman Corcoran, the minutes of the Regular Meeting of March 6, 2018 were accepted.

ROLL CALL:

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

CONSENT AGENDA:

MARCH 27, 2018

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 2018-55 through 2018-73 were offered for adoption:

ROLL CALL

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

RESOLUTION 2018-55

WHEREAS, the Council has permitted the Borough Administrator Joseph Rutch to prepare a job description for the Borough of Cliffside Park, specifically Clerk; and

NOW, THEREFORE BE IT RESOLVED that the Council does hereby accept the job descriptions attached hereto which shall be incorporated herein as if set forth in their entirety; and

BE IT FURTHER RESOLVED that a certified to be true copy of this Resolution be tendered to Borough Administrator Joseph Rutch and Chief Financial Officer Frank Berardo.

RESOLUTION 2018-56

Whereas, The Global Boycott, Divestment and Sanctions Movement (BDS Movement) is a campaign seeking to exclude the Israeli people from the economic, cultural, and academic life of humanity; and

Whereas, this movement targets not just the Israeli government but Israeli academic, cultural, and civil society institutions, as well as individual Israeli citizens of all political persuasions, and in some cases even Jews of other nationalities who support Israel; and

Whereas, The Global BDS Movement targets Israel and only Israel, while ignoring the world's myriad despotic regimes; and

Whereas, Israel is far and away the most democratic and open society in the Middle East, with well-established rights for religious minorities, women, and all citizens that far exceeds those of any other nation in the region; and

Whereas, The Global BDS Movement does not recognize the right of the Jewish people to national self-determination; and

Whereas, some of the BDS Movement's supporters and leaders have trafficked in unacceptable anti-Semitic rhetoric, including comparison of Israeli policy to that of Nazi Germany; and
Whereas, University-based BDS efforts violate the core goals of the university and global cultural development, which thrive on a free and open exchange and debate; and

Whereas, Both Israelis and Palestinians have the right to live in safe and secure states, free from fear; and

Whereas, Both Israelis and Palestinians have the right to live in safe and secure states, free from fear and violence, with mutual recognition; and

Whereas, The Global BDS Movement does not support the two-state solution, a goal which can only be reached through direct negotiations between Israel and the Palestinians; and
Whereas, Israel is an ally of the United States; and

Whereas, our local region has the largest population of Jewish residents in the nation and is home to the largest Jewish community outside of Israel; now, therefore be it Resolved, That the condemns

MARCH 27, 2018

all efforts to delegitimize the State of Israel and the global movement to boycott, divest from, and sanction its government and people.

RESOLUTION 2018-57

RESOLUTION ENDORSING INTER-LOCAL SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF CLIFFSIDE PARK AND THE BOROUGH OF EDGEWATER

WHEREAS, the Borough of Cliffside Park, Bergen County, New Jersey is desirous to enter into an Inter-Local Shared Services Agreement with the Borough of Edgewater; and

WHEREAS, the Borough of Cliffside Park is desirous in utilizing the salt brine pre-snow conditioning treatment for all municipal and county roads; and

WHEREAS, the Borough of Edgewater has been utilizing the salt brine pre-snow conditioning on municipal and county roads for several years with great success; and

WHEREAS, the salt brine pre-snow conditioning treatment for roads keeps snow from accumulating on roadways longer, making driving conditions safer and at the same time saving tax dollars by not having to utilize equipment, labor, and material for a longer duration from when snow first begins to fall; and

WHEREAS, the Borough of Edgewater Department of Public Works has constructed a salt brine mixing system and machine within the Public Works Garage and is willing to provide brine solution for the Borough of Cliffside Park.

NOW, THEREFORE BE IT RESOLVED by the Borough of Cliffside Park Mayor and Council that it hereby authorizes the inter-local shared service agreement with the Borough of Edgewater for the making and providing of salt brine to be utilized by the Borough of Cliffside Park Department of Public Works.

BE IT FURTHER RESOLVED that this inter-local shared service agreement will not expend any additional tax dollars or money for the exception of Cliffside Park providing no more than 1 to 3 yards of salt per mixed batch so that the Edgewater Department of Public Works can produce and provide Cliffside Park's brine solution to the Cliffside Park Department of Public Works.

This Resolution was adopted by the Mayor and Council of the Borough of Cliffside Park at a meeting on March 27, 2018.

RESOLUTION 2018-58

Whereas, distracted driving is a serious, life-threatening practice that is preventable; and

Whereas, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

Whereas, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

Whereas, in 2015 alone distracted driving-related crashes resulted in 3,477 deaths and 391,000 injuries on our nation's roads; and

Whereas, in New Jersey distracted driving was listed as a contributing circumstance in nearly 750,000 crashes between 2011-2015; and

Whereas, the State of New Jersey will participate in the nationwide *Distracted Driving 2018 Crackdown* from April 1 - 21, 2018 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

Whereas, the national slogan for the campaign is *UDrive. UText. UPay.*

Whereas, a reduction in distracted driving in New Jersey will save lives on our roadways;

Therefore, Be It Resolved that the Borough of Cliffside Park declares its support for the *Distracted Driving 2018 Crackdown* both locally and nationally from April 1 - 21, 2018 and pledges to increase awareness of the dangers of distracted driving.

RESOLUTION 2018-59

A RESOLUTION FOR THE BOROUGH OF CLIFFSIDE PARK TO SUPPORT AND PARTICIPATE IN THE VOLUNTEER TUITION CREDIT PROGRAM (P.L. 1998, C. 145)

WHEREAS, the Borough of Cliffside Park in the County of Bergen, deems it appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteers in the Borough of Cliffside Park; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c. 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park in the County of Bergen that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c 145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED that the Borough Clerk is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c 145.

RESOLUTION 2018-60

WHEREAS, the Mayor and Council desire to authorize the purchase of prepackaged snacks and lunches for the 2018 Summer Recreation Program; and

WHEREAS, the 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 purchase of prepackaged snacks and lunches; 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 2018-61

WHEREAS the Mayor and Council of the Borough of Cliffside Park (Borough) have funding for the 2018 Emergency Sewer & Road Rehabilitation; and

WHEREAS the Borough is seeking to have this contract in place and as such would like to proceed with publicly advertising and bidding this project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cliffside Park hereby authorizes Boswell Engineering to prepare the necessary plans and specifications to publicly bid the 2018 Emergency Sewer & Road Rehabilitation.

RESOLUTION 2018-62

WHEREAS, the Borough Clerk of the Borough of Cliffside Park (Borough) was previously authorized to advertise for bids for the Grantwood Park Basketball Court Restoration; and

WHEREAS, pursuant to said notice, the receipt and opening of bids took place on February 15, 2018, at 10:00 AM, at which time the following bids were received:

Company	BASE BID	ALTERNATE
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MARCH 27, 2018

		BID NO. 1
American Asphalt & Milling	\$217,748.28	\$20,000.00
Sita Construction	\$249,612.00	\$22,500.00
Your Way Construction	\$250,943.20	\$34,800.00
Picerno-Giordano Construction	\$253,991.00	\$25,500.00
Halecon Inc.	\$320,087.68	\$27,000.00
V&K Construction	\$344,000.00	\$39,000.00

WHEREAS, the Chief Financial Officer of the Borough of Cliffside Park has confirmed the availability of funds for the project through the following accounts: 2017 CDBG Grantwood Park Basketball Rehab: \$120,000 ; 2017 Matching Funds Grantwood Park: \$87,000 ; Capital Ordinance 2016-03: \$30,748.28; and

WHEREAS, Remington and Vernick Engineers has recommended acceptance of the Base Bid and Alternate Bid No. 1 of American Asphalt and Milling Services LLC as being the apparent low bidder received;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cliffside Park award the Base Bid and Alternate Bid No. 1 to American Asphalt & Milling Services LLC, 96 Midland Avenue, Kearny, NJ 07032 in, in the amount of \$237,748.28; and

BE IT FURTHER RESOLVED that the Borough requires the submission of the Performance Bond and Payment Bond, Certificate of Insurance, Affirmative Action Affidavit, and Initial Project Workforce Report (Form AA-201) before contracts are issued; and

BE IT FURTHER RESOLVED that the Borough Attorney is hereby authorized to prepare all necessary documents to effectuate this resolution; and

BE IT FURTHER RESOLVED that one (1) copy of this resolution as certified by the Borough Clerk, shall be forwarded to Remington & Vernick Engineers, the Chief Financial Officer, American Asphalt & Milling Services LLC, and the Borough Attorney.

RESOLUTION 2018-63

WHEREAS, the Council has appointed Frank Berardo as the Chief Financial Officer; and

WHEREAS, pursuant to Municipal Policy, the Borough requires non-statutory employees in a Managerial Capacity to enter into an Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Council does hereby authorize the preparation of an Employment Agreement between the Borough of Cliffside Park and the Chief Financial Officer for the Borough of Cliffside Park; and

BE IT FURTHER RESOLVED that the Council does hereby authorize Mayor Thomas Calabrese to execute the Employment Agreement, approved by the Borough Attorney on behalf of the Municipality; and

BE IT FURTHER RESOLVED that a certified true copy of this Resolution authorizing Mayor Thomas Calabrese's to execute the Employment Agreement be served upon Borough Administrator, Joseph Rutch; Deputy Administrator, Sercan Zoklu, Borough CFO, Frank Berardo; and Borough Attorney, Christos J. Diktas, Esq.

RESOLUTION 2018-64

WHEREAS, Michael Russo, Cliffside Park Emergency Medical Services Department Head has requested and presented a Certification to Borough Administrator, Joseph Rutch, and Chief Financial Officer/Purchasing Agent, Frank Berardo, that the EMS Department requires to purchase the ZOLL Medical Corporations "AutoPulse" System with Pass Thru. This System generates consistent and uninterrupted chest compressions, offering improved blood flow during cardiac arrest transport; and

MARCH 27, 2018

WHEREAS, the ZOLL System is proprietary and therefore, as condition precedent to the purchase of the equipment, the requirements of N.J.S.A. 40A:11-13(d) and 18A:18A-15d must be satisfied; and

WHEREAS, the public need for the ZOLL proprietary product is of such a compelling nature, that the value to the public overshadows the public benefit of permitting "Brand-Name or equivalent" purchases; and

WHEREAS, the purchase of the ZOLL Medical Corporation System is unique and it substantially benefits the Municipality's investment in its EMT Ambulance transports training and will permit the Borough's Emergency Medical Technicians to assist and save lives of those persons suffering from a cardiac arrest.

NOW, THEREFORE, BE IT RESOLVED that the Council does hereby accept the Certification of Michael Russo, Municipal Emergency Medical Services Director, and does hereby authorize the purchase of the ZOLL Medical Corporation System in the amount totaling Twenty-Eight Thousand Four Hundred and Forty Four (\$28,440.00) Dollars as per the attached ZOLL Medical Corporation Purchase Order and accompanied Documents, which are attached hereto and incorporated herein as if set forth in their entirety.

BE IT FURTHER RESOLVED that a certified to be true copy of this Resolution be submitted to Joseph Rutch, Borough Administrator; Frank Berardo, Chief Financial Officer/ Purchasing Agent; ZOLL Medical Corporation; and Sercan Zoklu, Borough Clerk.

RESOLUTION 2018-65

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, April 18, 2018 and ending at 6:00 PM on Wednesday, April 25, 2018; 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. 2010 Nissan Altima with the following vehicle identification number 1N4AL2AP5AN487953.

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, April 18, 2018 and ending at 6:00 PM on Wednesday, April 25, 2018 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 2018-66

WHEREAS, the Mayor and Council have authorized bidding for the summer food service program; and

WHEREAS, the grant application with the Summer Food Service Program must be executed; and

MARCH 27, 2018

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cliffside Park authorize Joseph Rutch, Borough Administrator, and Mayor Thomas Calabrese to execute any and all grant applications for the Summer Food Service Program.

RESOLUTION 2018-67

INTRODUCTION OF 2018 BUDGET

BE IT RESOLVED that the following statement of revenues and appropriations attached hereto constitute the local Budget of the Borough of Cliffside Park, Bergen County, New Jersey for the year 2018.

BE IT FURTHER RESOLVED that the said budget be published in Jersey Journal in the issue of March 28, 2018, and that a hearing on the Budget will be held at the Borough Hall on May 8, 2018 at 7:00 PM or as soon thereafter as the matter may be reached.

RESOLUTION 2018-68

Re: Cancelling Balances of Completed General Capital Improvement Authorizations

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WHEREAS, certain General Capital Improvement balances remain dedicated to projects that have been completed or substantially completed; and

WHEREAS, it is necessary to cancel said project balances to debt authorized for unfunded balances up to the amounts listed below.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Cliffside Park that the following unexpended balances be cancelled up to the amounts listed below.

Ordinance Number	Description	Debt Authorization
17-2011	Library Renovations	\$13,517

RESOLUTION 2018-69

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail consumption license number 0206-33-031-006, heretofore, issued to Whiskey Pete's, Inc. Trading As Whiskey Pete's Bar; 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 March 27, 2018, the transfer of the aforesaid plenary retail consumption license to RJ CP LLC located at 690 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 RJ CP LLC EFFECTIVE MARCH 27, 2018."

MARCH 27, 2018

RESOLUTION 2018-70

WHEREAS, DOROTHY GLAZER OF 770 ANDERSON AVENUE UNIT 18H CLIFFSIDE PARK, NJ B.3401 L6 C018H HAS DEPOSITED A CHECK IN THE AMOUNT OF \$10,544.67 WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 17-009 SOLD TO GREEN KNIGHT CAPITAL FOR 2016 TAXES IN THE AMOUNT OF \$3,136.98.

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 \$10,544.67 FOR THE REDEMPTION OF SAID TAX TITLE LIEN, AND A CHECK IN THE AMOUNT OF \$21,000.00 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 2018-71

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

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.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON March 27, 2018.

RESOLUTION 2018-72

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

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

1. THAT THE ADMINISTRATOR AND/OR BOROUGH CLERK OF THE BOROUGH OF

MARCH 27, 2018

CLIFFSIDE PARK IS HEREBY AUTHORIZED TO HIRE PART TIME SUMMER WORKERS IN VARIOUS BOROUGH DEPARTMENTS.

BE IT FURTHER RESOLVED THAT THE CHIEF FINANCIAL OFFICER HAS CERTIFIED, IN ACCORDANCE WITH N.J.A.C. 5:30 14.5 THAT SUFFICIENT LEGALLY APPROPRIATED FUNDS WILL BE AVAILABLE FOR THIS PURPOSE SUBJECT TO APPROPRIATION OF FUNDS IN THE 2018 ADOPTED BUDGET.

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

RESOLUTION 2018-73

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 MUNICIPAL COURT ACCOUNT (\$2,276.00) WHICH DETAIL IS ON FILE IN THE OFFICE OF THE CHIEF FINANCIAL OFFICER.

OFF CONSENT AGENDA:

On a motion by Councilman Corcoran, seconded by Councilman Bongard, Resolution 2018-74 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2018-74

WHEREAS, the Borough of Cliffside Park has advertised for Banking Services in accordance with the Request for Proposal issued by the Borough on March 5, 2018; and

WHEREAS, March 23, 2018 was the return date for said proposals; and

WHEREAS, the Borough Administrator and the Borough Chief Financial Officer reviewed said proposals; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park that it is the recommendation of the Borough Administrator and the Borough Chief Financial Officer that Mariner's Bank be awarded the bid for Banking Services.

On a motion by Councilwoman Spoto, seconded by Councilman Bongard, Resolution 2018-75 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2018-75

WHEREAS, this Resolution pertains to the Redevelopment of certain land within the Borough of Cliffside Park (the "Borough") designated as BLOCK 2803, LOT 1.01, with the Municipal subterranean lot being designated as BLOCK 2803, LOT 1.02, 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 314 residential units, 49,418 sq. ft. of commercial and retail space, a two level parking structure, and a plaza; and

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

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

WHEREAS, 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, in October, 2016, the Borough approved a Fourth Amended and Restated Redevelopment Agreement (“Fourth Amended and Restated Redevelopment Agreement”) for the purpose of extending the Project/Milestone Construction Schedule to March 31, 2017 and confirming the final number of residential units at 314; and

WHEREAS, on February 7, 2017 the Borough approved by Resolution 2017-47 a Fifth Amended and Restated Redevelopment Agreement (“Fifth Amended and Restated Redevelopment Agreement”) for the purpose of extending the Project/Milestone Construction Schedule to August 31, 2017 and leaves all other terms and provisions of the Restated Redevelopment Agreement in full force and effect, all in accordance with the terms set forth herein; 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 all Restated Redevelopment Agreements; and

WHEREAS, on October 26, 2017, the Redeveloper received a Temporary Certificate of Occupancy for the Project, and has now leased approximately 65% of the 314 residential units and part of the commercial space, two residential garages, plaza and Borough Garage and expects to receive said Final Certificate of Occupancy on or before October 26, 2018; and

WHEREAS, By memorandum dated February 6, 2018 (exhibit A to this Resolution) issued by Kevin J. Boswell, PE a final punch list of items left to be done at the municipal parking level was established and accepted by the redeveloper, and by further email dated March 27, 2018 (exhibit B to this Resolution) Borough Engineer Kevin J. Boswell, PE has determined that all site work and improvements, including the municipal parking garage, have been completed in accordance with the plans, specifications and approvals on file, and further including all sanitary sewer lines installed by the redeveloper on-site, and having recommended that all public improvements and the municipal parking deck as constructed are completed in their entirety and may be accepted by the Borough of Cliffside Park, subject to the receipt by the Borough Special Redevelopment Counsel of a maintenance guarantee in the amount as prescribed by the borough engineer at \$200,000.00, issued by a treasury rated surety company in a form to be approved by the Borough Special Redevelopment Counsel; and

WHEREAS, in accordance with a statement from the Borough Auditor, attached to this Resolution as exhibit C, and dated September 25, 2017, there remains a balance of the proceeds of an initial \$10 million bond issued by the Borough of Cliffside Park to help finance the construction of the public improvements and parking garage. Said \$10 million bond issue has been the subject of 33 project drawdowns and has a current balance of \$ _____, and which

amount is now subject to release to the Redeveloper, subject to retentions and or transfers further authorized by this resolution; and

WHEREAS, the Borough Special Redevelopment Council has recommended that the Borough enter into a post closeout Funding Agreement which will provide that the Redeveloper reimburse the Borough for any ongoing professional fees to be incurred by the Borough even after the release of the balance remaining in the bond fund and in accordance with the attached Funding Agreement as exhibit D to this resolution; and

WHEREAS, the Borough engineer has determined that with one exception, the punch list of items that need to be completed are of a de minimis nature and should not preclude the Borough from issuing a certificate of completion in a form prepared by the Borough special redevelopment Council and which is attached as exhibit E to this resolution. The only exception is that the Borough engineer has requested that the sum of \$10,000 be withheld from the release of the remaining bond fund to the redeveloper to reapply the correct striping in the parking garage all in accordance with the email dated March 2018 and attached as exhibit B to this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Cliffside Park Borough Council hereby resolves as follows:

1. The Mayor is authorized to execute, on behalf of the Borough, the attached Certificate of Completion subject to it being effective upon delivery to the Redeveloper by special redevelopment counsel after all required deposits and escrows are established and after the receipt of the original maintenance guarantee required under this resolution.
2. The Mayor is authorized to execute, on behalf of the Borough, the attached Funding Agreement prepared by the Borough Special Redevelopment Counsel and which shall be signed by the Redeveloper in order for this Resolution to be effective.
3. The Borough Treasurer is hereby authorized to release the sum of \$_____ from the bond fund payable to the redeveloper. The borough Treasurer is further authorized to establish a \$5000 escrow fund under the provisions of the municipal land-use law and in accordance with the attached funding agreement. The borough Treasurer is further authorized to establish an escrow account of \$10,000 to guarantee the completion of the parking garage restriping in accordance with the borough engineer's letter attached as exhibit B to this resolution. Said escrow may be combined into a single \$15,000.00 escrow but managed in accordance with this paragraph.
4. The Mayor is authorized to execute, on behalf of the Borough, all other documents reasonably necessary to effectuate the actions approved herein and the acceptance of all public improvements as described herein, in a form as approved by the Borough Special Redevelopment Counsel.
5. The Borough is hereby authorized to accept a maintenance guarantee in an amount not less than \$200,000 which shall guarantee against any defects in materials or workmanship on all public improvements accepted by the Borough by this Resolution and for a period of 12 months following the date of this Resolution or upon the expiration of the maintenance guarantee, whichever shall last occur. The maintenance guarantee shall be issued by a treasury rated surety company naming the borough as beneficiary and in a form to be approved by the Borough Special Redevelopment Council and the original shall be retained by the Borough.
6. This Resolution shall take effect in accordance with applicable law.

On a motion by Councilwoman Spoto, seconded by Councilman Colao, Resolution 2018-76 was offered for adoption:

ROLL CALL:

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

RESOLUTION 2018-76

WHEREAS, an application has been submitted by the PTO Cliffside Park School 5 as follows:

Conduct 50/50 raffle and prize raffle games as permitted under State Statute on June 2, 2018, with a rain date of June 3, 2018

MARCH 27, 2018

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.

ORDINANCES: INTRODUCTION

Councilman Corcoran INTRODUCED AN ORDINANCE ENTITLED:

ORDINANCE 2018-03

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 March 31, 2018 and in The Jersey Journal on April 2, 2018. Motion was seconded by Councilman Colao.

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 May 8, 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.

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 2018-03

CALENDAR YEAR 2018

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

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Borough of Cliffside Park in the County of Bergen finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 1.0% increase in the budget for said year, amounting to \$241,912 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Cliffside Park in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Cliffside Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by up to 3.5 %, amounting to \$846,693, and that the CY 2018 municipal budget for the Borough of Cliffside Park be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

MARCH 27, 2018

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

PUBLIC STATEMENT READ

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.

PUBLIC PARTICIPATION: Michael Cohen of the Simon Wiesenthal Center wanted to thank the Governing Body for the adoption of the Anti-BDS resolution.

Kleidon Ndreu of 394 Washington Avenue stated that he is the Student Council President for the Cliffside Park High School. He wanted to come and send an open invitation to all of the Governing Body members to come and speak to High School students at the High School. Members of the Governing Body advised him to speak with the Borough Clerk to schedule a few dates that works for everyone.

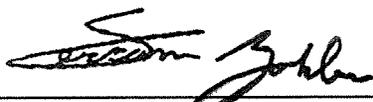
Nick Lento of 219 Grant Avenue stated that he has been a resident of Cliffside Park since the mid 1980s. He stated his concerns regarding the property/project located 209 Oakdene Place, where a Board of Adjustment application is in the process. He strongly objects to the process of this project. He stated his concerns regarding this Zoning application. Councilman Corcoran stated that he did not make a full report because he did not have all the facts as of this evening. Councilman Corcoran also corrected some of the misstatements by Nick Lento. He also advised Nick Lento that the proper place to address all of his concerns was at the Board of Adjustment meeting which is held in the evening time.

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 7:23 p.m.

ATTEST:



SERCAN ZORKLU, RMC
BOROUGH CLERK

APPROVED:



THOMAS CALABRESE
MAYOR