

APRIL 9, 2019

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

**MINUTES OF THE REGULAR MEETING
APRIL 9, 2019**

CALL TO ORDER AT 7:00 P.M.

FLAG SALUTE LED BY MAYOR THOMAS CALABRESE

PRESENT AT ROLL CALL:

| | |
|--------------|------------------|
| Mayor | Thomas Calabrese |
| Councilwoman | Dana Martinotti |
| Councilman | Kenneth Corcoran |
| Councilman | Peter Colao |
| Councilwoman | Selvie Nikaj |

ABSENT AT ROLL CALL:

On a motion by Councilwoman Martinotti, seconded by Councilman Corcoran, Councilwoman Spoto and Councilman Bongard were given an excused absence.

ROLL CALL:

AYES: Martinotti, Corcoran, Colao, Nikaj.

ABSENT: Spoto, Bongard.

SERCAN ZOKLU STATED:

THIS IS A REGULAR MEETING OF THE MAYOR AND COUNCIL, AND NOTICE WAS GIVEN AS FOLLOWS:

1. NOTICE PUBLISHED JANUARY 10, 2019 WITH THE RECORD, AND JANUARY 11, 2019 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.

PRESENTATIONS: **TEACHER OF THE YEAR** COMMENDATIONS WERE GIVEN TO THE FOLLOWING: **JAMES WOYCE** OF CLIFFSIDE PARK MIDDLE SCHOOL
JOSEPHINE CILIA OF CLIFFSIDE PARK HIGH SCHOOL
MARCELLE LAROSE OF CLIFFSIDE PARK
ELEMENTARY SCHOOL

A PROCLAMATION WAS GIVEN TO **SHAHED ZUBI** FOR BEING
SELECTED AS FIRST TEAM ALL-LEAGUE

On a motion by Councilman Corcoran, seconded by Councilwoman Martinotti, a recess was called.

ROLL CALL:

AYES: Martinotti, Corcoran, Colao, Nikaj.

ABSENT: Spoto, Bongard.

MINUTES:

On a motion by Councilman Corcoran, seconded by Councilman Colao, the minutes of the Caucus Meeting of March 5, 2019 were accepted.

ROLL CALL:

AYES: Martinotti, Corcoran, Colao, Nikaj.

ABSENT: Spoto, Bongard.

On a motion by Councilman Corcoran, seconded by Councilman Colao, the minutes of the Regular Meeting of March 5, 2019 were accepted.

ROLL CALL:

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

CONSENT AGENDA:

On a motion by Councilman Colao, seconded by Councilwoman Nikaj, claims were ordered paid.

ROLL CALL:

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

RESOLUTIONS:

On a motion by Councilman Colao, seconded by Councilwoman Nikaj, Resolutions 2019-75 through 2019-99 were offered for adoption. Councilwoman Dana Martinotti abstained from Resolution 2019-96.

ROLL CALL:

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

RESOLUTION 2019-75

WHEREAS, on March 15, 1919, The American Legion was founded in Paris, France, by United States World War I Military personnel, members of the American Expeditionary Force, who convened for the first caucus; and

WHEREAS, a new organization named The American Legion eventually developed from this historic meeting, whose founders, led by Lieutenant Colonel Theodore Roosevelt Jr., were dedicated to the four pillars consisting of the care of Veterans, a strong national defense, Americanism, and youth; and

WHEREAS, today The American Legion is the world's largest veteran's organization, with over two million members worldwide, and over 4,000 members belonging to 41 Posts in Bergen County; and

WHEREAS, the Bergen County American Legion organization recognizes 23 "Centennial Posts" that are celebrating their 100 years of service, having all been chartered in 1919; and

WHEREAS, these Posts are situated in the following municipalities: Bogota, Carlstadt, Cliffside Park, Closter, East Rutherford, Englewood (78), Fort Lee, Garfield, Hackensack, Hasbrouck Heights, Hillsdale, Leonia, Lodi, Lyndhurst, Maywood, Oradell, Park Ridge, Ridgefield, Ridgefield Park, Ridgewood, Rutherford (109), Teaneck, and Woodridge; and

WHEREAS, The Bergen County American Legion Centennial Committee's mission is to bring recognition to the 23 Centennial Posts in Bergen County that were chartered in 1919, and to that end will hold a Centennial gala on Sunday, September 29, 2019 at The Elan Catering & Events in Lodi, New Jersey; and

NOW, THEREFORE BE IT RESOLVED that the elected representatives and citizens of Cliffside Park are pleased to recognize The Bergen County American Legion for their Posts' collective myriad of contributions to the good and welfare of veterans, service members and the communities they serve, and wish its members every success in continuing the legacy of service into the next one hundred (100) years.

RESOLUTION 2019-76

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A RESOLUTION URGING THE NEW JERSEY BOARD OF PUBLIC UTILITIES TO REQUIRE LANDLINE AND WIRELESS TELEPHONE SERVICE UTILITIES TO IMPLEMENT THE NECESSARY TECHNOLOGY TO BLOCK ROBOCALLS TO THEIR CUSTOMERS, FREE OF CHARGE, AND TO ENACT REGULATIONS TO PREVENT ROBOCALLS FROM REACHING CUSTOMERS

WHEREAS, a “robocall” is a telephone call often placed by telemarketers who use a computerized auto dialer to deliver a pre-recorded message; and

WHEREAS, “telephone scammers” are individuals or groups that make unsolicited phone calls to individuals with the purpose of stealing money or personal information. Scams may come through phone calls from real people, robocalls, or text messages. The scammers often make false promises, such as opportunities to buy products, invest money, or receive free product trials. Scammers may also offer money through free grant and lotteries. Some scammers call pretending to be from government agencies, such as the IRS with threats of jail or lawsuits if they are not paid; and

WHEREAS, “neighborhood spoofing”, otherwise known as “NPA-NXX spoofing”, is a form of caller ID fraud used by telemarketers, scammers, and robocallers. “Neighborhood spoofing” uses auto-dialing and VoIP (Voice over Internet Protocol) services to send unsolicited phone calls. These calls have an outgoing Caller ID that closely matches your area code and phone number. By mimicking their Caller ID as closely as possible to the phone number they are placing the call to, scammers can trick more of their targets into answering the phone. This strategy ultimately increases the odds scammers will successfully get victims to give up personal information scammers can use to steal; and

WHEREAS, under federal law, written consent is required for all robocalls or texts made to a wireless telephone number, further, telemarketers have never been permitted to make robocalls to a wireless telephone number based solely on an “established business relationship” with the customer; and

WHEREAS, robocalls and scammer calls have increased in recent years because new technology has made it cheaper and easier for telemarketers and scammers to make calls from anywhere in the world while hiding their identities by displaying fake caller identification information by using, among other devious tactics, “Neighbor spoofing”; and

WHEREAS, most telephone users consider robocalls and scammer calls to be a nuisance and disruptive and are frustrated with their ability to stop scam or robocalls; and

WHEREAS, scammer calls in particular place unknowing individuals of our community in peril of economic and emotional hardship; and

WHEREAS, while New Jersey and other states have enacted laws to curtail unwanted scammer and telemarketing calls including robocalls, enforcing these laws has proven difficult as many of the unwanted telemarketing and scammer calls originate out-of-state or from foreign countries; and

WHEREAS, there is technology available that could block scammer and robocalls from reaching customers; and

WHEREAS, landline and wireless telephone service providers are, for the most part, Public Utilities and within the governing purview of the New Jersey Board of Public Utilities; and

WHEREAS, landline and wireless telephone service providers can implement the necessary technology that would block robocalls from reaching customers; and

WHEREAS, the New Jersey Board of Public Utilities should enact the necessary regulations to require landline and wireless telephone service providers to block robocalls from reaching their customers.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park that the New Jersey Board of Public Utilities is to respectfully urge landline and wireless telephone service providers to implement the necessary technology to block scam and robocalls to their customers, free of charge, and to enact regulations to prevent scam and robocalls from reaching their customers; and

BE IT FURTHER RESOLVED copies of this resolution shall be sent to the New Jersey Board of Public Utilities and Cliffside Park’s representatives in the New Jersey State Senate and Assembly.

RESOLUTION 2019-77

WHEREAS, the Cliffside Park Police Department has received a request from **Dulce Lozano** of **269 Morningside Avenue, Apt 1**, Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Dulce Lozano** has been issued New Jersey Registration **P1954864** 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 Morningside Avenue | Side: North | Location: Beginning at a point approximately 107 feet east of the northeast curb line of Anderson Avenue and Morningside Avenue and continuing to a point 16 feet easterly thereof |
|---------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

RESOLUTION 2019-78

WHEREAS, the Cliffside Park Police Department has received a request from **Jill Horvath** of **755 Anderson Avenue Apt 3K**, Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Jill Horvath** has been issued New Jersey Registration **P2089280** 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 Pleasant Avenue | Side: North | Location: Beginning at a point approximately 44 feet west of the northwest curb line of Anderson Avenue and Pleasant Avenue and continuing to a point 18 feet westerly thereof |
|------------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

RESOLUTION 2019-79

BE IT RESOLVED that upon the recommendation of P.O. Gabe Marciano the following resolution designating a handicapped parking spaces be rescinded:

| | |
|---------------------------------|-------------------------------------------------------------------------------|
| Adopted on: Date Unknown | RESOLUTION # Unknown 104 Summit Terrace Cliffside Park, NJ 07010 |
| Adopted on: 6-15-2004 | RESOLUTION 2004-87 201 Desoto Place Cliffside Park, NJ 07010 |

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BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Cliffside Park, that the Department of Public Works be instructed to remove the handicapped parking sign at the above location.

RESOLUTION 2019-80

BE IT RESOLVED that upon the recommendation of P.O. Gabe Marciano the following resolution designating a handicapped parking spaces be rescinded:

Adopted on: 10-31-2017

RESOLUTION 2017-218
451 Wilfred Terrace
Cliffside Park, NJ 07010

Adopted on: 12--8-2015

RESOLUTION 2015-275
546 Olympia Avenue
Cliffside Park, NJ 07010

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Cliffside Park, that the Department of Public Works be instructed to remove the handicapped parking sign at the above location.

RESOLUTION 2019-81

WHEREAS, ADELIA MOUSTIATSE OF 100 WINSTON DRIVE UNIT CS05H B.3601 L.8 CS05H CLIFFSIDE PARK, HAS DEPOSITED A CHECK IN THE AMOUNT OF \$23,312.01 WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 18-024 SOLD TO US BANK CUST FOR TOWER DBVIII TRUST 2018-1 FOR 2017 TAXES IN THE AMOUNT OF \$10,479.20.

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 \$23,312.01 FOR THE REDEMPTION OF SAID TAX TITLE LIEN, AND A CHECK IN THE AMOUNT OF \$32,000.00 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 TOWER DBV TRSUT 2018-1 50 SOUTH 16TH STREET, SUITE 2050, PHILADELPHIA, PA 19102.

RESOLUTION 2019-82

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: MONTANA CONSTRUCTION CORP.
PURPOSE: FRANKLIN AVE. AND GLEN ST. SANITARY SEWER IMPROVEMENTS
AMOUNT: FRANKLIN AVE - \$11,502.79 AND GLEN ST. - \$327,617.00

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

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RESOLUTION 2019-83

RE: CANCELLATION OF GRANT RECEIVABLE/APPROPRIATION

WHEREAS, grant receivable balance entitled NJDOT – Lawton Ave in the amount of \$200,000 remains open on the Current Fund balance sheet; and

WHEREAS, an offsetting amount in the 2018 appropriation reserve of \$200,000 entitled NJDOT – Lawton Ave remains open on the Current Balance sheet; and

WHEREAS, the Borough has anticipated this grant for funding in General Capital Ordinance #6-2018; and

WHEREAS, it is necessary to formally cancel the NJDOT – Lawton Ave grant receivable balance and its offsetting appropriation reserve balance from the Current Fund.

NOW, THEREFORE, BE IT RESOLVED that the grant receivable balance for NJDOT – Lawton Ave in the amount of \$200,000 and said appropriation reserve balance be cancelled.

RESOLUTION 2019-84

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, THAT CERTAIN TAXPAYERS HAVE MADE DUPLICATE 2019 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 2019-85

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: DAY CHEVROLET AND INSTALLATIONS BY FINCK

PURPOSE: FIRST RESPONDER FIRE VEHICLE

AMOUNT: DAY CHEVROLET (\$37,257.80) INSTALLATIONS BY FINCK (\$18,742.20)

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 2019-86

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:

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| | Term Expires |
|---------------------------------------------------------------------------------|----------------------------|
| <u>LIBRARY BOARD – 5 Year Term</u> | |
| Alinda L. Vartanian | Unexpired Term 12/31/22 |
| <u>EMS (Part Time) – 1 Year Term</u> | |
| Brittnee De Angelis | 12/31/19 |
| Kiara Parker | 12/31/19 |
| <u>SPECIAL CONFLICTS ATTORNEY – 1 Year Term</u> | |
| Post Polak, P.A. | 12/31/19 |
| <u>HEARING OFFICER – 1 Year Term</u> | |
| James Carroll | 12/31/19 |
| <u>INSURANCE COVERAGE FOR MUNICIPAL VOLUNTEER ENTITIES – 1 Year Term</u> | |
| Otterstedt Insurance Agency | 12/31/19 |

RESOLUTION 2019-87

WHEREAS, the Mayor and Council desire to authorize the purchase of prepackaged snacks and lunches for the 2019 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 2019-88

RESOLVED, by the Mayor and Council of the Borough of Cliffside Park, that Change Order #1 be approved in accordance with the requirements of N.J.A.C. 5:30-11.1 et seq.

| | |
|------------------------|-------------------------------------------------------------------------------------|
| GENERAL CONSTRUCTION | Franklin Avenue and Glen Street Sanitary Sewer Improvements |
| ENGINEER | Boswell Engineering |
| CONTRACTOR | Montana Construction Corp., Inc. 80 Contant Avenue Lodi, New Jersey 07644 |
| ORIGINAL CONTRACT COST | \$1,070,103.45 |
| COST OF CHANGE ORDER | \$32,500.00 |
| NEW CONTRACT SUM | \$1,102,603.45 |
| CHANGE ORDER NUMBER | #1 |
| NATURE OF CHANGES | Disposal of Unsuitable Material |

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RESOLUTION 2019-89

RESOLVED, by the Mayor and Council of the Borough of Cliffside Park, that Engineer’s Estimate No. 1 and associated voucher be approved in accordance with the requirements of N.J.A.C. 5:30-11.1 et seq.:

| | |
|----------------------------|-------------------------------------------------------------------------------------|
| GENERAL CONSTRUCTION | Franklin Avenue and Glen Street Sanitary Sewer Improvements |
| ENGINEER | Boswell Engineering |
| CONTRACTOR | Montana Construction Corp., Inc. 80 Contant Avenue Lodi, New Jersey 07644 |
| ORIGINAL CONTRACT COST | \$1,070,103.45 |
| ESTIMATE NO. 2 FOR PAYMENT | \$341,635.62 |
| PREVIOUSLY PAID | \$361,914.21 |

RESOLUTION 2019-90

WHEREAS, ILYA FRISHER OF 300 WINSTON DRIVE UNIT 501 B.3601 L.6 C0501 CLIFFSIDE PARK, HAS DEPOSITED A CHECK IN THE AMOUNT OF \$40,433.21 WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 15-10 SOLD TO MTAG CUST FOR EMPIRE VII NJ PO AND SUBSEQUENTLY ASSIGNED TO EMPIRE TF7 JERSEY HOLDINGS LLC 2014 TAXES IN THE AMOUNT OF \$4,957.89.

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 \$40,433.21 AND A PREMIUM OF \$20,000.00 FOR THE REDEMPTION OF SAID TAX TITLE LIEN AND,

BE IT FURTHER RESOLVED THAT SAID CHECK BE DRAWN ON THE BOROUGH OF CLIFFSIDE PARK TRUST ACCOUNT AND PAYABLE TO EMPIRE TF7 JERSEY HOLDINGS LLC, 57 WEST 38TH STREET 9TH FLOOR, NEW YORK, NJ 10018.

RESOLUTION 2019-91

WHEREAS, the Borough Clerk of the Borough of Cliffside Park (Borough) was previously authorized to advertise for bids for the GRANTWOOD PARK PLAYGROUND RESURFACING; and

WHEREAS, pursuant to said notice, the receipt and opening of bids took place on April 2, 2019, at 10:00 AM, at which time the following bid was received:

| COMPANY | BASE BID |
|-----------------------------------|-----------------|
| Picerno-Giordano Construction LLC | \$351,625.00 |

WHEREAS, the single bid received was in excess of the Engineer’s Estimate and allocated funds; and

WHEREAS, Remington and Vernick Engineers has recommended rejection of the bid; and

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NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cliffside Park reject the bid received; 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 and the Borough Attorney.

RESOLUTION 2019-92

INTRODUCTION OF 2019 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 2019.

BE IT FURTHER RESOLVED that the said budget be published in Jersey Journal in the issue of April 15, 2019, and that a hearing on the Budget will be held at the Borough Hall on May 7, 2019 at 7:00 PM or as soon thereafter as the matter may be reached.

RESOLUTION 2019-93

WHEREAS the Mayor and Council of the Borough of Cliffside Park have allocated funding towards the GRANTWOOD PARK PLAYGROUND RESURFACING PROJECT; and

WHEREAS the Borough is seeking to have these improvements completed in a timely fashion and as such is seeking to publicly advertise and bid this project; and

WHEREAS the Borough received a single bid that was higher than the Engineer's Estimate and allocated funding and rejected due to insufficient funds; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cliffside Park hereby authorizes Remington & Vernick Engineers to prepare the necessary construction plans and specifications to publicly re-advertise and bid the GRANTWOOD PARK PLAYGROUND RESURFACING PROJECT (RE-ADVERTISEMENT).

RESOLUTION 2019-94

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail consumption license number 0206-44-013-016, heretofore, issued to Express Renovations Inc. DBA Metro Fine Wines & Liquors; 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 April 9, 2019, the transfer of the aforesaid plenary retail distribution

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license to Metro Cliffside Park LLC, 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 METRO CLIFFSIDE PARK LLC EFFECTIVE APRIL 9, 2019."

RESOLUTION 2019-95

GRANTEE AUTHORIZING RESOLUTION

BE IT RESOLVED that the Mayor and Council of Cliffside Park wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$75,000.00 matching grant award from the 2018 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled "Christopher Columbus Park Playground and Safety Surface" located in Columbus Park located on Block(s) 3304, Lot(s) 10 on the tax maps of the Borough of Cliffside Park; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorize the Mayor Thomas Calabrese and/or Administrator Joseph Rutch to be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about March 6, 2021; and

BE IT FURTHER RESOLVED that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

BE IT FURTHER RESOLVED that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements.

BE IT FURTHER RESOLVED that should there be an unexpended balance at the completion of the project, Professional Services Costs will be reimbursed from grant award's unexpended balance in accordance with the Municipal Park Improvement Program Rules and Procedures Manual.

This resolution was adopted by the Mayor and Council of Cliffside Park at a meeting on April 9, 2019.

RESOLUTION 2019-96

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 1, 2019, with a rain date of June 2, 2019

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 2019-97

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, May 15, 2019 and ending at 6:00 PM on Wednesday, May 22, 2019; 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

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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

- 2006 Pontiac Grand Prix with the following vehicle identification number 2G2WP5522612784 and the mileage on said vehicle is unknown
- 2002 Volvo WX6 Garbage Truck with the following vehicle identification number 4V2DC6UE42N328218 along with 75,588 miles

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, May 15, 2019 and ending at 6:00 PM on Wednesday, May 22, 2019; 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 2019-98

WHEREAS, as a result of the finalization of the Anderson Avenue Redevelopment and One Park Projects, these new Projects have revitalized and quickly changed the Borough by injecting new life and evolving the Municipality into one of the hidden treasures along the “Gold Coast”; and

WHEREAS, the Borough Administrator and Clerk have done considerable research, reviewing and examining the Public Relation Projects implemented by neighboring and adjacent Municipalities; and

WHEREAS, the Council of the opinion that Consultants should be retained to publicize and publish a monthly video newsletter to the citizens of the Borough as part of an effort to build a Brand and Reputation for the Municipality; and

WHEREAS, publication services are recognized as “extraordinary unspecifiable services” as same are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in a field of endeavor, pursuant to and in accordance with N.J.S.A. 40A:11-2(7) and N.J.A.C. 5:34-1.1 et seq.; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Linda McCue Productions, LLC to perform such extraordinary unspecifiable services in accordance with its proposal, attached hereto; and

WHEREAS, Linda McCue Productions, LLC possesses the requisite expertise and extensive training experience required to provide the public relations consulting services required by the Borough to produce a video newsletter to the citizens of the Borough as part of an effort to build a brand and reputation for the Borough; and

WHEREAS, the Borough is desirous of awarding a contract for public relations consulting services through December 31, 2019, for the production of a video newsletter to the

citizens of the Borough as part of an effort to build a brand and reputation for the Borough in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the professional services will be performed by L. McCue Productions, LLC at a cost of \$5,000 per month, which amount is above the threshold of \$17,500 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq., and, therefore, the contract is subject to the provisions of the New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, the award of a contract to Linda McCue Productions, LLC for the provision of public relations consulting services is pursuant to a “non-fair and open” process in accordance with the provisions of New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, pursuant to the New Jersey Local Unit Pay-To-Play Law, Linda McCue Productions, LLC is required to complete and submit at least ten (10) days prior to the award of a contract a Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26, a Stockholder Disclosure Certification, and a Business Entity Disclosure Certification, certifying that it has not made any reportable contributions to a political or candidate committee in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract; and

WHEREAS, the Political Contribution Disclosure Form, Stockholder Disclosure Certification, and Business Entity Disclosure Certificate have been submitted by Linda McCue Productions, LLC and shall be kept on file in the Borough Clerk’s office; and

WHEREAS, the Borough’s Chief Financial Officer has determined that funds are available for this purpose, said certification being attached to this resolution; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for “extraordinary unspecifiable services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award of the Linda McCue Productions, LLC for the provision of public relations consulting services required by the Borough in 2019 for the production of a video newsletter to the citizens of the Borough as part of an effort to build a brand and the reputation for the Borough is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park, in the County of Bergen, State of New Jersey as follows:

1. That Linda McCue Productions, LLC shall be and is hereby appointed for a term commencing April 1, 2019, nunc pro tunc, through December 31, 2019, to provide public relations consulting services required by the Borough by producing a video newsletter for the citizens of the Borough as part of an effort to build a brand and the reputation for the Borough.
2. That Linda McCue Productions, LLC is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of N.J.S.A. 10:5-31 et seq.
3. That a notice of the contract award shall be published in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.
4. Mayor Thomas Calabrese or, in his place, Borough Administrator, Joseph Rutch, is authorized to execute an agreement with Linda McCue Productions, LLC.
5. That no further action of the Borough shall be required.
6. The Borough Attorney is authorized to prepare a Contract between the Borough and Linda McCue Productions, LLC.

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BE IT FURTHER RESOLVED that a Certified to be True Copy of this Resolution be tendered to Linda McCue Productions; Sercan Zoklu, Borough Clerk; Joseph Rutch, Borough Administrator; and Frank Berardo, CFO.

RESOLUTION 2019-99

WHEREAS, the Council, on April 9, 2019 adopted an Ordinance directing the Council to file a petition with the Legislature of the State of New Jersey for the adoption of Special Legislation authorizing the Appointment of Savas Glavas to the Borough Police Department; and

WHEREAS, the Ordinance was introduced on March 5, 2019 and adopted on April 9, 2019, a copy of which is attached hereto and incorporated herein as if set forth in its entirety; and

WHEREAS, Council is respectfully requesting that its Legislative Representatives Senator Paul Sarlo and Assemblymen Gary Shaer and Clinton Calabrese, petition the Legislature of the State of New Jersey for the passage of a Special Legislation whose general nature shall be to appoint Savas Glavas to the Borough Police Department notwithstanding that his age is greater than the maximum age requirement, pursuant to N.J.S.A.40A:14-127.

NOW, THEREFORE BE IT RESOLVED that the Council does hereby respectfully petition its Legislative Representatives and requests that the adopted Ordinance be submitted to its Legislature in concert with the Petition for Special Legislation authorizing Savas Glavas to be appointed to the position of Police Officer.

BE IT FURTHER RESOLVED that a Certified to be True Copy of this Resolution be transmitted to Senator Paul Carlo; Assemblyman Clinton Calabrese; Savas Glavas; Police Chief Richard Gaito; and Borough Clerk, Sercan Zoklu.

ORDINANCES: INTRODUCTION

Councilman Colao INTRODUCED AN ORDINANCE ENTITLED:

ORDINANCE 2019-04

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

The Municipal Clerk read the said ordinance by title. Councilman Colao moved the ordinance be adopted on first reading and published in The Jersey Journal on April 13, 2019. Motion was seconded by Councilman Corcoran.

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 7, 2019 in the Mayor and Council Chambers at 7:00 p.m., 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: Martinotti, Corcoran, Colao, Nikaj. ABSENT: Spoto, Bongard.

ORDINANCE 2019-04

CALENDAR YEAR 2019

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

APRIL 9, 2019

(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 2019 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 \$244,970 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 2019 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 \$857,396, and that the CY 2019 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,

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.

ORDINANCES: SECOND HEARING AND ADOPTION:

Councilwoman Martinotti CALLED UP FOR A SECOND READING AN ORDINANCE ENTITLED:

ORDINANCE 2019-03

The clerk presented affidavit of publication, showing advertisement had been made according to law, which was ordered filed. Councilwoman Martinotti moved a public hearing be held on the ordinance. The motion was seconded by Councilman Colao. So ordered.

Councilwoman Martinotti 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 Councilwoman Nikaj moved the hearing be closed. The motion was seconded by Councilwoman Martinotti.

Councilwoman Nikaj moved the ordinance be adopted on second reading and final passage, which was seconded by Councilwoman Martinotti and adopted upon a call of the roll.

ROLL CALL:

APRIL 9, 2019

AYES: Martinotti, Corcoran, Colao, Nikaj.

ABSENT: Spoto, Bongard.

ORDINANCE 2019-03

AN ORDINANCE AUTHORIZING THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK TO FILE A PETITION WITH THE LEGISLATURE OF THE STATE OF NEW JERSEY FOR THE ADOPTION OF A SPECIAL LAW TO AUTHORIZE THE APPOINTMENT OF SAVAS GLAVAS TO THE BOROUGH POLICE DEPARTMENT

BE IT HEREBY ORDAINED AND ENACTED by the Mayor and Council of the Borough of Cliffside Park, County of Bergen, as follows:

1. Pursuant to the provisions of N.J.S.A. 1:6-10 et seq., the Mayor and Council of the Borough of Cliffside Park be and is hereby authorized and directed to petition the Legislature of the State of New Jersey for the passage of a special law whose general nature shall be to appoint Savas Glavas to the Borough Police Department notwithstanding that his age is greater than the maximum age for employment thereto set forth in N.J.S.A. 40A:14-127.
2. The Mayor and Council and other officers and employees of the Borough of Cliffside Park are hereby authorized and directed to take all steps which may be necessary for the proper enactment of said law and the Mayor and Clerk are hereby authorized and directed to execute any and all documents necessary to that end.
3. This Ordinance shall take effect 20 days after final passage and publication according to law.
4. **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.
5. **REPEALER.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.
6. **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 Colao, seconded by Councilman Corcoran, the meeting was opened to the public. Carried.

The Clerk stated that any member of the public wishing to be heard could now do so, by coming to the podium and stating their name and address for the record.

PUBLIC PARTICIPATION: Ann Wunder of 455 Oakdene Ave and Cynthia Mercogliano of 453 Oakdene Ave inquired if there is a schedule of sewer cleaning for their street, as they have had issues in the past. DPW representatives at the meeting explained that there was a schedule and that they continuously go to Oakdene Avenue to jet the line and conduct clean outs. Borough Administrator Joseph Rutch stated that the Borough is working on obtaining grant funds to re-do the sewers on Oakdene Avenue. Borough Engineer Eileen Boland stated that the school has disconnected their gutters from the sewer system. Mayor Calabrese asked if the residents have had backups since last year and both residents stated that they have not had any backups since.

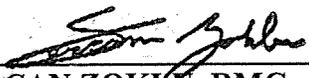
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On a motion by Councilwoman Martinotti, seconded by Councilwoman Nikaj, the meeting was closed to the public.

ADJOURN:

On a motion by Councilwoman Martinotti, seconded by Councilwoman Nikaj, the meeting was adjourned at 7:25 p.m.

ATTEST:



SERCAN ZOKLU, RMC
BOROUGH CLERK

APPROVED:



THOMAS CALABRESE
MAYOR