

NOVEMBER 12, 2019

**BERGEN COUNTY, NEW JERSEY**

**MINUTES OF THE REGULAR MEETING  
NOVEMBER 12, 2019**

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

**FLAG SALUTE LED BY MAYOR THOMAS CALABRESE**

**PRESENT AT ROLL CALL:**

Mayor	Thomas Calabrese
Councilman	Larry Bongard
Councilwoman	Dana Martinotti
Councilman	Kenneth Corcoran
Councilman	Peter Colao
Councilwoman	Selvie Nikaj
Councilman	John Chmielewski

**"OPEN PUBLIC MEETINGS ACT" STATEMENT: THIS IS A REGULAR MEETING OF THE MAYOR AND COUNCIL, AND NOTICE WAS GIVEN AS FOLLOWS:**

1. MEETING 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.

**MINUTES:**

**On a motion by Councilwoman Martinotti, seconded by Councilman Corcoran, the minutes of the Caucus Meeting of October 8, 2019 were accepted.**

**ROLL CALL:**

**AYES:** Bongard, Martinotti, Corcoran, Colao, Nikaj, Chmielewski.

**On a motion by Councilwoman Martinotti, seconded by Councilman Corcoran, the minutes of the Regular Meeting of October 8, 2019 were accepted.**

**ROLL CALL:**

**AYES:** Bongard, Martinotti, Corcoran, Colao, Nikaj, Chmielewski.

**CONSENT AGENDA:**

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

**ROLL CALL:**

**AYES:** Bongard, Martinotti, Corcoran, Colao, Chmielewski. **ABSTAIN:** Nikaj.

**RESOLUTIONS:**

**On a motion by Councilman Bongard, seconded by Councilman Colao, Resolutions 2019-232 through 2019-244 were offered for adoption. Councilman Colao abstained from Resolution 2019-239.**

**ROLL CALL:**

**AYES:** Bongard, Martinotti, Corcoran, Colao, Nikaj, Chmielewski.

**RESOLUTION 2019-232**

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**WHEREAS**, THE BOROUGH CLERK HAS RECEIVED FROM THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, A SPECIAL RULING TO PERMIT RENEWAL OF INACTIVE LICENSE PURSUANT TO N.J.S.A. 33: 1-12.39 (AGENCY DOCKET NO. 10-19-585 JOB NO. 334517) FOR THE 2019-2020 AND 2020-2021 LICENSE TERMS TO: 458 CLIFFSIDE ASSOCIATES LLC, LICENSE #0206-33-051-006; AND

**WHEREAS**, 458 CLIFFSIDE ASSOCIATES LLC HAS PREVIOUSLY SUBMITTED THE 2019-2020 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 2019-233**

**WHEREAS**, selection of Professional services is not subject to the provisions of the Local Public Contracts Law, N.J.S.A. 40A: 11-1 *et seq.* and in accordance with the "New Jersey Local Unit "Pay-to-Play" Law, N.J.S.A. 19:44A-20.4 *et seq.*; and

**WHEREAS**, by the Mayor and Council the Qualified Purchasing Agent (QPA) is hereby authorized to advertise and solicit for RFQ's for the 2020 Borough Professionals who earn more than \$17,500.00 annually; and

**BE IT RESOLVED** by the Governing Body of the Borough of Cliffside Park that the following individuals serve on the Evaluation Committee:

Mayor Thomas Calabrese  
Councilman Peter Colao  
Frank Berardo, Qualified Purchasing Agent  
Joseph Rutch, Borough Administrator

**BE IT FURTHER RESOLVED** that a certified to be true copy of the Resolution be tendered to Joseph Rutch, Borough Administrator, Sercan Zoklu, Borough Clerk, and Frank Berardo, Qualified Purchasing Agent, and Christos J. Diktas, Borough Attorney.

### **RESOLUTION 2019-234**

#### **RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS**

**WHEREAS**, a Bergen County Community Development grant of \$268,000.00 has been proposed by the Borough of Cliffside Park for Road Resurfacing and Various Streets Project in the municipality of Cliffside Park; and

**WHEREAS**, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

**WHEREAS**, the aforesaid project is in the best interest of the people of Cliffside Park; and

**WHEREAS**, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Cliffside Park hereby confirms endorsement of the aforesaid project; and

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**BE IT FURTHER RESOLVED** that a certified to be true copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

## **RESOLUTION 2019-235**

### **Resolution Calling for Study Commission to Review the Open Public Records Act**

**WHEREAS**, the Borough of Cliffside Park strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

**WHEREAS**, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

**WHEREAS**, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

**WHEREAS**, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

**WHEREAS**, Borough of Cliffside Park has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

**WHEREAS**, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

**WHEREAS**, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Cliffside Park must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees; and

**WHEREAS**, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

**WHEREAS**, as the current law approaches its twentieth (20<sup>th</sup>) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

**NOW, THEREFORE BE IT RESOLVED** that the governing body of Borough of Cliffside Park appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

**BE IT FURTHER RESOLVED** that copies of this resolution be forwarded to Senator Paul Sarlo, Assemblyman Gary Schaer, Assemblyman Clinton Calabrese, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

## **RESOLUTION 2019-236**

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**WHEREAS**, the Mayor and Council of the Borough of Cliffside Park wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using a \$180,091.50 grant award from the Community Development Block Grant funds for the Oakdene Avenue Sanitary Sewer Improvements; and

**THEREFORE, BE IT RESOLVED** that the Mayor and Council hereby authorizes Thomas Calabrese, Mayor, to be a signatory to the aforesaid Grant Agreement Contract; and

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby authorizes Frank Berardo, Chief Financial Officer, to sign all County of Bergen vouchers submitted in conjunction with the aforesaid project; and

**BE IT FURTHER RESOLVED** that the Mayor and Council recognizes that the Borough of Cliffside Park is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

This Resolution was adopted by the Mayor and Council of the Borough of Cliffside Park at a meeting on November 12, 2019.

### **RESOLUTION 2019-237**

#### **RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT FOR THE MAINTENANCE AND REPAIR OF DPW VEHICLES BY AND BETWEEN THE BOROUGH OF CLIFFSIDE PARK AND BOROUGH OF PARAMUS**

**WHEREAS**, THE BOROUGH OF CLIFFSIDE PARK AND THE BOROUGH OF PARAMUS SEEK TO ENTER INTO AN **INTERLOCAL AGREEMENT** WHEREIN THE BOROUGH PARAMUS WILL PROVIDE LABOR AND MAINTENANCE SERVICES ON VEHICLES OWNED BY THE BOROUGH OF CLIFFSIDE PARK; AND

**WHEREAS**, BOTH PARTIES TO SUCH AN **AGREEMENT** ARE AUTHORIZED BY LAW TO ENTER INTO AN **AGREEMENT** WITH ONE ANOTHER TO PROVIDE JOINTLY FOR ANY LAWFUL SERVICE TO AND FOR THE RESIDENTS OF THE RESPECTIVE MUNICIPALITIES PURSUANT TO THE PROVISIONS OF THE "**INTERLOCAL SERVICES ACT**" N.J.S.A. 40:8A-1 et seq.; AND

**WHEREAS**, THE GOVERNING BODIES OF THE BOROUGH OF CLIFFSIDE PARK AND PARAMUS RECOGNIZE THAT THE IMPLEMENTATION OF AN **INTERLOCAL AGREEMENT** TO PROVIDE LABOR AND MAINTENANCE SERVICES IS IN THE BEST INTEREST OF THE TAXPAYERS OF THE RESPECTIVE MUNICIPALITIES.

**NOW, THEREFORE, BE IT RESOLVED** THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK, HEREBY AUTHORIZES THE EXECUTION OF AN **INTERLOCAL SERVICES AGREEMENT** WITH THE BOROUGH OF PARAMUS FOR A PERIOD OF ONE (1) YEAR.

**BE IT FURTHER RESOLVED** THAT THE **AGREEMENT** SHALL COMMENCE ON JANUARY 1, 2020 AND END ON DECEMBER 31, 2020.

**BE IT FURTHER RESOLVED** THAT THE COST OF SAME SHALL BE AS SET FORTH IN THE **AGREEMENT**, WHICH IS ATTACHED HERETO.

**BE IT FURTHER RESOLVED** THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK HEREBY AUTHORIZE THE EXECUTION OF THE **INTERLOCAL SERVICES AGREEMENT** WITH THE BOROUGH OF PARAMUS, SUBJECT TO THE APPROVAL OF THE CLIFFSIDE PARK BOROUGH ATTORNEY.

**BE IT FURTHER RESOLVED** THAT THE **AGREEMENT** SHALL TAKE EFFECT UPON THE EXECUTION OF THE SAME AND ADOPTION OF RESOLUTIONS BY BOTH PARTIES AS PROVIDED BY LAW.

**BE IT FURTHER RESOLVED** THAT A COPY OF THE **AGREEMENT** BE MAINTAINED ON FILE AND OPEN TO INSPECTION AT THE OFFICE OF THE BOROUGH CLERK.

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**RESOLUTION 2019-238**

**WHEREAS**, the Cliffside Park Board of Adjustment has reviewed, accepted and approved variance and site plan applications for the following properties:

Anna J. Chung, LTC, 140 Palisade Avenue, Cliffside Park, Block 302, Lot 17

**WHEREAS**, pursuant to Municipal Law, the Zoning Board has the ability to impose as a condition to the approval the execution of a Developer’s Agreement; and

**WHEREAS**, the Developer’s Agreements have been prepared by the Zoning Board of Adjustment Attorney Doug Bern, Esq.; and

**BE IT BE IT RESOLVED** that the Council does hereby authorize the Mayor to accept and execute the Developer’s Agreements on behalf of the Borough subject to the posting of all escrows, performance guarantees and/or bonds as noted in each respective Agreement; and

**BE IT FURTHER RESOLVED** that a certified true copy of this Resolution be tendered to the respective property owners noted herein, Building, Zoning, Legal Departments and the Borough Clerk.

**RESOLUTION 2019-239**

**WHEREAS**, the Cliffside Park Board of Adjustment has reviewed, accepted and approved variance and site plan applications for the following properties:

Knox Estates LLC, 209 Oakdene Place, Cliffside Park, Block 1708, Lot 2

**WHEREAS**, pursuant to Municipal Law, the Zoning Board has the ability to impose as a condition to the approval the execution of a Developer’s Agreement; and

**WHEREAS**, the Developer’s Agreements have been prepared by the Zoning Board of Adjustment Attorney Doug Bern, Esq.; and

**BE IT BE IT RESOLVED** that the Council does hereby authorize the Mayor to accept and execute the Developer’s Agreements on behalf of the Borough subject to the posting of all escrows, performance guarantees and/or bonds as noted in each respective Agreement; and

**BE IT FURTHER RESOLVED** that a certified true copy of this Resolution be tendered to the respective property owners noted herein, Building, Zoning, Legal Departments and the Borough Clerk.

**RESOLUTION 2019-240**

**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:**

	<b>Term Expires</b>
<b><u>PLANNING BOARD – ALTERNATE – 2 Year Term</u></b> Kleidon Ndreu (Alt #2)	12/31/20

**RESOLUTION 2019-241**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Elin Abdallah of 424 Columbia Avenue, Cliffside Park, NJ 07010** for a handicapped parking

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space in front of the residence. **Elin Abdallah** has been issued a New Jersey Registration **HJ8481** 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>
Columbia Avenue	South	424 Columbia Avenue, beginning at a point approximately 77 feet east of the southeast curb line of Columbia Avenue and Grove Avenue and continuing to a point of 18 feet easterly thereof.

### **RESOLUTION 2019-242**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Gazmir Gjoka of 765 Anderson Avenue Apt 2-8**, Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Gazmir Gjoka** has been issued a New Jersey Registration **P2165470** 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>
Aurora Avenue	North	765 Anderson Ave, Beginning at a point approximately 56 feet west of the northwest curb line of Anderson Avenue and Aurora Avenue and continuing to a point of 18 feet westerly thereof.

### **RESOLUTION 2019-243**

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

Adopted on: 3-6-2012

**RESOLUTION 2012-53**

424 Columbia 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 2019-244**

**WHEREAS** the Mayor and Council of the Borough of Cliffside Park have allocated funding towards the OAKDENE AVENUE SANITARY SEWER IMPROVEMENTS; 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,

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Cliffside Park hereby authorizes Boswell Engineering to prepare the necessary construction plans and specifications to publicly bid the OAKDENE AVENUE SANITARY SEWER IMPROVEMENTS.

**Councilman BONGARD CALLED UP FOR A SECOND READING AN ORDINANCE ENTITLED:**

**ORDINANCE 2019-11**

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

Councilman Bongard moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title. The clerk then announced that all interested parties would now be given opportunity to be heard for or against the adoption of the ordinance.

The following people spoke on the ordinance: None.

After all interested parties had spoken on the ordinance Councilman Bongard moved the hearing be closed. The motion was seconded by Councilwoman Martinotti. Councilman Bongard 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:

AYES: Bongard, Martinotti, Corcoran, Colao, Nikaj, Chmielewski.

**ORDINANCE 2019-11**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF CLIFFSIDE PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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BE IT ORDAINED by the Borough Council of the Borough of Cliffside Park, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Cliffside Park, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements in, by and for said Borough, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes.

Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of real property, including an existing structure, for use by the Department of Public Works. Said improvement shall include site improvements and partial demolition of the existing structure. The property to be acquired is located at 692 West Prospect Avenue in the Borough of Fairview ("Fairview") and is designated as Block 810, Lot 2 on the Tax Assessment Map of Fairview.

Appropriation and Estimated Cost	\$1,300,000
Down Payment Appropriated	\$ 62,000
Bonds and Notes Authorized	\$1,238,000
Period of Usefulness	40 years

B. Undertaking the Road Resurfacing Program, as set forth on a list prepared or to be prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the above-referenced list. It is hereby determined and stated that said roads to be resurfaced are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law")

Appropriation and Estimated Cost	\$ 350,000
Down Payment Appropriated	\$ 21,000
Bonds and Notes Authorized	\$ 329,000
Period of Usefulness	10 years

C. Improvements to sanitary and storm sewers at various locations in the Borough.

Appropriation and Estimated Cost	\$ 350,000
Down Payment Appropriated	\$ 17,000
Bonds and Notes Authorized	\$ 333,000
Period of Usefulness	40 years

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 Aggregate Appropriation and  
 Estimated Cost

	\$2,000,000
Aggregate Down Payment Appropriated	\$ 100,000
Aggregate Amount of Bonds and Notes Authorized	
	\$1,900,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$200,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$100,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$100,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 34.80 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,900,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond

anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

**Councilman CORCORAN CALLED UP FOR A SECOND READING AN ORDINANCE ENTITLED:**

**ORDINANCE 2019-12**

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

Councilman Corcoran moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title. The clerk then announced that all interested parties would now be given opportunity to be heard for or against the adoption of the ordinance.

The following people spoke on the ordinance: None.

After all interested parties had spoken on the ordinance Councilman Bongard moved the hearing be closed. The motion was seconded by Councilman Corcoran. Councilman Bongard moved the ordinance be adopted on second reading and final passage, which was seconded by Councilman Corcoran and adopted upon a call of the roll.

**ROLL CALL:**

**AYES:** Bongard, Martinotti, Corcoran, Colao, Nikaj, Chmielewski.

**ORDINANCE 2019-12**

**ORDINANCE AMENDING ORDINANCE 2019-10  
OF THE REVISED ORDINANCES  
OF THE BOROUGH OF CLIFFSIDE PARK**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Cliffside Park, County of Bergen, State of New Jersey, that those portions of the aforesaid set below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged,

**§ 9-1.9 – Applicability of Time Limit**

- a. To Zones (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k); and
- b. Lot #1, Gorge and Edgewater Road;
- c. Monday through Saturday between 9:00 a.m. and 6:00 p.m.;

**BE IT FURTHER ORDAINED**, this amended Provision replaces § 9-2.2, Public Parking Lots: Entrances or Exits, in its entirety.

**§ 9-2.2 – Applicability of Time Limit**

New Provisions:

- 1) No Parking is permitted in Municipal Parking Lot #1 from 2:00 a.m. through 6:00 a.m. Sunday through Saturday;
- 2) Any vehicle parked in Municipal Lot #1 after 2:00 a.m. shall be subject to having the vehicle towed away, with such tow being the responsibility of the owner of the vehicle;

**BE IT FURTHER ORDAINED**, all other provision of Ordinance 2019-10 are re-adopted in their entirety as if set forth herein.

**SEVERABILITY.** If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

**REPEALER.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

**EFFECTIVE DATE.** This ordinance shall take effect immediately upon final passage and publication as required by law.

**Councilman BONGARD CALLED UP FOR A SECOND READING AN ORDINANCE ENTITLED:**

**ORDINANCE 2019-13**

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

Councilman Bongard moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title. The clerk then announced that all interested parties would now be given opportunity to be heard for or against the adoption of the ordinance.

The following people spoke on the ordinance: None.

After all interested parties had spoken on the ordinance Councilman Colao moved the hearing be closed. The motion was seconded by Councilman Bongard.

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

ROLL CALL:

AYES: Bongard, Martinotti, Corcoran, Colao, Nikaj, Chmielewski.

**ORDINANCE 2019-13**

**ORDINANCE AMENDING CHAPTER XIII  
OF THE REVISED ORDINANCES  
OF THE BOROUGH OF CLIFFSIDE PARK, SPECIFICALLY STREET EXCAVATION**

**WHEREAS**, the Council of the Borough of Cliffside Park is of the opinion that Contractors and Utility Companies have been allowed to conduct their improvements without accountability, leaving the Borough responsible for the cost and repair of damaged roads; and

**WHEREAS**, the Council demands that Contractors and Utility Companies assume safety and full responsibility to the Roadway post construction;

**BE IT ORDAINED**, the Council does hereby amends and revises Chapter XIII of the Revised General Ordinances of the Borough in its entirety, specifically "Streets and Sidewalks", Subsection "Street Excavation" and adopts in its stead the following:

**§ 13-1 STREET EXCAVATIONS**

**§ 13-1.1 Definitions**

As used in this article, the following terms shall have the meaning as indicated:

Applicant

A person who applies for a permit.

Permittee

A person who has been issued a permit.

Street

Any road, highway, public way, public alley, easement or other right-of-way accepted or maintained by the Borough as a public street, as well as any state or county road or highway over which the Borough has acquired jurisdiction by agreement.

**§ 13-1.2 Permit Required**

- A. No person shall make an excavation in, or tunnel under, any street or sidewalk without the issuance of a permit.
- B. Such permit shall remain in effect for thirty (30) days, provided that such time may be extended upon application made to the Building Department within the thirty-day period for an additional 30 days, upon good cause being demonstrated for the non-completion of the work within the initial period.
- C. Case of emergency.
  - (1) In the event of an emergency, work may commence immediately provided that:
    - a. An application has been filed with the Building Department with an estimate of fees required and with an estimated performance guarantee.
    - b. The Procedure in Subsection C (1) (A) above may be implemented the next business day succeeding the commencement of the work, in the event the emergency takes place after the close of the business day, provided that a call is made to the Police Department citing the nature of the emergency;
    - c. The permit, when issued, shall be retroactive to the date on which the work was begun.

**§ 13-1.3 Application for a Permit**

All street opening permits shall be filed with the Building Department on forms provided by such office and shall provide the following information, as applicable:

- (1) Name, address and telephone number of the applicant.
- (2) Names, addresses and telephone numbers of parties to be reached in the event of an emergency.
- (3) Street address of premises adjacent to proposed opening.

- (4) The Tax Map lot and block numbers of properties abutting and adjacent to the portion of the street to be opened.
- (5) Name, address and telephone number of property owner for whose benefit opening is to be performed.
- (6) Character and purpose of the proposed work.
- (7) Estimated time when work is to be commenced and completed.
- (8) Plans and specifications or other drawings on permit, showing the exact location and dimensions of all openings.
- (9) Name, address and telephone number of the person who is to perform the work.
- (10) An acknowledgement that the applicant agrees to replace, at his/her own cost and expense, the pavement, curb, gutter, lawn, sidewalk and all other disturbed areas in accordance with current Borough standards within ninety (90) days of any particular street opening subject to the following:
  - a. Within 24 hours of the street opening the area shall be restored by complete backfilling with a dense graded aggregate.
  - b. Pavement shall consist of the following:
    - i. Subgrade. Approval of existing material by Borough Engineer or application of new six-inch-thick course of dense graded aggregate (DGA).
    - ii. Base course. Bituminous concrete NJDOT Mix I-2, stabilized base, four inches thick.
    - iii. Intermediate course. Bituminous concrete NJDOT Mix I-3, binder, two inches thick.
    - iv. Surface course. Bituminous concrete NJDOT Mix I-5, surface, two inches thick. This may be changed to Mic I-4 on steeper grades with approval of the Borough Engineer.
    - v. In areas of anticipated truck or other heavy vehicle traveled, the Borough Engineer shall direct the installer to increase the thickness of the base course by two inches, said base course then to be constructed in two lifts.
    - vi. The surface course installation may be postponed with consent of the Building Department or Borough Engineer for a reasonable time to permit trench settlement.
    - vii. The placement of the surface course may be delayed in the event of the winter season to a date not beyond April 15.
    - viii. Metal plates may be placed if required by the Borough Engineer.
- (11) Certain underground conduits, pipes, etc., which may require a sand cushion adjacent to the structure for protective reasons, will be required if indicated in the application or at the discretion of the Borough Engineer.
- (12) Edges of all excavation shall be cut in a straight line with a saw or an approved pavement cutter.
- (13) The nature, location and purpose of the work.
- (14) A statement that the permittee will comply with the Ordinance, regulations and laws relating to the proposed work.
- (15) A permit shall be required for each and every road excavation.
- (16) A permit shall not be transferred.
- (17) Each permittee, as a condition to receiving their Municipal Permit, shall call 1-800-272-1000 to obtain a utility mark out at least 48 hours prior to commencement of excavation of any street and certify that (s)he has followed the mark-out procedure for determining the location of utilities and obstructions within the area of the proposed work, and submit a mark-out reference number, as provided by the Garden State Underground Plant Location Service.
- (18) Sidewalk Standards
  - a. All broken or damaged sidewalks shall be replaced as follows:  
Sidewalks shall be of concrete or other approved materials. Sidewalk width may vary from four feet wide in residential areas to thirteen (13) feet in business or commercial areas. Sidewalks shall be four inches thick excepting at points of vehicular crossing and at street corner handicap ramps where same shall be six inches with reinforcing steel in residential areas and eight inches with reinforcing steel where truck or other heavy vehicles are anticipated.

**§ 13-1.4 Protection of work.**

- A. Each permittee shall keep each respective opening properly guarded with lights, devices and manpower as may be required. Barricades, signs and traffic control shall be in accordance with the Manual of Uniformed Traffic Control Devices. Work shall be performed in a manner and by a schedule to minimize traffic interference. No road shall be closed to traffic unless permission is granted through the office of the Chief of Police; provided, further, that no road shall be so closed on a daily basis for more than one day. In the event the Police Chief, or his/her designee deems it necessary, an off-duty police officer shall be employed by the applicant to direct traffic;
- B. The permittee shall submit an Insurance Certificate naming the Borough as an insured, with coverage in an amount not less than one million dollars (\$1,000,000.00) and shall hold harmless the Borough, its officers and agents from any loss, injury, claim, demand or damage resulting from any negligence or fault of the permittee, or the agents of the permittee, in connection with the performance of work covered by the permit. In the event the work has not been completed on or before the expiration date of the permit and the permittee has not requested an extension of time, the Building Department, if it deems it advisable, may take steps to backfill the trench and replace a permanent pavement over the opening for which the permit was issued and charge or deduct same against the permitted bond. If any extension of time beyond the date is required for the completion of the work, a new application must be filed.
- C. Except in the case of an emergency or special construction requirements, all road openings shall be closed within 24 hours by the permittee, or its delegated agent, and thereafter maintained in a safe condition for vehicular traffic until the permanent surface has been restored. In the case of an emergency, a substituted closing may be constructed as directed by the Building Department or Borough Engineer.
- D. Any work for which a permit is issued shall be conducted so as not to interfere with any water main or sewer, or any connection from a water main or sewer to any building, unless prior permission for interference has been obtained from the subcode official of the Building Department and/or the Borough Engineer. All rock within five (5) feet of any water main, sewer or other pipe which may become damaged shall be removed without blasting. No excavation which may damage trees or shrubbery shall be made without the prior permission of the Building Department or the Borough Engineer.
- E. When closing the street, each permittee shall completely backfill the trench with approved material which is to be placed in layers not exceeding twelve (12) inches in thickness, moistened as required, and each layer tamped until thoroughly compacted.
- F. In the restoration of original pavement in an excavation, the following rules shall govern:
  - a. The foundation shall be restored to a width of twelve (12) inches wider than the width of the trench, except where deemed unnecessary in the reasonably exercised judgment of the Construction Code Official or Borough Attorney.
  - b. The surface pavement shall extend twelve (12) inches wider than the width of the foundation and six (6) inches longer than the length of the foundation.
  - c. The permittee must install the restored foundation as well as the restored surface of all opening.
- G. In cases where it is necessary to resort to tunneling operation to reach the point of connection with any main line, the backfill in the tunnel shall be of rammed cement concrete composed of a mixture of one part of cement and six parts of coarse aggregate material.
- H. The Building Department or the Borough Engineer shall require special condition in any special case, as may be required.
- I. Under extraordinary conditions not covered by this Ordinance, the Borough Engineer shall receive a copy of the plan and, after evaluation, set an escrow deposit commensurate with the circumstances in the exercise of his/her reasonable judgment.
- J. The Borough Engineer may make any reasonable rules and regulations which (s)he considers necessary for the administration and enforcement of this Ordinance, but no regulation shall be inconsistent with, alter or amend any provisions of this Ordinance or impose any requirement which is in addition to those expressly imposed by this Ordinance.

**§ 13-1.5 Street Opening by Utility Companies**

- A. Utility Companies, including those engaged in the installation of gas, water and electronic lines, shall report to the Building Department and the Borough Engineer, yearly, their intentions with regard to prospective work requiring future street openings in the community for the purpose of coordinating such activity with pavement projects anticipated by the Borough;
- B. Except in the case of emergency, the Borough shall have the right to schedule street openings with utility companies in a manner which will create the least disturbance to pavement courses, in furtherance of which purpose the Borough Engineer shall provide to the utilities a schedule of expected street construction and resurfacing,
- C. Any public utility corporation authorized by law to install or repair underground pipe lines or conduits in the Borough shall issue an indemnity to the Borough in an amount of not less than the Utility Company's Full Faith Financial Credit in lieu of cash indemnity. The bond shall automatically renew annually without further documentation.

The Bond shall be conditioned upon:

- i. Making of the excavations or repairs in accordance with the provisions of this Ordinance;
- ii. Complying with the conditions set forth herein.
- iii. Restoring the pavement of any disturbed street or sidewalk, or under its authority, to the satisfaction of the Construction Code Officials and/or the Borough Engineer.
- iv. Safeguarding, protecting and indemnifying the Borough against any damages, expense or loss likely to be sustained or suffered by the Borough by reason of the making, refilling or resurfacing of any excavation or resulting from insufficient lighting and guarding of the excavation.

#### **§ 13-1.6 Large Excavations**

For excavations in excess of fifteen (15) square yards, permits shall be issued subject to the following terms and conditions:

- a. Applicants other than public utilities shall first enter into a bond with the Borough with a reasonable surety acceptable to the Borough. The bond shall be in the amount of not less than Five Thousand (\$5,000.00) dollars.
- b. The applicant shall first submit plans and profiles in duplicate for the approval by the Construction Code Official. Any changes from the plans or profiles during the construction work shall be approved by the Construction Code Official or Borough Engineer.
- c. The Borough reserves the right to engage the services of its Engineer or Inspector or both to supervise the construction work. The cost of such supervisions shall be assumed by the permittee and become due and payable thirty (30) days after the receipt of a statement from the Borough. Final Construction Approvals shall not be issued until all supervision fees have been satisfied.
- d. All excavations on any street or sidewalk and any pavement or flagging taken up by the permittee for the purpose of repairing or installing any underground pipe line, conduit and the like shall be restored to as good condition as before the commencement of work, and shall be maintained in such condition for one year after completion of work. No street or sidewalk shall be encumbered with any material or equipment after the date of completion stated in the application.
- e. Any damage done to the pavement of any street or other property by the permittee as a result of the operation shall be repaired within the time designated by the Construction Code Official. Should the permittee fail to make repairs within the time designated, Borough shall proceed to make and, complete such repairs at the expense of the permittee. This Ordinance authorizes payment to the Borough from the Bond or Escrow as the case may be.

#### **§ 13-1.7 Financial Obligations: Large Excavation Only.**

- A. All permittees, including, but not limited to, public utilities, their contractors or contractors of state or federal agencies, shall deposit a guarantee in the amount of Five

Thousand (\$5000.00) Dollars with the Chief Financial Officer of the Borough in the form of an indemnity bond or bank draft acceptable to the Borough. The deposits required herein shall be held in an interest free account by the Borough. One year after final restoration of the work pending the approval of the Construction Code officials, the guarantee shall be returned to the permittee. However, should the Construction Code Official, upon final inspection, determine that the construction under this permit was unsatisfactory and/or otherwise in violation of the approved plans or conditions attached to the permit and should the permittee, upon receipt of written notice of deficiencies fail to remedy the same in thirty (30) days, then the Construction Code Official shall initiate the process to deduct from the permittee's guarantee all expenses incurred by the Borough in performing the necessary repairs to remediate the same.

- B. The Construction Code Official shall have the right to perform borings in the pavement, cut cores in the pavement or to perform other investigations as deemed necessary to confirm that the provisions of the road opening permit have been satisfied. The cost of such investigations shall be the permittee's responsibility
- C. The Construction Code official may require an extended maintenance period in excess of one year and an additional maintenance guarantee depending upon the nature of the work involved. This additional obligation will be released upon completion of the work and acceptance of the work by the Construction Code Officials.
- D. When a maintenance bond as posted, it shall be by a Surety Company licensed to do business in the State of New Jersey.
- E. The release of the guarantee shall be also conditioned upon the permittee restoring the surface and any damage to the street and/or sidewalk abutting the work site and those streets which had sustained damage through the use of construction equipment and vehicles.
- F. For utility main construction other or additional conditions may be prescribed by the Building Department or Borough Engineer. Plans for such projects must have the approval of the Construction Code Officials and/or Borough Engineer before a permit may be issued.

**§ 13-1.8 Liability for Excavation.**

The permittee shall be under a duty to properly guard the excavation by the erection of suitable barriers by day and flashing lights or flares by night. The Contractor or Utility Company shall be strictly liable for any neglect to safeguard the traveling public.

**§ 13-1.9 Scheduling of Work.**

Where the excavation is to extend the full width of the road, only one-half of it shall be made at one time and shall be backfilled before the other half is excavated, so as not to interfere with traffic. The excavation and backfilling shall be made within the time specified in the permit.

**§ 13-1.10 Fees.**

- A. Each applicant for a permit, before its issuance, shall pay to the Building Department a fee as set forth by Council Resolution.
- B. The permittee shall deposit with the Building Department such escrow fees as are reasonably anticipated to be required to reimburse the Borough for the cost of plan review and inspections, as may be required by the Building Department and/or the Borough Engineer. In the event the project extends beyond the anticipated completion time, the Borough Engineer may deem that additional escrows be deposited to cover Borough expenses.

**§ 13-1.11 Replacement of pavement by Borough.**

Whenever, in the opinion of the Borough Engineer, the nature of any street improvement through which an excavation has been made is such that it will be for the best interest of the Borough, bringing the filling to grade with such fill to make the street safe and fit for public travel. In that

event, any escrow or bond moneys deposited upon application for the permit shall be utilized to meet the expense of such repavements.

**§ 13-1.12 Default by permittee.**

Should the pavement not be replaced within thirty (30) days in the manner and condition to correspond with the remainder of the pavement on the street, the person holding the permit shall be in violation of this article. In that event, the Borough, under the direction of the Building Department and the Borough Engineer, direct the repair that portion(s) of the street, all expenses shall be deducted from the permit fee, Bond or Escrow, on deposit with the Borough. Should there be a deficit after making this deduction, the Borough may institute suit of recovery against the permit holder in a Court of proper Jurisdiction.

**§ 13-1.13 Violations and Penalties.**

Any person who shall violate, permit, allow or suffer to be violated any provision of this article shall be subject to a fine of not more than One Thousand (\$1,000.00) Dollars for each violation, and the imposition of the payment of the required fees, as provided for by Council Resolution. For the purpose of this article, each day that a violation remains in effect shall be considered a separate violation.

**§ 13-1.14 Required Notification**

- A. Once a year the Borough Engineer shall notify public utility providers and municipalities of planned work on Borough roads. Any work to be done on these roads will have to be done before paving is started. Such notice shall state that no road opening permit shall be issued for openings, cuts or excavations in such Borough road for a period of ten (10) years after the date of paving. The notice shall also notify such permittee that applications for road opening permits, for work to be done prior to such paving shall be submitted promptly in order that the work covered by the permit may be complete before paving.
- B. During such ten-year period, no permit shall be issued to open, cut or excavate in such Borough Road unless, in the judgment of the Borough Engineer, an emergency exists which makes it absolutely essential that the road opening permit be issued.
- C. The Building Department is authorized to demand a cash escrow or equivalent in the amount not exceeding Ten Thousand (\$10,000.00) Dollars or call the Full Faith and Credit Bond to assure that any road opening on roadways paved within the past ten (10) years is restored satisfactorily. The restoration shall include milling and repaving of the area so as to blend uniformly with the adjacent roadway as per the conditions stated in the permit, including restoration of pavement markings, signage and all other appurtenances.

**§ 13-1.15 Manner of Material Storage.**

There shall at all times be a passage way of at least three quarters of the width of the street between the material stored and the opposite curb. Sidewalks shall be kept unencumbered of any material for a width of not less than four feet. Where the sidewalk is removed for excavating or other purposes, that part of the sidewalk shall be made passable by laying planks, metal plates, or other suitable material.

**§ 13-1.16 Sewer Connections.**

No permit issued pursuant to this chapter shall grant or be deemed to grant the permittee the right to make connection with any sewer. For such purpose, a separate permit shall be issued by the Building Department.

**§ 13-1.17 Supervision.**

The Building Department, with the assistance of the Borough Engineer, shall ascertain whether the permits required by this section have been issued, supervise all excavations and backfilling, and report all violations of this section to Borough Administrator. The Building Department

and/or Police Department shall be authorized to issue summons for any violations arising out of Ordinance.

**§ 13-1.18 Police Department.**

The Police Department shall enforce the regulations covering erection of suitable barriers, warning signs and lights or flares and all other provisions of this sections, so as to safeguard the traveling public. The Police Department and/or the Building Department shall prosecute all violations of this section.

**SEVERABILITY.** If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

**REPEALER.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

**EFFECTIVE DATE.** This ordinance shall take effect immediately upon final passage and publication as required by law.

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

**PUBLIC PORTION:**

On a motion by Councilman Corcoran, 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:** Joseph Salvati of 34 Knox Avenue stated his concerns and opinion on the master plan. Borough Attorney Chris Diktas responded to his concerns, comments and questions.

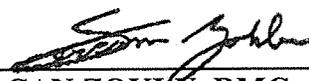
Gus Patty of 239 Knox Avenue stated that he wanted to thank the Mayor and Council for their quick response to an issue he raised. The tree was immediately taken down and he was appreciative that Knox Avenue was on the list to be repaved.

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

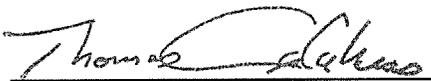
**ADJOURN:**

On a motion by Councilman Corcoran, seconded by Councilman Bongard, the meeting was adjourned at 7:24 p.m.

**ATTEST:**

  
\_\_\_\_\_  
**SERCAN ZOKLU, RMC  
BOROUGH CLERK**

**APPROVED:**

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