

OCTOBER 8, 2019

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

**MINUTES OF THE REGULAR MEETING  
OCTOBER 8, 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

**“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.

**OFF CONSENT AGENDA:**

**On a motion by Councilman Corcoran, seconded by Councilman Bongard, Resolution 2019-231 was offered for adoption.**

**ROLL CALL:**

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

**OATH OF OFFICE:** Administered to Councilman John Chmielewski by Honorable Mayor Thomas Calabrese.

**MINUTES:**

**On a motion by Councilman Bongard, seconded by Councilman Corcoran, the minutes of the Caucus Meeting of September 10, 2019 were accepted.**

**ROLL CALL:**

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

**On a motion by Councilman Bongard, seconded by Councilman Corcoran, the minutes of the Regular Meeting of September 10, 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.**

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ROLL CALL:

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

**RESOLUTIONS:**

**On a motion by Councilman Bongard, seconded by Councilman Colao, Resolutions 2019-200 through 2019-230 were offered for adoption. Councilman Colao and Councilwoman Nikaj abstained from Resolution 2019-215.**

ROLL CALL:

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

**RESOLUTION 2019-200**

**WHEREAS**, a Bergen County Community Development Block Grant of \$50,000 has been proposed by the Cliffside Park Housing Authority for Senior Activity Center operating and personnel expenses for new programs and services, 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 (Seniors and Disabled); 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 Cliffside Park hereby confirms endorsement of the aforesaid project; and

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

**RESOLUTION 2019-201**

**WHEREAS**, a Bergen County Community Development Block Grant of \$75,000 has been proposed by the Cliffside Park Housing Authority for Concrete, Curbing, and Repaving Upgrades Phase II at 500-550 Gorge Road Senior/Disabled Buildings, 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 (Seniors and Disabled); 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 Cliffside Park hereby confirms endorsement of the aforesaid project; and

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

**RESOLUTION 2019-202**

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

Adopted on: 7-14-2015

**RESOLUTION 2015-162**  
384 Pleasant 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 2019-203**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Luigi Bistacco** of **88 Lincoln Avenue** Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Luigi Bistacco** has been issued a New Jersey Registration **P1986160** 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>
Lincoln Avenue	South	Beginning at a point approximately 244 feet east of the southeast curb line of Palisade Avenue and Lincoln Avenue and continuing to a point 19 feet easterly thereof

### **RESOLUTION 2019-204**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Peter Scalise** of **73 Crescent Avenue** Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Peter Scalise** has been issued a New Jersey Registration **P1794914** 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>
Crescent Avenue	North	Beginning at a point approximately 439 feet east of the northeast curb line of Palisade Avenue and Crescent Avenue and continuing to a point 18 feet easterly thereof

### **RESOLUTION 2019-205**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Brian Reilly**

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of **259 Wayne Avenue** Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Brian Reilly** has been issued a New Jersey Registration **P1986160** 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>
Railroad Avenue	East	Beginning at a point approximately 6 feet north of the northeast curb line of Railroad Avenue and Wayne Avenue and continuing to a point 26 feet easterly thereof

### **RESOLUTION 2019-206**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Laura Shaw** of **287 Lawton Avenue BSMT** Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Laura Shaw** has been issued a New Jersey Registration **P2106644** 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>
Lawton Avenue	South	Beginning at a point approximately 149 feet east of the southeast curb line of Anderson Avenue and Lawton Avenue and continuing to a point 18 feet easterly thereof

### **RESOLUTION 2019-207**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Lillian McNaughton** of **360 Aurora Avenue** Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Lillian McNaughton** has been issued a New Jersey Registration **P2180315** 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	Beginning at a point approximately 139

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Feet west of the northwest curb line of  
Anderson Avenue and Aurora Avenue  
and continuing to a point 19 feet westerly  
thereof

### RESOLUTION 2019-208

**WHEREAS**, the Cliffside Park Traffic Bureau has reviewed the area of Riverview Avenue by the Cliffside Park High School and has determined that No Parking during School Days from 7:00 A.M. until 4:00 P.M. should be established.

**THEREFORE**, it is requested that the following location be designated as a No Parking during School Days from Seven A.M. to Four P.M. (**Parking Prohibited at certain hours in School Zone Chapter 8-8.1**) by Resolution. Teachers will have a designated parking permit to park in these areas, during school hours.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following be designated as a No Parking School Days from 7:00 A.M. – 4:00 P.M.

**Name of Street:** Riverview Avenue

**Side:** South

**Location:** Riverview Avenue

**Measurements:** Beginning at a point 241 feet from the southeast curb line of Palisade Avenue and Riverview Avenue and continuing to a point 378 feet easterly thereof.

### RESOLUTION 2019-209

**WHEREAS**, the Cliffside Park Traffic Bureau has reviewed the area of St. Paul Avenue by School #6 and has determined that No Parking during School Days from 7:00 A.M. until 4:00 P.M. should be established for the school.

**THEREFORE**, it is requested that the following location be designated as a No Parking during School Days from Seven A.M. to Four P.M. (**Parking Prohibited at certain hours in School Zone Chapter 8-8.1**) by Resolution. Teachers will have a designated parking permit to park in these areas, during school hours.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following be designated as a No Parking School Days from 7:00 A.M. – 4:00 P.M.

**Name of Street:** St. Paul Avenue

**Side:** East

**Location:** St. Paul Avenue

**Measurements:** Beginning at a point from the southwest curb line of Oakdene Avenue and St. Paul Avenue and continuing to a point 165 feet easterly thereof.

### RESOLUTION 2019-210

**WHEREAS**, DORIS ORNSTEIN OF 300 WINSTON DRIVE UNIT 2522 CLIFFSIDE PARK, NJ B.3601 L6 C2522 HAS DEPOSITED A CHECK IN THE AMOUNT OF \$39,396.34 WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 17-016 SOLD TO GREEN KNIGHT CAPITAL FOR 2016 TAXES IN THE AMOUNT OF \$3,011.22.

**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 \$39,396.34 FOR THE REDEMPTION OF SAID TAX TITLE LIEN, AND A CHECK IN THE AMOUNT OF \$31,000.00 FOR PREMIUM PAID ON SAID PROPERTY; AND

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**BE IT FURTHER RESOLVED** THAT SAID CHECK BE DRAWN ON THE BOROUGH OF CLIFFSIDE PARK TRUST ACCOUNT AND PAYABLE TO GREEN KNIGHT CAPITAL 474 MARY ALLEN WAY, MOUNTAINSIDE, NJ 07092.

**RESOLUTION 2019-211**

**WHEREAS**, DORIS ORNSTEIN OF 300 WINSTON DRIVE UNIT 2522 CLIFFSIDE PARK, NJ B.3601 L6 C2522 HAS DEPOSITED A CHECK IN THE AMOUNT OF \$39,396.34 WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 17-016 SOLD TO GREEN KNIGHT CAPITAL FOR 2016 TAXES IN THE AMOUNT OF \$3,011.22.

**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 \$39,396.34 FOR THE REDEMPTION OF SAID TAX TITLE LIEN, AND A CHECK IN THE AMOUNT OF \$31,000.00 FOR PREMIUM PAID ON SAID PROPERTY AND,

**BE IT FURTHER RESOLVED** THAT SAID CHECK BE DRAWN ON THE BOROUGH OF CLIFFSIDE PARK TRUST ACCOUNT AND PAYABLE TO GREEN KNIGHT CAPITAL 474 MARY ALLEN WAY, MOUNTAINSIDE, NJ 07092.

**RESOLUTION 2019-212**

**RESOLUTION REQUESTING THE APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
(N.J.S.A. 40A: 4-87)**

**WHEREAS**, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and in the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount; and

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Cliffside Park, in the County of Bergen, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$75,000.00 which item is now available as a revenue from the Bergen County Open Space Program; and

**BE IT FURTHER RESOLVED** that the like sum of \$75,000.00 is hereby appropriated under the caption "Improvements to Columbus Park (2017 Bergen County Open Space – Time)" in the amount of \$75,000.00; and

**BE IT FURTHER RESOLVED** that the above is a result of a grant of \$75,000.00.

**RESOLUTION 2019-213**

**RESOLUTION REQUESTING THE APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
(N.J.S.A. 40A: 4-87)**

**WHEREAS**, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and in the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount; and

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**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Cliffside Park, in the County of Bergen, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$75,000.00 which item is now available as a revenue from the Bergen County Open Space Trust Fund Municipal Program; and

**BE IT FURTHER RESOLVED** that the like sum of \$75,000.00 is hereby appropriated under the caption "Christopher Columbus Park Playground & Safety Surface" in the amount of \$75,000.00; and

**BE IT FURTHER RESOLVED** that the above is a result of a grant of \$75,000.00.

### **RESOLUTION 2019-214**

**WHEREAS**, the Borough Clerk of the Borough of Cliffside Park (Borough) had previously awarded the Grantwood Park Basketball Court Restoration project to American Asphalt & Milling Services LLC; and

**WHEREAS**, the project required supplemental items; and

**WHEREAS**, the cost for these improvements resulted in a change order for an amount of \$15,571.99, and the Chief Financial Officer of the Borough of Cliffside Park confirmed the availability of funds for the project;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Cliffside Park authorized Change Order #4 to American Asphalt & Milling Services in the amount not to exceed \$15,571.99; and

**BE IT FURTHER RESOLVED** that the Borough Attorney and Borough Engineer has prepared all necessary documents to effectuate this resolution; and

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

### **RESOLUTION 2019-215**

**RESOLUTION AUTHORIZING VARIOUS ACTIONS RELATIVE TO THE BOROUGH'S ACQUISITION OF 692 W. PROSPECT AVE., BLOCK 810, LOT 2, FAIRVIEW, NEW JERSEY INCLUDING BUT NOT LIMITED TO AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AND SALE AGREEMENT UPON TERMS ACCEPTABLE TO THE BOROUGH SPECIAL COUNSEL; THE RETENTION OF VARIOUS PROFESSIONALS TO PROVIDE ASSISTANCE TO THE BOROUGH DURING THE DUE DILIGENCE, AND TO TAKE ALL SUCH OTHER ACTION AS IS NECESSARY AND AS REQUIRED OF THE BOROUGH UNDER THE FOREMENTIONED PURCHASE AND SALE AGREEMENT**

**RESOLUTION 2019-215**

**"OFFICIAL ACTION"**

**WHEREAS**, this Resolution pertains to the Purchase of certain land within the Borough of Fairview designated as Block 810, Lot 2 and more commonly known as 692 W. Prospect Ave., Fairview, NJ. This industrial property, used in conjunction with adjacent property currently owned by the borough will provide needed space for municipal purposes, including but not limited to ancillary vehicular parking and school bus parking which will alleviate significant parking concerns existing within the borough and including on Board of Education property.

**WHEREAS**, the Borough has conducted an examination of the property in question, including making careful assessments of its value in consultation with its professionals and has determined that it would be in the best interests of the Borough of Cliffside Park to acquire the property for the sum of \$1,050,000.00. While beyond the scope of this Resolution, which seeks only to authorize the Mayor to execute the purchase and sale agreement and to authorize all necessary action required of the Borough under that purchase and sale agreement, the acquisition is to be funded by the issuance of bond

anticipation notes and bonds, the debt service of which shall easily be covered by anticipated revenues to be received by the entry into an Interlocal Service Agreement with the Board of Education for the parking of school busses.

**NOW, THEREFORE, BE IT RESOLVED** that the Cliffside Park Borough Council hereby authorizes the following actions:

1. The Mayor and Borough Clerk are hereby authorized to execute a Purchase and Sale Agreement for the acquisition of 692 W. Prospect Ave., Fairview, NJ, known and designated as Block 810, Lot 2 upon terms and conditions as recommended by the borough's special counsel.
2. The Mayor is hereby authorized to enter into and execute any document or instrument as recommended by the borough special counsel in furtherance of the conducting of the required due diligence on the property prior to closing, and the Borough is further authorized, through its administrator and other officials, to take such action as is reasonably required and necessary to fulfill its commitments under the aforementioned purchase and sale agreement, and upon the recommendation of the borough special counsel.

**RESOLUTION 2019-216**

**RESOLVED** by the Mayor and Council of the Borough of Cliffside Park, that Engineer's Estimate No. 5 & Final 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
AMENDED CONTRACT COST (INCLUDING CHANGE ORDERS #1 and #2)	\$1,348,623.45
ESTIMATE NO. 5 & FINAL FOR PAYMENT	\$26,972.47
PREVIOUSLY PAID	\$1,321,650.98

**RESOLUTION 2019-217**

**Resolution Re: SURPLUS POLICY**

**WHEREAS**, the Borough of Cliffside Park recognizes the importance of adopting a formal surplus policy regarding the Borough's surplus balances in an effort to predict and ensure future financial soundness and financial liquidity; and

**WHEREAS**, the Chief Financial Officer recommended that the Borough formally adopt a surplus policy in support of the requirements of the local bond rating agencies in order to enhance and/or maintain the Borough's credit ratings.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Cliffside Park:

1. The Chief Financial Officer shall analyze a five-year trend of surplus illustrating the significant changes therein.
2. In accordance with the recommendation of the Chief Financial Officer, the Borough maintain a surplus balance with a targeted minimum goal in the amount of ten percent (10%) of the cost of municipal operations.

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3. The Chief Financial project the future trend of revenues and expenditures in order to provide guidance as to what is required to maintain the ten percent (10%) surplus goal.
4. The surplus goal shall be evaluated annually in light of changing economic trends.
5. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

## **RESOLUTION 2019-218**

### **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>CROSSING GUARDS – 1 Year Term</u></b>	
Guy DiNapoli	12/31/19
Mironis Stavroula	12/31/19
Sandra Mutlaq	12/31/19
<b><u>CLASS III SPECIAL POLICE OFFICERS – 1 Year Term</u></b>	
S.P.O. Marc Shingelo	12/31/19
<b><u>FIRE INSPECTOR PER DIEM – 1 Year Term</u></b>	
Brian Comitto	12/31/19

## **RESOLUTION 2019-219**

**WHEREAS**, A HOUSING AUTHORITY COMMISSIONER FOR THE BOROUGH OF CLIFFSIDE PARK SERVES A FIVE (5) YEAR TERM; AND

**WHEREAS**, SAL SPOTO RESIGNED AS A COMMISSIONER OF THE CLIFFSIDE PARK HOUSING AUTHORITY AND HIS TERM AS A HOUSING AUTHORITY COMMISSIONER FOR THE BOROUGH OF CLIFFSIDE PARK EXPIRES ON JUNE 20, 2020; AND

**NOW, THEREFORE, BE IT RESOLVED** THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK APPOINT VINCENT CONFORTI TO FILL THE UNEXPIRED FIVE (5) YEAR TERM OF SAL SPOTO EXPIRING JUNE 20, 2020; AND

**BE IT FURTHER RESOLVED** THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE FOLLOWING INDIVIDUALS:

1. JOSEPH CAPANO, EXECUTIVE DIRECTOR
2. VINCENT CONFORTI

## **RESOLUTION 2019-220**

**WHEREAS**, A HOUSING AUTHORITY COMMISSIONER FOR THE BOROUGH OF CLIFFSIDE PARK SERVES A FIVE (5) YEAR TERM; AND

**WHEREAS**, SAL SPOTO RESIGNED AS A COMMISSIONER OF THE CLIFFSIDE PARK HOUSING AUTHORITY AND HIS TERM AS A HOUSING AUTHORITY COMMISSIONER FOR THE BOROUGH OF CLIFFSIDE PARK EXPIRES ON JUNE 20, 2020; AND

**NOW, THEREFORE, BE IT RESOLVED** THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK APPOINT VINCENT CONFORTI TO FILL THE UNEXPIRED FIVE (5) YEAR TERM OF SAL SPOTO EXPIRING JUNE 20, 2020; AND

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**BE IT FURTHER RESOLVED** THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE FOLLOWING INDIVIDUALS:

1. JOSEPH CAPANO, EXECUTIVE DIRECTOR
2. VINCENT CONFORTI

### **RESOLUTION 2019-221**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the attached 2020 Holiday Schedule be adopted.

### **RESOLUTION 2019-222**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following individuals are hereby authorized to attend the 2019 League of Municipalities Convention in accordance with the Personnel Policy of the Borough of Cliffside Park:

Dean Nikaj  
Magda Vasquez  
Lawrence Bongard  
Thomas Calabrese  
Richard Gaito  
Michael Russo  
Sercan Zoklu  
Joseph Rutch  
Kenneth Corcoran  
Frank Berardo  
Chris Diktas  
Christine Gillen

### **RESOLUTION 2019-223**

#### **BLOODBORNE PATHOGEN PROGRAM AGREEMENT**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park, that the Borough be and is hereby authorized to enter into an agreement with the County of Bergen for the Bloodborne Pathogen Program; and

**BE IT RESOLVED** that the cost of this program shall be \$20 per each trained employee and three dose series cost per participant will be \$201; and

**BE IT FURTHER RESOLVED** that the Mayor be and is hereby authorized to execute the necessary agreement with the County of Bergen, in a form to be approved by the Borough's Council.

### **RESOLUTION 2019-224**

**WHEREAS**, an application has been submitted by the Cliffside Park Senior Activity Center Club as follows:

Conduct Bingo as permitted under State Statute from January 3, 2020 to December 18, 2020; and

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

### **RESOLUTION 2019-225**

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

Conduct Cavalcade raffle on November 16, 2019; and

On Premise 50/50 raffle on November 16, 2019

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

**RESOLUTION 2019-226**

**WHEREAS**, the Borough Clerk of the Borough of Cliffside Park was previously authorized to advertise for Bids for the Improvements to Columbus and Grantwood Parks; and

**WHEREAS**, pursuant to said Notice, the receipt and opening of Bids took place on September 16, 2019, 2019; at which time the following bids were received:

Contract 1 (Grantwood Park)

Company	Base Bid
Picerno Giordano Construction	\$324,637.50
V & K Construction	\$330,000.00
Bello Grande Contracting LLC	\$346,500.00
APS Contracting Inc.	\$431,490.00
TGE LLC	\$490,045.00

**WHEREAS**, the Chief Financial Officer of the Borough of Cliffside Park has confirmed the availability of funds for the project, specifically that the project will be funded through Capital Ordinance 2019-05 in the amount of \$102,637.50 and Bergen County Open Space grants in the amounts of \$72,000, \$75,000, and \$75,000; and

**WHEREAS**, Remington & Vernick Engineering has recommended acceptance of the Bids submitted by Picerno Giordano Construction as being the apparent low and most responsible bidder;

**NOW THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Cliffside Park does hereby award the Bid to Picerno Giordano Construction in the amount of Three Hundred Twenty-Four Thousand Six Hundred Thirty Seven Dollars and Fifty Cents (\$324,637.50); and

**BE IT FURTHER RESOLVED**, that the Borough requires the submission of the following Original Documents: Performance Bond and Payment Bond, Certificate of Insurance, Affirmative Action Affidavit and Initial Project Workforce Report (Form AA-201) before Contracts are issues; 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 Mayor Calabrese or, in his absence, Borough Administrator Joseph Rutch, is authorized to execute, on behalf of the Borough, the Approved Construction Contract; and

**BE IT FURTHER RESOLVED**, that a Certified to be True copy of this Resolution shall be forwarded to Picerno Giordano Construction; Remington & Vernick Engineering; Frank Berardo, Borough CFO; Sercan Zoklu, Borough Clerk; Joseph Rutch, Borough Administrator; and Christos J. Diktas, Esq., Borough Attorney.

**RESOLUTION 2019-227**

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**WHEREAS**, the Borough Clerk of the Borough of Cliffside Park was previously authorized to advertise for Bids for the Improvements to Columbus and Grantwood Parks; and

**WHEREAS**, pursuant to said Notice, the receipt and opening of Bids took place on September 16, 2019, 2019; at which time the following bids were received:

Contract 2 (Columbus Park)

Company	Base Bid
Bello Grande Contracting LLC	\$185,600.00
Picerno Giordano Construction	\$215,062.50
V& K Construction	\$216,800.00
APS Contracting Inc.	\$294,965.00
TGE LLC	\$393,070.00

**WHEREAS**, the Chief Financial Officer of the Borough of Cliffside Park has confirmed the availability of funds for the project, specifically that the project will be funded through Capital Ordinance 2019-05 in the amount of \$140,845.94 and Capital Ordinance 2019-11 in the amount of \$44,754.06; and

**WHEREAS**, Remington & Vernick Engineering has recommended acceptance of the Bids submitted by Bello Grande Contracting LLC as being the apparent low and most responsible bidder;

**NOW THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Cliffside Park does hereby award the Bid to Bello Grande Contracting LLC in the amount of One Hundred Eighty-Five Thousand Six Hundred Dollars (\$185,600.00); and

**BE IT FURTHER RESOLVED**, that the Borough requires the submission of the following Original Documents: Performance Bond and Payment Bond, Certificate of Insurance, Affirmative Action Affidavit and Initial Project Workforce Report (Form AA-201) before Contracts are issues; 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 Mayor Calabrese or, in his absence, Borough Administrator Joseph Rutch, is authorized to execute, on behalf of the Borough, the Approved Construction Contract; and

**BE IT FURTHER RESOLVED**, that a Certified to be True copy of this Resolution shall be forwarded to Bello Grande Contracting LLC; Remington & Vernick Engineering; Frank Berardo, Borough CFO; Sercan Zoklu, Borough Clerk; Joseph Rutch, Borough Administrator; and Christos J. Diktas, Esq., Borough Attorney.

**RESOLUTION 2019-228**

**WHEREAS**, the Cliffside Park Traffic Bureau has received a request to make the west side of Palisade Avenue, just south of Edgewater Road 15 minute meter parking only. We have received complaints of vehicles not abiding by the 15 minute parking in this area. The Traffic Bureau recommends making this area 15 minute meter parking (**Establishment of Meter Parking Zones Chapter 9 subsection 1.2, Zone J**) to allow patrons to enter the businesses in the immediate area.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following be designated as a 15 minute meter parking only.

**Name of Street: Palisade Avenue**  
**Side: West side**  
**Location: Palisade Avenue**

**Measurements:** Beginning at a point approximately 27 feet south of the southwest curb line of Palisade Avenue and Edgewater Road, and then continuing 88 feet southerly thereof.

OCTOBER 8, 2019

**RESOLUTION 2019-229**

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

Adopted on: **3-5-19**

**RESOLUTION 2019-55**  
76 Palisade 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 2019-230**

**WHEREAS**, the Cliffside Park Traffic Bureau has reviewed the area of Commercial Avenue, Park Avenue by School #3 and has determined that No Parking during School Days from 7:00 A.M. until 4:00 P.M. should be established for the school since there will be additional class rooms at this school.

**THEREFORE**, it is requested that the following location be designated as a No Parking during School Days from Seven A.M. to Four P.M. (**Parking Prohibited at certain hours in School Zone Chapter 8-8.1**) by Resolution. Teachers will have a designated parking permit to park in these areas, during school hours.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following be designated as a No Parking School Days from 7:00 A.M. – 4:00 P.M.

**Name of Street:** Commercial Avenue

**Side:** East

**Location:** Commercial Avenue

**Measurements:** Beginning at a point from the southeast curb line of Commercial Avenue and Jersey Avenue and continuing to a point 467 feet northerly thereof.

**Name of Street:** Park Avenue

**Side:** South

**Location:** Park Avenue

**Measurements:** Beginning at a point from the southeast curb line of Commercial Avenue and Park Avenue and continuing to a point 276 feet easterly thereof.

**Name of Street:** Palisade Avenue

**Side:** West

**Location:** Palisade Avenue

**Measurements:** Beginning at a point from the southwest curb line of Palisade Avenue and Park Avenue and continuing to a point 383 southerly thereof.

**ORDINANCES: INTRODUCTION**

**Councilman Bongard INTRODUCED AN ORDINANCE ENTITLED:**

**ORDINANCE 2019-11**

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

The Municipal Clerk read the said ordinance by title. Councilman Bongard moved the ordinance be adopted on first reading and published in The Bergen Record on October 12, 2019, as well as The Jersey Journal on October 12, 2019. Motion was seconded by Councilwoman Martinotti.

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 November 12, 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: 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.**

-----  
**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 Bongard INTRODUCED AN ORDINANCE ENTITLED:**

### **ORDINANCE 2019-12**

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

The Municipal Clerk read the said ordinance by title. Councilman Corcoran moved the ordinance be adopted on first reading and published in The Bergen Record on October 12, 2019, as well as The Jersey Journal on October 12, 2019. Motion was seconded by Councilman Bongard.

OCTOBER 8, 2019

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 November 12, 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: 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 INTRODUCED AN ORDINANCE ENTITLED:**

## **ORDINANCE 2019-13**

OCTOBER 8, 2019

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

The Municipal Clerk read the said ordinance by title. Councilman Corcoran moved the ordinance be adopted on first reading and published in The Bergen Record on October 12, 2019, as well as The Jersey Journal on October 12, 2019. Motion was seconded by Councilman Bongard.

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

The public hearing is to be held on November 12, 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: 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 noncompletion 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 Mix 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 th 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 mush 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

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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 Councilwoman Martinotti, seconded by Councilman Colao, 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 spoke about his concerns regarding the master plan and zoning map. Borough Attorney Chris Diktas provided a response to Mr. Salvati's concerns.

Rosetta Andriola of 73 Lawton Avenue stated that she has lived in town for over 40 years and stated that she is worried about a developer buying her home from her. Borough Attorney Chris Diktas advised her that she does not have to sell to anyone if she does not want to and explained to her that there are laws in place to protect her.

David Heveran of 41 Grant Avenue stated that he moved in 2003 to Cliffside Park. He stated that he wants to keep his block the best block in Cliffside Park and was concerned about changes made to the Master Plan and how it would effect his block. He thanked everyone for listening.

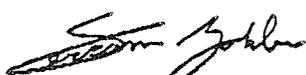
Ann Wunder of 455 Oakdene Ave and Cynthia Mercogliano of 453 Oakdene Ave asked for an update on the Oakdene Avenue sewer project. Eileen Boland of Boswell Engineering and Borough Attorney Chris Diktas provided an update to them in regards to the project. In addition, they had some questions about the school buses parked on Oakdene Avenue and the Chief of Police stated that he will look into it and get back to everyone.

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

**ADJOURN:**

On a motion by Councilwoman Martinotti, seconded by Councilman Colao, the meeting was adjourned at 7:51 p.m.

**ATTEST:**

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

**APPROVED:**

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