

APRIL 5, 2016

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

**MINUTES OF THE REGULAR MEETING
APRIL 5, 2016**

CALL TO ORDER AT 7:00 P.M.

FLAG SALUTE LED BY MAYOR THOMAS CALABRESE

PRESENT AT ROLL CALL:

Mayor	Thomas Calabrese
Councilwoman	Donna Spoto
Councilman	Larry Bongard
Councilwoman	Dana Martinotti
Councilman	Kenneth Corcoran
Councilman	Peter Colao

ABSENT AT ROLL CALL:

On a motion by Councilman Bongard, seconded by Councilman Corcoran, Councilman Fontana was excused from the proceedings.

ROLL CALL:

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

SERCAN ZOKLU STATED:

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

1. NOTICE PUBLISHED MARCH 4, 2016 WITH THE RECORD, AND MARCH 5, 2016 WITH THE JERSEY JOURNAL, BOTH OFFICIAL NEWSPAPERS OF THE BOROUGH.
2. POSTING OF NOTICE ON THE BULLETIN BOARD.
3. PRESERVING A COPY IN THE CLERK'S OFFICE.

PRESENTATIONS: THE RECREATION COMPETITIVE CHEERLEADING TEAM RAIDERS ELITE, AGES 10- 14, WERE RECOGNIZED FOR THEIR ACHIEVEMENT AS **GRAND NATIONAL CHAMPIONS** AT THE KALAHARI NATIONALS ON FEBRUARY 20, 2016

MINUTES:

On a motion by Councilman Bongard, seconded by Councilman Corcoran, the minutes of the Caucus Meeting of March 1, 2016 were accepted.

ROLL CALL:

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

On a motion by Councilman Bongard, seconded by Councilman Corcoran, the minutes of the Regular Meeting of March 1, 2016 were accepted.

ROLL CALL:

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

ORDINANCES: INTRODUCTION

Councilman Corcoran INTRODUCED AN ORDINANCE ENTITLED:

ORDINANCE 2016-01

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

The Municipal Clerk read the said ordinance by title. Councilman Corcoran moved the ordinance be adopted on first reading and published in The Jersey Journal on April 16, 2015. Motion was seconded by Councilman Colao.

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

The public hearing is to be held on May 10, 2016 in the Mayor and Council Chambers at 7:00 pm, at which time all persons wishing to be heard on the proposed ordinance will be heard.

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

ROLL CALL:

AYES: Spoto, Bongard, T. Calabrese Martinotti, Corcoran. ABSENT: Fontana.

ORDINANCE 2016-01

CALENDAR YEAR 2016

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

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

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

WHEREAS, the Governing Body of the Borough of Cliffside Park in the County of Bergen finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$801,584 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

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

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Cliffside Park in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Cliffside Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by up to 3.5 %, amounting to \$801,584, and that the CY 2016 municipal budget for the Borough of Cliffside Park be approved and adopted in accordance with this ordinance; and

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

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

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

Councilman Bongard INTRODUCED AN ORDINANCE ENTITLED:

ORDINANCE 2016-02

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 Jersey Journal on April 16, 2016. Motion was seconded by Councilman Colao.

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

The public hearing is to be held on May 10, 2016 in the Mayor and Council Chambers at 7:00 pm, at which time all persons wishing to be heard on the proposed ordinance will be heard.

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

ROLL CALL:

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

ORDINANCE 2016-02

**AN ORDINANCE AMENDING
CHAPTER 22 OF THE REVISED
GENERAL ORDINANCES OF
THE BOROUGH OF CLIFFSIDE PARK**

BE IT ORDAINED that Chapter 22 of the Revised General Ordinances of the Borough of Cliffside Park, specifically "2009 International Property Maintenance" be amended as follows:

1. Section 22-20. Title

Chapter 22 Section 20 - Title is hereby amended as follows:

"International Property Maintenance"

2. Section 22.20.1. Code Adopted.

Section 20.1 - Existing language deleted in its entirety.

Section 20.1 - Replacement language: The Borough of Cliffside Park does hereby adopt the 2015 Edition of the International Property Maintenance Code which will regulate and govern the conditions and maintenance of all property, buildings and structures by providing the standards for supplies and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy and use, the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees; each and all of the regulations provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Building Department; hereby referred to, adopted, and made a part hereof, as if fully set forth in this ordain with the additions, insertions, deletions and changes, if any prescribed in subsection 22-20.2 of this section.

All remaining sections of Chapter 22, specifically Section 22-20.2 through and including

Section 22-20.7 are hereby re-adopted in their entirety.

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.

BUDGET INTRODUCTION:

On a motion by Councilman Colao, seconded by Councilwoman Spoto, Resolution 2016-76 was offered for adoption.

ROLL CALL:

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

RESOLUTION 2016-76

INTRODUCTION OF 2016 BUDGET

BE IT RESOLVED, that the following statement of revenues and appropriations attached hereto constitute the local Budget of the Borough of Cliffside Park, Bergen County, New Jersey for the year 2016.

BE IT FURTHER RESOLVED, that the said budget be published in Jersey Journal in the issue of April 6, 2016, and that a hearing on the Budget will be held at the Borough Hall on May 10, 2016 at 7:00 PM or as soon thereafter as the matter may be reached.

CONSENT AGENDA:

On a motion by Councilwoman Martinotti, seconded by Councilman Corcoran, the claims were ordered paid.

ROLL CALL:

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

RESOLUTIONS:

On a motion by Councilman Bongard, seconded by Councilwoman Martinotti, Resolutions 2016-77 to 2016-91 were offered for adoption:

ROLL CALL:

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

RESOLUTION 2016-77

WHEREAS, CHAPTER 11-5 of the General Ordinances of the Borough of Cliffside Park, prohibits the construction of any fence in excess of four (4) feet in height without the authorization of the Mayor and Council; and

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WHEREAS, Sal Calderano of 374 Washington Avenue, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the property for privacy and safety; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park, that permission is hereby granted for the construction of a six foot fence the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-78

WHEREAS, CHAPTER 11-5 of the Revised General Ordinances of the Borough of Cliffside Park, prohibits the construction of any fence in excess of four (4) feet in height without the authorization of the Mayor and Council; and

WHEREAS, Jose Bahsta of 299 Grant Avenue, Apt. 1, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the property for privacy and safety; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park, that permission is hereby granted for the construction of a six foot fence the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-79

WHEREAS, CHAPTER 11-5 of the Revised General Ordinances of the Borough of Cliffside Park, prohibits the construction of any fence in excess of four (4) feet in height without the authorization of the Mayor and Council; and

WHEREAS, Antonio Lagana of 385 Washington Avenue, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the property for privacy and safety; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park, that permission is hereby granted for the construction of a six foot fence the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-80

WHEREAS, the Mayor and Council desire to authorize bidding for the summer food service program; and

WHEREAS, the funds will be received through grant monies from the State of New Jersey; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cliffside Park authorize Joseph Rutch, the Borough Administrator, to solicit bids.

RESOLUTION 2016-81

WHEREAS, CHAPTER 11-5 of the Revised General Ordinances of the Borough of Cliffside Park, prohibits the construction of any fence in excess of four (4) feet in height without the authorization of the Mayor and Council; and

WHEREAS, Larissa Lessack of 70 Grant Avenue, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the property for privacy and safety; and

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park, that permission is hereby granted for the construction of a six foot fence the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-82

WHEREAS, CHAPTER 11-5 of the Revised General Ordinances of the Borough of Cliffside Park, prohibits the construction of any fence in excess of four (4) feet in height without the authorization of the Mayor and Council; and

WHEREAS, Joseph & Tara Floriani of 32 Overlook Avenue, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the property for privacy and safety; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park, that permission is hereby granted for the construction of a six foot fence the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-83

WHEREAS, CHAPTER 11-5 of the Revised General Ordinances of the Borough of Cliffside Park, prohibits the construction of any fence in excess of four (4) feet in height without the authorization of the Mayor and Council; and

WHEREAS, Jung Lee of 49 Oakdene Avenue, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the property for privacy and safety; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park, that permission is hereby granted for the construction of a six foot fence the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-84

WHEREAS, CHAPTER 11-5 of the Revised General Ordinances of the Borough of Cliffside Park, prohibits the construction of any fence in excess of four (4) feet in height without the authorization of the Mayor and Council; and

WHEREAS, Kenny Hernandez of 231 Lawton Avenue, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the property for privacy and safety; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park, that permission is hereby granted for the construction of a six foot fence the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-85

WHEREAS, after due deliberation the Council does hereby authorize Borough Attorney Christos J. Diktas to withdraw without prejudice the complaint in the matter entitled Mayor and Council of the Borough of Cliffside Park v. Borough of Edgewater *et als*

Docket No. BER-L-4471-15.

NOW THEREFORE BE IT RESOLVED that Borough Attorney Christos J. Diktas is hereby directed to withdraw without prejudice the complaint entitled Mayor and Council of the Borough of Cliffside Park v. Borough of Edgewater *et als* Docket No. BER-L-4471-15.

BE IT FURTHER RESOLVED that a certified to be true copy of this Resolution be tendered to Borough Administrator Joseph Rutch and Borough Attorney Christos J. Diktas.

RESOLUTION 2016-86

WHEREAS, the Borough of Cliffside Park is currently the defendant in numerous tax appeals wherein taxpayers have appealed their 2012 tax year assessments for the real property known as 200 Winston Drive, Block 3601 Lot 5; and

WHEREAS, the taxpayers through counsel proposed a reduced assessment to Borough Appraiser Robert McNerney, Tax Assessor Matthew Rinaldi and Borough Attorney Christos J. Diktas as a compromise and settlement of the above-referenced tax appeal complaints filed in the Tax Court of New Jersey; and

WHEREAS, the Borough Appraiser Robert McNerney and Borough Attorney Christos Diktas negotiated with the attorney representing the taxpayers in connection with the proposed reduced assessment; and

WHEREAS, the Borough Appraiser, Robert McNerney , Tax Assessor Matthew Rinaldi and Borough Attorney Christos J. Diktas with the financial advise and consent of the Borough Auditor Dieter Lerch recommends that the Mayor and Council approve the reduction of the tax assessments attached hereto as Exhibit A; and

WHEREAS, after discussion and deliberation, it is the opinion of the Mayor and Council that the herein specified reduced assessments be accepted; and

NOW, THEREFORE, BE IT RESOLVED that Borough Appraiser Robert McNerney, Borough Tax Assessor Matthew Rinaldi, Borough Auditor Dieter Lerch and the Borough Attorney Christos J. Diktas are hereby authorized to proceed and to undertake all necessary steps, actions and legal proceedings to in order to effectuate the settlement of the 2012 tax appeal complaints filed in the Tax Court of New Jersey in accordance with the assessment set forth herein; and

BE IT FURTHER RESOLVED that a certified to be true copy of this Resolution be tendered to Borough Appraisal Robert McNerney, Tax Assessor Mathew Rinaldi, Tax Collector Frank Berardo, Borough Auditor Dieter Lerch and Borough Attorney Christos J. Diktas.

RESOLUTION 2016-87

Resolution Re: Emergency Temporary Appropriation in Accordance with N.J.S.A. 40A:4-20 – Capital Improvements –Improvements to Spray Park

WHEREAS, an emergency has arisen with respect to the funding for the Improvements to Spray Park, and

WHEREAS, no adequate provision was made in the 2016 Temporary Budget for the unforeseen aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Cliffside Park, County of Bergen (not less than two-thirds of all members thereof affirmatively concurring) that the emergency appropriation made for the Improvements to Spray Park in the amount of \$200,000 will be provided in full by a capital ordinance to be adopted in 2016.

- 1. An emergency appropriation be and the same is hereby made for:

Current Fund	
Capital Improvements	
Improvements to Spray Park	\$200,000

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2. Said emergency appropriation shall be provided for in full by the adoption of a capital ordinance in 2016.
3. That funds for the appropriation shall be provided from surplus funds on hand until such time as a capital ordinance is adopted.
4. That Resolution # 2016-64 approved on March 1, 2016 is hereby rescinded.
5. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.
6. That the statements required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.

RESOLUTION 2016-88

WHEREAS, CHAPTER 11-5 of the Revised General Ordinances of the Borough of Cliffside Park, prohibits the construction of any fence in excess of four (4) feet in height without the authorization of the Mayor and Council; and

WHEREAS, Daniel Stark of 573 Olympia Avenue, Cliffside Park, NJ has requested permission from the Mayor and Council of the Borough of Cliffside Park to erect a fence in excess of four (4) feet in height, on the property for privacy and safety; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cliffside Park, that permission is hereby granted for the construction of a six foot fence the finished side facing the adjacent properties and the building department is authorized to issue a permit after all documents and fees are submitted and approved by the Construction Official.

RESOLUTION 2016-89

WHEREAS, the Borough's Department of Emergency Medical Services is in need of per diem Emergency Medical Technicians (EMT's); and

WHEREAS, interviews were conducted for said positions; and

NOW, THEREFORE, BE IT RESOLVED the following applicants are recommended for employment as per diem EMTs with a starting hourly rate of \$14.50:

- Marcos De Leon
- Faiez Haddabeh
- Cynthia Kattoura
- Paul Kim
- Natia Molineros
- Steven Selle
- Luciano Tarrabocchia
- Michael Torres

BE IT FURTHER RESOLVED that said appointments are contingent upon the successful completion and findings of a medical physical examination, psychological examination and appropriate background check; and

BE IT FURTHER RESOLVED that all of these appointments are placed on a 180 day probation; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to EMS Director Michael Russo.

RESOLUTION 2016-90

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WHEREAS, Towne Centre Urban Renewal Company, LLC property owner/applicant requests that the Mayor and Council extend construction hours for the Anderson Avenue Redevelopment Project site located on Anderson Avenue of the Borough of Cliffside Park, New Jersey; and

WHEREAS, the Mayor and Council has in the past granted individuals exceptions to the limit on construction hours for other development and capital improvement projects. These exceptions were deemed appropriate for such projects when the longer hours would not significantly affect the surrounding neighborhoods or the public health safety or welfare.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council after consultation with the Building Department hereby permits Towne Centre Urban Renewal Company, LLC to conduct construction on the Anderson Avenue Redevelopment Project site as follows:

April 13, 2016 – May 31, 2016

Monday through Saturday	7:00 a.m. through 11:00 p.m.
(Interior Construction Only	6:00 a.m. through 11:00 p.m.)
Sunday	No Construction Allowed

BE IT FURTHER RESOLVED that a certified to be true copy of this Resolution shall be transmitted to Towne Centre Urban Renewal Company, LLC Attn: James Demetrakis, Esq., Borough Administrator Joseph Rutch, Construction Code Official John Candelmo and Borough Attorney Christos J. Diktas.

RESOLUTION 2016-91

WHEREAS, Green Field Construction Group on behalf of DMG Park LLC property owner/applicant requests that the Mayor and Council extend construction hours for the One Park Project site located on Adolphus Avenue, Lots 3.01, in Block 705, on the tax map of the Borough of Cliffside Park, and Lot 20.03 in Block 86, on the tax map of the Borough of Edgewater, New Jersey; and

WHEREAS, the Mayor and Council has in the past granted individuals exceptions to the limit on construction hours for other development and capital improvement projects. These exceptions were deemed appropriate for such projects when the longer hours would not significantly affect the surrounding neighborhoods or the public health safety or welfare.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council after consultation with the Building Department hereby permits to Green Field Construction Group to conduct construction on the One Park Project site as follows:

Monday through Friday	7:00 a.m. through 6:00 p.m.
Saturday	8:00 a.m. through 5:00 p.m.
Sunday	No Construction Allowed

BE IT FURTHER RESOLVED that a certified to be true copy of this Resolution shall be transmitted to Brian Chewcaskie, Esq., attorney for DMG Park LLC, Green Field Construction Group Attn: Jim Saladino, Borough Administrator Joseph Rutch, Construction Code Official John Candelmo, Architectura Attn: Conrad Roncati and Borough Attorney Christos J. Diktas.

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

PUBLIC PORTION:

On a motion by Councilman Bongard, 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: None.

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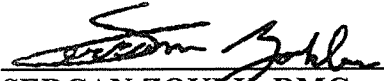
On a motion by Councilman Bongard, seconded by Councilman Corcoran, the meeting was closed to the public.

ADJOURN:


On a motion by Councilman Bongard, seconded by Councilman Corcoran, the meeting was adjourned at 7:33 p.m.

ATTEST:

APPROVED:



SERCAN ZOKLU, RMC
BOROUGH CLERK



THOMAS CALABRESE
MAYOR