

Borough of Palisades Park
 Regular Meeting of the Mayor and Council
 April 19, 2011

Mayor Rotundo opened the meeting at 7:00 PM:

Statement: This is a Regular Meeting of the Mayor & Council notice was given as follows:

- a. Notice filed on 1/4/11, with the Record, Jersey Journal and Press Journal, official newspapers of the Borough of Palisades Park.
- b. Posting of a notice on the Bulletin Board
- c. Preserving a copy in the Clerk's Office

Pledge of Allegiance led by Councilperson: **Jason Kim**
 Moment of Silence for our Troops

ROLL CALL:

Councilperson	Donohue	Yes
"	Kim	Yes
"	Lee	Yes
"	Pirrera	Yes
"	Ruh	Yes
"	Testa	Yes

Borough Attorney	Joseph R. Mariniello, Jr.	Yes
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ACCEPTANCE OF PREVIOUS MONTHS MINUTES

From: Mayor & Council Meeting March 15, 2011

Motion Made by Councilperson: Donohue
 Seconded by Councilperson: Testa
 To Accept Previous Months Minutes

ROLL CALL:

Councilperson	Donohue	Yes
"	Kim	Yes
"	Lee	Yes
"	Pirrera	Yes
"	Ruh	Yes
"	Testa	Yes

PROCLAMATION:

April 23rd thru April 30th – National Infant Immunization Week

CONSENT AGENDA:

CAI: Authorize Payroll:

RESOLVED, by the Mayor and Council of the Borough of Palisades Park that warrants drawn in the amount of **\$794,344.73**, payable to the Borough of Palisades Park – Payroll Account be approved and charged to the following appropriations:

Current Account	
03/18/10	\$241,709.55
04/01/11	\$251,580.01
04/15/11	\$288,916.29
4/15/11 – Recycle Trust	\$ 1,000.00
Swim Pool Operation	
03/18/10	\$ 2,560.96
04/01/11	\$ 4,480.96
04/15/11	\$ 4,096.96
Grand Total	\$794,344.73

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified the availability of funds.

NOW THEREFORE BE IT RESOLVED, that the Borough Clerk be and is hereby authorized to furnish copies of this Resolution to the CFO and Collector.

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CA2: Authorize Payment of Claim(s): Complete Voucher List attached to Minutes
RESOLVED, by the Mayor and Council of the Borough of Palisades Park that the following claims aggregating \$1,422,402.21, as approved and so ordered by the Finance Committee; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified the availability of funds; and

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, and Collector are hereby authorized to draw warrants in payment of said claims:

Current Account	\$ 1,187,428.51
Amend Current Account	\$ 216.00
Capital Account	\$ 108,429.69
Amend Capital Account	\$ 31,310.00
Swim Pool Account	\$ 79,424.97
Swim Pool Capital Trust	\$.00
Recycling Trust	\$ 12,784.76
Unemployment Trust	\$.00
Food Handlers Trust	\$ 1,908.28
Municipal Alliance Trust	<u>\$ 900.00</u>
Total	\$1,422,402.21
Developers Escrow	\$ 6,773.75
Round III COAH	\$.00
Library Trust	\$ 3,922.83
Tree Preservation	\$ 1,350.00
UFC Fines & Penalties	\$.00

NOW THEREFORE BE IT RESOLVED, that the Clerk is hereby authorized to furnish copies of this Resolution to the Chief Financial Officer, and the Collector

CA3: Authorize Board of Education Monies:
RESOLVED, by the Mayor and Council of the Borough of Palisades Park that the Collector shall be and is hereby authorized to draw warrants in the amount of \$1,700,000.00 for the month of April 2011, payable to the Palisades Park Board of Education, in accordance with the following schedule, same to be charged to the School Acct:

January 2010	\$ 1,600,000.00
February 2010	\$ 1,981,669.00
March 2010	\$ 1,700,000.00
April 2010	\$ 1,700,000.00
May 2010	\$ 1,700,000.00
June 2010	<u>\$ 1,700,000.00</u>
Grand Total	\$10,381,669.00

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified the availability of funds; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the CFO and Collector.

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CA4: Authorize Social Security Payment:

RESOLVED, by the Mayor and Council of the Borough of Palisades Park that the Collector is hereby authorized to draw warrants for the following period endings:

Period Ending	Amount
3/18/11	\$11,803.05
4/01/11	\$12,066.00
4/15/11	<u>\$15,058.94</u>
Total	\$38,927.99

payable to Chase Manhattan Bank, representing the employer's share of Social Security for the above payroll periods is hereby approved and ratified; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified the availability of funds in line item # 01-2010-36-4722-001; and

NOW THEREFORE BE IT RESOLVED, that the Borough Clerk be and is hereby authorized and directed to furnish copies of this Resolution to the CFO and Collector.

CA-5: Authorize Bazaar – New Hope Community Church:

WHEREAS, the New Hope Community Church, a non-profit organization has requested permission from the Mayor and Council to hold a bazaar on Saturday, April 30th, 2011 in the parking lot of 211 Broad Avenue; and

WHEREAS, New Hope Community Church has been granted permission from the owner of 211 Broad Avenue to conduct said bazaar; and

WHEREAS, the proceeds of the bazaar is earmarked for charitable organizations; and

WHEREAS, New Hope Community Church shall comply with regulations in connection with this bazaar.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park that they hereby authorize and approve New Hope Community Church to hold a bazaar on the premises of 211 Broad Avenue, Palisades Park, on April 30, 2011 (Rain Date May 7th) under the conditions set forth above.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the Police Dept., Health Dept., and New Hope Church.

CA-6: Authorize Bazaar - AWCA:

WHEREAS, the AWCA, a non-profit organization has requested permission from the Mayor and Council to hold a bazaar on Saturday, May 7th, 2011 at 21 Grand Avenue; and

WHEREAS, the AWCA has been granted permission from the owner of 21 Grand Avenue to conduct said bazaar; and

WHEREAS, the proceeds of the bazaar is earmarked for charitable organizations; and

WHEREAS, the AWCA shall comply with all health regulations in connection with this bazaar, specifically bathrooms, adequate police protection and nursing services, the cost of which shall be borne by the AWCA.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park that they hereby authorize and approve the AWCA to hold a bazaar on the premises of 21 Grand Avenue, Palisades Park, on May 7, 2011 under the conditions set forth above.

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BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the Police Dept., Health Dept., and AWCA.

CA-7: Authorize Amendment to Borough Purchasing Procedure:

WHEREAS, on January 2, 2011 the Borough of Palisades Park established a purchasing policy; and

WHEREAS, changes in N.J.S.A. 40A:11 et seq have been modified to lower the bid threshold along with the quote threshold.

NOW THEREFORE BE IT RESOLVED, that the following changes shall be adopted:

SECTION 1:	from \$21,000 to \$17,500
SECTION 3:	from \$3,100 to \$2,625
SECTION 4:	from \$3,100 to \$2,625 and \$21,000 to \$17,500
SECTION 6:	from \$21,000 to \$17,500

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized and directed to distribute certified copies of this Resolution in the following manner:

1. Post one copy on the public bulletin board
2. Furnish a copy to all department heads
3. Furnish one copy to the Chief Financial Officer
4. Maintain the original in the Borough Clerk's Office
5. Furnish one copy to the Borough Attorney

CA-8: Authorize Amendment to Raffle License #RL-610 – Elks Club:

WHEREAS, on March 15, 2011, by Resolution #CA-21, the Mayor and Council approved Raffle License #RL-610 to the Palisades Park/Fort Lee BPOE #2475, ID #371-6-36007, located at 536 10th Street, Palisades Park, NJ, to conduct a Pull-Tab/Instant Raffle beginning on March 15, 2011; and

WHEREAS, said application was submitted to the State of New Jersey – Legalized Games of Chance Control Commission for their approval; and

WHEREAS, the State of New Jersey – Legalized Games of Chance Control Commission advised the Borough Clerk that said application was submitted late and needed to be amended.

NOW THEREFORE BE IT RESOLVED, that the Borough Clerk be and is hereby authorized to amend Raffle License # RL-610, issued to the Palisades Park/Fort Lee BPOE #2475, to reflect the start date for the Pull-Tab/Instant Raffle to begin as of May 15, 2011 thru February 15, 2012.

BE IT FURTHER RESOLVED, that the Clerk is hereby authorized to furnish copies of this Resolution to the State of NJ – Legalized Games of Chance and the Palisades Park Elks Club #2475.

CA-9: Authorize BYOB Permit – Encore Karaoke:

WHEREAS, on September 15, 2009 Ordinance #1539 was adopted by the Mayor and Council of the Borough of Palisades Park permitting B.Y.O.B in non-licensed premises; and

WHEREAS, said Ordinance stated that establishments must file an application along with a non-refundable fee of \$250.00 and be investigated by the Police Department; and

WHEREAS, the application(s) have been investigated by the Police Department and it is the determination of the Police Chief that the following be approved:

PERMIT #	NAME	ADDRESS
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as Block 614, Lot 9, Qualifier C0001, 50-A E. Edsall Blvd.

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BE IT FURTHER RESOLVED, that Mr. Lim refinanced his home in November of 2010. As a result of the refinance “Title Source” and the new bank paid the 4th quarter taxes for November 2010. The duplicate tax payment was applied forward toward future taxes. Last month Mr. Lim was refunded \$2,282.00 and should have received \$2,592.43. The difference of \$310.43 will be refunded this month.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to furnish copies of this Resolution to the CFO and the Collector.

CA-12: Authorize Refund – Duplicate Tax Payment:

RESOLVED, by the Mayor and Council of the Borough of Palisades Park that the Collector is hereby authorized to issue a check in the amount of \$5,526.94, payable to “Min Jayeom” for duplicate tax payment for the 1st and 2nd Quarters 2009, on property known as Block 404, Lot 15, Qualifier C0001, 523-A 7th Street.

BE IT FURTHER RESOLVED, that BAC Tax Service in advertently paid on the master parcel and the subdivided lot for the same tax periods. BAC Tax Service’s duplicate payments total \$7,837.94. The amount of \$2,311.00 will be credited to the 2nd quarter 2011 due May 1st, 2011 and the balance of \$5,526.94 will be refunded directly to Mrs. Yeom.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to furnish copies of this Resolution to the CFO and Collector.

CA-13: Authorize Refund – Tax Court Judgment:

RESOLVED, by the Mayor and Council of the Borough of Palisades Park that the Collector shall be and is hereby authorized to issue a check in the amount of \$474.26, payable to “John R. Loyd, Esq.” as a result of a Tax Court Judgment, dated February 25, 2011, for the year 2008 & 2009, as follows:

Address	Unit #	Judgment Date	Block	Lot	Year	Amount
342 E. Central Blvd.		2/25/2011	417	10	2008	234.72
342 E. Central Blvd.		2/25/2011	417	10	2009	239.54
					Total	474.26

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the CFO and Collector.

CA-14: Authorize Refund – Tax Court Judgment:

RESOLVED, by the Mayor and Council of the Borough of Palisades Park that the Collector shall be and is hereby authorized to issue a check in the amount of \$6,753.24, payable to “John R. Loyd, Esq.” as a result of a Tax Court Judgment, dated February 25, 2011, for the year 2009, as follows:

Address	Unit #	Judgment Date	Block	Lot	Qualifier	Amount
49 E. Homestead Avenue		2/25/2011	604	14		981.24
407-411 Highland Ave.		2/25/2011	211	25		5,772.00
					Total	6,753.24

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the CFO and Collector.

CA-15: Authorize Refund – Tax Court Judgment:

RESOLVED, by the Mayor and Council of the Borough of Palisades Park that the Collector is hereby authorized to issue a check in the amount of \$3,911.97, payable to “Michael I. Schneck” as a result of a Tax Court Judgment, for the year 2009, dated 2/10/11, on property known as Block 204, Lot 14, 77 W. Palisades Blvd.

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BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the CFO, and the Collector.

CA-16: Authorize Recycling Tonnage Grant Application:

WHEREAS, The Mandatory Source Separation and Recycling Act, PL 1987, c.102, has established a recycling fund from which tonnage grant may be made to Municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new Municipal Recycling Programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on Municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the Municipality; and

WHEREAS, a Resolution authorizing this Municipality to apply for such tonnage grants will memorialize the commitment of this Municipality to recycling and to indicate the assent of the Borough of Palisades Park to the efforts undertaken by the Municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park that Palisade Park hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates, Joseph Ferguson, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling; and

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to furnish copies of this Resolution to the following: Chief Financial Officer, NJ Dept of Environmental Protection, and the Recycling Coordinator.

CA-17: Authorize Recycling Tonnage Grand Expenditures of Taxes:

WHEREAS, the Recycling Enhancement Act, P.L. 2007, Chapter 311, has establish a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

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NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park that Palisades Park hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2010 in the amount of \$21,399.00. Documentation supporting this submission is available at 275 Broad Avenue, Palisades Park, New Jersey and shall be maintained for no less than five (5) years from this date.

CA-18: Authorize Award of Contract – 2011 Swim Club Snack Bar:

WHEREAS, pursuant to NJSA 40A:11-1 et seq., the Borough of Palisades Park solicited sealed bids in accordance with the specifications prepared from interested vendors for the: **2011 SWIM CLUB SNACK BAR**

WHEREAS, the Borough Clerk caused the required notice to be advertised; and

WHEREAS, on April 14, 2011, two (2) bids were received; and

WHEREAS, the bids were reviewed by the Swim Club Manager and he has recommended to Award a contract to Vincent A. Sarubbi Food Service.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park that Vincent A. Sarubbi Food Service, 516 Hillside Avenue, Palisades Park, NJ 07650 is hereby determined to be the responsible bidder for the Swim Club Snack Bar for the year 2011 in the amount of \$13,200.00.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to enter into a contract with Vincent A. Sarubbi Food Service for such services and in said amount to be prepared by the Borough Attorney; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to send a copy of this Resolution to the Borough Administrator, CFO, Borough Attorney, Swim Club Manager, Vincent Sarubbi Food Service.

CA-19: Authorize Support of Assembly Bill A3412:

WHEREAS, when County Tax Board appeals are granted the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector makes the adjustment from the appeal as a credit on the 4th quarter tax bill resulting in the municipality's fund balance for the preceding year to diminished, if not completely depleted; and

WHEREAS, a recent League of Municipalities' survey has measured the extent to which residents have filed and won tax appeals in 2010; and

WHEREAS, one hundred fifty (150) municipalities, representing all both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because they have conducted a revaluation, however, only 5 of the 150 municipalities, which participated in our survey, indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

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WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners, all around our Garden State; and

WHEREAS, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000, per appeal; and

WHEREAS, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011, since the reductions, which were granted by County Tax Boards in 2010, will have a multiplier effect when neighbors learn of their neighbor's tax reduction, which will likely increase the appeals and in the alternative, Tax Assessors could be forced to adjust property values, based upon the appeal information; and

WHEREAS, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the School district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and the school district 100% of their levies, the municipality bears the full cost of any re-imburements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support Municipalities, County governments and School systems; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS, Assemblyman Carroll has recently introduced A-3412, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Palisades Park hereby urge the swift passage and signing of A-3412; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

DISTRIBUTION LIST

The Hon. Chris Christie,
Governor, State of New Jersey
PO Box 001
Trenton, NJ 08625

Hon. Stephen Sweeney
Senate President
NJ Senate Democratic Office
State House PO Box 099
Trenton, NJ 08625

The Hon. Sheila Oliver,
Speaker, NJ General Assembly
Assemblywoman, District 34
NJ General Assembly Democratic Office
PO Box 098
Trenton, NJ 08625

League of Municipalities
222 West State Street
Trenton, NJ 08608

Your State Legislators:
State Senator – Loretta Weinberg
545 Cedar Lane
Teaneck, NJ 07666

Assemblyman Gordon Johnson
One Engle Street – Suite 108
Englewood, NJ 07631

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Assemblywoman – Valerie Vainieri Huttle
One Engle Street – Suite 108
Englewood, NJ 07631

CA-20: Authorize Engineer to Prepare Plans/Specs – Pal Park Portion of Oakdene:

WHEREAS, a need presently exists for Road Improvements on the Palisades Park Portion of Oakdene Avenue from Grand Avenue to Broad Avenue; and

WHEREAS, said project requires Plans and Specifications for the Receipt of Bids.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park, that the Borough Engineer is hereby authorized to prepare Plans and Spec's for Receipt of Bids for the following project: ROAD IMPROVEMENTS – PALISADES PARK PORTION OF OAKDENE AVENUE (FROM GRAND TO BROAD).

BE IT FURTHER RESOLVED, that the Clerk is hereby authorized and directed to furnish copies of this Resolution to the CFO, Borough Administrator, Borough Engineer and the Dept. of Public Works.

CA-21: Authorize Sale of Vehicles No Longer Needed by Borough:

WHEREAS, the Local Unit Electronic Technology Pilot Program and Study Act has been enacted by the New Jersey Legislature to permit local units to purchase bulk commodities and services and sell surplus property through means of the internet and related technologies; and

WHEREAS, the Borough of Palisades Park (“Borough”) has surplus equipment and vehicles that is no longer used and useful in providing municipal services to the citizens of the borough and wishes to dispose of these goods through an efficient and effective process; and

WHEREAS, the Borough has determined that the equipment and vehicles constitutes property no longer needed for public use; and

WHEREAS, the Borough desires to sell this property through an online auction at Propertyroom.com; and

WHEREAS, the sale of surplus through an online auction is to be conducted in accordance with the requirements of Local Finance Notice 2008-09; and

WHEREAS, the auction of surplus pursuant with the terms and condition of the borough's contract with Propertyroom.com is necessary for the efficient operations of the Borough and the sale of property no longer used or useful by the Borough for the provision of municipal services is in the best interests of its citizens; and

WHEREAS, the contract by and between the Borough and Propertyroom.com setting forth the terms and conditions of the auction services to be provided are available in the Borough Clerk's Office and the website of Propertyroom.com

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to enter into an agreement with Propertyroom.com to perform an on-line auction on behalf of the Borough for the following equipment:

- | | |
|-----------------------------|------------------------|
| 1. 1988 Ford Bronco Wagon | Vin #1FMCU14TOJUE05034 |
| 2. 1988 Pierce Lance Pumper | Vin #1P9CT01D9JA040231 |
| 3. 1974 International Truck | Vin #22791DCA24700 |

CA-22: Authorize Hiring of Traffic Enforcement Officers:

WHEREAS, the Mayor and Council of the Borough of Palisades Park, upon recommendation from the Police Department, have deemed it necessary to hire additional

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NOW THEREFORE BE IT RESOLVED, that the position(s) of Traffic Enforcement Officer(s) will be filled by the following individuals, with the hourly rate of \$12.00, with no benefit package and in accordance with regulations set forth by the Police Department.

Andres Kim	441 4 th Street	Palisades Park
Samantha Oh	280 Grand Avenue	Palisades Park

BE IT FURTHER RESOLVED, that said individuals are hereby appointed as a Part Time Traffic Enforcement Officer(s), effective immediately; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to furnish a copies of this Resolution to the Chief of Police, CFO, Payroll Dept., Andres Kim and Samantha Oh.

CA-23: Authorize Emergency Purchase of Police Equipment – Office Business Systems:

WHEREAS, pursuant to N.J.S.A. 40A:11-6 et seq., any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefore, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety, or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, on March 23, 2011, the Borough Administrator, was advised that the Voice Recorder at the Police Communications desk was not functioning properly; and

WHEREAS, the Emergency Services Administrator, Matt Finck, has certified that the recording system was unable to be repaired due to the age of the unit and the availability of parts needed for its continued operation; and

WHEREAS, the Borough Administrator has received a written quote from a State approved Contractor (State Contract #A69830) OFFICE BUSINESS SYSTEMS, INC. of Lincoln Park, NJ for the replacement of the Voice Recording System; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds available; and

NOW THEREFORE BE IT RESOLVED, that a contract is hereby awarded to OFFICE BUSINESS SYSTEMS, INC., 600 M Ryerson Road, Lincoln Park, NJ 07058 for the supply and installation of a new REVCORD MCV Voice Logger and associated software as identified in the attached proposal in the amount of \$32,846.00 per the Lease Option Agreement; and

BE IT FURTHER RESOLVED, that based on the certification filed with the Borough Clerk it is determined an emergency condition exists to restore the voice recording capacity of phone and radio communications within the operations of the Police Department; and

BE IT FURTHER RESOLVED, that this contract is awarded without competitive bidding as an emergency affecting the public health, safety or welfare of the Borough which requires the immediate performance of services; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to furnish copies of this Resolution to Office Business Systems, Inc, Chief Financial Officer, and the Borough Administrator.

CA-24: Authorize Repairs for COAH Project Grand Avenue:

WHEREAS, the owner of 248 Grand Avenue, Palisades Park, New Jersey, Tania Perez has applied for a loan through the Borough's Affordable Housing Rehabilitation Program for plumbing and sewer repairs; and

WHEREAS, the Borough's Affordable Housing Rehabilitation has approved a loan in the amount of \$4,850.00 for such sewer repairs; and

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WHEREAS, such repairs include work to be done on the sewer line which will require a utility opening along Grand Avenue; and

WHEREAS, in order for such repairs to be completed the Borough needs to apply for and pay for a Utility Opening Permit through the Department of Transportation in the amount of \$900.00; and

WHEREAS, such \$900.00 will be included in the amount of the loan provided to the home owner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Palisades Park that the amount of \$900.00 be available to the COAH-Affordable Housing Rehabilitation Fund to pay for the application for utility opening and that such funds be included within the loan and lien provided to the home owners.

CA-25: Authorize Award of Contract Fire Department Garage Plumbing:

WHEREAS, there exists a need at the Borough's fire garage for plumbing work to be completed which includes the lowering of plumbing pipes to accommodate the new garage floor; and

WHEREAS, quotes were received for said services by the Borough Administrator; and

WHEREAS, said quotes are on file with the Office of the Borough Clerk; and

WHEREAS, Macre Development was designated as the lowest quote in the amount of \$5,800.00; and

WHEREAS, the Chief Financial Officer of the Borough of Palisades has certified to the Mayor and Council that sufficient funds are available in order to execute an Agreement with Macre Development.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park as follows:

1. Macre Development is hereby awarded the contract for plumbing work at the Palisades Park fire garage in accordance with the specifications quoted in the sum of \$5,800.00; and
2. The Mayor and Borough Clerk are hereby authorized to execute a Contract, in a form prepared and approved by the Borough Attorney; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall immediately forward to Macre Development and the Chief Financial Officer a copy of this Resolution; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall immediately forward to the Borough Attorney the written quotes and specifications so that the contract may be prepared.

CA-26: Authorize Mayor & Council to Enter into Settlement – Windsor Square Assoc:

WHEREAS, Windsor Square Condominium Association appealed a decision of the Board of Adjustment of the Borough of Palisades Park approving the application of Palisades Park Plaza LLC in the matter of Windsor Square Condominium Association, Inc., Plaintiff vs. Palisades Park Plaza LLC and Board of Adjustment of Palisades Park; and

WHEREAS, the individual parties have come to an amicable resolution of their differences; and

WHEREAS, said resolution does not affect or change the terms of the approval of the resolution of the Board of Adjustment; and

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WHEREAS, the attorney for the Board of Adjustment of the Borough of Palisades Park has recommended the Borough to enter into this Stipulation of Settlement with prejudice, and

WHEREAS, the settlement by and between the parties does not provide any liability to the Borough of Palisades Park or the Zoning Board of Adjustment of the Borough of Palisades Park and provides for no payment by the Borough.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Palisades Park that the Board of Adjustment Attorney, John Schettino, is hereby authorized to execute the Stipulation of Settlement with prejudice in the above matter which is attached hereto.

CA-27: Authorize Amendment to Part Tara LLC Developers Agreement:

WHEREAS, on January 29, 2010 the Borough of Palisades Park and Park Tara LLC entered into a Developer's Agreement for the construction of twelve age and/or income restrictive residential units located on Lots 4.01 and 4.01 in Block 431; and

WHEREAS, pursuant to that agreement and the resolution of the Board of Adjustment dated September 28, 2009, the Borough was to perform and be responsible for the construction of off-site improvements in an amount not to exceed \$280,781.00 which funds shall be taken from the Affordable Housing Trust fund and further provided that the Developer, Park Tara, LLC, be responsible for construction of on-site improvements in the amount of \$62,763.00; and

WHEREAS, the Borough in an attempt to comply with its obligations to make such improvements prepared plans and specifications for such improvements and publicly advertised and received bids; and

WHEREAS, the bids received for such work greatly exceeded the cost estimate and the Borough's obligation under this resolution.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Palisades Park that the agreement between the Borough of Palisades Park and Park Tara LLC dated January 29, 2010 is hereby amended as follows:

1. All of the terms, conditions and obligations of the Developer's Agreement between the parties and the resolution of the Board of Adjustment dated September 28, 2009 shall remain in full force and effect except as specifically amended hereunder.
2. All off-site improvements anticipated to be commenced under the resolution of the Board of Adjustment and the Developer's Agreement shall be completed by Park Tara LLC or its agents. All improvements shall be made in accordance with the plans and specifications as set forth by the Borough Engineer.
3. The Borough shall pay to the Developer, Park Tara LLC, \$280,781.00 from the Affordable Housing Trust Fund for the completion of all of the off-site improvements.
4. In the event that any change order modification increases the amount of off-site improvements, the Developer shall be responsible for all costs above the number set forth in paragraph 3 above.
5. The Borough shall pay to the contractor said money upon the completion of the off-site and on-site improvements. Upon submission of a voucher by the Developer to the Borough which voucher shall be approved and certified by the Borough Engineer. The Developer shall post a bond with the Borough prior to the commencement of the off-site improvements in an amount equal to the sum of the on-site improvements and the off-site improvements; and

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BE IT FURTHER RESOLVED that this resolution shall not be effective unless and until the Developer has executed an amendment to the Developer's Agreement encompassing the terms and conditions of this resolution; and

BE IT FURTHER RESOLVED that the Borough Clerk send a copy of this Resolution to the Chief Financial Officer, the Borough Administrator, the Borough Engineer and the Developer, Park Tara LLC.

CA-28: Authorize Acceptance of Affordable Housing Fee – 411 Brinkerhoff:

WHEREAS, a parcel of land located within the Borough situated at Block 422, Lots 2 and 11, also commonly known as 411 Brinkerhoff Avenue, (the "Property") is subject to a mortgage and note given to Oritani Bank; and

WHEREAS, 411 Brinkerhoff, LLC, ("411 Brinkerhoff") the owner of the property, is currently the debtor in a matter currently pending in the United States Bankruptcy Court for the District of New Jersey; and

WHEREAS, Trans-Hudson Management Corp. or its successor ("Trans-Hudson") wishes to acquire the note and mortgage from Oritani Bank and/or the property from 411 Brinkerhoff; and

WHEREAS, the Borough of Palisades Park (the Borough) originally assessed an affordable housing obligation for the development of the property in excess of \$320,000.00 (Three Hundred Twenty Thousand and no/100 Dollars); and

WHEREAS, the Borough has recalculated the affordable housing obligation for the development of the property to be \$80,000.00 (Eighty Thousand and no/100 Dollars); and

WHEREAS, Trans-Hudson disputes the amount the affordable housing obligation; and

WHEREAS, the Borough and Trans-Hudson wish to resolve the dispute regarding the affordable housing obligation.

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of Palisades Park, County of Bergen, State of New Jersey that, the Borough will accept the sum of \$80,000.00 (Eighty Thousand and no/100 Dollars) in full and complete satisfaction of any affordable housing obligation or development fee that may be imposed with respect to the development of the project as presently constituted at the Property; and

BE IT FURTHER RESOLVED, that the Borough shall retain the entire sum of \$80,000.00 (Eighty Thousand and no/100 Dollars) in its Affordable Housing Trust Account; and

BE IT FURTHER RESOLVED, that in the event that it is determined that the Borough is not entitled to any affordable housing fee as a result of the implementation of affordable housing statutes or regulations, the entire \$80,000.00 (Eighty Thousand and no/100 Dollars) shall be returned to Trans-Hudson; and

BE IT FURTHER RESOLVED, that in the event that it is determined that the Borough is entitled to an affordable housing fee of less than \$80,000.00 (Eighty Thousand and no/100 Dollars) as a result of the implementation of affordable housing statutes or regulations, that portion of \$80,000.00 (Eighty Thousand and no/100 Dollars) in excess of the affordable housing fee to which the Borough is entitled shall be returned to Trans-Hudson; and

BE IT FURTHER RESOLVED, that Trans-Hudson shall be required to pay the \$80,000.00 (Eighty Thousand and no/100 Dollars) described above to the Borough within thirty (30) days after the earlier of either: (a) the date that Trans-Hudson is recognized by the Bankruptcy Court as the successful bidder in an approved auction under §363 of the Bankruptcy Code and acquires title to the Property as a result of that auction following disposition of any objections to the auction or appeals; or (b) the date that Trans-Hudson acquires the mortgage on the Property currently held by Oritani Bank.

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CA-29: Authorize Plaza West Sewer Connection – Oakdene Avenue:

WHEREAS, J. Fletcher Creamer and Katherine I. Creamer hereinafter referred to as “Creamers” are the present title owners of certain lands and premises located in the Borough of Fort Lee, County of Bergen, and State of New Jersey which borders on the boundary line between the Borough of Fort Lee and the Borough of Palisades Park; and

WHEREAS, when the property was developed originally in 1969 the Borough of Palisades Park and the Borough of Fort Lee and the then property owner entered into a Sanitary Sewer Agreement, which agreement was later amended and then discontinued; and

WHEREAS, it is now in the desire of the property owner to again enter into a Sanitary Sewer Agreement with the Borough of Palisades Park; and

WHEREAS, such Sanitary Sewer Agreement is in the best interest of the Borough of Palisades Park.

NOW THEREFORE BE IT RESOLVED that the Borough of Palisades Park enter into an agreement in substantially the same terms and conditions as the prior agreement entered into in 1969 with the Creamers and the Borough of Fort Lee and such agreement be made a part of this resolution; and

BE IT FURTHER RESOLVED that the Mayor and the Clerk are authorized to sign such agreement upon the review and recommendation by the Borough Attorney.

CA-30: Authorize Clerk to Advertise for Bids – Broad Avenue Trees Phase I:

BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park, that the Borough Clerk, is hereby authorized to advertise for the receipt of bids for the following purpose:

**TREE PRUNING, REMOVAL, PLANTING & MASONARY SERVICES AT
VARIOUS LOCATIONS IN THE BOROUGH OF PALISADES PARK**

NOW THEREFORE BE IT RESOLVED, that the sealed bid proposals will be accepted by the Borough Clerk on Thursday, May 12, 2011, at 10:30 AM; and

BE IT FURTHER RESOLVED, that the Clerk is hereby authorized to furnish copies of this Resolution to the CFO, Borough Administrator, and John Linson, Tree Forester.

Motion Made By Councilperson: Ruh
Seconded By Councilperson: Donohue
To Approve Consent Agenda CA-1 thru CA-30:

ROLL CALL:

Councilperson	Donohue	Yes
“	Kim	Yes
“	Lee	Yes
“	Pirrera	Yes
“	Ruh	Yes
“	Testa	Yes

Newly appointed Traffic Enforcement Officers Andres Kim and Samantha Oh were sworn in by Borough Clerk Martin Clerk.

OFF CONSENT:

OC-1: Authorize Amendment to 2011 Municipal Budget:

WHEREAS, the Local Municipal Budget for the year 2011 was approved on 3/15/11; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget.
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NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Palisades Park, County of Bergen, that the following amendments to the approved budget of 2011 be made:

<u>Current Fund Budget Anticipated Revenues</u>	<u>From</u>	<u>To</u>
6. Amount to be Raised by Taxes for Support Of the Municipal Budget:		
(A) Local Tax for Municipal Purpose Including Res. for Uncollected Taxes	\$13,915,850.72	\$ 13,080,327.23
(C) Minimum Library Tax	.00	835,523.49

BE IT FURTHER RESOLVED, that three (3) certified copies of this Resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the 2011 Local Municipal Budget so amended.

Motion Made By Councilperson: Pirrera
 Seconded By Councilperson: Kim
 To Authorize 2011 Budget Amendment:

ROLL CALL:

Councilperson	Donohue	Yes
“	Kim	Yes
“	Lee	Yes
“	Pirrera	Yes
“	Ruh	Yes
“	Testa	Yes

PUBLIC HEARING: 2011 MUNICIPAL BUDGET

Motion Made By Councilperson: Testa
 Seconded By Councilperson: Pirrera
 To Open Budget Hearing:

Susan Brauer – questioned page 3B – Liability for accrued time for employees on retirement Page 3B1 – Caps Calculations – Sheet 4 Licenses for Alcoholic Beverages 2011 anticipated amount is less than in 2010, Asked what the 150,000 that is being removed from the Budget for Ridgefield was for, 3rd Party billing, Sheet 15B Salaries & Wages, Sheet 19 Contribution to Retirement Sys, Sheet 34 Swim Pool Utility Budget, Sheet 39 Surplus Balance 12/31/10.

OC-2: Authorize Adoption of 2011 Municipal Budget:

BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park, County of Bergen, State of New Jersey, that the 2011 Budget hereinbefore set forth, is hereby adopted, and shall constitute an appropriation for the purposes stated of the sums set forth as appropriations and authorization in the amount of: **\$19,580,765.96**, for Municipal Purposes.
 BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish a copy of this Resolution to the CFO, Tax Collector, Director of DLGS and Bergen County Board of Taxation.

Motion Made By Councilperson: Testa
 Seconded By Councilperson: Kim
 To Authorize Close Public Hearing & Adoption of 2011 Municipal Budget:

ROLL CALL:

Councilperson	Donohue	Yes
“	Kim	Yes
“	Lee	Yes
“	Pirrera	Yes
“	Ruh	Yes

2nd READING & PUBLIC HEARING

**#1569 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS & ESTABLISH CAP BANK FOR CALENDAR YEAR (NJSA 40A:4-45.14)**

WHEREAS, the Local Government CAP Law, NJSA 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by Ordinance to increase it to 3.5% over the previous year's final appropriation, subject to certain exceptions; and

WHEREAS, NJSA 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 Borough Council of the Borough of Palisades Park in the County of Bergen finds it advisable and necessary to increase its CY2011 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 Borough Council hereby determines that a 1.5% increase in the budget for said year, amounting to **\$196,998.54** in excess of the increase in final appropriations otherwise permitted by the Local Government CAP Law, is advisable and necessary; and

WHEREAS, the Borough Council 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 Borough Council of the Borough of Palisades Park, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY2011 budget year, the final appropriations of the Borough of Palisades Park shall, in accordance with this Ordinance and NJSA 40A: 4-45.14, be increased by 3.50%, amounting to **\$459,663.26**, and that the CY2011 municipal budget for the Borough of Palisades 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 the final appropriation in either of the next two succeeding years; and

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

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

Motion Made By Councilperson: Pirrera
Seconded By Councilperson: Donohue
To Open Ordinance #1569 to the Public:

PUBLIC PARTICIPATION: NONE

Motion Made By Councilperson: Donohue
Seconded By Councilperson: Kim
To Close & Adopt Ordinance #1569:

ROLL CALL:

Councilperson	Donohue	Yes	
“	Kim		Yes
“	Lee		Yes
“	Pirrera	Yes	
“	Ruh	Yes	

Ordinance 1569 has been finally adopted by the Borough Council of the Borough of Palisades Park, County of Bergen, State of NJ, on April 19, 2011 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such Ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full Ordinance are available at no cost and during regular business hours, at the Clerk's Office for members of the general public who request the same.

INTRODUCTION OF NEW ORDINANCES: NONE

COUNCIL REPORTS:

Councilperson Kim: Advised that the Health Fair will be held on 4/30/11 at Lindbergh School from 10:00 – 2:00

Councilperson Pirrera: Advised on Pool Memberships

Councilperson Lee: NONE AT THIS TIME

Councilperson Donohue: NONE AT THIS TIME

Councilperson Ruh: NONE AT THIS TIME

Councilperson Testa: NONE AT THIS TIME

Motion Made By Councilperson: Testa

Seconded By Councilperson: Kim

To Open Meeting to the Public:

PUBLIC PARTICIPATION:

Marsha Schor – Questioned CA9 BYOB Permit how can they apply for Permit if they are not open yet. Asked for information regarding CA27

Susan Brauer – Questioned CA16, CA24, CA28, CA29. Questioned the rescinded grants that were to be included into the 2011 Budget – Where is the money being allocated. Asked who signs the employee paychecks? Questioned Contract for Administrative/Secretarial Services. Asked when Officer Cieslak will be returning to the Borough. Questioned 2 positions listed on the Salary Ordinance in 2010. Advised that the number of hours to qualify as a full-time employee is 24 hours.

Motion Made By Councilperson: Donohue

Seconded By Councilperson: Pirrera

To Close Public Portion & Adjourn Meeting:

All present in favor by Voice Vote

Attest:

Martin A. Gobbo, RMC – Borough Clerk