

Borough of Palisades Park
 Regular Meeting of the Mayor and Council
 October 16, 2012

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 1/9/12, with the Record, Jersey 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: **JOSEPH TESTA**
 Moment of Silence for our Troops

ROLL CALL:

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

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

From: Mayor & Council Meeting September 18, 2012

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

CONSENT AGENDA:

CA-1: Authorize Payroll:

RESOLVED, by the Mayor and Council of the Borough of Palisades Park that warrants drawn in the amount of **\$546,909.66**, payable to the Borough of Palisades Park – Payroll Account be approved and charged to the following appropriations:

Current Account	
9/28/12	\$252,441.67
10/12/12	<u>\$289,179.20</u>
	\$541,620.87

Swim Pool Operation	
9/28/12	\$ 2,993.52
10/12/12	<u>\$ 2,295.27</u>
	\$ 5,288.79

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Grand Total **\$546,909.66**

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 following:

1. Chief Financial Officer
2. Collector

CA2: Authorize Payment of Claims(s): Complete Voucher List attached to Minutes: RESOLVED, by the Mayor and Council of the Borough of Palisades Park, that the following claims, aggregating \$2,230,941.39 as so ordered and approved by the Finance Committee; and

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

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

Current Account	\$	2,220,065.36
Capital Account	\$	(236.00)
Swim Pool Account	\$	10,375.03
Unemployment Trust	\$	0
Municipal Alliance Trust Account	\$	737.00
	Total	\$2,230,941.39
Developers Escrow Account	\$	1,880.00
Round III COAH	\$	0
Library Account	\$	2,716.48
Tree Pres.	\$	185.00
Affordable Senior Account	\$	45,415.95
Night Out Against Crime	\$	0

BE IT FURTHER RESOLVED, that the Borough Clerk be and 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 \$1,657,333.00 for the month of October, 2012, payable to the Palisades Park Board of Education, in accordance with the following schedule, same to be charged to the School Acct:

October 2012 **\$1,657,333.0**

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified the

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availability of funds; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Collector

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
9/28/12	\$ 12,226.08
10/12/12	\$ 14,814.41

Total \$27,040.49

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 following:

1. Chief Financial Officer
2. Collector

CA-5: Resolution Accepting New Junior Firefighter (Mazen Aboelnaga):

BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park, that the application(s) submitted by the following individual(s), to be a Junior Firefighter for the Borough of Palisades Park, is hereby approved effective immediately:

Mazen Aboelnaga 226 7th Street Palisades Park, NJ 07650

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Fire Chief
2. Payroll Department
3. Mazen Aboelnaga

CA-6: Resolution Authorizing B.Y.O.B. Permit (421 Broad Ave.):

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

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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:

<u>PERMIT #</u>	<u>NAME</u>	<u>ADDRESS</u>
028-13	New To To Wah	421 Broad Ave.

NOW THEREFORE BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to issue **B.Y.O.B. Permit(s)** to each applicant upon receipt of the initial payment of **\$2000.00** payable to the Borough of Palisades Park by certified check or money order; and

BE IT FURTHER RESOLVED, that said permit(s) shall take effect upon receipt of the prescribed fee **and expire on June 30, 2013**; and

BE IT FURTHER RESOLVED, that the Clerk is hereby authorized to furnish copies of this Resolution to the Chief of Police, Building Department, Health Department and each applicant.

CA-7: Resolution Authorizing B.Y.O.B. Permit (138 W. Central Blvd.):

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:

<u>PERMIT #</u>	<u>NAME</u>	<u>ADDRESS</u>
029-13	To Soc Chon, Inc.	138 W. Central Blvd. #B

NOW THEREFORE BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to issue **B.Y.O.B. Permit(s)** to each applicant upon receipt of the initial payment of **\$2000.00** payable to the Borough of Palisades Park by certified check or money order; and

BE IT FURTHER RESOLVED, that said permit(s) shall take effect upon receipt of the prescribed fee **and expire on June 30, 2013**; and

BE IT FURTHER RESOLVED, that the Clerk is hereby authorized to furnish copies of this Resolution to the Chief of Police, Building Department, Health Department and each applicant.

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CA-8: Resolution Accepting New Firefighter (Ruben Ceballos):

BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park, that the following application(s) submitted to be a Firefighter for the Borough of Palisades Park, in Hook & Ladder Company #1, is hereby approved effective immediately:

Ruben Ceballos 534 Lawn Avenue Palisades Park, NJ 07650

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Fire Chief
2. Payroll Department
3. Ruben Ceballos

CA-9: Tax Court Judgment (61-71 Grand Ave.):

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 \$6,647.67, payable to "Nathan P. Wolf & 61-71 Grand Ave. Assoc. C/O Aboudi" as a result of a Tax Court Judgment, covering year 2010 dated August 17th, 2012, on property known as Block 504, Lots 6 & 6.01, 61 & 71 Grand Ave.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Collector

CA-10: Tax Court Judgment (335 1st St.):

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 \$4,064.93, payable to "Randal W. Habeeb, Esq." as a result of a Tax Court Judgment, covering year 2009 dated August 17th, 2012, on property known as Block 222, Lot 18, 335 1st Street.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Collector

CA-11: Resolution Authorizing Redemption of Tax Sale Certificate (325 Grand Ave.):

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 \$161,441.77, payable to "Stonefield Investment Fund I, LLC" for the Redemption of Tax Sale Certificate #3128, dated December 9, 2010, on property known as Block 108, Lot 5, 325 Grand Avenue. This amount includes a premium of \$25,600.00.

BE IT FURTHER RESOLVED, that the taxpayer has paid to the Borough Tax Collector the full amount of said redemption, less the premium, to the Borough of Palisades Park.

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BE IT FURTHER RESOLVED, that the Lien Holder bid and paid, \$25,600.00 as a Premium to the Borough of Palisades Park on the day sale for Tax Sale Certificate #3128.

BE IT FURTHER RESOLVED, that this check is to reimburse the Buyer of the lien; and

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

1. Chief Financial Officer
2. Collector

CA-12: Resolution Authorizing County Board 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 \$4,608.08, payable to "Glen Oreciho" as a result of a County Board Judgments, dated July 10, 2012, for the following properties:

<u>BLOCK</u>	<u>LOT</u>	<u>QUALIFIER</u>	<u>ADDRESS</u>	<u>COUNTY REDUCTION</u>
619	8		26 E. Ruby Ave.	\$ 936.77
320	18		464 Glen Ave.	878.22
406	18		313 8 th St.	1,780.55
417	1	C0001	335A E. Brinkerhoff Ave.	1,012.54
			TOTAL	\$4,608.08

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Collector

CA-13: Resolution Authorizing Borough Attorney to Review Street Opening Ordinances:

WHEREAS, the Borough Attorney has reviewed the Borough ordinances and processes involved with street openings and street excavations; and

WHEREAS, that review has determined that the Borough ordinances are in conflict with one another and need to be updated to reflect the practical complications involved with street openings, excavations and permits;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Palisades Park that the Borough Attorney is requested to review all of the Borough ordinances as well as the ordinances of other municipalities to determine what changes are necessary to the Borough's street openings and excavation ordinances; and be it further

RESOLVED that the Borough Attorney shall propose to the Mayor and Council changes to the Borough ordinances, and if necessary, the process by which permits are issued to be considered by the Mayor and Council at a future meeting.

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CA-14: Resolution Authorizing B.Y.O.B. Permit (236 Broad Ave.):

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:

<u>PERMIT #</u>	<u>NAME</u>	<u>ADDRESS</u>
031-13	Golden Bell Music, Inc.	236 Broad Ave., 2 nd Floor

NOW THEREFORE BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to issue B.Y.O.B. Permit(s) to each applicant upon receipt of the initial payment of \$2000.00 payable to the Borough of Palisades Park by certified check or money order; and

BE IT FURTHER RESOLVED, that said permit(s) shall take effect upon receipt of the prescribed fee and expire on June 30, 2013; and

BE IT FURTHER RESOLVED, that the Clerk is hereby authorized to furnish copies of this Resolution to the Chief of Police, Building Department, Health Department and each applicant.

CA-15: Resolution Authorizing B.Y.O.B. Permit (280 Broad Ave.):

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:

<u>PERMIT #</u>	<u>NAME</u>	<u>ADDRESS</u>
030-13	Lee & Lee Partners Corp.	280 Broad Ave.

NOW THEREFORE BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to issue B.Y.O.B. Permit(s) to each applicant upon receipt of the initial payment of \$2000.00 payable to the Borough of Palisades Park by certified check or money order; and

BE IT FURTHER RESOLVED, that said permit(s) shall take effect upon receipt of the prescribed fee and expire on June 30, 2013; and

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BE IT FURTHER RESOLVED, that the Clerk is hereby authorized to furnish copies of this Resolution to the Chief of Police, Building Department, Health Department and each applicant.

Motion Made By Councilperson: Testa
Seconded By Councilperson: Donohue
To Approve Consent Agenda CA-1 thru CA-15

ROLL CALL:

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

2nd READING/PUBLIC HEARING & FINAL ADOPTION:

#1585 AN ORDINANCE ACQUIRING & SELLING REAL PROPERTY ABUTTING CENTRE PLACE

ORDINANCE #1585

AN ORDINANCE TO ACQUIRE AND TO SELL CERTAIN REAL PROPERTY ABUTTING CENTRE PLACE IN THE BOROUGH OF PALISADES PARK

WHEREAS, the Borough has determined it to be in the public interest to construct a nine unit low and moderate senior housing project on a portion of Lot 23, Block 203 which is owned by the municipality; and

WHEREAS, to construct such project it is necessary to subdivide Lot 10 in Block 203 into two lots to be known as Lot 10 and Lot 10.02 in Block 203; and

WHEREAS, it therefore is necessary to widen Centre Place at its place of connection to Lot 10 in Block 203; and

WHEREAS, the owner of Lot 23 in Block 203 which is contiguous to Lot 10 or new Lot 10.1 in Block 203 has agreed to sell to the Borough a portion of Lot 23 to the Borough in consideration of the payment by the Borough of \$35,000.00 and the annexation of approximately 5 feet from Lot 10 or new Lot 10.02 in Block 203; and

WHEREAS, it is also necessary to subdivide and realign Lot 23 in Block 203; and

WHEREAS, as a result of this sale/acquisition of property the Borough will be capable of constructing the low and moderate senior citizen project to advance the purposes of providing affordable housing in the Borough and the Borough will be enabled to improve Centre Place to provide adequate ingress and egress to such affordable project and the owner of Lot 23 will now have a rectangular lot shape with frontage and rear yard equality; and

WHEREAS, the land to be conveyed to Lot 23 Block 203 is no longer needed for public use and the land to be acquired from the owner of Lot 23 in Block 203 is needed

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to provide affordable low and moderate senior housing; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(5), Lot 23 is without any capital improvement and is less than the minimum size required for development under the Municipal Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF PALISADES PARK:

Section 1. The Borough shall sell the following described property to the contiguous land owner of Lot 10 in Block 203, such property being less than the minimum size required for development under the Municipal Zoning Ordinance and is without any capital improvement thereof, in accordance with an agreement reached between the Borough and Betty L. Hendrie and Robert Hendrie, Life Estate:

(a) the consideration for such sale is the acquisition of certain lands from Betty L. Hendrie and Robert Hendrie, Life Estate to the Borough which makes possible the improvement of Centre Place and the construction of the Borough's low and moderate senior income housing project; and

(b) the property to be acquired which will become part of Lot 23 in Block 203 owned by Betty L. Hendrie and Robert Hendrie, Life Estate is described as follows:

BEGINNING at a point on the northeasterly side of Centre Place (50 feet wide) which point is distant 175.00 feet northwesterly from the intersection of the northwesterly side of Hillside Avenue (60.00 feet wide) with the northeasterly side of Centre Place and running thence;

- a. N 371 15' - 40" E a distance of 25.00 feet to the point of beginning.
 - 1. N 371 15' - 40" E a distance of 80.00 feet to a point thence;
 - 2. S 521 44' - 20" E a distance of 5.00 feet to a point thence;
 - 3. S 371 15' - 4" W a distance of 80.00 feet to a point thence;
 - 4. N 521 44' - 20" W a distance of 5.00 feet to the point and place of beginning

Containing 400.00 S.F.

(c) the Borough shall acquire from Betty L. Hendrie and Robert Hendrie Life Estate owners of Lot 23 in Block 203 the following described property:

That portion of Lot 23 to become a part of Lot 10.02 in Block 203 is described as follows:

Beginning at a point on the northeasterly side of Centre Place (50 feet wide) which point is distant 175.00 feet northwesterly from the intersection of the northwesterly side of Hillside Avenue (60.00 feet wide) with the northeasterly side of Centre Place and running thence;

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1. N 521 44' – 20" W a distance of 25.00 feet to a point thence;
2. N 371 15' – 40" E a distance of 25.00 feet to a point thence;
3. S 521 44' – 20" E a distance of 25.00 feet to a point thence;
4. S 371 15' – 40" W a distance of 25.00 feet to the point and place of beginning

Containing 625.00 S.F.

- (d) That property to be acquired from Betty L. Hendrie and Robert Hendrie, Life Estate part of Lot 23, Block 203 to become part of the Borough's right of way, described as follows:

Beginning at a point on the northeasterly side of Centre Place (50 feet wide) which point is distant 175.00 feet northwesterly from the intersection of the northwesterly side of Hillside Avenue (60.00 feet wide) with the northeasterly side of Centre Place, and running thence;

1. S 371 15' – 40" W a distance of 25.00 feet to a point thence;
2. N 521 44' – 20" W a distance of 25.00 feet to a point thence;
3. N 371 15' – 40" E a distance of 25.00 feet to a point thence;
4. S 521 44' – 20" E a distance of 25.00 feet to the point and place of beginning

Containing 625.00 S.F.

Section 2. The Borough shall pay to Betty L. Hendrie and Robert Hendrie Life Estate as partial consideration for the acquisition of property known as Lot 23 in Block 203 to the Borough the sum of \$35,000.00, which along with the Borough's acquisition of portions of Lot 23 in Block 203 shall be the full and complete consideration for this exchange of lands.

Section 3. The consideration as shown is not less than the fair market value of such property, which has been determined by negotiation between the owner and the Borough and in consideration of an appraisal by a certified land appraiser and to which Betty L. Hendrie and Robert Hendrie Life Estate have had an opportunity to review.

Section 4. The Borough shall pursuant to N.J.S.A. 40A:12-13(b) file with the Director of the Division of Local Government Services and the Department of Community Affairs verifying the publication required by that section.

Section 5. The Borough clerk is authorized to post a copy of this ordinance on the Bulletin Board and advertise same in The Record within five (5) days of the passage of this Ordinance. The Mayor and Borough Clerk are authorized and directed to execute any Deed prepared by the Borough Attorney necessary for the execution of this ordinance and the Borough Clerk is authorized and directed to receive the Deed in the form approved by the Borough Attorney from the Seller, Ruth L. Hendrie and Robert Hendrie Life Estate and record same in the Office of the County Clerk of Bergen County.

Section 6. If any section, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the

remainder of this Ordinance, but shall be confined in its effect to the section, sentence

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or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 7. This Ordinance shall take effect immediately upon passage and publication as provided by law.

Motion Made By Councilperson: Testa
Seconded By Councilperson: Pirrera
To Open Ordinance #1585 to the Public

PUBLIC PARTICIPATION: NONE

Motion Made By Councilperson: Testa
Seconded By Councilperson: Pirrera
To Adopt Ordinance #1585

ROLL CALL:

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

NOTICE IS HEREBY GIVEN, that the Mayor and Council of the Borough of Palisades Park adopted Ordinance #1585 after public hearing, at a meeting held on October 16, 2012. A copy of the Ordinance has been posted on the Bulletin Board in the Borough Hall and will be available at the Office of the Borough Clerk.

COUNCIL REPORTS: NONE

Motion Made By Councilperson: Testa
Seconded By Councilperson: Donohue
To Open Meeting to the Public

PUBLIC PARTICIPATION:

Susan Brauer: Asked if a contract had been awarded for the street sweeper. Borough Clerk answered question that funds were in place and that contract would be awarded before the end of the year. Also questioned whether resolution was done regarding the hiring of new traffic officer (Sal) and Borough Clerk answered question that resolution was done. Asked if we heard anything about the Master Plan and Borough Attorney answered question. She also stated that on her OPRA request that she gets resolutions plus attachments, but received unsigned contracts. Borough Clerk answered question that contracts are not signed by the Mayor until they are fully executed, but one of the contracts (Police Vehicles) had the Mayor’s signature on it all ready. Mayor Rotundo answered question. Also questioned some paid bills and Borough Clerk answered question.

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Marsha Shorer: Questioned the three garbage cans and that they are full by Sunday. Mayor Rotundo answered question. Also asked if there was a way to stop jaywalkers. Mayor said he would talk to Chief Ramos about it.

Motion Made By Councilperson: Pirrera
Seconded By Councilperson: Testa
To Close Public Portion & Adjourn Meeting

All present in favor by Voice Vote:

Attest

Martin A. Gobbo, RMC – Borough Clerk

