



Borough of Palisades Park  
 Regular Meeting of the Mayor and Council  
 September 20, 2011

Swim Pool Operation	
8/19/11	\$ 23,629.83
9/2/11	\$ 15,916.83
9/16/11	<u>\$ 15,517.30</u>

**Grand Total** **\$841,444.93**

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 \$520,033.13 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	\$ 482,932.99
Capital Account	\$ 7,999.00
Swim Pool Account	\$ 16,118.38
Swim Pool Trust Account	\$ .00
Recycling Trust Account	\$ 10,239.74
Unemployment Trust	\$ 1,690.02
Municipal Alliance Trust	\$ 1,053.00
	<b>Total \$ 520,033.13</b>

Developers Escrow	\$ 3,147.50
Round III COAH	\$ 50,240.00
Library Trust	\$ 6,079.88
Tree Preservation	\$ 7,400.00
Night Out Against Crime	\$ .00

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 \$1,664,435.50 for the month of August, 2011, payable to the Palisades Park Board of

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Education, in accordance with the following schedule, same to be charged to the School Acct:

July 2011	\$ 1,664,435.50
August 2011	\$ 1,664,435.50
September 2011	\$ 1,664,435.50
October 2011	\$ 1,664,435.50
November 2011	\$ 1,664,435.50
December 2011	<u>\$ 1,664,435.50</u>
 Grand Total	 <b>\$ 9,986,613.00</b>

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 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
8/19/11	\$14,058.98
9/2/11	\$13,205.15
9/16/11	\$13,470.75
 Total	 <b>\$40,734.88</b>

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: Authorize Payment For Settlement – Sanzari, Inc.**

WHEREAS, certain litigation was commenced against the Borough in connection with the 9<sup>th</sup> Street Resurfacing Project by Joseph M. Sanzari, Inc., and

WHEREAS, the Borough believes the bills submitted were not either substantively correct or procedurally correct and refused to pay; and

WHEREAS, litigation was filed against the Borough by Sanzari in the Superior Court of New Jersey, Law Division, bearing Docket No. L 12362-10; and

WHEREAS, the Borough has agreed to pay the sum of \$12,000 which is equal to the

work performed but excluding any profit,

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NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Palisades Park that such settlement is ratified; and

BE IT FURTHER RESOLVED that the Borough shall issue a check payable to Joseph M. Sanzari, Inc. but FORWARDED TO THE BOROUGH ATTORNEY; and

BE IT FURTHER RESOLVED that the Borough Attorney is authorized and directed to execute the appropriate court documents to terminate this matter; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Borough Attorney and the Chief Financial Officer.

**CA-6: Tax Court Judgment – 39 Broad 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 \$3,490.97, payable to “Marcus, Brody, Ford & Kessler, LLC” as a result of a Tax Court Judgment, for the year 2009, dated 6/24/2011, on property known as Block 617, Lot 19, 39 Broad Avenue.

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-7: Authorize Refund to Lombardo Environmental, Inc.**

WHEREAS, the Construction Official has advised the Mayor and Council that Lombardo Environmental, Inc. has requested a refund for a building permit #11-322; and

WHEREAS, the Building Department was informed by Lombardo Environmental that the project was cancelled prior to starting by the homeowner; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park that a refund check be made payable to Lombardo Environmental, Inc., 32 Bushes Lane, Elmwood Park, NJ, in the amount of \$120.00; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to forward a copy of this Resolution to the following:

1. Chief Financial Officer
2. Collector
3. Construction Official
4. Lombardo Environmental, Inc.

**CA-8: Authorize BYOB Permit – 6 E. Columbia 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

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the determination of the Police Chief that the following be approved:

<u>PERMIT #</u>	<u>NAME</u>	<u>ADDRESS</u>
020-12	Dong Fang Chun Dian	6 E. Columbia 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 as of **September 20, 2011 and expire on June 30, 2012**; 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-9: Resolution Authorizing Action on Patrolman Stark:**

WHEREAS, on March 30, 2010, Police Officer Stark was charged with violations arising from an incident which occurred between him and his wife, Mary Vaughn Stark on February 17, 2010; charges concerning a borough employee Dana Polotta; violation of his oath and obligation to be truthful at all times and to cooperate in any internal affairs investigation; and

WHEREAS, at approximately the same time the Governing Body passed a resolution appointing Special Counsel to prosecute the charges against Police Officer Stark and appointing the Honorable Robert Guida, Judge, Superior Court, retired, as Hearing Officer; and

WHEREAS, Judge Guida held twenty three days of hearings; and

WHEREAS, Police Officer Stark is represented by Alfred Wunsch, Esq.; and

WHEREAS, fifteen witnesses testified, and over ninety-two exhibits were marked for identification; and

WHEREAS, on July 29, 2011 Judge Guida forwarded to the Mayor and Council his Factual Report and Findings relating to the charges and on August 23, 2011 Judge Guida submitted to the Governing Body his Report and Recommendations regarding the penalties recommended against Police Officer Stark; and

WHEREAS, in addition to hearing the witnesses' testimony, Judge Guida listened to Mrs. Stark's 911 call on February 17, 2010, Paramus 9-1-1 Dispatcher's call to the Palisade Park Police Department on February 17, 2010; the Paramus 911 Dispatcher's call to Mrs. Stark on February 17, 2010; Mrs. Stark's call to the Cliffside Park Sergeant Giunchini on February 18, 2010; Sergeant Giunchini's call to Lieutenant Mucchio on February 18, 2010; Lieutenant Mucchio's call to the Stark home; Lieutenant Mucchio's call to Mrs. Stark on February 18, 2010; the recording of Police Officer Stark's interview at the internal affairs investigation on March 9, 2010, and the recording of the meeting in the Borough Hall between Police Officer Stark, Mrs. Stark, Detective Gasparovich, and Lieutenant Grazing; and

WHEREAS, Judge Guida also viewed the video tape made by the Palisades Park Police Dept on February 17, 2010 showing Mrs. Stark driving her car into the Police parking lot, parking her car, remaining in the car for a short period, and then exiting the lot; and

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WHEREAS, Judge Guida found that the internal affairs investigation was conducted with fundamental fairness and more than adequate procedural safeguards to Police Officer Stark; and

WHEREAS, the Council reviewed the decision of Judge Guida dated July 29, 2011 and his Recommendations and Report dated August 23, 2011 and the Council has available transcripts of the testimony; and

WHEREAS, Judge Guida found that Police Officer Stark pushed his wife to the floor, causing her to strike her back on a Barbie car during the evening of February 17, 2010; that Police Officer Stark threatened to take her daughter Alexa with him and grabbed the daughter's arm; and that he put his fists in Mrs. Stark's face threatening her; and

WHEREAS, Judge Guida found that Police Officer Stark threatened her that if she called the police, they could do nothing to help her; and

WHEREAS, Judge Guida determined Police Officer Stark's conduct violated The Standard of Conduct in that Stark conducted his private life to bring the Department disrespect and violated NJSA 40A:24-147; and

WHEREAS, he finds that Police Officer Stark's conduct violates the standards of conduct allowable for a police officer; and

WHEREAS, Judge Guida found that Police Officer Stark has had a continuous affair with a Borough employee for years, one known publically by his wife and others; and

WHEREAS, Judge Guida found that Police Officer Stark visited his lover while on duty at least 40 times between June 2009 and February 2010 to further his extra-marital affair and was in fact neglecting his duties and brought the department disrepute; and

WHEREAS, Judge Guida found that Police Officer Stark lied to the I.A investigator to hide the facts; and

WHEREAS, Judge Guida found that Police Officer Stark's perverse use of regular procedures from June 2009 to February 2010, in engaging in an affair with a Borough Employee, his untruthful statements to the I.A investigator, and his conduct on February 17, 2010 were so unbecoming a police officer to warrant dismissal; and

WHEREAS, this Council finds that the actions of Police Officer Stark in engaging in an affair while on duty and in uniform rise to the threshold of Theft of Services; and

WHEREAS, this Council finds such action to be inimical to the oath Police Officer Stark took as a Police Officer, violative of his marriage and adverse to the other members of the department who may have had to rely on Police Officer Stark for back-up while he was satisfying his libido; and

WHEREAS, this Council finds that Police Officer Stark's cover-up of these activities were evasive and untruthful to his fellow officers in this investigation and magnifies the disgracefulness of his actions; and

WHEREAS, this Council determines that the totality of Police Officer Stark's action atrocious, caused the police department and the Borough disrespect and rise to the level of conduct unbecoming a Police Officer; and

WHEREAS, this Council has taken into consideration not just the incident of February 17, 2010, but the continuous unlawful conduct of Police Officer Stark for at least seven months of numerous and extended visits in a police car and in uniform to his lover's home; and

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WHEREAS, this Council has examined Police Officer Stark's personnel file including his training and citations and his reprimands. He received reprimands for using excessive force; for failure to conduct a thorough investigation; for failure to report gunshots at the Ambulance Corp. building; for failure to follow proper procedures regarding property taken into custody; a warning not to sign-in for calls as volunteer fireman while on active police duty; a reprimand for publicly criticizing a superior officer; a reprimand for using profane and insulting language and a prior suspension for failing to follow a proper Order, insubordination and failing to conduct a complete investigation and another reprimand for excessive force and acting without a warning; and another reprimand for abrupt attitude and abuse of power; and

WHEREAS, the Bergen County Prosecutor, acting independent of this investigation has taken all of Police Officer Stark's weapons and had an Order entered in the Superior Court authorizing this turn-over of weapons and which Order provided that Police Officer Stark had one year to seek return of his weapons which he had failed to do, causes Police Officer Stark to not meet the minimum criteria to act as a Police Officer; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that;

- 1) The Mayor and Council adopts the finding of Judge Guida found in his report dated July 29, 2011 as if set forth at length herein;
- 2) The Mayor and Council agrees with The Report and Recommendations made by Judge Guida dated August 23, 2011;
- 3) The Mayor and Council does hereby dismiss and terminate Police Officer Stark as a Palisade Park Police Officer for the reasons expressed by Judge Guida and this resolution; and
- 4) The Mayor and Council does determine that Police Officer Stark has violated the rules and regulations of the police department, has engaged in conduct so unbecoming a Police Officer and so contrary to the standard of a police officer and has disgraced his Department and the Borough that only dismissal as a Police Officer is appropriate.
- 5) The Mayor and Council determines that Police Officer Stark has committed crimes against the Borough, specifically, theft of services, interference with a police investigation, and assault and battery and directs the Clerk to forward a copy of this resolution to the Bergen County Prosecutor's Office for appropriate action.
- 6) The Police Chief is directed to obtain from Charles Stark all police equipment including his weapons, police issued ammunition, mace, radio holder, magazine pouch, all identification badges, bulletproof vest, and any other items that he may have identifying him as a Palisades Park Police Officer.
- 7) This resolution is effective as of September 9, 2011, the date upon which this determination was made by the Governing Body following a hearing and action by the Governing Body.
- 8) That a copy of this resolution be forwarded to Charles Stark, through his attorneys, to the Chief Financial Officer, to the Police Chief, and to the Borough Administrator.

CA-10: Authorize Borough Clerk to Advertise RE: Bids Roff Ave.

WHEREAS, the Borough Engineer was authorized by Resolution CA-12 on February 15, 2011 to prepare plans and specifications for Roff Avenue road improvements and

WHEREAS the plans have been sent on September 12, 2011 to the New Jersey Department of Transportation for their review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Palisades Park that upon the approval of New Jersey Department of Transportation the  
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Borough Clerk is hereby directed to advertise for receipt of bids for this project.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the following:

1. Borough Attorney
2. Borough CFO
3. Borough Administrator

CA-11: Application to BCCD Block Grant for Resurfacing – Hillside & Cleveland Ave.  
MUNICIPALITY OF PALISADES PARK  
COUNTY OF BERGEN  
RESOLUTION NO. CA-11

BE IT RESOLVED by the Mayor and Council of the municipality of PALISADES PARK that application is made to the Bergen County Community Development Block Grant Program for:

Hillside Avenue & Cleveland Avenue & a portion of Highland Avenue Resurfacing

WHEREAS, the Council has determined that such application(s) should be prepared by Capital Alternatives Corporation, the grants specialists engaged by the municipality for assistance in such matters.

RESOLVED, that Capital Alternatives Corporation is authorized to prepare, assemble, and submit the necessary documentation on behalf of the municipality of PALISADES PARK for the stated project(s).

I HEREBY certify that the foregoing  
is a true and correct  
copy of a Resolution adopted by the  
governing body at the Regular  
Meeting held  
Martin A. Gobbo, Clerk

CA-12: Authorizing Grant for Hillside & Cleveland Avenue  
MUNICIPALITY OF PALISADES PARK  
COUNTY OF BERGEN  
RESOLUTION NO. CA-12

WHEREAS, a Bergen County Community Development grant of \$101,245 for the Hillside Avenue, Cleveland Avenue and a portion of Highland Avenue Resurfacing has been proposed in the municipality of Palisades Park, and

WHEREAS, pursuant to the State Inter-local Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and WHEREAS, the aforesaid project is in the best interest of the people of Palisades Park, and

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

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Palisades Park hereby confirm endorsement of the aforesaid project, and

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

I HEREBY certify that the foregoing is a true and correct copy of a Resolution adopted by the governing body at the Regular Meeting held  
Martin A. Gobbo, Clerk

**CA-13: Resolution Authorizing on-line sale – dodge Stratus & House Trailer**

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. 2005 Dodge Stratus Vin #1b3e146td5n573465
2. 2006 Gulf Stream 33’ house trailer – Serial No. 54-6-T-CVDH-61357

**CA-14: Resolution Authorizing 50/50 Raffle License – St. Michael’s Church**

WHEREAS, St. Michael’s Church, located at 19 E. Central Blvd., Palisades Park, NJ

07650, Registration ID #~~371-1-7777~~, has filed an application to conduct a 50/50 Raffle, to be held on Sunday, December 18, 2011 at 2:30PM; and

WHEREAS, said application has been investigated and it is the determination of the Mayor and Council of the Borough of Palisades Park that it be approved.

NOW THEREFORE BE IT RESOLVED, that the Borough Clerk is hereby authorized to issue Raffle License # RL611, to St. Michael's Church, and that the licensee shall submit a fee of \$20.00 payable to the State of New Jersey, Legalized Games of Chance Control Commission, and a fee of \$20.00 payable to the Borough of Palisades Park.

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

- 1. State of NJ – Legalized Games of Chance
- 2. St. Michael's Church

Motion Made By Councilperson: Kim  
Seconded By Councilperson: Testa  
To Approve Consent Agenda CA-1 thru CA-14

**ROLL CALL:**

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

**2<sup>ND</sup> READING/FINAL ADOPTION AND PUBLIC HEARING:**  
**#1573 – AN ORDINANCE ESTABLISHING RECREATION FEES**

**ORDINANCE CREATING FEES FOR CERTAIN RECREATIONAL PROGRAMS IN THE BOROUGH OF PALISADES PARK**

WHEREAS, the Recreation Committee sponsors certain programs; and

WHEREAS, the Mayor and Council of the Borough of Palisades Park wish to establish certain fees for these programs,

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

**Section 1. Fees and Programs.** The Mayor and Council do hereby establish sign-up fees per year per activity for the following recreational programs:

Soccer (Indoor & Outdoor)	\$45.00
Football	\$45.00
Cheerleading	\$45.00
Cross Country	\$30.00
Basketball	\$30.00
Girl's Softball	\$45.00
Wrestling	\$45.00
Aerobics	\$40.00-one day per week \$65.00-two days per week
Summer Youth Program	\$125.00 for one child \$100.00 each additional child.

**Section 2.** Recreational fees shall be established yearly by the Governing Body by the passage of a resolution and such resolution may amend the fees established herein.

**Section 3.** All Ordinances of the Borough of Palisades Park which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 4.** If any section, sentence or other part of this Ordinance is adjudged unconstitutional

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

**Section 5.** This Ordinance shall take effect immediately upon passage and publication as provided by law.

Motion Made By Councilperson: Testa  
Seconded By Councilperson: Donohue  
To Open Adoption of Ordinance #1573 to the Public

PUBLIC PARTICIPATION: NONE

Motion Made By Councilperson: Testa  
Seconded By Councilperson: Donohue  
To Close and Adopt Ordinance #1573

**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 said Ordinance(s) after public hearing, at a meeting held on September 20, 2011.

**2<sup>ND</sup> READING/FINAL ADOPTION AND PUBLIC HEARING:**

**#1574 – AN ORDINANCE AMENDING CHAPTER 282 OF THE CODE OF THE BOROUGH OF PALISADES PARK REGARDING RESIDENT PARKING PROGRAM**

**IAN ORDINANCE AMENDING CHAPTER 282 OF THE CODE OF THE BOROUGH OF PALISADES PARK ENTITLED RESIDENT PERMIT PARKING PROGRAM**

BE IT ORDAINED, by the Mayor and Council of the Borough of Palisades Park as follows: that Chapter 282 Sections 44.1 through 44.12 are repealed and replaced by the following:

**SECTION 1. Restrictions on Parking**

No person shall park a vehicle upon any of the streets within the Borough of Palisades Park during the applicable days and hours of restrictions set forth herein unless the vehicle is owned or operated on a regular basis by a Palisades Park resident and the vehicle has displayed a current residential parking permit between the hours of 7:00 a.m. and 10:00 a.m., Monday through Friday, except legal holidays, with the following listed exceptions:

- A. Bergen Boulevard, Grand Avenue, Fairview Street, Union Street and Fair Street.
- B. Commercial Avenue from its intersection with West Central Boulevard northerly to its terminus.
- C. East Columbia Avenue from Broad Avenue to Roff Avenue.
- D. West Ruby Avenue from Grand Avenue to its terminus.
- E. West Palisades Boulevard from Grand Avenue westerly to its terminus.
- F. West Edsall Boulevard from Commercial Avenue westerly to its terminus.

**SECTION 2. Regulations not exclusive.**

- A. The provisions of this article imposing a time limit on parking shall not relieve any person of

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the duty to observe other more restrictive provisions prohibiting or limiting stopping, standing or parking as set forth in N.J.S.A. 39:4-138 or any other municipal parking ordinances.

- B. The creation of a residential parking permit shall have no effect upon meter parking spaces or business parking areas. Parking metered spaces shall be available to all vehicles, with or without a residential permit. A residential parking permit shall not exempt a resident when parked in a metered space from purchasing time from the meter at the established rate, except as set forth herein.

**SECTION 3. Enforcement.**

This article shall be enforced by the Police Department of the Borough of Palisades Park.

Enforcement of this article may also be enforced by any civilian employee(s) known as Traffic Enforcement Officers appointed by the Mayor and Council.

**SECTION 4. Rules and regulations.**

The following rules and regulations shall apply to the Borough of Palisades Park Resident Parking Program:

- A. A resident parking permit of a design specified by the Chief of Police of the Borough of Palisades Park (the "Police Department") will be issued to the resident owner of a vehicle. The vehicle must be owned by a person residing in the Borough of Palisades Park and have a gross weight of no more than 2.5 tons.
- B. Proof of residency of the owner of a vehicle must be presented when applying for a permit. The following is acceptable proof of residency:
  - (1) A copy of a valid New Jersey driver's license reflecting the Applicant's address in the Borough of Palisades Park accompanied by a "Certificate of occupancy, or utility bill (e.g. phone, United Water, PSE&G); and
  - (2) A copy of a valid New Jersey motor vehicle registration for the vehicle for which the permit is sought, reflecting the Applicant's address in the Borough of Palisades Park.
 In the case of a vehicle claimed to be leased and used by a Palisades Park resident, a copy of a valid motor vehicle registration and a copy of the automobile lease agreement shall be presented to the Police Department.
- C. The resident's permit is to be placed on the inside of the rear passenger window, on the driver's side lower left-hand corner of the Applicant's registered vehicle.
- D. The Police Department shall have the authority to issue temporary parking permits to persons claiming to be residents of the Borough but who have not yet changed their license or their motor vehicle registration to reflect the Palisades Park address and to any resident holding a current resident permit but whose car has been stolen or incapacitated and who is driving a temporary vehicle. The temporary permit shall be valid for a period not to exceed 60 days, consistent with the motor vehicle and traffic laws of New Jersey Title 39:3-17.1 and at which time the resident must surrender the temporary permit and obtain a permanent permit by presentation of the proofs of residency set forth in Subsection B(1) and(2) above, in the case of new residents.

## SECTION 5. Visitor Pass.

One visitor pass of a design specified by the Police Department shall be issued to any resident who meets one of the following qualifications:

A. The resident owns a vehicle which qualifies for a resident parking permit; provided, however, that no other person residing in the same household as the resident has been issued a visitor pass;

B. In a household where the residents do not have a car, a certificate of occupancy or apartment lease and utility bill or statement in the name of one of such residents is presented to the Police Department, provided that no other person in the same household has been issued a visitor pass; or

C. A household in which the residents own a vehicle which has not been issued a resident parking permit will be issued one visitor pass for use on their visitor's vehicle only.

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## SECTION 6. Use of visitor pass.

A. One visitor pass shall be issued per household for use by visitors only while visitors are actually visiting the household to which the pass was issued. The presumption shall be that any vehicle parked more than four city blocks from the household for which the visitor pass has been issued shall not be visiting such household and shall be subject to violations and penalties set forth in Section 10 of this Ordinance.

B. All visitor passes are to be displayed specifically by hanging it from the rearview mirror and must be readable from the exterior of the vehicle. A visitor pass MUST be returned to the resident at the conclusion of the visit as it will not be replaced once issued.

## SECTION 7. Exceptions to visitor pass requirements.

A "visitor" shall also be defined as follows:

A. Contractor/services and delivery vehicles. Contractor, services and delivery vehicles bearing the names and address of the commercial vehicle may park without a permit during the times they are rendering a service within the Borough.

B. Emergency and utility vehicles. Emergency vehicles and utility vehicles such as gas, electric, water, telecommunications and other similar vehicles may park without a permit during the times they are rendering services within the Borough.

C. Health care providers. Doctors, nurses, home health aides or other medical professionals may park their vehicles within the Borough during the times that they are rendering assistance and/or health care service to the residents of the Borough.

D. None resident Property owners of Palisades Park. Any none resident property owner of Palisades Park may park their vehicles within the Borough during the times they are at the property owned by them.

## SECTION 8. Abuse of visitor pass.

Any abuse in the use of a visitor pass will result in its revocation in the following circumstances:

A. When any such pass is used on any vehicle owned and controlled by a resident.

B. The extended use of a visitor pass by a visitor shall be presumed to be used as a substitute and/or in lieu of a resident parking pass.

## SECTION 9. Terms of permits. [Amended 5-18-2004 by Ord. No. 1432]

Resident permits and Visitor passes will have a predetermined expiration date, and an expectancy not to exceed three years. Any vehicle bearing an expired resident permit and parked on a street posted "Permit Parking Only" shall be subject to the same penalty as a vehicle parked on the street without a resident parking permit.

## SECTION 10. Violations and penalties.

A. Any vehicle parked on a street posted "Permit Parking Only" without a valid resident permit or visitor pass shall be subject to a parking fine not to exceed \$50 for each three-hour period or a portion thereof of a twenty-four-hour period that said vehicle is parked in

violation of this article. Persons in possession of any resident permits or visitor pass and misuse, alter, fraudulently counterfeit, sell or transfer to third parties or any unauthorized individual(s) or vehicle(s) are subject to revocation of the permit for up to one year and a fine of up to \$100.

B. Residents who park and are ticketed due to the resident's failure to display the proper sticker may have the fine waived in the discretion of the Court upon proof to the Municipal Court they were a resident of the Borough at the time the ticket was issued.

C. Any vehicle violating this article shall be subject to towing by the Borough of Palisades Park and shall not be released until the payment of the appropriate charge

## **SECTION 11. Rules and regulations promulgated by the Police Department.**

The Police Department shall have the authority to formulate and promulgate rules and regulations pertaining to this article as it deems necessary and proper. The Police Department  
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shall provide copies of any regulations adopted under this article to the Borough Clerk's office within 30 days of their adoption and the Borough Clerk shall present same to the governing body for their approval. The Police Department and Traffic Enforcement Officers shall be entitled, in its discretion, to verify any information appropriate to the enforcement of this article. The Police Department shall have the power to issue summonses for violation of the article.

## **SECTION 12. Residents on Broad Avenue.**

Persons residing on Broad Avenue or on lots contiguous to Broad Avenue and persons residing on Columbia Avenue which residence are in front of metered parking shall have issued a separate residential parking permit.

## **SECTION 13. Special Parking Permit**

Persons issued a special residential parking permit declaring their residence to be on Broad Avenue or on lots contiguous to Broad Avenue and persons residing on Columbia Avenue which residences are in front of metered parking shall be allowed to park their vehicles in accordance with these regulations at needed spaces on Broad Avenue from 6:00 P.M. to 9:00 P.M. and be exempt from purchasing time from the meter at the established rate.

## **SECTION 14 Application for parking permits**

Applications for Parking Permits shall be made in writing on forms provided by the Police Department and submitted to the Police Records Clerk's Office.

## **SECTION 15 Repealer.**

Any and all ordinances of the Borough of Palisades Park which are inconsistent with the provisions of this article, are hereby repealed to the extent of such inconsistency.

## **SECTION 16 Invalid Provisions.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

## **SECTION 17. Effective Date:**

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Motion Made By Councilperson: Testa  
Seconded By Councilperson: Donohue

To Open Adoption of Ordinance #1574 to the Public:

ROLL CALL:

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

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NOTICE IS HEREBY GIVEN , that the Mayor and Council of the Borough of Palisades Park adopted said Ordinance(s) after public hearing, at a meeting held on September 20, 2011.

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

PUBLIC PARTICIPATION:

Susan Brauer: Received copy of ordinance and it did not have ordinance number on it. Requested another copy with the number and Borough Clerk said it would be given to her free of charge. Questioned the temporary parking pass and Mayor Rotundo answered the question. She questioned parking passes for construction or other residential work and Mayor Rotundo said he would find out about it. Questioned the passes for healthcare workers that were going to homes to work. Mayor Rotundo stated that the healthcare worker has to show proof that they are in fact health care workers.

Marsha Schor: Questioned the limos that were parked on the street. Mayor Rotundo noted that limos were not allowed to park in town and all parking enforcements were handled by the police department.

Motion Made By Councilperson: Testa  
 Seconded by Councilperson: Donohue  
**Motion to Close and Adopt Ordinance #1574**

**COUNCIL REPORTS:** Jason Kim reported on Master Lee having a tournament to raise money for air conditioning at Lindbergh. Event will be held October 1 at the high school and hopes that it will be well supported. Frank Donohue reported that since the new track was laid down at Lindbergh that the nurse reported less injuries to students. He also noted that Marsha Schor asked the question about digging up the playground again after it was already finished and he advised that older children ruined it and that’s why it had to be redone. Jason Kim also advised the Council about the Flu Clinic sponsored by the Board of Health on September 28.

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

PUBLIC PARTICIPATION:

Marsha Schor: Stated that the sweeper got worse and rather than fix it, try to get grant money to buy a new one. Mayor Rotundo noted that once they review the budget, then maybe they can put money aside to buy a new one. Also noted that there are no lines at certain street corners and Mayor Rotundo said he would get this done.

Susan Brauer: Wanted to know how much the grant was for Sunset Place. Borough Administrator said he would know the amount shortly.

Charles Stark: Questioned the Resolution for his termination and Borough Attorney was able to answer this question.

Motion Made By Councilperson: Testa

Seconded By Councilperson: Donohue

**To Close Public Portion & Adjourn Meeting:**

All present in favor by Voice Vote

Attest

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Martin A. Gobbo, RMC – Borough Clerk

