

**AGENDA
MAYOR & COUNCIL MEETING
February 9, 2016
8:15 p.m.**

Mayor Maguire calls meeting to order at:

Pledge of Allegiance to the Flag

ROLL CALL:

Present:

Absent:

Also Present:

Mayor Maguire Reads Compliance Statement, as required by Open Public Meeting Act, P.L. 1975, Chapter 231.

AGENDA CHANGES

PUBLIC PRIVILEGE OF THE FLOOR:

Mayor Maguire asks if anyone present wishes to be heard on any matter.

Speaker:

ORDINANCES – INTRODUCTION

None

ORDINANCES – PUBLIC HEARING

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2016- 002**

**AN ORDINANCE AMENDING CHAPTER 79: ORDINANCE CREATING A UNIFIED
ELECTRONIC REPORTING SYSTEM FOR DEALERS IN PRECIOUS METALS AND
OTHER SECONDHAND GOODS OF THE CODE OF THE BOROUGH OF PARK
RIDGE**

Mayor Maguire asks for a motion to open the Public Hearing on Ordinance No. 2016-002, An Ordinance Amending Chapter 79: Ordinance Creating a Unified Electronic Reporting System for Dealers in Precious Metals and Other Secondhand Goods of the Code of the Borough of Park Ridge.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Mayor Maguire asks the Clerk to read the Ordinance by title:

Clerk: An Ordinance Amending Chapter 79: Ordinance Creating a Unified Electronic Reporting System for Dealers in Precious Metals and Other Secondhand Goods of the Code of the Borough of Park Ridge.

Mayor Maguire asks the Borough Attorney to give a brief description of this ordinance.

Mr. TenHoeve:

Mayor Maguire asks if anyone wishes to be heard concerning the adoption of this ordinance.

Speaker:

Mayor Maguire asks for a motion to close the Public Hearing on this ordinance and that it be adopted with notice of final passage to be published in The Ridgewood News.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

**AN ORDINANCE AMENDING CHAPTER 84: SOIL MOVEMENT
OF THE CODE OF THE BOROUGH OF PARK RIDGE**

Mayor Maguire asks for a motion to open the Public Hearing on Ordinance No. 2016-003, An Ordinance Amending Chapter 84: Soil Movement of the Code of the Borough of Park Ridge.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

Mayor Maguire asks the Clerk to read the Ordinance by title:

Clerk: Ordinance No. 2016-003, An Ordinance Amending Chapter 84: Soil Movement of the Code of the Borough of Park Ridge.

Mayor Maguire asks the Borough Attorney to give a brief description of this ordinance.

Mr. TenHoeve:

Mayor Maguire asks if anyone wishes to be heard concerning the adoption of this ordinance.

Speaker:

Mayor Maguire asks for a motion to close the Public Hearing on this ordinance and that it be adopted with notice of final passage to be published in The Ridgewood News.

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

CONSENT AGENDA:

Mayor Maguire asks if any Councilmember would like to have any resolution removed from the consent agenda and placed under New Business.

Speaker:

Mayor Maguire asks if any Council member would like to abstain from voting on any resolution on the consent agenda.

Speaker:

Mayor Maguire asks for a motion to accept the Consent Agenda (with the abstentions so noted).

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

RESOLUTIONS:

- Res. No. 016-043- Release of Escrow- Bear Ban Builders
- Res. No. 016-044- Release of Escrow- R. & K. Burdette
- Res. No. 016-045- Authorize Municipal Alliance Grant FY 2017
- Res. No. 016-046- Authorizing Street Sweeping Shared Service Agreement- Paramus
- Res. No. 016-047- Authorize Receipt of Sealed Bids- Rehabilitation Well #10 Water Treatment Facility
- Res. No. 016-048- Authorize Annual Animal Control Services Contract 2016
- Res. No. 016-049- Appoint Public Agency Compliance Officer 2016
- Res. No. 016-050- Authorizing Voucher No. 3 & Final-Ridge Avenue Project- AJM
- Res. No. 016-051- Resolution Authorizing the Purchase of 2016 Ford Police Interceptor Utility AWD -Winner Ford
- Res. No. 016-052- Transfer of Appropriations
- Res. No. 016-053- Payment of Bills- Borough
- Res. No. 016-054- Payment of Bills- Utility

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS:

RECREATION & CULTURAL COMMITTEE

Mayor Maguire asks for a motion to appoint the following **Volunteer Recreation & Cultural Committee Members** for the year 2016.

Luigi Vitale
Jonathan Shein

A motion was made by _____ and seconded by _____ to confirm.

ROLL CALL:

GARDEN CLUB

Mayor Maguire asks for a motion to appoint the following **Garden Club Member** for the year 2016.

Barbara Martine

A motion was made by _____ and seconded by _____ to confirm.

ROLL CALL:

APPROVAL OF MINUTES

Mayor Maguire asks for a motion to approve the minutes as follows:

Closed and Work Session Minutes Dated January 26, 2016

Public Hearing Minutes dated January 12, 2016

A motion was made by _____ and seconded by _____ to confirm.

Roll Call:

ADJOURN

A motion was made by _____ and seconded by _____ to adjourn the regular Mayor and Council meeting. Meeting adjourned at _____ p.m.

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2016- 002**

**AN ORDINANCE AMENDING CHAPTER 79: ORDINANCE CREATING
A UNIFIED ELECTRONIC REPORTING SYSTEM FOR DEALERS IN
PRECIOUS METALS AND OTHER SECONDHAND GOODS**

OF THE CODE OF THE BOROUGH OF PARK RIDGE

WHEREAS, Chapter 79 of the Code of the Borough of Park Ridge established regulations governing the purchase of precious metals; and

WHEREAS, various law enforcement agencies and county governments have recommended that municipalities revise such ordinances to provide uniform county-wide electronic reporting methods,

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Park Ridge, in the County of Bergen and State of New Jersey that Chapter 79 of the Code of the Borough of Park Ridge be and is hereby amended as follows:

SECTION ONE: Chapter 79 of the Code of the Borough of Park Ridge is hereby amended to delete the entire chapter and to replace said chapter with the following:

**CHAPTER 79: ORDINANCE CREATING A UNIFIED ELECTRONIC
REPORTING
SYSTEM FOR DEALERS IN PRECIOUS METALS AND OTHER
SECONDHAND GOODS.**

§ 1 Purpose and Intent

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods without complying with the requirements of this chapter in the exact manner described herein.

§ 2 Definitions

“ACCEPTABLE IDENTIFICATION” means a current valid New Jersey Driver’s License or Identification Card, a current valid photo driver’s license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

“DEALER” means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

“ITINERANT BUSINESS” means a dealer who conducts business intermittently within the municipality or at varying locations.

“MUNICIPAL CLERK” means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the Borough of Park Ridge.

“PAWNBROKER” means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

“PRECIOUS METALS” means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

“PUBLIC” means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

“REPORTABLE TRANSACTION” means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

“SECONDHAND GOODS” means used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, **gift cards**, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

“SELLER” means a member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

“TRANSIENT BUYER” means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

§ 3 License Requirement for dealers

No person, partnership, limited liability company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in § 2 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for purposes of this chapter. No person, partnership, limited liability company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower-right-hand corner of the advertisement. In

any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in § 9.

§ 4 Application process for dealers; approval or denial

- A) Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:
- 1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in § 2 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 - 2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 - 3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
 - 4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by § 6(D) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under § 6(A).
- B) The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- C) The Chief of Police shall, upon completion of the investigation, recommend "grant" or "denial" of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a

recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.

- D) Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in § 5, the retention and inspection requirements of § 6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by § 8 of this chapter.
- E) Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- F) No license shall be assignable by the dealer.

§ 5 Identification of seller; recordkeeping requirements for dealers

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A) Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in §2
- B) Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: *"My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."*
- C) Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
- a. the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
 - b. the name, address, date of birth, and telephone number of the seller or

sellers;

- c. a photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;
- d. a photographed recording of the seller's presented acceptable identification, as set forth in § 2, in a format acceptable by the Chief of Police;
- e. a photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;
- f. the receipt number;
- g. a detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;
- h. the price paid for the purchase or pawn of the item(s);
- i. if precious metals, the net weight in terms of pounds Troy, pennyweight
(Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;
- j. the time and date of the transaction.

D) The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.

E) In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in § 6.

- F) It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or other secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in § 6. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

§6 Retention; revocation; other restrictions

- A) All secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in § 5 except for precious metals and jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A. 2C:21-36(d). All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.
- B) Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by § 5(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.
- C) In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in § 5(C).
- D) No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- E) Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to § 9 of this chapter.
- i. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database

software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.

- ii. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.
- iii. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (H).

F) Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under § 9.

- i. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.
- ii. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and

must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.

- G) Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- H) A dealer shall have the right to change the location of the licensed business within the municipality, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

§ 7 Bond

Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A: 9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the [party municipality], be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

§ 8 Fees; period of license validity

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$300. The annual renewal fee for a license is \$300. These fees are separate from and in addition to any fees the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by § 5(D) of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

§ 9 Violations and penalties

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in § 6(F) and § 6(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in § 6(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

§ 10 Time limit for conformance; repealer; severability

- A) Any person, partnership, limited liability company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.
- B) All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C) Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.
- D) If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION TWO: Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof and the remainder of this ordinance shall be deemed valid and effective.

SECTION THREE: Effective Date. This Ordinance shall take effect immediately following final passage, adoption and publication as provided by law.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
Bosi						
Oppelt						
Bertini						
Cangialosi						
Capilli						

APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2016-003**

**AN ORDINANCE AMENDING CHAPTER 84: SOIL MOVEMENT
OF THE CODE OF THE BOROUGH OF PARK RIDGE**

WHEREAS, the Planning Board of the Borough of Park Ridge has recommended that the Mayor and Council amend Chapter 84 of the Borough Code governing soil movement within the Borough in accordance with the following provisions:

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Park Ridge, in the County of Bergen and State of New Jersey that Chapter 84 of the Code of the Borough of Park Ridge be and is hereby amended as follows:

SECTION ONE: Chapter 84 of the Code of the Borough of Park Ridge is hereby amended to delete the entire chapter and replace said chapter with the following:

CHAPTER 84: SOIL MOVEMENT

§ 84-1 Definitions. As used in this chapter, the following terms shall have the meanings indicated:

LOT

A. Any parcel of land or portion thereof within the Borough of Park Ridge, the boundary lines of which can be ascertained by reference to maps and records, or either, in the office of the Borough Tax Assessor or in the office of the Bergen County Clerk; or

B. Any contiguous parcels of land under common ownership, which ownership can be ascertained by reference to the maps and records, or either, in the office of the Tax Assessor or the County Clerk.

MAJOR SOIL MOVING PERMIT. A permit allowing the movement of 300 cubic yards or more of soil or a permit for the movement of less than 300 cubic yards of soil where the Borough Engineer has determined that the movement of soil may result in an adverse impact on the subject lot, Borough roadways or adjacent or nearby properties.

MINOR SOIL MOVING PERMIT. A permit allowing the movement of less than 300 but more than 50 cubic yards of soil.

MOVE. To dig; to excavate; to remove; to deposit; to import; to export; to place; to fill; to grade, regrade, level or otherwise alter or change the location or contour; to transport; to supply; provided, however, that nothing in this chapter shall be construed to include plowing, spading, cultivating, harrowing or disking of soil or any other operation usually and ordinarily associated with the tilling of soil for agricultural or horticultural purposes.

OWNER. Any person seized in fee simple of any lot or having such other interest or estate therein as will permit exercise of effective possession thereof or dominion thereover.

SOIL. Any earth, sand, clay, loam, gravel, humus, rock or dirt, without regard to the presence or absence therein of organic matter.

TOPSOIL. Soil that, in its natural state, constitutes the top layer of earth and is composed of 2% or more, by weight, of organic matter and has the ability to support vegetation.

§ 84-2. Findings by Council.

The Mayor and Council hereby find and determine that:

A. Unregulated and uncontrolled relocation, filling, excavation and removal of soil on a large scale has resulted or will result in conditions detrimental to public

safety, health and general welfare, substantially hampering and deterring the efforts of the Borough to effectuate the general purpose of municipal planning; and

B. Continuation of the unregulated and uncontrolled relocation, filling, excavation and removal of soil will result in serious and irreparable damage to the public health and welfare by reason of consequent erosion by water and wind; inadequate and improper surface water drainage; interruption of septic and sanitary disposal systems; decrease in or destruction of the fertility of soil; removal of lateral support of abutting streets, lands and premises; creation of dangerous depressions or pits; creation of dust storms and mosquito breeding places; deterioration of property values; rendering of lands unfit or unsuitable for their most appropriate uses; and creation of other factors and elements hampering and deterring the coordinated, adjusted and harmonious physical and aesthetic development of the Borough.

§ 84-3. Permit Required.

No owner person shall cause, allow, permit or suffer any soil in excess of 50 cubic yards in and upon such lot to be moved unless and until such person has first obtained a soil permit therefor as in accordance with the provisions of this Chapter. This section shall include the importing and exporting of soil on any lot in the Borough.

§ 84-4. Review of applications; issuance of permits.

A. Applications for Soil Moving Permits shall be filed with the Construction Official. The Construction Official shall determine whether an application requires a Major Soil Moving Permit or a Minor Soil Moving Permit. The Construction Code Official shall obtain the written approval of the Borough Engineer for all Major Soil Moving Permit applications before issuance.

B. Inspection of site. Prior to the review of an application for a Major Soil Moving Permit, the Borough Engineer shall make an inspection of the site from which, to which or upon which the soil is to be moved and shall make such engineering studies as may be required to determine the effect of the movement of soil at the location as it relates to:

- (1) Soil erosion by water and wind.
- (2) Surface and subsurface water drainage and sanitary and septic disposal systems.
- (3) Soil fertility.
- (4) Lateral support of abutting streets and lands.
- (5) Public health and safety.
- (6) Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical and aesthetic development of the Borough.
- (7) The Borough Engineer shall also inspect the aforesaid site to determine whether stakes should be placed on each corner thereof and whether grade stakes should be placed at the existing elevation points designated on the topographical map.

C. Upon completion of all inspections, the Borough Engineer shall make a report of such inspection and studies to the Construction Code Official which report shall include such conditions that the Borough Engineer should be included in any Soil Moving Permit.

D. Permits for Soil Moving shall be issued by the Construction Official and shall include such conditions as the Borough Engineer deems appropriate and necessary.

§ 84-5 Application: Form and Content.

A. Application for a Soil Moving Permit shall be filed in duplicate with the Construction Official.

B. The application shall include the following:

- (1) The applicant's name and address.
- (2) The description of the lands in question.
- (3) The name and address of the owner of the lands.
- (4) The purpose or reason for moving the soil and whether it will be done in connection with an application to the Planning Board or Zoning Board of Adjustment and, if so, the filing date of the application.
- (5) The kind and quantity in cubic yards of soil to be moved.
- (6) In case of removal, the place to which the soil is to be removed, the proposed route of the vehicles within the Borough along which said soil is to be transported and the kind and quantity of soil to be removed.
- (7) The proposed date of completion of the work.
- (8) The source of all soil to be moved to a lot.
- (9) The routes to be taken for the movement of all vehicles transporting soil to and from the lot together with the size of the trucks to be used to transport soil.
- (10) An application for a Major Soil Moving permit shall be accompanied by an original together with one copy of a topographical map of the lot upon which the proposed soil moving operations are to be conducted and of all surrounding lands within 200 feet of the perimeter of said lot. The map shall be prepared and certified by a licensed professional engineer or a licensed surveyor, at a scale of not less than one inch to 40 feet, and shall be keyed to the United States Coast and Geodetic Survey datum when NJDEP so requires. Said map shall, both as to the lot and all surrounding land, show the following:

- (a) The dimensions of the lot, and the lot and block numbers of the lot and of each lot in the surrounding lands as shown on the Tax Assessment Map of the Borough.
- (b) The existing elevations of all lands, to be shown at five-foot contour intervals for slopes in excess of 10% and at two-foot contour intervals for lands of lesser slope.
- (c) The existing elevations of all buildings, structures, streets, streams, bodies of water and watercourses, natural or artificial.
- (d) All existing surface and subsurface water drainage conditions and provisions therefor.
- (e) All wooded areas and all trees having a diameter of six inches or more at the base.
- (f) The limits of the area or areas within the lot or lots in question within which the soil moving operations are to be conducted, and the existing elevations of said limits at intervals of not more than 100 feet.
- (g) The proposed final elevations at each point where existing elevations shown on said map are to be changed as a result of completion of the proposed work.
- (h) Proposed slopes and lateral supports at the limits of the area upon completion of the soil moving operations.
- (i) Proposed provisions and facilities for surface water drainage and, where applicable, channels of any streams, bodies of water and watercourses, natural or artificial, including detailed cross sections showing proposed channel widths, bank slopes and method of erosion control thereof.
- (j) Accurate cross sections showing the locations and quantities in cubic yards of soil to be moved.
- (k) A legend shall be indicated on said topographic plat, showing sufficient symbols for existing and proposed elevations, utilities, etc.
- (l) Such other pertinent data as the Construction Official or Borough Engineer may require.

§ 84-6. Application: Signature of Applicant and Endorsement of Owners.

The application described in § 84-5 shall be signed by the applicant. It shall also be endorsed by the owner or owners of the land, signifying that the owners approve of the application, consent to have the applicant perform the soil movement and that the applicant and owners agree, that in the event of the failure of the applicant to complete all work, to cause the proposed work to be completed or otherwise terminated in accordance with the purposes and objectives of this Chapter.

§ 84-7. Appeals.

A. The Planning Board is hereby designated as the referral agency for any appeal of a determination of the Construction Code Official or Borough Engineer in relation to a Major Soil Moving Permit under this chapter. In the event an applicant wishes to appeal the determination of the Construction Code Official or Borough Engineer, the applicant, upon notice of said determination may file an appeal to the Planning Board by filing an application with the Secretary of the Planning Board on such forms as are prescribed and supplied by the Planning Board. The appeal shall consist of all materials required for an application. The applicant shall file one original and 12 copies of all application materials. Should the applicant have a pending application for development scheduled to be heard before the Zoning Board of Adjustment, said Board shall be authorized to review any appeal. Within 60 days after receipt of an appeal the Planning Board, or Zoning Board of Adjustment if applicable, shall complete its review and consideration of the appeal and render its decision in writing to the Construction Official who shall grant or refuse the Permit in accordance with the decision.

B. An applicant filing an appeal shall be entitled to request a public hearing in front of the Board hearing the applicant's appeal. In the event a public hearing is requested, the applicant shall provide notice to the owners of all properties within 200 feet of the perimeter of the lot that is the subject of the appeal.

§ 84-8. Permit fee; refund.

A. The fee for a permit under this chapter shall accompany the application. Such fee shall be computed at the rate of \$0.25 per cubic yard multiplied by the number of cubic yards to be removed, as stated in the application and certified on the topographic map. In no event shall the permit fee be less than \$75 for one and two family applications nor more than \$1,000.00 for all other applications.

B. In addition to the fee set forth in Subsection A above, each applicant for a soil removal permit shall pay an additional fee of \$200 to the Land Use Office of the Borough of Park Ridge, except that where the soil is to be removed from lands zoned residential, the fee provided in this Subsection B shall be \$100.

C. In the event the permit is refused, the fee paid by the applicant pursuant to Subsection A hereof shall be refunded to him after deducting all expenses and costs incurred by the Borough for engineering surveys and reports, inspection fees and legal fees in processing the application for a soil permit. Said refund shall be accompanied by a statement of the said costs and expenses incurred by the Borough.

§ 84-9. Form, content and term of permit.

All Soil Moving Permits shall be in such form as may be prescribed by the Construction Official. Any Soil Moving Permit shall be dated as of the date it is actually issued, and the term of said permit shall not exceed one year. All permits shall automatically expire on the termination date unless an application for renewal has been made and approved in writing by the Construction Official.

§ 84-10 Notice of approval; cash deposit or performance bond.

A. In the event the Borough Engineer or the Planning Board, or the Zoning Board of Adjustment on an appeal, if applicable, recommends approval of the soil removal application, the Construction Official shall forthwith give notice to the applicant of the approval and of the amount of the performance bond or cash deposit required. If the applicant fails to post the required performance bond or cash deposit within 60 days of the notice, then the permit shall be automatically rescinded.

B. The Soil Moving Permit shall not be issued unless the applicant posts with the Borough a cash deposit or performance bond in form and with surety acceptable to the Borough, in the amount the Borough Engineer (or Planning Board or Zoning Board of Adjustment, if applicable) determines, conditioned upon full and faithful performance by the principal, within the time specified in the application, of all the proposed work in accordance with the provisions of this chapter and of the soil permit issued to the principal. In addition, the cash deposit

or bond shall be conditioned upon the repair, at the expense of the owner or applicant, of any street or streets damaged by the transportation of soil in connection with the application if, in the judgment of the Planning Board, or the Zoning Board of Adjustment, if applicable, such repairs are necessary. The term "expense," as used in this subsection, shall include the cost of supervision by the Borough Engineer in connection with such repairs.

§ 84-11 Determination of amount of bond or cash deposit.

The amount of bond or cash deposit shall be determined at the rate of not less than \$0.10 per cubic yard and not in excess of \$0.50 per cubic yard of the amount of soil to be moved; provided, however, that in no event shall said bond or deposit be less than the principal amount of \$2,000. In ascertaining the rate upon which to compute the amount of the deposit or of the bond, the Borough Engineer, or the Planning Board, or the Zoning Board of Adjustment, if applicable, shall take into consideration such factors as may bear upon the facility with which the proposed work may be performed, including but not limited to the type and character of soil, the extent of the area over which the soil-moving operations are to be conducted, the extent and depth of the various cuts and fills, the extent to which the area of operations is wooded, the proximity of the proposed operations to streets, buildings, structures, natural or artificial streams or watercourses and general drainage conditions.

§ 84-12. Application for amendment of permit.

Applications for the amendment to a Major Soil Moving Permit shall not be accepted by the Construction Official without the written consent of the surety on the bond approving said application for amendment or alteration and consenting to extension of the bond coverage thereto.

§ 84-13. Application for release of bond.

Application for the release of any bond posted in accordance with the terms of this chapter or a resolution of the Planning Board, or the Zoning Board of Adjustment, if applicable, shall be accompanied by an affidavit stating that the soil-moving operation has been completed in accordance with the application and all plans, maps and other data filed therewith and in accordance with all resolutions and conditions therein adopted by the Planning Board, or the Zoning Board of Adjustment, if applicable. The affidavit shall be executed by a licensed professional or civil engineer of the State of New Jersey.

§ 84-14. Prohibited acts and conduct by permittees.

The holder of a permit issued under this chapter shall not:

A. Conduct or maintain on the premises any sand, gravel or similar kind of pit; any sand or gravel washing or screening machinery or equipment; any business or industry not permitted in the district in which said premises are located and classified by Chapter 101, Zoning; or any endeavor or enterprise other than the grading of said premises in accordance with the provision of said permit and, where applicable, the necessary disposal of soil incidental to said grading or regrading.

B. Conduct or maintain any soil moving operations without having first made adequate provision to control dust incidental to the use of vehicles, machinery and equipment on the lands described in the soil permit.

C. Neglect to dispose of, on or before the completion date stated in the application:

(1) Any partially or wholly excavated boulders or other incombustible debris resulting from the soil moving operations, by burial or removal.

(2) Any partially or wholly excavated stumps, felled or uprooted trees or other combustible debris resulting from the soil moving operations, by combustion or removal from the premises.

D. Conduct any soil moving operations beyond the expiration date as set forth in the soil permit or extended expiration date as may duly be granted by the Construction Official.

§ 84-15. Storage and replacement of topsoil.

A. Whenever any person shall move topsoil in or upon any lot, provisions shall be made for the storage of the topsoil within the boundary line of said lot, unless specific permission to the contrary has been granted by the Borough Engineer Planning Board, or the Zoning Board of Adjustment, if applicable.

B. Except as hereinafter otherwise provided in this section, all of the topsoil so stored shall be uniformly replaced on or before the completion date set forth in the soil permit, so that the final grade or grades of said replaced topsoil shall be in accordance with the proposed final grades shown on the topographical map.

C. No person shall remove to any point beyond the boundary lines of the lot any topsoil whatsoever unless and until topsoil not inferior in quality to that to be removed shall first have been replaced uniformly to a depth of not less than six inches, measured from the proposed final grades as shown on the topographical map, over the entire surface or area of the lot, excepting only such portions thereof as shall be or shall have become, since the date of filing of said topographical map, permanently covered by a building or structure, street pavement, curb, sidewalk, driveway or other paved area or by any body of water or waterway. In no event shall the person remove from the lot more topsoil than that comprising the surplus or excess remaining after the replacement of the topsoil as aforesaid.

§ 84-16. Excavation depth.

No person shall, at any time in the course of the work, dig or excavate more than six inches below the proposed final grades shown on the topographical map unless:

A. The soil permit specifies otherwise and the performance bond makes specific provision for replacement, on or before the completion date set forth in the soil permit, of soil of sufficient quantity and kind to restore the final grades to those shown on the topographical map; or

B. After issuance of the soil permit, the person, before digging or excavating below said minimum level, applies to the Construction Official or the Planning Board, or the Zoning Board of Adjustment, if applicable, and is granted an amendment of the application and topographical map then in effect, which amendment may be granted upon such terms as the Construction Official deems necessary to assure adherence to the purpose and objectives of this chapter.

§ 84-17. Soil deposit, fill-in and grade change restrictions.

No person shall deposit soil upon, fill in or raise the grade of any lot without making provision for:

A. The use in said work of soil or such other materials as will not result in deviation from the proposed final grades or the uniformity thereof by reason of abnormal shrinkage or settlement.

B. The collection and storage upon the lot of the original topsoil so that said topsoil shall not be buried beneath soil or other material of inferior quality, and the uniform replacement of the topsoil so stored over the entire area or surface of the fill soil or other material so that the final grade or grades of said replaced topsoil shall be in accordance with the proposed final grades shown on the topographical map. In the event that such provision is not practicable, provision shall be made for the uniform placement over the entire area or surface of the fill soil or other material, excepting only such portions that are or shall become permanently covered by a building or structure, street pavement, curb, sidewalk, driveway or other paved area or by any body of water or waterway, of a layer of topsoil not inferior in quality to that of the original topsoil, to a depth of not less

than six inches, measured from the proposed final grades as shown on the topographical map.

§ 84-18. Certain persons exempt.

Nothing in this chapter shall be construed to affect or apply to any person engaged in the moving of soil in and upon lands pursuant to any government-sponsored soil conservation program.

§ 84-19. Right to enter upon lands.

For the purpose of administering and enforcing this chapter, any duly authorized officer, agent or employee of the Borough shall have the right to enter into and upon any lands for which an application has been filed and upon which soil-moving operations are to be conducted, to examine and inspect such lands.

§ 84-20. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION TWO: Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof and the remainder of this ordinance shall be deemed valid and effective.

SECTION THREE: Effective Date. This Ordinance shall take effect immediately following final passage, adoption and publication as provided by law.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
Bosi						
Oppelt						
Bertini						
Cangialosi						
Capilli						

APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 043**

RELEASE OF ESCROW BEAR BAN BUILDERS

WHEREAS, BEAR BAN BUILDERS, 20 Second Street, known as Block 806, Lot 1 on the tax map of the Borough of Park Ridge, has posted a Planning and Zoning Review Bond in the amount of \$3,366.00 in 2002; and

WHEREAS, the Planning and Zoning Review Bond has earned interest in Escrow Sub Account No. 7760316711; and

WHEREAS, there has been no further draw down on the initial deposit from this Planning and Zoning Review Bond; and

WHEREAS, BEAR BAN BUILDERS finished construction of a new home on this lot and the CO was issued in 2002; and

WHEREAS, there remains in the escrow account \$3,428.83 which the applicant has requested be returned; and

WHEREAS, the Land Use Administrator Julie Falkenstern has determined there are no outstanding claims against this escrow balance and there remains no reason to have an escrow account,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Borough Treasurer is hereby authorized to release the remaining escrow of \$3,428.83 as well as any accrued interest to BEAR BAN BUILDERS, 20 West Grand Avenue, Suite 10, Montvale, NJ 07645.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
Bosi						
Oppelt						
Bertini						
Cangialosi						
Capilli						

APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 044**

RELEASE OF ESCROW – RYAN & KATIE BURDETTE

WHEREAS, RYAN & KATIE BURDETTE, 10 South First Street, known as Block 801, Lot 12 on the tax map of the Borough of Park Ridge, has posted Engineering Escrow in the amount of \$1,500.00 in 2014; and

WHEREAS, the Engineering Escrow has earned interest in Escrow Sub Account No. 7763039756; and

WHEREAS, there has been a final draw down on the initial deposit from this CCO Escrow Account; and

WHEREAS, approvals have been issued to close all permits and RYAN & KATIE BURDETTE have received a Certificate of Occupancy; and

WHEREAS, there remains in the escrow account \$600.50 which the applicant has requested be returned; and

WHEREAS, Technical Assistant Elena Rega has determined there are no outstanding claims against this escrow balance and there remains no reason to maintain this escrow account;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Borough Treasurer is hereby authorized to release the remaining escrow of \$600.50 as well as any accrued interest to RYAN & KATIE BURDETTE.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
Bosi						
Oppelt						
Bertini						
Cangialosi						
Capilli						

APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 045**

AUTHORIZE MUNICIPAL ALLIANCE GRANT FY2017

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, you and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Borough Council of the Borough of Park Ridge, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Park Ridge, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Park Ridge Municipal Alliance Grant for fiscal year 2017 in the amount of:

DEDR \$ 9,876.00
Cash Match \$ 2,469.00
In-Kind \$ 7,407.00

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
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Oppelt						
Bertini						
Cangialosi						
Capilli						

APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O’Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 046**

**RESOLUTION AUTHORIZING STREET SWEEPING SHARED
SERVICES AGREEMENT WITH THE BOROUGH OF PARAMUS**

WHEREAS, the Borough of Park Ridge is in need of annual street sweeping services; and

WHEREAS, the Borough Administrator has secured estimates from entities capable of providing street sweeping services to the Borough; and

WHEREAS, the Borough of Paramus has offered to provide said services pursuant to a shared services agreement with the Borough of Park Ridge; and

WHEREAS, the shared services proposal presented by the Borough of Paramus (a copy of which is attached hereto) is the most cost effective proposal for the Borough of Park Ridge; and

WHEREAS, the Mayor and Council deem it to be in the best interests of the Borough of Park Ridge to enter into an interlocal agreement with the Borough of Paramus for street sweeping services,

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Park Ridge that the Borough hereby authorize the Mayor to execute the required shared services agreement with the Borough of Paramus for street sweeping services for the 2016 calendar year.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
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Oppelt						
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Cangialosi						
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APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 047**

AUTHORIZE RECEIPT OF SEALED BIDS

**Board of Public Works
Rehabilitation of Well #10 Water Treatment Facility**

WHEREAS, the Borough of Park Ridge Water Department has deemed it necessary to rehabilitate Well #10 water treatment facility; and

WHEREAS, the anticipated expenditure for this tank rehabilitation is over \$40,000; and

WHEREAS, the provisions of New Jersey Statute 40A:11-4 requires the public advertising for bids when anticipated expenditures are over \$40,000.00; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Park Ridge hereby authorize the receipt of sealed bids for the rehabilitation and painting of Well #10 Water Treatment Facility.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
Bosi						
Oppelt						
Bertini						
Cangialosi						
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APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 048**

**AUTHORIZE ANNUAL ANIMAL CONTROL SERVICES CONTRACT
2016**

WHEREAS, the Borough of Park Ridge is required to provide for Animal Control Services by State Law; and

WHEREAS, Tyco Animal Control Service , 1 Stout Lane, Ho-Ho-Kus, NJ 07423 has provided a proposal for the provision of said services for the calendar year 2016 for the sum of \$10,500 per annum to be paid monthly, effective January 1, 2016 through and including December 31, 2016; and

WHEREAS, Tyco Animal Control Service has provided the State mandated Business Registration Certificate copy attached to the original of this resolution; and

WHEREAS, the total cost for said services is not anticipated to exceed either the Pay-to-Play (P.L. 2005 c. 271) threshold and/or the State Bid threshold during calendar year 2016; and

WHEREAS, the MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27 (Exhibit A) is hereby incorporated into this contract; and

WHEREAS, the Board of Health has recommended the Borough of Park enter into a contract for the calendar year 2016 with Tyco Animal Control Service for the provision of these services and additional related services as outlined in said proposal, as may be needed and the Borough Administrator concurs; and

WHEREAS, the Chief Financial Officer has certified to the availability of funds, subject to the appropriation of said funds in the 2016 Municipal Budget, budget account 6-01-27-330-000-194.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Park Ridge does authorize the Mayor and Borough Clerk to authorize a contract on behalf of the Borough of Park Ridge, said contract to be in the form as approved by the Borough Attorney.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
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APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 049**

**APPOINT PUBLIC AGENCY COMPLIANCE OFFICER
2016**

BE IT RESOVLED that the Borough Clerk / Administrator, Kelley R. O'Donnell, be appointed as the public agency compliance officer for the calendar year 2016.

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the:

Public Agency Unit
State of New Jersey
Department of the Treasury
Division of Public Contracts
Equal Employment Opportunity Compliance
PO Box 209
Trenton, NJ 08625-0209

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
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Capilli						

APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 050**

**AUTHORIZING VOUCHER NO. 3 & FINAL
Ridge Avenue Improvements
AJM Contractors, Inc.**

WHEREAS, the Mayor and Council of the Borough of Park Ridge awarded a contract to AJM Contractors Inc. on June 9, 2014 for \$231,730.00 for the Ridge Avenue Improvements; and

WHEREAS, AJM Contractors Inc. has requested payment for the work completed to date: and

WHEREAS, the Borough Engineer by way of letter dated February 4, 2016 a copy of which is attached, has certified that the work is completed as stated; and

Original Bid	\$231,730.00
Change Order #1	\$ 1,500.00
Amended Contract Amount	\$233,230.00
Work completed to date	\$230,366.18
Release Retainage	\$ 0.00
Less previously paid	\$222,327.67
Current due	\$ 8,038.51

WHEREAS, the Chief Financial Officer had certified the funds are available in Account No. 6-01-41-738-000-000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Chief Financial Officer is authorized to make payment of Voucher No. 3 & Final to AJM Contractors Inc. in the amount of \$8,038.51.

BE IT FURTHER RESOLVED, that payment be processed with the February 9, 2016 Payment of Bills.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
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Oppelt						
Bertini						
Cangialosi						
Capilli						

APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 051**

**RESOLUTION AUTHORIZING THE PURCHASE OF 2016 FORD POLICE
INTERCEPTOR UTILITY AWD
CONTRACT WITH APPROVED STATE CONTRACT VENDOR
WINNER FORD
PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the Mayor and Council of the Borough of Park Ridge, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Programs for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Chief of Police has requested permission for the purchase of a 2016 Ford Police Interceptor Utility AWD pursuant to State Contract #A88728 from Winner Ford of 250 Berlin Road, Cherry Hill, NJ 08034 as outlined in the attached quote received January 14, 2016 for a total of \$33,583.00; and

WHEREAS, this vehicle is being purchased as a replacement for the police vehicle deemed a total loss as a result of the motor vehicle accident which occurred on November 3, 2015; and

WHEREAS, the Borough of Park Ridge wishes to purchase said vehicle from Winner Ford, 250 Berlin Road, Cherry Hill, NJ through this resolution and properly issued Purchase Order, which shall be subject to all the conditions applicable to the current State Contract as follows; and

2016 Ford Police Interceptor Utility AWD	
Base Vehicle as per contract	\$ 25,493.00
Options	\$ 8,090.00
Total Cost of Complete Vehicle #1	\$ 33,583.00

WHEREAS, the Chief Financial Officer has certified that funds will be appropriated in the 2016 Municipal Budget Acct#6-01-25-240-000-164, subject to the final adoption of the 2016 Municipal Budget by the Borough Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Park Ridge authorizes the purchase of the above stated goods and services from Winner Ford pursuant to the above in the total amount of \$ 33,583.00.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
Bosi						
Oppelt						
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Cangialosi						
Capilli						

APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 052**

TRANSFER OF APPROPRIATIONS

WHEREAS, N.J.S.A 40A:4-59 permits transfers between preceding year budget appropriations during the first three months of the succeeding fiscal year; and,

WHEREAS, certain 2015 Borough Budget Appropriations are insufficient to meet the expenditure requirements for said fiscal year; and

WHEREAS, certain 2015 Borough Budget Appropriations are expected to have funds available to offset these expenditures;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Park Ridge (by not less than two-thirds thereof affirmatively concurring) that the transfers listed between 2015 Borough Budget Appropriations be made in the Swim Utility and Current Fund:

Department	Account Number	Amount From:	Amount To:
Municipal Clerk – O/E	5-09-55-501-000-000	\$6,000.00	
Police – O/E	5-09-55-540-000-541		\$6,000.00
Legal – O/E	5-01-20-415-000-010	\$4,010.00	
Finance Administration - O/E	5-01-20-130-000-020		\$4,010.00
Vehicle Maintenance - S&W	5-01-26-315-000-010	\$1,025.00	
Recycling - O/E	5-01-26-308-000-020		\$1,025.00
Buildings & Grounds – S&W	5-01-26-310-000-010	\$5.00	
Buildings & Grounds - O/E	5-01-26-310-000-020		\$5.00
Tax Collection – O/E	5-01-20-150-000-205	\$760.00	
Recreation - O/E	5-01-20-150-000-020		\$760.00
Tax Assessment - S&W	5-01-20-150-000-010		
Recreation - S&W	5-01-28-370-000-010		
	Total Transfer Amount	\$11,800.00	\$11,800.00

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
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Oppelt						
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Cangialosi						
Capilli						

APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 053**

PAYMENT OF BILLS - BOROUGH

BE IT RESOLVED, by the Mayor and Council of the Borough of Park Ridge that the following bills in the sum of \$3,809,584.56 have been approved and that the Mayor, Clerk and Chief Financial Officer are, hereby authorized and directed to issue warrants in payment of same.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
Bosi						
Oppelt						
Bertini						
Cangialosi						
Capilli						

APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 016 – 054**

PAYMENT OF BILLS - UTILITY

BE IT RESOLVED, by the Mayor and Council of the Borough of Park Ridge that they are in receipt of the following Board of Public Works Utility bills in the sum of \$ 964,926.17 which were previously approved and authorized for payment by the Board of Public Works Certifying Officer on February 3, 2016.

Adopted ___ / ___ / ___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Misciagna						
Bosi						
Oppelt						
Bertini						
Cangialosi						
Capilli						

APPROVED:

TERENCE P. MAGUIRE, MAYOR

Attest:

Kelley R. O'Donnell, RMC
Borough Clerk / Administrator