

Approved August 24, 2010

Municipal Building
Park Ridge, NJ
June 22, 2010 – 8:15 p.m.

A Regular Meeting of the Mayor and Council of the Borough of Park Ridge was called to order at the above date, time and place.

Mayor Ruschman led those attending in the Pledge of Allegiance to the Flag.

ROLL CALL:

Present: Councilmembers Hopper, Viola, Maguire, Misciagna, Council President Kane and Mayor Ruschman.

Absent: Councilmember Maughan

Also Present: Robert Mancinelli, Esq., Borough Attorney
Helene Fall, Borough Administrator
Colleen Ennis, CFO
Kelley O'Donnell, Borough Clerk

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

AGENDA CHANGES

Borough Clerk advised the addition of a resolution amending the Temporary Capital Budget to appropriate the \$200,000 NJDOT Grant for Fifth Street Improvements Phase I.

ORDINANCES – PUBLIC HEARING

ORDINANCE NO. 2010-018

AN ORDINANCE AMENDING CHAPTER 52, DOGS, CATS AND OTHER ANIMALS OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

A motion was made by Councilmember Viola and seconded by Council President Kane to confirm to open the Public Hearing on Ordinance No. 2010-0 18, an Ordinance Amending Chapter 52, Dogs, Cats and Other Animals of the Code of the Borough of Park Ridge, New Jersey.

AYES: Councilmembers Misciagna, Hopper, Maguire, Viola, Council President Kane

Mayor Ruschman asks the Clerk to read the ordinance by title:

BOROUGH OF PARK RIDGE

ORDINANCE NO. 2010-018

AN ORDINANCE AMENDING CHAPTER 52, DOGS, CATS AND OTHER ANIMALS OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

WHEREAS, the Board of Health of the Borough of Park Ridge has reviewed and recommended that certain changes be made to Chapter 52 of the Code of the Borough of Park Ridge; and

WHEREAS, the Mayor and Council of the Borough of Park Ridge believe that the recommended changes will be in the best interest of the Borough and its citizens;

NOW, 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 52 of the Code of the Borough of Park Ridge be and is hereby amended as follows:

SECTION ONE:

Article I, Chapter 52-2, shall be deleted in its entirety and replaced with the following:

§ 52-2(A). License required.

No person shall keep or harbor any dog within the Borough without first obtaining a license therefor, to be issued by the Borough Clerk upon application by the owner and payment of the prescribed fee, and no person shall keep or harbor any dog except in compliance with the provisions of this chapter. The within restriction, and other remaining regulations set forth in chapter, shall also apply to any dog obtained from a New Jersey licensed foster pet organization.

§ 52-2(B). General regulations.

(i) No more than four dogs of licensing age shall be kept, maintained or harbored at any one time for any length of time in any residential housing unit or on its grounds or in any business establishments or on its grounds including any dog obtained from a New Jersey licensed foster pet organization. This restriction shall not apply to properly licensed kennels, pet shops, pounds and shelters. The provisions of this section shall become effective after passage and publication as prescribed by law, but shall not apply to those persons keeping, maintaining or harboring more than four dogs as of the date of the passage of this chapter, to the extent that said persons may continue to keep, maintain or harbor more than four dogs, but shall not replace lost, strayed or deceased four until the number of dogs in their possession shall be reduced to four. No dog obtained from a New Jersey licensed foster pet organization which has been licensed under the name of said organization shall be kept, maintained or harbored at any one time within the Borough for a period not to exceed three months.

(ii) No person owning or having the care, custody or control of any dog shall suffer or permit such dog to:

- (a) Cause any injury to any person.
- (b) Cry, whine or otherwise disturb the peace or quiet of the neighborhood or the sleep of any person for any unreasonable length of time.
- (c) Be or become a public nuisance or to create a condition hazardous to safety and health.

§ 52-2(C). Cruelty to dogs prohibited.

(i). No person shall be cruel or inhumane to a dog, said cruelty and inhumanity consisting of beating, torturing, mutilating, cruelly killing or clearly failing to provide food, drink or shelter for a dog or abandoning any dog of which he has charge, either as owner or otherwise.

(ii) No person owning, keeping, harboring or having the care, custody or control of any dog shall abandon such a maimed, sick, infirmed or disabled animal or creature to die.

SECTION TWO:

Article II, Chapter 52-30(A), shall be deleted in its entirety and replaced with the following:

§ 52-30. License and vaccination required; exceptions.

A. No person shall own, keep or harbor any cat within the Borough except in compliance with the provisions of this Article, which includes obtaining a license and official metal registration tag therefor issued by the Borough Clerk and the payment of the prescribed fee. The within restriction, and other remaining regulations set forth in chapter, shall also apply to any cat obtained from a New Jersey licensed foster pet organization.

SECTION THREE:

Article II, Chapter 52-44(B), shall be deleted in its entirety and replaced with the following:

No more than four cats of licensing age shall be kept, maintained or harbored at any one time for any length of time in any residential housing unit or on its grounds or in any business establishments or on its grounds including any cat obtained from a New Jersey licensed foster pet organization. This restriction shall not apply to properly licensed kennels, pet shops, pounds and shelters. The provisions of this section shall become effective after passage and publication as prescribed by law, but shall not apply to those persons keeping, maintaining or harboring more than four cats as of the date of the passage of this chapter, to the extent that said persons may continue to keep, maintain or harbor more than four cats, but shall not replace lost, strayed or deceased four until the number of cats in their possession shall be reduced to four. No cat obtained from a New Jersey licensed foster pet organization which has been licensed under the name of said organization shall be kept, maintained or harbored at any one time within the Borough for a period not to exceed three months.

SECTION FOUR: All ordinances or parts of ordinances of the Borough of Park Ridge which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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

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

Mr. Mancinelli stated that this ordinance seeks to amend our existing ordinance bringing in line the pet limit presently in affect since 1973 with respect to cats. It increases the limit on cats from three to four and seeks to place the same restriction with respect to dogs. Currently the ordinance does not provide a pet limit restriction with dogs. It also provides for the ability for a homeowner to have pets in their home for foster care program and it allows that individual to have an animal for that purpose for a period of up to three months, prior to having to register that animal.

Mayor Ruschman asks the Clerk if she has received any correspondence concerning the adoption of this ordinance.

The Clerk advised that we had received correspondence and many of the authors are here.

Mayor Ruschman asks if anyone present wishes to be heard concerning the introduction of this ordinance.

Mayor Ruschman advised those present that the Mayor and Council intended to table the ordinance tonight. The council will hear what the audience has to say and hopefully at the end the audience can provide the governing body with the information for the Mayor and council's review and also to pass on to the board of health for their input. Mayor Ruschman also asked as a courtesy to those on the dais that the audience members with signs please put them down. The Mayor and Council have gotten the message.

Mayor Ruschman asks the Borough Attorney to comment on this ordinance.

Mr. Mancinelli stated that he felt it was important that before the residents and other members of the audience speak on this ordinance that we get some clarification. There seems to be a lot of confusion as to what the Council is doing with this amendment to an existing ordinance. For those who are unaware, this ordinance has been on the books since 1963. Specifically with respect to the limit of cats in the Borough, that has been on the books since 1973. The Borough is not creating a new pet limit ordinance, contrary to the numerous correspondences that was provided to me through the Clerk's office. Approximately a year ago the Board of Health had requested that the governing body look at the present ordinance because it was clear that the limit with respect to dogs was zero, although the cats were limited to three. The Board of Health made a recommendation, and asked this Council to amend the existing ordinance to raise the limits, not decrease it, from three to four cats and also to apply the same limit equally with respect to dogs. In addition to that the Board of Health had asked the Council to consider for the first time a program to allow residents to bring in foster pets. Again there seems to be some misconception that the Borough is attempting to deny that right. Granted based upon the materials that have been provided to us the Council has decided to have the Board of Health look at some of the materials particularly with respect to the restrictions being proposed with respect to the fostering aspect. I think it is important before anyone speaks that everyone understands that this ordinance has been on our books since 1973. It is not a newly created ordinance. I understand it is a very current topic in some of our municipalities. Mr. Mancinelli further stated that he knows in the Borough's surrounding communities; Montvale, Allendale and Rivervale have restrictions anywhere from four to five. I also understand that some of the surrounding towns do not have restrictions.

Mayor Ruschman thanked the audience for the education that the governing body has been provided and welcomes any information they can forward to them. Any suggestions the audience may have the governing body would appreciate in writing and they will work with them and the Board of Health.

Lyn Gregorski – 108 East Avenue

President and founder of Halfway Hounds – Canine rescue group based out of Park Ridge.

The official address is P.O. Box 132, Park Ridge, NJ

We are not a shelter; we are a group of volunteers. Stated that she has been in the Animal Welfare field as a volunteer for six years. I was a member of Paramus Animal Welfare Society, Paramus. Prior to starting Halfway Hounds, which was started in April of 2009, I was a volunteer at Bergen County Animal Shelter; cleaned the kennels, walked the dogs, gave them fresh water and food when they needed it. I recently learned about the amendment to the ordinance just a couple of days ago, I am one of the people flooding your inbox with information. I would like say that I am glad that you are postponing the final passage of this ordinance tonight. I would just like to mention that we hope the Mayor and Council will be progressive in their thinking and modify the ordinance to serve responsible pet owners and support the life saving work that good Samaritan fosters do every day. We would like to ask you to consider the following changes:

- Three month foster period – extend to six months, with a renewal clause for the reevaluation of dogs and cats that have not been adopted after six months.
- When they receive a foster dog into their program the magical number is the thirty day mark. That is the amount of time it takes a dog to settle into a home. For a dog that has been neglected or abused sometimes these foster homes are the first time they have been in a safe and nurturing place. If that animal is not placed at the three month mark, the very last thing we want to do is remove them from that environment and create added stress on them.
- We are also unclear as to why you would not limit shelters to a three month period but you would limit it to foster pet organizations.
- We also want you to consider that removal from a foster home at the three month period can constitute cruel and inhumane treatment which is written into your ordinance as something you don't want to do.
- We do raise the question as to where will these animals go at the end of three months, if no foster is found
- In terms of adoption rates a three month period is not realistic

Ms. Gregorski then gave the analogy of selling a home

- Average time for adoption is two to twelve weeks
 - We do everything that we can to get an animal put into a new home during that time
- Sometimes it can take months and months

Ms. Gregorski then discussed the case of “Jeter”

Also asked that the Mayor and Council allow up to two foster dogs or cats per home within the four dog/cat limit

- Some people may have no pets
- Some people may be able to take 2 dogs or cats
- Asked that the Mayor and Council expand the foster limit to two dogs/cats per home
- Asked that the Mayor and Council grandfather in anybody that is an established foster with a rescue group with a larger number of pets

There is some confusion about the ordinance as it applies to cats and litters of kittens

- Ask that it be clarified

In terms of licensing, a lot of towns don't require a foster group to license a pet

If the groups had to license ten dogs over the period of a week it would cost \$100 - \$150 which is hard for the groups to raise and those dogs may be placed back out for adoption within a couple of days or weeks

- Ask that the Council reconsider that
- Suggestion on a 3 month cap, so that if the animal is not adopted out within three months, then at that point they have to be licensed

We suggest that you require the groups have their animals micro-chipped and provide a rabies certificate and register them that way with the town

Mayor Ruschman stated that Ms. Gregorski has exceeded the time limit and asked that she provide copies of the information that she was reading and submit it the Borough Clerk after tonight's session.

Councilmember Viola asked for clarification on the animal licensing or the organization licensing. Mr. Mancinelli stated that there were a couple of things that were said; if an individual has zero pets the ordinance would permit them to have four foster dogs and four foster cats. Mr. Mancinelli stated that the ordinance requires the business to be registered or licensed with the borough. All businesses whether for profit or not should be registered with the borough.

Tracy Dickinson – 2 Oneto Court

Would like to see the fostering length of time extended to 6 months to a year.

Discussion on the next meeting of the Board of Health not taking place until September.

Gail Banta – 21 Fairview Avenue

Owns 3 dogs, but has 2 children with dogs that visit. One of her children lives in Colorado. She would like a special provision be made to allow 10 days to 2 weeks. Mr. Mancinelli stated that the ordinance being proposed only addresses the sections being amended. The ordinance currently provides for a 90 day pet visit. Also asked that the limit be raised from 4 to 5 dogs if possible.

Jessica Davies – 83 Rivervale Road

Ordinances similar to this one have been passed in other areas. In some areas the ordinance has been overturned and in some states it is considered unconstitutional. Discussed a dog her family had fostered for four months that was a rescue from Louisiana. Has a neighbor that fosters pets also. Questioned if someone has a lot of property with a fenced in yard they could take more dogs than someone with a smaller piece of property.

Julie Ogden – non-resident

Voiced her concerns that this ordinance may be unconstitutional. Laws are put in place to protect citizens. There are already laws on the books requiring pet owners to be responsible. This seems like discrimination against people that are kind enough to try and save these animals lives. Has fostered up to 5-6 dogs at one time with the help of her students. Would question why the Council would place these restrictions.

Councilmember Viola stated that there may be some misconceptions. It is his understanding that the ordinance is increasing the number of cats permitted by a household. The limit on the number of dogs is to be consistent with the number of cats. Mr. Mancinelli stated that since 1948 municipalities have been given the authority to limit the number of dogs and cats.

Mayor Ruschman reminded those present that the Mayor and council and the Board of Health wish to work with the residents and foster organizations.

Carol Licht – resident since 1960

Homeowner and pet owner. Rescuer for many years. She has trapped, neutered and returned feral cats. She has taken at least 200 out of this town. Feels that the ordinance should be publicized where it is easily available for all to look at. She has dedicated her life to animal rescue and animal welfare. Her specialty is rehabilitating abused dogs and feral cats. Get them ready for adoption and find them homes with appropriate care and space. All takes time, money and dedication. This ordinance will put a tremendous burden on the Bergen County Animal Shelter and TYCO (Paramus Animal Shelter). Asked that the Council educate themselves on the impact they will have on the local shelters and address this issue in a public forum; noticed as required. Does not think this ordinance is in the best interest of the residents of Park Ridge and asks that the Council reconsider adopting this ordinance.

Hanna Hoffman – Woodcliff Lake resident

Ms. Ogden is her science teacher. She has fostered 2 dogs. Described the 2 dogs she has fostered. Feels that 3 months is not enough time; 6 months in one foster home is better.

Zoe Pillar – Ms. Ogden is her science teacher. She fostered a dog for 1-1/2 months. Glad that she was adopted within the 3 month period. Described the issues that she experienced in the 1-1/2 months she fostered.

Noreen Kraya – non resident

Active rescuer in the area for 35 years. Stated that she is the one in the trenches; gets calls at 10:00 p.m. Unrealistic to expect a pregnant cat and her kittens to be adopted in 3 months. They can't be neutered until they are 4 months of age.

Kim Covello – “Save our Furry Friends”

Animals are not a possession. There are a lot of people that love animals. So many things that animals have done for us. She stated that she does not horde animals. Most of the animal foster homes do not horde animals. Unfortunately those that do are the ones that make the papers. Hopes the ordinance is not passed as it reads right now.

Jules Luftquist – Ms. Ogden is her science teacher. Stated that Seeing Eye dogs require 18 months to train. Three months is not enough time.

Donna Manderino, DVM – Park Ridge Animal Hospital

Stated that many of the Council members are animal lovers themselves. This is not an area where we should be fighting each other. We should work together to come to a common agreement. She encouraged those in the audience that had issues tonight to read the entire Chapter 52 of the Borough Code. Asked that the restriction not apply to animal hospitals, kennels, pet shops and shelters. She further stated that the Seeing Eye dogs, many clients foster and they are in the homes for 1-2 years. Clients with litters of dogs or cats require more than 3 months to place in homes. Primary concern expressed here tonight is with the foster animals. Asked if a sub-committee or a meeting with people who are considered more expert in animal welfare could take place. Include members of the Board of Health.

Mayor Ruschman stated that the suggestion is good one and perhaps a sub-committee or task force could be established.

Dr. Manderino does agree with limitations on pets to prevent hording.

Council President Kane suggested that everyone go to the web site and look up Chapter 52 on the Web Site Home Page – Borough Code. Stated that the Board of Health does not meet for 2 months but with the information coming back to the Clerk he will make sure to tell the President of the Board of Health that there will probably be a request for a group meeting.

Mayor Ruschman thanked everyone for coming tonight and expressing themselves.

Mayor Ruschman granted a five minute recess for those who wished to leave.

ORDINANCE NO. 2010-020
AN ORDINANCE AMENDING CHAPTER 26; POLICE DEPARTMENT, OF THE
CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

Mayor Ruschman asks for a motion to open the Public Hearing on Ordinance No. 2010-020, an ordinance amending Chapter 26, Police Department, of the Code of the Borough of Park Ridge, New Jersey.

A motion was made by Councilmember Maguire and seconded by Councilmember Misciagna to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

Mayor Ruschman asks the Clerk to read the ordinance by title:

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2010-020**

**AN ORDINANCE AMENDING CHAPTER 26 POLICE DEPARTMENT OF THE CODE OF THE
BOROUGH OF PARK RIDGE, NEW JERSEY**

WHEREAS, the Police Chief of the Borough of Park Ridge has recommended certain increases to the rate of compensation, vehicle usage fees and other fees charged for the employment of its off-duty police officers; and

WHEREAS, the Mayor and Council of the Borough of Park Ridge believe that this action will be in the best interest of the Borough and its citizens;

NOW, 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 26, Police Department, of the Code of the Borough of Park Ridge be and is hereby amended as follows:

SECTION ONE: The following Sections are hereby established as follows:

Section 26-29. Rate of Compensation.

Rate of compensation for contracting the services of off-duty law enforcement officers shall be based on a rate of time and one-half of the officer's then current hourly rate.

Section 26-30. Vehicle Usage.

An additional fee of \$10.00 per hour shall be charged for any vehicle usage as assigned by the Police Chief for up to seven (7) consecutive hours or any part of the calendar day. A charge of \$125.00 shall be charged for any vehicle usage as assigned by the Police Chief in excess of seven (7) consecutive hours or any part of the calendar day. Whenever possible, the oldest usable Police Department vehicle will be assigned.

Section 26-31. Additional Fees.

An additional fee of twenty (20%) per cent of the total estimated fees in Sections 26-29 and 26-30 above is hereby established to cover administrative costs, overhead and out-of-pocket expenses of the Borough of Park Ridge.

SECTION TWO:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency only.

SECTION THREE:

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 FOUR: This Ordinance shall take effect immediately following final passage, adoption and publication as provided by law.

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

Mr. Mancinelli: Stated that this ordinance seeks to add a new section to Chapter 26, specifically with respect to the payment of compensation for contracting our off duty enforcement officers as well as charge for the usage of our vehicles.

Mayor Ruschman asks the Clerk if she has received any correspondence concerning the adoption of this ordinance.

Clerk: None.

Mayor Ruschman asks if anyone present wishes to be heard concerning the introduction of this ordinance.

Speaker:

Tracy Disckinson – 2 Oneto Court –

With regard to the police department, had heard the Council was considering letting go four police officers; and understands that now it is down to two. Feels that the Borough should keep all of their police officers. She also has ideas on how the town can save money.

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

A motion was made by Councilmember Hopper and seconded by Council President Kane to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

ORDINANCE NO. 2010-022

AN ORDINANCE REPEALING CHAPTER 59, ARTICLE II, FIREWORKS AND FIREWORKS DISPLAY, OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

Mayor Ruschman asks for a motion to open the Public Hearing on Ordinance No. 2010-0 22, An Ordinance repealing Chapter 59, Article II, Fireworks and Fireworks Display, of the Code of the Borough of Park Ridge, New Jersey.

A motion was made by Council President Kane and seconded by Councilmember Maguire to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

Mayor Ruschman asks the Clerk to read the ordinance by title:

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2010-022**

AN ORDINANCE REPEALING CHAPTER 59, ARTICLE II, FIREWORKS AND FIREWORKS DISPLAY, OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

WHEREAS, N.J.S.A. 21:3-1 et seq. regulates the sale and public display of fireworks or pyrotechnics in the State of New Jersey; and

WHEREAS, Chapter 59, Article II, of the Borough Code is preempted by the aforesaid state statute and may be in direct conflict with same.

NOW, 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 59, Article II, Sections 59-8 through 59-11 of the Code of the Borough of Park Ridge be and is hereby repealed and shall take effect immediately following final passage, adoption and publication as provided by law.

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

Mr. Mancinelli: Stated that this ordinance specifically repeals sections of our code that are in direct conflict or preempted by State Statute.

Mayor Ruschman asks the Clerk if she has received any correspondence concerning the adoption of this ordinance.

Clerk: None

Mayor Ruschman asks if anyone present wishes to be heard concerning the introduction of this ordinance.

Speaker: There was no one.

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

A motion was made by Councilmember Maguire and seconded by Council President Kane to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

ORDINANCE NO. 2010-023

AN ORDINANCE REPEALING CHAPTER 78, ARTICLE I, DISORDERLY CONDUCT, OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

Mayor Ruschman asks for a motion to open the Public Hearing on Ordinance No. 2010-0 23, An Ordinance repealing Chapter 78, Article I, Disorderly Conduct, of the Code of the Borough of Park Ridge, New Jersey.

A motion was made by Councilmember Misciagna and seconded by Councilmember Maguire to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

Mayor Ruschman asks the Clerk to read the ordinance by title:

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2010-023**

AN ORDINANCE REPEALING CHAPTER 78, ARTICLE I, DISORDERLY CONDUCT, OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY

WHEREAS, N.J.S.A. 2C:14-4 and 2C:33-12 regulates certain lewd and disorderly acts and conduct of a person in the State of New Jersey; and

WHEREAS, Chapter 78, Article I, Section 78-2, of the Borough Code is preempted by the aforesaid state statutes and may be in direct conflict with same.

NOW, 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 78, Article I, of the Code of the Borough of Park Ridge be and is hereby amended as follows:

SECTION ONE:

Article I, Chapter 78-1, Definitions, shall be amended to delete reference to Disorderly House and House of Ill Fame.

SECTION TWO:

Article I, Chapter 78-2, Keeping disorderly house; immoral acts; indecent exposure or exhibitions, is hereby repealed in its entirety.

SECTION THREE: All ordinances or parts of ordinances of the Borough of Park Ridge which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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

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

Mr. Mancinelli: This ordinance repeals two sections in the Borough Code that have been preempted by State Statute.

Mayor Ruschman asks the Clerk if she has received any correspondence concerning the adoption of this ordinance.

Clerk: None.

Mayor Ruschman asks if anyone present wishes to be heard concerning the introduction of this ordinance.

Speaker: There was no one.

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

A motion was made by Councilmember Misciagna and seconded by Councilmember Maguire to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

ORDINANCES – INTRODUCTION

ORDINANCE NO. 2010-024

A BOND ORDINANCE TO FURTHER AMEND SECTION 4.A OF BOND ORDINANCE NO. 2009-16 ADOPTED ON JULY 14, 2009, AS PREVIOUSLY AMENDED BY BOND ORDINANCE NO. 2010-014 ADOPTED ON MAY 25, 2010.

Mayor Ruschman asks for a motion to introduce on first reading Ordinance No. 2010-024, a Bond Ordinance to further amend section 4.A of Bond Ordinance No. 2009-16, adopted on July 14, 2009 as previously amended by Bond Ordinance No. 2010-014 adopted May 25, 2010.

A motion was made by Councilmember Misciagna and seconded by Council President Kane to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

Mayor Ruschman asks the Clerk to read the ordinance by title:

**BOROUGH OF PARK RIDGE
ORDINANCE NO. 2010-024**

BOND ORDINANCE TO AMEND SECTION 4.A OF THE BOND ORDINANCE (ORD. NO. 2009-16) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF PARK RIDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$454,250 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED ON JULY 14, 2009, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 2010-014 ADOPTED ON MAY 25, 2010.

 BE IT ORDAINED by the Borough Council of the Borough of Park Ridge, in the County of Bergen, State of New Jersey, as follows:

Section 1. Section 4.A of Ordinance No. 2009-16 entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF PARK RIDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$454,250 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

adopted by the Borough Council of the Borough of Park Ridge, in the County of Bergen, New Jersey (the "Borough") on July 14, 2009, as previously amended by Ordinance No. 2010-014 adopted on May 25, 2010 (collectively, the "Prior Ordinance"), is hereby amended to change one of the purposes authorized from lighting and ceiling upgrade at Borough Hall to acquisition and installation of an electronic messaging board, and shall hereafter read as follows:

"[Section 4.]A. Undertaking of various improvements to public buildings and property, including, but not limited to, (i) roof replacement at Borough Hall, (ii) improvements to the HVAC system and chemical fire suppression system at the Fire House, (iii) improvement of the building exterior at the Fire House, (iv) reconfiguration of offices at Borough Hall, including acquisition of file cabinets and office furniture, (v) elevator shaft modification at the Fire House, (vi) acquisition and installation of an electronic messaging board, (vii) bridge repairs at Sulak Walk and (viii) renovation of the Colony Little League Field. It is hereby determined and stated that said public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$237,150
Down Payment Appropriated	\$ 11,300
Bonds and Notes Authorized	\$225,850
Period of Usefulness	15 years."

Section 2. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 3. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Ruschman asks the CFO to give a brief description of this ordinance.

Ms. Ennis: Stated that in 2009 an ordinance was adopted for Capital Improvements which included upgrades to the ceiling upgrades and lighting in the Borough Hall. The purpose of this ordinance is to reallocate the funds for the acquisition and installation of a new electronic message board. The current message board needs to be replaced, based on its age and antiquated technology it cannot be repaired.

Mayor Ruschman asks if anyone present wishes to be heard concerning the introduction of this ordinance.

Speaker: There was no one.

Mayor Ruschman asks for a motion to pass this ordinance on first reading by title and that it be published in full in the Ridgewood News with notice of Public Hearing to be held on July 13, 2010.

A motion was made by Councilmember Maguire and seconded by Council President Kane to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

ORDINANCE NO. 2010- 025

A GENERAL CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$200,000 FOR FIFTH STREET IMPROVEMENTS, SECTION ONE, TO BE UNDERTAKEN BY THE BOROUGH OF PARK RIDGE AND TO APPROPRIATE \$200,000 FROM A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT 2009 MUNICIPAL AID PROGRAM AVAILABLE IN THE GENERAL CAPITAL FUND.

Mayor Ruschman asks for a motion to introduce on first reading Ordinance No. 2010-025, a General Capital Ordinance appropriating the sum of \$200,000 for Fifth Street Improvements, section one, to be undertaken by the Borough of Park Ridge and to appropriate \$200,000 from a New Jersey Department of Transportation Grant 2009 Municipal Aid Program available in the General Capital Fund.

A motion was made by Councilmember Maguire and seconded by Councilmember Misciagna to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

Mayor Ruschman asks the Clerk to read the ordinance by title:

**BOROUGH OF PARK RIDGE
 ORDINANCE NO 2010 - 025**

A GENERAL CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$200,000 FOR FIFTH STREET IMPROVEMENTS, SECTION ONE, TO BE UNDERTAKEN BY THE BOROUGH OF PARK RIDGE AND TO APPROPRIATE \$200,000 FROM A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT 2009 MUNICIPAL AID PROGRAM AVAILABLE IN THE GENERAL CAPITAL FUND.

BE IT ORDAINED, by the Governing Body of the Borough of Park Ridge in the County of Bergen, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION 1. The improvement described in Section 2 of this Ordinance is hereby respectively authorized as a general capital improvement to be made by the Borough of Park Ridge, New Jersey, for the said improvements or purposes stated in Section 2, there are hereby appropriated the sum of money therein stated as the appropriation made for said improvement or purpose, said sum being inclusive of all appropriations herefore made thereof and amounting in the aggregate to \$200,000 which is now available through a New Jersey Department of Transportation Grant.

SECTION 2. The Borough of Park Ridge, in the County of Bergen, State of New Jersey, is hereby authorized to provide for the following:

Road Improvements to Fifth Street, Section One, including all work, materials and costs necessary therefore or incidental thereto \$200,000

SECTION 3. It is hereby determined and stated:

- (a) That said purpose is not a current expense. That the same is an improvement which the municipality may lawfully make and that no part of the cost of said improvement has been or shall be specifically be assessed on properties specifically benefited.
- (b) It is not necessary to finance said appropriation by the issuance of obligations by the Borough of Park Ridge pursuant to the Local Bond Law of the State of New Jersey, for the reason that monies sufficient to cover the appropriation thereof shall be available from a New Jersey Department of Transportation Grant available in the General Capital Fund in the amount of \$200,000.

SECTION 4. The Capital Budget of the Borough of Park Ridge is hereby amended or established to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing all detail of the amended or temporary Capital Budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available for public inspection.

SECTION 5. The sum of \$200,000 is hereby appropriated for the aforementioned purpose.

SECTION 6. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection with said appropriation, since the gross debt of the municipality, as defined under the Local Bond Law, is not increased by this Ordinance and no obligations in the matter of notes or bonds are authorized by this Ordinance.

SECTION 7. This Ordinance shall take effect after publication thereof and final passage as required by law.

Mayor Ruschman asks the Borough Administrator to give a brief description of this ordinance.

Ms. Fall: Stated that last year the Borough received a grant for the NJ Department of Transportation, the sum of \$200,000, to do some roadway improvements on Fifth Street. In order for us to access the money the Mayor and Council have to introduce and adopt an ordinance. Presuming on July 13th the Mayor and Council will adopt the ordinance the Borough will be able to move forward on the project.

Mayor Ruschman asks if anyone present wishes to be heard concerning the introduction of this ordinance.

Speaker: There was no one.

Mayor Ruschman asks for a motion to pass this ordinance on first reading by title and that it be published in full in the Ridgewood News with notice of Public Hearing to be held on June 22, 2010.

A motion was made by Councilmember Maguire and seconded by Council President Kane to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

CONSENT AGENDA:

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

Speaker:

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

Speaker: Councilmember Viola wishes to abstain from the resolution authorizing the 2010-2011 Alcoholic Beverage License Renewal

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

A motion was made by Councilmember Misciagna and seconded by Councilmember Maguire to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

RESOLUTIONS:

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-146**

AWARD OF CONTRACT FOR PASCACK VALLEY COOPERATIVE PRICING SYSTEM – 2010 ROAD REPAVING PROGRAM

WHEREAS, on May 25, 2010 the Borough of Westwood, acting as Lead Agency for the Pascack Valley Cooperative Pricing System (#107-PVCPS), received bids for the 2010 Road Resurfacing Program; and

WHEREAS, nine (9) bids were received for eight (8) municipalities with totals ranging from \$1,362,900.60 to \$1,882,637.70 for the base bid, and \$152,928.81 to \$200,307.50 for the alternate bid; and

WHEREAS, the bids were reviewed by Edward Sandve, PE, Borough Administrator of the Borough of Woodcliff Lake and two other Administrators, on behalf of the Pascack Valley Cooperative Pricing Program; and

WHEREAS, Mr. Sandve has summarized the bid prices and the review committee recommends the award of contract to DLS Contracting, Inc. of 633 Franklin Avenue, Nutley NJ 07110 in the amount of \$1,362,900.60; and

WHEREAS, the alternate bid of up to \$153,812.00 is also awarded so that municipalities that requested additional work have the option of doing so; and

WHEREAS, the total award for base and alternate work is \$1,516,712.60; and

WHEREAS, the Westwood Borough Attorney, has reviewed the bids and recommends DLS Contracting, Inc., as the lowest responsible, responsive bidder;

WHEREAS, Park Ridge Borough Engineer Mancuso has reviewed the bid results and performed reference checks and concurs as so stated to the Park Ridge Mayor and Borough Council at their June 7th meeting; and

NOW, THEREFORE, BE IT RESOLVED that the Borough of Westwood as Lead Agency for the Pascack Valley Cooperative Pricing System (107-PVCPS) authorizes the award of a master contract to DLS Contracting, Inc. on behalf of the municipalities of Emerson, Old Tappan, Oradell, Park Ridge, River Vale, Westwood and Woodcliff Lake in an amount not to exceed \$1,516,712.60 with each municipality contracting directly with DLS Contracting Inc., for their portion of the contract; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the funds are available in Bond Ordinance No. 2010-008 account no. C-04-55-925-000-001

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Park Ridge authorize the appropriate Borough Attorney, Robert Mancinelli is to prepare and execute a contract with DLS Contractors, Inc. for the base bid not to exceed \$191,724, the alternate bid of \$117,357 plus an additional \$30,000 as contingency for extras as discussed by the Mayor and Council at their June 7, 2010 meeting.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-147**

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR APPRAISAL SERVICES FOR APPRAISAL UPDATE

**Block 205 Lot 3
First Street/North Avenue**

WHEREAS, the Borough of Park Ridge has need to acquire professional property appraisal services in connection with the property appraisal of Block 205 Lot 3 known as North Avenue and First Street, Park Ridge NJ; and

WHEREAS, the quote dated April 19, 2010 from Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc., 266 Harristown Road, PO Box 67, Glen Rock, NJ 07452 for the appraisal for the above cited property is \$1,500; and

WHEREAS, Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. has previously completed and submitted a Business Entity Disclosure Certification which certifies that Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Park Ridge in the previous one (1) year, and that the contract will prohibit Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that funds are available in account no. 0-01-20-155-000-063 pursuant to the requirements – N.J.A.C. 5:30-5.4.

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 deemed incorporated into the purchase order for this work and attached to the original of this resolution.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Park Ridge authorizes the Mayor and Borough Clerk to enter into a contract with Robert McNerney, MAI, SRA, CRE of McNerney & Associates, Inc. as described herein or in the absence of a separate contract this resolution shall be deemed the contract; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that the vendor shall supply the Borough of Park Ridge with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27; and

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-148**

**AUTHORIZE CLEANING SERVICES CONTRACT
2010**

WHEREAS, the Borough of Park Ridge is in need of cleaning services for Borough Hall, the Library, Police Headquarters, Fire Headquarters and the Train Station; and

WHEREAS, the contract expired at the end of 2009; and

WHEREAS, while preparing formal bid specifications for this work, since our threshold without a Qualified Purchasing Agent (QPA) was \$17,500, the Borough became eligible for the \$29,000 bid threshold by having a State Qualified Purchasing Agent on staff thereby being able to solicit quotes in March 2010; and

WHEREAS, the Borough Administrator solicited quotes and received 3 quotes; and

WHEREAS, only one was responsive/complete including submission of references, National Maintenance Service Inc, 63 Tenafly Road, Englewood, NJ 07631 at monthly contract amount of \$1,950 (the 2009 monthly cost) and included specific price quotes for additional services; and

WHEREAS, the quotes were reviewed with the Administrative Team and specifically the performance of National Maintenance Service Inc., at they are the current provider and a recommendation has been made to renew this contract; and

WHEREAS, the State mandated Business Registration Certificate is on file; 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 12 months of this contract; and

WHEREAS, the Chief Financial Officer has certified to the availability of funds in the 2010 Budget, account number 0-01-26-310-000-029 and subject to the Mayor and Borough Council appropriating funds in the 2011 Budget in the same account number.

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 effective July 1, 2010 to run for twelve consecutive months in the total amount of \$23,400 to be paid on a monthly basis in the amount of \$1,950 per month.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-149**

AUTHORIZE PAYMENT TO NJ TRANSIT FOR BILLABLE COSTS ASSOCIATED WITH CONSTRUCTION OF RETAINING WALL AND SIDWALK – TRAIN STATION PEDESTRIAN IMPROVEMENTS

WHEREAS, the May 20, 2009 Temporary Access Permit between the Borough of Park Ridge and NJ Transit Corporation provided that the Borough would reimburse NJ Transit for all labor costs and direct expenses in connection with providing falling protection, construction inspection, project management, etc. in connection with this project; and

WHEREAS, NJ Transit has submitted Invoice #119805 which, after review by the project engineer, Mr. Rapp, has confirmed that this is the first and final bill in the amount of \$5,951.75; and

WHEREAS, the Borough Administrator concurs and reviewed said recommendation with the Mayor and Borough Council at their June 7th meeting; and

WHEREAS, said bill shall be charged to account no. C-04-55-924-000-000

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Park Ridge that it hereby authorizes said payment.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-150**

RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS 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. 40:11-12a 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 Program for any State contracts entered into on behalf of the State by the Division of Purchasing and Property in the Department of the Treasury; and

WHEREAS, the Mayor and Council of the Borough of Park Ridge had the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Mayor and Council of the Borough of Park Ridge intends to enter into contracts with the referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to the conditions applicable to the current State contracts;

NOW, THEREFORE BE IT RESOLVED, that the Borough of Park Ridge authorizes the Chief Financial Officer and/or Borough Administrator to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Park Ridge pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded , or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Borough of Park Ridge and the Reference State Contract Vendors shall be from January 1, 2010 to December 31, 2010.

The vendors are as follows:

<u>Company</u>	<u>Contract Number</u>
Stone Industries Inc.	#73447
Tilcon New York Inc.	#73454

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-151**

2010-2011 ALCOHOLIC BEVERAGE LICENSE RENEWALS

BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the following alcoholic beverage licenses be renewed, subject to the rules and regulations of the Department of Alcoholic Beverage Control

of the State of New Jersey and the Mayor and Council of the Borough of Park Ridge, heretofore or hereafter adopted:

PLENARY RETAIL CONSUMPTION LICENSES

1. 0247-33-002-006 Fremont Holdings LLC, T/A Esty Street
2. 0247-33-005-004 Silver Fountain Inc, T/A Valentino's of Park Ridge
3. 0247-33-006-007 Food First Restaurant Group LLCS, T/A The Park
4. 0247-33-007-004 D C A J Inc., T/A Peppercorn's Steakhouse
5. 0247-36-011-002 Marriott Hotel Services, Inc (Hotel/Motel Exception)

PLENARY RETAIL DISTRIBUTION LICENSE

1. 0247-44-004-003 Ridge-Mont Liquor, Inc.

CLUB LICENSES

1. 0247-31-008-002 Park Ridge Elks lodge #2234 Inc.
2. 0247-31-010-001 Cpl Jedh C Barker Memorial Post 153 American Legion
3. 0247-31-012-001 Park Ridge Police Reserve
4. 0247-31-014-001 Bears Nest Condominium Association
5. 0247-31-013-001 Park Ridge Volunteer Firemens Association Inc.

BE IT FURTHER RESOLVED that said licenses be renewed for the period of one year, commencing July 1, 2010 and ending June 30, 2011, and that the Borough Clerk be and she is hereby authorized and directed to issue and sign such license renewals in the name of the Borough of Park Ridge.

**BOROUGH OF PARK RIDGE
 RESOLUTION NO. 010-152**

**AUTHORIZING CONTRACT APPROVED STATE CONTRACT VENDOR FOR CONTRACTING UNITS
 PURSUANT TO N.J.S.A. 40A:11-12a
 Tri-Boro Public Safety Dispatch Repeater System Equipment - Various**

WHEREAS, 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 Program 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 Borough of Park Ridge as the lead agency for the Tri-Boro Public Safety system, and on behalf of the Boroughs of Montvale and Woodcliff lake has the need on a timely basis to Purchase various equipment for the Tri-Boro Public Safety radio repeater system which is used in all three municipalities for the police, fire and dispatch system utilizing State contracts; and

WHEREAS, the consultant who is working with the Tri-Boro Public Safety System has recommended to the Tri-Borough Commissioners the purchase of equipment from B&C Communications, #1 Bonhert Place, Waldwick NJ, quote number 8257 dated May 14, 2010 NJ State Contract #A-53803 (copy of quote attached), which shall be subject to all the conditions applicable to the current State contracts as follows:

PD/FD Repeater equipment plus on-site labor:	\$16,078.25
UHF Fire Repeater equipment plus on-site labor:	\$ 9,225.37
PD-1 Receiver for P-R Hq equipment plus on-site labor:	\$ 3,249.37
Add Channel to NWBCD equipment plus on-site labor:	<u>\$ 3,334.00</u>
TOTAL	\$31,886.99

WHEREAS, the cost for said equipment shall be borne equally 1/3 each by the Boroughs of Park Ridge, Montvale and Woodcliff Lake; and

WHEREAS, the Borough of Montvale in an email dated June 7, 2010 and the Borough of Woodcliff Lake in an email dated June 7, 2010 have both confirmed that funds are available for this project; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the following capital account for the Borough of Park Ridge's portion C-04-55-923-200-005.

NOW, THEREFORE BE IT RESOLVED that the Borough of Park Ridge authorizes the Chief Financial Officer to purchase the above stated goods or services from the approved New Jersey State Contract Vendor above, pursuant to all conditions of the individual State contracts and to obtain the 1/3 cost share reimbursement from the Boroughs of Montvale and Woodcliff Lake upon issuance of the Purchase Order to the vendor.

**BOROUGH OF PARK RIDGE
 RESOLUTION NO. 010-153**

AUTHORIZE TAX LIEN OVERPAYMENT REFUND

WHEREAS, on June 5, 2009 Crusader Lien Services issued payment in the amount of \$7,311.59 made payable to the Borough of Park Ridge for subsequent taxes on the following Tax Liens; and

WHEREAS, the payment was mistakenly filed in the Tax Sale folder, and deposited on March 8, 2010 when it was located; and

WHEREAS, Crusader Liens Services subsequently issued replacement checks on March 12, 2010 which were also deposited, thus creating an overpayment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Borough Treasurer be and she is hereby authorized and directed to return the following Tax Lien Overpayments to Crusader Lien Services.

<u>TAX LIEN #</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
07-929	2509	3	\$2,342.77
08-931	1203	37	\$2,288.00
08-932	1302	4	\$2,680.82
TOTAL			\$7,311,59

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-154**

APPROVAL OF DEVELOPER’S AGREEMENT

WHEREAS, a Developer’s Agreement for Block 503, Lots 7, 8 and 9; commonly known as 67 Spring Valley Road, in the name of Lollipop Day Nursery School, LLC has been prepared for the Mayor and Council’s consideration; and

WHEREAS, the Board of Adjustment has approved this project and approved said Developer’s Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, Bergen County, New Jersey, that upon the recommendation of the Board of Adjustment and Borough Attorney, the Mayor and Borough Clerk be, and they are hereby authorized and directed to execute said Developer’s Agreement with Lollipop Day Nursery School, LLC, Block 503, Lots 7, 8 and 9 on behalf of the Borough of Park Ridge.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-155**

AUTHORIZE RELEASE OF PERFORMANCE BOND

WHEREAS, **WAI YIP INTERNATIONAL CORPORATION**, 83 Broadway, known as Lot 7 of Block 1902 on the Tax Map of the Borough of Park Ridge has posted a cash Performance Bond in the amount of \$5,000 for completion of landscaping; and

WHEREAS, the cash Performance Bond was reduced to \$3,486.25 in order to pay outstanding professional vouchers of \$1,513.75; and

WHEREAS, the cash Performance Bond of \$3,486.25 was released on February 9, 2010; and

WHEREAS, there remains interest, accruing since 2003 plus some escrow in the amount of \$1,151.26; and

WHEREAS, the applicant has requested the refund of that interest and unspent escrow; and

WHEREAS, the project has long since been completed and all other funds have been returned.

WHEREAS, the Zoning Board has recommended to the Mayor and Council that the remaining cash Performance Bond of \$1,151.26 be returned to the applicant, Wai Yip International Corporation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Performance Bond of \$1,151.26 be returned to the applicant Wai Yip International Corporation.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-156**

**AUTHORIZE RECEIPT OF SEALED BIDS
BACKHOE LOADER**

WHEREAS, the Borough of Park Ridge Water Department is in need of a backhoe loader; and

WHEREAS, the anticipated expenditure for the backhoe loader is over \$29,000.00; and

WHEREAS, the provisions of New Jersey Statute 40A:11-4 requires the public advertising for bids when anticipated expenditures are over \$29,000.00; and

WHEREAS, the Board of Public Works, Borough of Park Ridge, in the County of Bergen and the State of New Jersey, has made a recommendation to the Mayor and Council to authorize the receipt of sealed bids for the purchase of a backhoe loader.

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 purchase of a backhoe loader for the Park Ridge Water Department.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-157**

**AUTHORIZE RECEIPT OF SEALED BIDS
AERIAL BUCKET TRUCK**

WHEREAS, the Borough of Park Ridge Electric Department is in need of an insulated hydraulic articulating overcenter aerial bucket truck; and

WHEREAS, the anticipated expenditure for the aerial bucket truck is over \$29,000.00; and

WHEREAS, the provisions of New Jersey Statute 40A:11-4 requires the public advertising for bids when anticipated expenditures are over \$29,000.00; and

WHEREAS, the Board of Public Works, Borough of Park Ridge, in the County of Bergen and the State of New Jersey, has made a recommendation to the Mayor and Council to authorize the receipt of sealed bids for the purchase of an insulated hydraulic articulating overcenter aerial bucket truck.

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 purchase of an insulated hydraulic articulating overcenter aerial bucket truck for the Park Ridge Electric Department.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-158**

AUTHORIZE TAX OVERPAYMENT REFUND

WHEREAS, as a result of a duplicate payment in accordance to R.S. 54:4-21; there has resulted in the overpayment of taxes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge that the Borough Treasurer is hereby authorized and directed to return the following 2010 tax overpayment:

Block	Lot	Name	Amount
2280	5	Guardian Title Service 7 Kingsbridge Rd. Fairfield, NJ 07004 for Daniel & Keri Bratcher	\$ 2,760.25

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-159**

**ADJUSTMENT OF PUBLIC BIDDING THRESHOLD
JULY 1, 2010**

WHEREAS, pursuant to NJSA 40A:11-3(c) and 18A:18A-3(b) the Governor has exercised his authority to adjust the bid thresholds for awarding contracts by various contracting units to give local contracting units the ability to increase their bid threshold to \$36,000 if a Qualified Purchasing Agent is appointed; and

WHEREAS, the adjustment to the public bidding threshold is as explained in the attached Local Finance Notice 2010-13 from the NJ Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Borough of Park Ridge has a Qualified Purchasing Agent as determined by the Director of the Division of Local Government Services in accordance with NJAC 5:34-5 et seq.; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Park Ridge, in the County of Bergen that it hereby desires to take advantage of the increased bid threshold and increase it to \$36,000, effective July 1, 2010.

BE IT FURTHER RESOLVED that in accordance with NJAC 5:34-5.2 the Borough of Park Ridge is hereby authorized to forward a certified copy of this resolution to the Director of the Division of Local Government Services.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-160**

RESOLUTION AMENDING THE DESIGNATION OF THE BOROUGH COUNCIL’S REPRESENTATIVE TO PARTICIPATE IN THE MEDIATION WITH REGARD TO OBJECTIONS FILED AGAINST THE BOROUGH COAH PETITION FOR SUBSTANTIVE CERTIFICATION

WHEREAS, the Borough of Park Ridge has filed a petition for substantive certification with the Council on Affordable Housing (COAH); and

WHEREAS, objections have been filed with regard to said petition; and

WHEREAS, the Borough and the objector have been engaged in mediation with regard to said objections; and

WHEREAS, the Borough has previously adopted a Resolution appointing its representatives to participate in the mediation process; and

WHEREAS, the Mayor and Council wish to amend the designated Council’s representative as required by law,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Park Ridge that the following individual is hereby designated to be Council’s representative with regard to the continuing COAH mediation session:

Terence Maguire, Councilman

BE IT FURTHER RESOLVED, that all previous appointed representatives shall remain and that Councilman Maguire is designated as the representative authorized to execute any written agreement reached during any mediation session, however, said agreement shall be subject to the review and approval of the governing body of the Borough of Park Ridge.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-161**

APPROVAL TO AMEND THE BOROUGH’S EMPLOYEE BENEFITS CAFETERIA SECTION 125 PLAN TO INCLUDE EMPLOYEE MEDICAL CONTRIBUTIONS

WHEREAS, the Borough has previously adopted an Employee Benefits Cafeteria Plan created pursuant to Section 125 of the Internal Revenue Code permitting the election by its employee to contribute a portion of their salary towards certain employee benefit programs which payments qualify for exclusion from the gross income of said participating employees under IRS Code Section 125 and such other sections of the IRS code as may be applicable; and

WHEREAS, Effective January 1, 2010, certain Borough employees have contributed towards the costs of their medical insurance coverage pursuant to contractual agreements or will begin contributing in the immediate future towards the costs of their medical insurance coverage pursuant to recently enacted laws of the State of New Jersey.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council that effective January 1, 2010, the Borough's Employee Benefits Cafeteria Plan created pursuant to Section 125 of the Internal Revenue Code shall be amended to include the employee contribution towards the costs of their medical insurance coverage, and that said employee contribution payments shall qualify for exclusion from the gross income of said participating employees under IRS Code Section 125 and such other sections of the IRS code as may be applicable.

BE IT FURTHER RESOLVED, that the Borough's Business Administrator, Chief Financial Officer and or the Borough's Insurance Consultant take any and all necessary actions to implement the aforesaid changes to its existing Borough's Employee Benefits Cafeteria Plan.

BE IT FURTHER RESOLVED, copies of this Resolution shall be forwarded to the Borough's Business Administrator, Chief Financial Officer and its Borough's Insurance Consultant, the Vozza Agency.

**BOROUGH OF PARK RIDGE
RESOLUTION NO. 010-162**

Amend Temporary Capital Budget

WHEREAS, the local capital budget for the year 2010 has not been adopted; and

WHEREAS, it is desired to introduce a Capital Ordinance to appropriate a \$200,000 Grant from the New Jersey Department of Transportation 2009 Municipal Aid Program for Phase 1 of North Fifth Street.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Park Ridge, County of Bergen that the following temporary capital budget amendment of 2010 be made as attached hereto.

COMMUNICATIONS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

Council President Kane updated those present that upon Councilmember Misciagna's appointment to the Council a vacancy was created on the Utility Board. The Utility Board has had a vacancy for a few months now. In April Councilmember Viola came forward with a resident recommendation to the Council for a possible replacement. We have discussed in Closed Session, since this is the first Utility Board appointment for some of us here on the Council, that typically the Utility Board likes to interview the potential candidates and make a recommendation back to the Council. Council President Kane further stated that he is in receipt of a resume for Sid Raman, he is an engineer with a variety of experience. He passed a packet of resumes to Councilmember Maguire to bring back to the Utility Board. Council President Kane will distribute copies of his resume to the Mayor and Council.

APPROVAL OF MINUTES

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

Closed Session Minutes dated May 25, 2010

Closed and Work Session Minutes dated June 7, 2010

A motion was made by Councilmember Viola and seconded by Councilmember Hopper to confirm.

Roll Call: Councilmember Misciagna – yes, Councilmember Hopper – yes, Councilmember Maguire – Yes, Councilmember Viola – yes, Council President Kane - yes

PUBLIC PRIVILEGE OF THE FLOOR:

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

Speaker:

Frank Oakley – 254 Knoll Drive

Resident of Park Ridge for 33 years. Stated that at the last meeting the Councilmembers were going to meet with the unions. Asked for an update on those meetings. Have any concessions been made? Asked if anyone has asked the police department how they would operate with less officers. Mayor Ruschman stated that the negotiations are consistently ongoing and that everyone is working diligently to come to a solution. Mayor Ruschman further stated that there was a meeting here last night with representatives from the 3 unions and how they would handle a layoff if we had to come to that.

Tracy Dickinson – 2 Oneto Court

Has some suggestions on how to save money for the town. Asked if the Borough had considered main streaming the recycling; therefore fewer trucks. Mayor Ruschman stated that the Borough is in contract with Interstate Waste for recycling. Have to wait until the contract is up to negotiate. Asked if the town had considered putting in fewer flowers. Ms. Fall stated that this year the flowers were donated to the Borough. They were planted by volunteers. Ms. Dickinson stated that she has a fire hydrant in front of her house and she is willing to pay for the paint for it. One other suggestion, with the police cars and install with Michelin tires, they will last a lot longer. Cost more initially, but will last longer. Hopes that all employees' jobs can be saved.

Liz Maggio – Borough Employee

Asked where the Borough stands with the \$250,000 gap. Certain things have happened; retirements, resignations others have waived or forfeited monies that were owed to them. Asked where we are with the gap at this point. Asked how many people will be laid off or have their hours reduced.

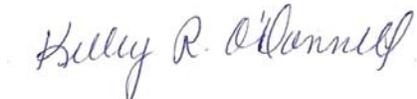
Councilmember Viola stated that the Council is trying to save everybody's job. If everyone agrees to the various proposals, there would be no layoffs. He further stated that technically there are no savings right now because we don't have any agreements. There are many opportunities, so hopefully in a very short time we will be able to come to an agreement. Savings are interlocked. Everything has to come together. We are real close.

ADJOURN

A motion was made by Councilmember Maguire and seconded by Councilmember Misciagna to adjourn the regular Mayor and Council meeting.

Meeting adjourned at 9:33 p.m.

Respectfully submitted,



Kelley R. O'Donnell, RMC
Borough Clerk