

**Municipal Building  
Park Ridge, NJ  
December 28, 2010-8:30p.m.**

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

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

**ROLL CALL:**

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

Absent: Councilmember Maughan

Also Present: Borough Administrator Fall, Borough Clerk O'Donnell, Borough Attorney Mancinelli

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

**AGENDA CHANGES**

The Borough Clerk advised the following resolutions were added to the Consent Agenda:

- #010-343 – Award of Contract for Rotating Towing Services
- #010-344 – 2010 Cancellation of Balances- Electric Utility Budget
- #010-345 – 2010 Cancellation of Balances – Water Utility Budget

**ORDINANCES – PUBLIC HEARING**

**ORDINANCE NO. 2010-040**

**AN ORDINANCE AMENDING CHAPTER 75C, MASSAGE  
AND SOMATIC THERAPY BUSINESSES,  
OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY**

Mayor Ruschman asked for a motion to open the Public Hearing on Ordinance No. 2010-040, an Ordinance Amending Chapter 75C, Massage and Somatic Therapy Businesses of the Code of the Borough of Park Ridge, New Jersey.

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

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

Mayor Ruschman asked the Clerk to read the ordinance by title.

**BOROUGH OF PARK RIDGE**

**ORDINANCE NO. 2010-040**

**AN ORDINANCE AMENDING CHAPTER 75C, MASSAGE  
AND SOMATIC THERAPY BUSINESSES,  
OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY.**

## 2 Minutes of the Mayor and Council Meeting December 28, 2010

**WHEREAS**, the Board of Health of the Borough of Park Ridge has reviewed and recommended that certain changes be made to Chapter 75C 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 75C of the Code of the Borough of Park Ridge be and is hereby amended as follows:

### **SECTION ONE:**

Chapter 75C-3, License required, shall be amended as follows:

#### **§ 75C-3. License and/or Permit required.**

A. Massage business. No persons shall operate a business engaged in the provision of massage, bodywork, pressure or somatic therapy services unless such person has first obtained a valid license for such business from the Borough of Park Ridge in accordance with the terms and provisions of this chapter. Each applicant shall contact the Park Ridge Police Department so that a thorough background check can be completed. In the event of a partnership, all partners, and in the event of a corporation, the president, vice-president, secretary and treasurer, shall be required to submit whatever fingerprints required by the Park Ridge Police Department for the purpose of completing a thorough background check. The required fingerprints will be taken and processed by one of the approved Morpho Track fingerprint processing locations in the area.

B. Massage practitioner. No person shall engage in providing massage services unless such person has first obtained a valid massage practitioner permit issued by the Borough of Park Ridge pursuant to the provisions of this chapter and is certified by the State of New Jersey pursuant to N.J.S.A. 45:11-53 et seq. and N.J.A.C. 13:37-16.1 et seq.

(1) The provision of massage services shall be limited to licensed medical centers, hotels, or the duly licensed office of a physician, osteopath, chiropractor, physical therapist or the office of a duly licensed massage business, as defined herein.

(2) No person other than a licensed and state-certified massage practitioner shall have any physical contact with patients or persons within the office of said physician, osteopath, chiropractor, physical therapist or massage business.

(3) The Borough of Park Ridge shall issue a permit to practice upon satisfaction by the applicant that he or she has met all the requirements of N.J.S.A. 45:11-53 et seq. and N.J.A.C. 13:37-16.1 et seq.

### **SECTION TWO:**

Chapter 75C-4, License fees, shall be amended as follows:

#### **§ 75C-4. License fees.**

Every applicant for a massage practitioner permit and/or a massage business license pursuant to this chapter shall file annually a complete application with the Borough of Park Ridge as set forth in this chapter and pay an annual filing fee as follows:

A. For a massage business license pursuant to this chapter, the fee shall be \$250 per year.

B. For each additional massage practitioner working for a licensed massage establishment and/or business, the permit fee shall be \$100 per year.

C. All fees are nonrefundable. Fees are annual and not prorated.

D. The license and/or permit fee shall be due on the first day of July in each year.

E. Any changes in ownership shall require a new application and license with the payment of the fees therefor.

F. If at any time after the initial license is granted, additional practitioners begin providing services at any massage business, all of the information required herein must be submitted to the Borough of Park Ridge prior to the massage practitioner providing services and the additional fee must be paid.

G. In addition to the above, each massage practitioner and massage business applicant must contact the Park Ridge Police Department to fill out the proper paperwork and pay the required fee to obtain a criminal background check.

### **SECTION THREE:**

Chapter 75C-5(c), Application/renewal for practitioner license fees, shall be amended as follows:

**§ 75C-5(c). Application/renewal for practitioner permit and/or business license.**

A. Each massage business and each massage practitioner must be licensed. There shall be a separate massage business license and a separate massage practitioner permit.

B. Each application for either a license or permit, or renewal thereof, either to operate a massage business or premises or to engage in the business of massage or to be employed as a massage practitioner, shall be approved by the governing body before any license is issued. First-time applicants for any licensure must complete a background check conducted by the Park Ridge Police Department in accordance with the terms and provisions of this chapter and the procedures established by the Borough of Park Ridge Police Department. The governing body shall not approve such application if, on the basis of the criminal record of the applicant or of the principles thereof or on the basis thereof of other evidence of bad character or morals, it shall determine that the granting or renewal of such license or permit would tend to encourage or permit criminal or immoral activities within the Borough of Park Ridge.

C. Any applicant for a massage practitioner license or massage business permit shall file a written application with the Borough of Park Ridge on a form to be furnished by the Borough of Park Ridge. The applicant shall accompany the application with a tender of an application fee as set forth in this chapter above and shall, in addition, furnish the following:

- (1) The applicant's name, complete address, residence and cell phone number.
- (2) All previous addresses within the last five years prior to the present address of the applicant.
- (3) Written proof of age.
- (4) Height, weight, sex and color of hair and eyes.
- (5) Previous employment and business history, including whether or not the applicant has previously operated in this or another municipality or state under a license or permit and whether or not any such license or permit was denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.
- (6) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and the circumstances thereof.
- (7) Upon initial application, a written waiver and consent to allow a fingerprint and criminal background check as determined by the Borough of Park Ridge Police Department. For this, a fee shall be paid by the applicant.
- (8) The names and addresses of two adult residents of this state who will serve as character references. These references must be persons other than relatives and business associates.
- (9) A written declaration by the applicant under penalty of perjury that the foregoing information contained in the application is true and correct.

**SECTION FOUR:**

Chapter 75C-6(b), Building requirements; inspections, shall be amended as follows:

**§ 75C-6. Building requirements; inspections.**

B. A written report by the Borough of Park Ridge that:

- (1) All massage tables have surfaces which may be readily disinfected.
- (2) The premises have adequate equipment for sanitizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials must be disinfected after use on each patron.
- (3) Closed cabinets are provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials are kept in properly covered containers or cabinets, which containers or cabinets are kept separate from the clean storage area.
- (4) Toilet facilities are provided in convenient locations.
- (5) Lavatories or washbasins providing both hot and cold running water are installed in either the toilet room or a vestibule immediately adjacent thereto. Lavatories or washbasins are provided with soap and a dispenser and with sanitary towels.

C. A written report by the Borough of Park Ridge Fire Prevention Bureau Department that the premises meet the Fire Code of the Borough of Park Ridge.

**SECTION FOUR:**

Chapter 75C-7, Referral of applications, shall be amended as follows:

**§ 75C-7. Referral of applications.**

The Borough of Park Ridge, upon receiving an application for a massage business license, shall refer the application to the Borough of Park Ridge Construction Code Official, the Borough of Park Ridge Fire Prevention Bureau and the Borough of Park Ridge Police Department, which departments shall inspect the premises proposed to be operated as a massage business and shall make written recommendation to the Borough of Park Ridge concerning the laws and codes that they administer, as herein provided.

**SECTION FIVE:**

Chapter 75C-8, Issuance or refusal of practitioner license and/or business license, shall be amended as follows:

**§ 75C-8. Issuance or refusal of practitioner permit and/or business license.**

The Borough of Park Ridge may issue a massage practitioner permit and/or massage business license within 30 days following receipt of a completed application and the certifications set forth in this chapter if all requirements described in this chapter are met, unless the Borough finds that:

A. The correct permit and/or license fee has not been tendered to the Borough of Park Ridge and, in the case of a check or bank draft, honored with payment upon presentation.

**SECTION FIVE:**

Chapter 75C-11, Revocation or suspension of license, shall be amended as follows:

**§ 75C-11. Revocation or suspension of license or permit.**

Any license or permit issued for a massage practitioner and/or massage business may be revoked or suspended by the Borough of Park Ridge after a hearing, for good cause, or in any case where any licensee and/or employee violates any of the provisions of this chapter or where any licensee and/or employee violates any of the state or local laws or ordinances. Any massage business license may be revoked or suspended if any licensee, massage practitioner or employee refuses to permit any duly authorized health inspector, police officer, building department inspector or fire inspector to inspect the premises or the operations therein. Any massage business license may also be revoked or suspended by the Borough of Park Ridge if such business is being managed, conducted or maintained without regard for the public health or health of patrons or without due regard for proper sanitation and hygiene. A hearing may be requested by a licensee concerning a suspension or a revocation order within 10 days of its issuance. The Borough Council shall be the hearing officer and be the sole authority to revoke said license pursuant to N.J.S.A. 40:52-1.2.

**SECTION SIX:**

Chapter 75C-15, Inspections, shall be amended as follows:

**§ 75C-15. Inspections.**

The Borough of Park Ridge, Borough of Park Ridge Police Department, Borough of Park Ridge Construction Code Department and Borough of Park Ridge Fire Prevention Bureau shall, from time to time, announced or unannounced, make an inspection of each massage business for the purpose of determining whether the provisions of this chapter are complied with. Such inspections shall be made at reasonable times and in a reasonable manner and in compliance with this chapter. It shall be unlawful and grounds for a suspension and/or revocation of the license for any licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

**SECTION SEVEN:**

Chapter 75C-22, Existing establishments and practitioners, shall be amended as follows:

**§ 75C-22. Existing establishments and practitioners.**

All persons who presently operate a massage business and hold a license issued by the Borough of Park Ridge must comply with the provision of this chapter within 30 days of the effective date of this chapter. All persons who are presently practicing as massage practitioners pursuant to a permit issued by the Borough of Park Ridge must become certified by the State of New Jersey pursuant to N.J.S.A. 45:11-53 et seq. and N.J.A.C. 13:37-16.1 et seq. and must present the certification by the State of New Jersey to the Borough of Park Ridge within one year of the

effective date of this chapter. Applications for renewal of licenses or permits must be filed not more than three months nor less than two months prior to termination of an existing license or permit.

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

**SECTION NINE:** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

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

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

Mr. Mancinelli: Explained that this ordinance was originally introduced to address some concerns the Board of Health had about the newly enacted ordinance to clarify that they were not the licensing entity; Chief Madden had requested – after the ordinance was introduced – that some changes be made to the fingerprinting and background review process so the ordinance scheduled for hearing incorporates these changes as well.

Mayor Ruschman asked the Clerk if she had received any correspondence concerning the adoption of this ordinance.

Clerk: None.

Mayor Ruschman asked if anyone present wished to be heard concerning the adoption of this ordinance.

Speaker: No one.

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

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

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

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**ORDINANCE NO. 2010-041**

**AN ORDINANCE AMENDING CHAPTER 81A SEWERS,  
OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY.**

Mayor Ruschman asked for a motion to open the Public Hearing on Ordinance No. 2010-041, an Ordinance Amending Chapter 81A, Sewers of the Code of the Borough of Park Ridge, New Jersey.

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

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

Mayor Ruschman asked the Clerk to read the ordinance by title.

**BOROUGH OF PARK RIDGE**

**ORDINANCE NO. 2010-041**

**AN ORDINANCE AMENDING CHAPTER 81A SEWERS,  
OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY.**

**WHEREAS**, the Borough of Park Ridge operates a sanitary sewer collection system (the "System") to collect and transport sewerage from the real property located within its geographic boundaries in accordance with state law; and

**WHEREAS**, the Borough pays for services to the System through general revenues and raise such revenues through taxation; and

**WHEREAS**, the Borough desires to reform the current funding methodology to include a Sewer Excess Usage Charge for residential and commercial properties in the Borough;

**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 81A of the Code of the Borough of Park Ridge be and is hereby amended as follows:

**SECTION ONE:**

Chapter 81A-7, User charge and industrial cost recovery systems, is hereby amended as follows:

§ 81A-7. Excess Usage Charge System

§ 81A-7 (1). Regulation of sewer use.

The use of all sanitary sewers in the Borough of Park Ridge shall be in compliance with the Rules and Regulations of the Bergen County Utilities Authority ("BCUA").

§ 81A-7 (2). Excess user charge system.

The Borough of Park Ridge does hereby adopt and enact an Excess Usage Charge system for the use of the sanitary sewers in the Borough of Park Ridge. All users, except exempt users, shall be required to pay an annual pro rata charge computed on an ad valorem basis in relation to the assessed value of real property owned by the user within the Borough of Park Ridge. In addition, an annual excess usage charge shall be computed on the previous calendar year's water usage as reported by the Borough of Park Ridge Water Department and the BCUA's current calendar year's equivalent rate per gallon of flow and billed in accordance with the procedures as set forth in Section § 81A-7(8).

§ 81A-7 (3) Threshold for imposition of excess usage charge.

- A. The sewer usage for each user shall be calculated based on the Park Ridge Water Department's prior year's 1<sup>st</sup> and 2<sup>nd</sup> quarter billed water consumption multiplied by two (2).
- B. All users whose sewer usage for the prior year was less than or equal to 250,000 gallons shall be exempt from the excess usage charge.
- C. All users whose sewer usage for the prior year was more than 250,000 gallons shall pay an excess sewer usage charge equal to 100% of the BCUA's current year's equivalent rate for each gallon in excess of 250,000 gallons used. To determine the annual excess user charges for all users, the charges are calculated based on the following formula:

$$\text{Annual Excess User Charge} = (V_u - 250,000 \text{ gallons}) \times R_e$$

Where:

$V_u$  = Previous calendar year's sewer usage (in gallons) calculated by the sum of the 1<sup>st</sup> and 2<sup>nd</sup> quarter billed water consumption (in gallons) multiplied by two (2).

$R_e$  = Current year's annual BCUA equivalent rate per gallon, calculated as follows:

Residential Users

$$R_e = [R_f + (1.0 \times R_{bod} \times C_{bod} \times 8.34) + (1.0 \times R_{tss} \times C_{tss} \times 8.34)]/1,000,000$$

Where:

- $R_f$  = Current year's annual BCUA flow rate for treatment of a unit of wastewater flow (rate/million gallons)
- $R_{bod}$  = Current year's annual BCUA BOD rate for treatment of a unit of BOD (rate/1,000 pounds)
- $C_{bod}$  = Average BCUA municipal BOD concentration in milligrams per liter
- $R_{tss}$  = Current year's annual BCUA TSS rate for treatment of a unit of TSS (rate/1,000 pounds)
- $C_{tss}$  = Average BCUA municipal TSS concentration in milligrams per liter

Commercial and Industrial Users

$$R_e = [R_f + (1.5 \times R_{bod} \times C_{bod} \times 8.34) + (1.5 \times R_{tss} \times C_{tss} \times 8.34)]/1,000,000$$

Where:

- $R_f$  = Current year's annual BCUA flow rate for treatment of a unit of wastewater flow (rate/million gallons)
- $R_{bod}$  = Current year's annual BCUA BOD rate for treatment of a unit of BOD (rate/1,000 pounds)
- $C_{bod}$  = Average BCUA municipal BOD concentration in milligrams per liter
- $R_{tss}$  = Current year's annual BCUA TSS rate for treatment of a unit of TSS (rate/1,000 pounds)
- $C_{tss}$  = Average BCUA municipal TSS concentration in milligrams per liter

C. For all real property containing multiple dwelling units that are supplied water through an individual meter, the sewer usage for each dwelling unit shall be calculated based on the total sewer usage divided by the number of dwelling units. For each dwelling unit's sewer usage over the 250,000 gallon threshold, the excess sewer charge shall be totaled and billed to the owner of such real property.

D. Calculations under this section shall include water utilized by a user from the Park Ridge Water department as well as private wells.

§ 81A-7 (4). Exemption from excess usage charge.

The following users are exempt from the excess usage charge provided herein:

- A. The Borough of Park Ridge
- B. Park Ridge Board of Education
- C. Any users whose annual excess sewer bill as calculated under this ordinance is \$50 or less in a given calendar year.

§ 81A-7(5). Private water wells.

For all units that that are connected to the Borough of Park Ridge sanitary sewers and are supplied water from privately-owned water wells shall be subject to the following provisions:

- A. The owners of wells existing as of the date of adoption of this Ordinance shall notify the Municipal Clerk of the Borough of Park Ridge, in writing, of the existence and location of such wells within thirty (30) days after the date of passage of this Ordinance.
- B. The owners of wells constructed or completed after the adoption of this Ordinance (in accordance with the procedures as set forth in Section § 100 of the Code of the Borough of Park Ridge) shall notify the Municipal Clerk of the Borough of Park Ridge, in writing, of the existence and location of such wells within thirty (30) days of the first usage of such well.
- C. The Borough Engineer of the Borough of Park Ridge may inspect such well to determine the usage thereof. If, in the opinion of the Borough Park Ridge, such well's actual water production, together with the other water usage of

the owner thereof will result in a sewer usage that will exceed 250,000 gallons of water per year, the Borough Engineer shall submit his/her opinion, in writing, to the Mayor and Council of the Borough of Park Ridge. After receiving such opinion, the Borough Council may require the owner of such well to install and maintain a water meter thereon, at the owner's expense, by adoption of a Resolution.

D. If a water meter is required by Resolution as provided in Subsection C above, the owner must install such meter within sixty (60) days of adoption thereof. If the owner shall fail to do so, the Borough Council of the Borough of Park Ridge may, by Resolution, provide for the installation of such meter and add the cost thereof to the excess usage charge levied under this Ordinance.

§ 81A-7(6). Meters exempt from excess usage calculation.

A. Water meters as determined by the Park Ridge Water Department used solely for the purpose of metering water usage of irrigation systems shall be exempt from the excess usage calculation under Section § 81A-7(3). Such determination must identify the separate account number assigned to the meter, meter location, property owners name and billing address.

B. Any user that believes it should be exempt pursuant to the provisions of this Article may request a change in classification for purposes of this Article. The user shall notify the Borough Clerk, in writing, of this request within thirty (30) days of receipt of a bill for an excess usage charge. The Borough Clerk or his/her designee will investigate the user's claims and submit a determination as to the user's status within thirty (30) days of receipt of the request.

§ 81A-7(7). Conformance with certain ordinances required.

Before any sewer shall be permitted to flow into any sanitary sewer of the Borough of Park Ridge, the Plumbing Sub-code Official shall first determine that such sewer and associated drains function properly, in accordance with all applicable rules, regulations and ordinances of the Borough of Park Ridge.

§ 81A-7(8). Billing procedures.

Billing for the excess usage charge imposed by Section § 81A-7(2) and Section § 81A-7(3) hereof shall be in accordance with the following procedures:

A. In March of each year, the Chief Financial Officer shall attend to the preparation of bills computed on the previous calendar year's usage and the current calendar year's flow charge rate.

B. Bills shall be mailed by the Municipal Tax Collector of the Borough of Park Ridge to the owners of all properties incurring excess usage charges twice annually, not later than March 1 of each year, and not later than September 1 of each year.

C. Bills are due and payable to the Borough of Park Ridge on April 1 and October 1 of each year. If such charges are not paid in full as of that date, the unpaid charges shall be deemed delinquent from such date, and such unpaid charges shall become a lien upon the properties incurring them as of that date.

D. All excess usage charges which become delinquent under the provisions of Subsection C above shall bear interest and penalties from the date of delinquency at the same rate as all charges for general taxation, and shall be collected and enforced in the same manner as general taxation.

E. No charge levied by Sections § 81A-7(2) and § 81A-7(3) shall be invalid by reason of error or omission in stating the name of the owner or owners of the property affected by such charge, if such property or properties have actually incurred such charges.

F. No charge levied by Sections § 81A-7(2) and § 81A-7(3) shall be invalid by reason of the failure of a property owner to receive a bill. Every owner is hereby put on notice to ascertain from the Borough of Park Ridge the amount which may become due for such charges.

§ 81A-7(9). Availability of copies of rules and regulations.

Not fewer than three (3) copies of the Rules and Regulations of the BCUA shall be on file with the Office of the Municipal Clerk of the Borough of Park Ridge for public inspection during the Borough's business hours. In addition, copies of such Rules and Regulations are available from the BCUA for the costs of publication thereof.

§ 81A-7(10). Mayor and Clerk authorized signatories.

The Mayor and Clerk of the Borough of Park Ridge are hereby authorized to act as signatories upon, and to execute on behalf of the Borough of Park Ridge, any amendment of the existing service agreement with the BCUA, which embodies the intent and purpose of this Ordinance.

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

**SECTION THREE:** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision 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 asked the Borough Attorney to give a brief description of this ordinance.

Mr. Mancinelli: Explained that this ordinance established an excess usage charge; there have been no changes made to the introduce ordinance.

Mayor Ruschman asked the Clerk if she had received any correspondence concerning the adoption of this ordinance.

Clerk: None.

Mayor Ruschman asked if anyone present wished to be heard concerning the introduction of this ordinance.

Speaker: No one.

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

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

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

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**ORDINANCE NO. 2010-042**

**AN ORDINANCE AMENDING CHAPTER 84, SOIL REMOVAL  
OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY**

Mayor Ruschman asked for a motion to open the Public Hearing on Ordinance No. 2010-042, an Ordinance Amending Chapter 84, Soil Removal 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 Hopper - yes, Councilmember Viola - yes, Councilmember Maguire - yes, Councilmember Misciagna - yes, Council President Kane – yes.

Mayor Ruschman asked the Clerk to read the ordinance by title.

**BOROUGH OF PARK RIDGE  
ORDINANCE NO. 2010- 42**

**AN ORDINANCE AMENDING CHAPTER 84, SOIL REMOVAL  
OF THE CODE OF THE BOROUGH OF PARK RIDGE, NEW JERSEY**

**WHEREAS**, the Zoning Board of Adjustment of the Borough of Park Ridge and the Borough's Land Use Administrator have reviewed and recommended that certain changes be made to Chapter 84 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;

**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, Soil Removal, of the Code of the Borough of Park Ridge be and is hereby amended as follows:

#### **SECTION I.**

Chapter 84-4, Periodic Inspections, shall be amended to include subchapter (C) as follows:

C. When any application for development is pending before the Zoning Board of Adjustment, then all powers granted to the Planning Board with regard to the receipt, review and determination of applications for major soil removal permits under this Chapter are hereby granted to the Zoning Board of Adjustment.

#### **SECTION II.**

Chapter 84-5, Application: form and content, shall be amended as follows:

§ 84-5. Application: form and content.

A. Application for a soil permit shall be filed in duplicate with the Secretary of the Planning Board, or with the Secretary of the Zoning Board of Adjustment, if applicable, on forms prescribed and supplied by the Planning Board.

B. The applicant shall set forth 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 a proposed subdivision; if so, the date of filing of the application for subdivision.
- (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) Such other pertinent data as the Planning Board may, or the Zoning Board of Adjustment, if applicable, by resolution, hereafter require.

#### **SECTION III.**

Chapter 84-9(C), Inspection of Site, shall be amended as follows:

C. The Borough Engineer shall make a report of such inspection and studies to the Planning Board, or the Zoning Board of Adjustment, if applicable, at or before the hearing date fixed pursuant to § 84-10.

#### **SECTION IV.**

Chapter 84-10, Hearing on application; service of notices, shall be amended as follows:

A. The Planning Board, or the Zoning Board of Adjustment, if applicable, shall, within a reasonable time after receipt of the application, fix a date for a hearing on the application and give to the applicant, by registered or certified mail, notice of the time and place of the said hearing. C.

B. The applicant shall, at least five days prior to the date fixed for hearing, serve written notice, either in person or by registered or certified mail, upon such persons as are shown by the assessment rolls of the borough to be the owners or such lots as are within 200 feet of the property in question.

C. The applicant shall, at the hearing, present to the Planning Board, or the Zoning Board of Adjustment, if applicable, satisfactory proof, in affidavit form, of the service of said notices.

#### **SECTION V.**

Chapter 84-11, Decision on application, shall be amended as follows:

§ 84-11. Decision on application.

Within 60 days after receipt of the application for a soil permit, the Planning Board, or the Zoning Board of Adjustment, if applicable, shall complete its review and consideration of the application and render its report and recommendation to the Secretary of the Planning Board, or the Zoning Board of Adjustment, if applicable, who shall grant or refuse the permit in accordance with the recommendation.

**SECTION VI.**

Chapter 84-12, Appeal from refusal to grant permit, shall be deleted in its entirety

**SECTION VII.**

Chapter 84-13, Form, content and term of permit, shall be amended as follows:

§ 84-13. Form, content and term of permit.

A. The soil permits shall be in such form as may be prescribed by the Planning Board, or the Zoning Board of Adjustment, if applicable, shall be signed by the Secretary of the Planning Board or by the Secretary of the Zoning Board of Adjustment, if applicable, and either the Chairman of the Planning Board or the Chairman of the Zoning Board of Adjustment, if applicable or the Chairman of the Soil Committee of the Planning Board, or the Zoning Board of Adjustment, if applicable and shall contain any special conditions set forth in the recommendation.

B. The soil 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 application for renewal has been made and approved in writing extending such permit.

**SECTION VIII.**

Chapter 84-14, Notice of approval; cash deposit or performance bond, shall be amended as follows:

§ 84-14. Notice of approval; cash deposit or performance bond.

A. In the event that the Planning Board, or the Zoning Board of Adjustment, if applicable, recommends approval of the soil removal application, the Secretary of the Board shall forthwith give notice to the applicant of the action of the Board 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 recommendation of the Planning Board shall be automatically rescinded.

B. The soil 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 Planning Board determines, or the Zoning Board of Adjustment, if applicable, 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.

**SECTION XIV.**

Chapter 84-15, Determination of amount of bond or cash deposit, shall be amended as follows:

§ 84-15. 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 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.

**SECTION VX.**

Chapter 84-16, Application for amendment of permit, shall be amended as follows:

§ 84-16. Application for amendment of permit.

The holder of a soil permit shall not proceed before the Planning Board, or the Zoning Board of Adjustment, if applicable, with any application for amendment or alteration of the terms and conditions of an outstanding soil permit unless he submits to the Planning Board, or the Zoning Board of Adjustment, if applicable, the written consent of the surety on his bond approving said application for amendment or alteration and consenting to extension of the bond coverage thereto.

**SECTION XXI.**

Chapter 84-17, Application for Application for release of bond, shall be amended as follows:

§ 84-17. 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.

**SECTION XXII.**

Chapter 84-19, Storage and replacement of topsoil, shall be amended as follows:

§ 84-19. Storage and replacement of topsoil.

A. Whenever any developer, excavator or other 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 Planning Board, or the Zoning Board of Adjustment, if applicable.

**SECTION XXIII.**

Chapter 84-20, Excavation depth, shall be amended as follows:

§ 84-20. Excavation depth.

No developer, excavator or other 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:

B. After issuance of the soil permit, the developer, excavator or other person, before digging or excavating below said minimum level, applies to 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 Planning Board deems necessary to assure adherence to the purpose and objectives of this chapter.

**SECTION XIV.**

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

**SECTION XV.**

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid.

**SECTION XVI.**

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

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

Mr. Mancinelli: Explained this ordinance, when introduced, allows the Zoning Board of Adjustment to hear soil movement permit applications when submitted as part of applications being reviewed by the Board – similar to what now exists for the Planning Board. After introduction there were recommendations for changes to make the ordinance gender neutral and to delete the right of appeal of Zoning Board of Adjustment decisions to the Mayor and Council – applicants will now have to make their appeal to the Superior Court which was what occurred for appeals from Planning Board decisions.

Mayor Ruschman asked the Clerk if she had received any correspondence concerning the adoption of this ordinance.

Clerk: None.

Mayor Ruschman asked if anyone present wished to be heard concerning the introduction of this ordinance.

Speaker: No one.

Mayor Ruschman asked for a motion to close the Public Hearing on this ordinance and that it 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 Hopper - yes, Councilmember Viola - yes, Councilmember Maguire - yes, Councilmember Misciagna - yes, Council President Kane – yes.

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## **ORDINANCES – INTRODUCTION**

NONE

## **CONSENT AGENDA:**

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

Speaker: Councilmember Viola asked that the first resolution be pulled for discussion as he had a question regarding it. Mrs. Ennis, the CFO explained that this resolution requested that the reserve for uncollected taxes be one of the exclusions from the 2% tax rate cap. To account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year. Without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operation. Those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

Councilmember Viola advised it was acceptable to place this resolution back on the consent agenda.

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

Speaker: Councilmember Viola advised he would be abstaining from Resolution #1; Council President Kane advised he would be abstaining from Resolution #4.

Mayor Ruschman asked 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 Hopper - yes, Councilmember Viola – yes, with an abstention on Resolution #1, Councilmember Maguire - yes, Councilmember Misciagna - yes, Council President Kane – yes, with an abstention on Resolution #4.

## **RESOLUTIONS:**

### **BOROUGH OF PARK RIDGE RESOLUTION NO. 010-332**

#### **RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO EXEMPT THE RESERVE FOR UNCOLLECTED TAXES FROM THE 2% CAP**

**WHEREAS**, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

**WHEREAS**, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

**WHEREAS**, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

**WHEREAS**, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

**WHEREAS**, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

**WHEREAS**, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

**WHEREAS**, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

**WHEREAS**, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

**WHEREAS**, Assemblymen McKeon and Burzichelli has recently introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Park Ridge hereby urge the swift passage and signing of A-3603;

**BE IT FURTHER RESOLVED**, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

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

### **BOROUGH OF PARK RIDGE RESOLUTION NO. 010-333**

#### **REFUND STATE COURT JUDGMENTS**

**WHEREAS**, the New Jersey State Court entered 2009 and 2010 Judgments; and

**WHEREAS**, taxes are to be refunded for 2009 and 2010 on the following properties:

	<b>2009</b>	<b>2010</b>
B103/L3 QC0252		
Michael I. Schneck Trustee for Deanna G. Weksel 301 South Livingston Ave., Ste.105 Livingston, NJ 07039	\$1,792.64	\$2,868.68
Deanna G. Weksel 252 Bearwoods Road		
B501/L2		
Thomas L. Murphy Trustee for Gregory & Gina Mathis 113 W. White Horse Rd., Suite 4 Voorhees, NJ 08043	\$1,034.14	\$1,081.47
Gregory & Gina Mathis 8 Glenbrook Drive		
B103/L3 QC0307		
Richard Ehrlickman 307 Chelsea Manor Park Ridge, NJ 07656	\$1,418.15	\$1,483.05

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**WHEREAS**, the interest of 5% was waived by the Court.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Park Ridge that the Director of Finance/CFO refund the monies as requested by the Judgments.

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**BOROUGH OF PARK RIDGE  
RESOLUTION NO. 010-334**

**AUTHORIZE PROVISIONAL PROMOTION  
WILLIAM I. DIETRICH TO POSITION OF ROAD SUPERVISOR**

**WHEREAS**, by Resolution dated December 15, 2010, the Board of Public Works has recommended to the Park Ridge Mayor and Borough Council that William Diedtrich be provisionally promoted to the position of Road Supervisor subject to New Jersey Civil Service Commission’s testing procedures; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Park Ridge that William Diedtrich be provisionally promoted to the position of Road Supervisor at the annual salary of \$73,697 effective January 1, 2011subject to New Jersey Civil Service Commission’s testing procedures and the mandatory ninety (90) day working test period following certification.

**BE IT FURTHER RESOLVED** that the Borough Administrator be and is hereby authorized to submit the necessary paperwork to the New Jersey Civil Service Commission.

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**BOROUGH OF PARK RIDGE  
RESOLUTION NO. 010-335**

**AUTHORIZE REIMBURSEMENTS TO BEARS NEST CONDOMINIUM ASSOCIATION  
2008-2009 SNOW SEASON AND 2008 LEAF REMOVAL SEASON  
2009-2010 SNOW SEASON AND 2009 LEAF REMOVAL SEASON**

**WHEREAS**, the Borough of Park Ridge has agreed to a reimbursement under the Municipal Services Act, N.J.S.A. 40:67-23.2 et al, for removal of snow and landscaping debris for the Bears Nest Condominium association as follows:

2008-2009 SNOW SEASON	\$5,600
2008 LEAF REMOVAL SEASON	<u>\$2,500</u>
Subtotal	\$8,100

2009-2010 SNOW SEASON	\$5,600
2009 LEAF REMOVAL SEASON	<u>\$2,500</u>
Subtotal	\$8,100
Grand Total	\$16,200 =====

and

**WHEREAS**, by letter dated December 17, 2010 the Bears Nest Condominium Association’s Board of Directors has agreed to said reimbursements pursuant to the above cited Municipal Services Act.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Park Ridge that the total reimbursement for the combined period above is \$16,200 to be made to the Bears Nest Condominium Association.

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**BOROUGH OF PARK RIDGE  
 RESOLUTION NO. 010-336**

**AMEND ENGINEERING CONTRACT CONSTRUCTION OVERSIGHT AND ADMINISTRATION FOR  
 2010 PASCACK VALLEY COOPERATIVE ROAD RESURFACING PROJECT**

**WHEREAS**, the Borough of Park Ridge awarded the contract for construction oversight and administration for the 2010 Pascack Valley Cooperative Road Resurfacing Project to Brooker Engineering PLLC pursuant to their proposal dated March 19, 2010 in the amount of \$11,500 by adoption of Resolution No. 010-115; and

**WHEREAS**, via letter dated November 10, 2010 Brooker Engineering (attached the original of this resolution) has requested consideration of additional funding due to several unforeseeable additions to the original construction contract; and

**WHEREAS**, the Mayor and Council of the Borough of Park Ridge have determined to amend the not to exceed amount as follows:

\$5, 700 for the unplanned paving work on Midland Avenue, Colony Avenue drainage work and the coordination of the tree removal work.

\$2,150 for additional inspection and oversight of the construction work.

**WHEREAS**, the addition to the original contract will be \$7,850 bringing the total not to exceed amount of \$13,550;

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this project in account # 0-01-20-165-000-138; 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, all other requirements of the contract remain unchanged.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Park Ridge that the contract for this work awarded to Eve Mancuso, P.E. of Brooker Engineering, PLLC 76 Lafayette Avenue, Suffern, NY 10901 for the lump sum amount of \$11,500 be amended by \$7,850 for a revised not to exceed amount of \$13,550.

**BE IT FURTHER RESOLVED** that Notice of this action shall be published in the newspaper The Bergen Record within ten (10) days of adoption.

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**BOROUGH OF PARK RIDGE  
 RESOLUTION NO. 010-337**

**AUTHORIZATION TO EXECUTE CONTRACT FOR SALE AND LICENSE AGREEMENT WITH 70-72  
 PARK AVENUE, LLC**

**WHEREAS**, 70-72 Park Avenue, LLC, has submitted to the Park Ridge Planning Board a Site Plan Application for the development of its property located at 70-72 Park Avenue, also known as Lot 1 in Block 1604 on the Tax Assessment Map for the Borough of Park Ridge (the "Project"); and

**WHEREAS**, the Park Ridge Planning Board approved said site plan application by Resolution dated November 4, 2010; and

**WHEREAS**, 70-72 Park Avenue, LLC, the Park Ridge Planning Board and the Borough of Park Ridge, are about to enter into a Developer's Agreement which contains certain conditions, safeguards and limitations under which the site improvements for the aforesaid Project, including the installation of the required site improvements; and

**WHEREAS**, a condition of approval of the aforesaid Project requires 70-72 Park Avenue, LLC to purchase approximately 1,377 square feet of the adjacent property which is owned by the Borough of Park Ridge and is known as Lot 2 in Block 1604 on the Tax Assessment Map for the Borough of Park Ridge; and

**WHEREAS**, the transfer of the Borough's property to 70-72 Park Avenue, LLC requires certain approval from the New Jersey Department of Environmental Protection ("NJDEP") as said property owned by the Borough has been previously identified as designated open space and recorded in the Bergen County Clerk's offices as part of the Borough's Residential Open Space Inventory ("ROSI"); and

**WHEREAS**, the timeframe in which to obtain said approvals from the NJDEP to obtain the necessary ROSI modification will take several months and delay the commencement of the development of the aforesaid Project; and

**WHEREAS**, the Mayor and Borough Council have previously agreed to sell its property to 70-72 Park Avenue, LLC pursuant to the terms and conditions of a certain Contract for Sale (the "Contract") and, pending the approval of the NJDEP application to modify the Borough's ROSI to permit the removal of the Borough's property from the open space designation, the Borough and 70-72 Park Avenue, LLC have agreed to enter into a certain License Agreement to allow for 70-72 Park Avenue, LLC's continued utilization of the Borough's property from the date of the Contract through the date of the closing of title as contemplated under the Contract;

**WHEREAS**, the Borough Council has reviewed the terms of the Contract for Sale Agreement and License Agreement and, upon advice of the Borough Attorney, have found same to be in the best interest of the Borough to proceed with the contemplated sale and license of the Borough's property to 70-72 Park Avenue, LLC.

**NOW, THEREFORE, BE IT RESOLVED** that the Council hereby authorizes Mayor Donald J. Ruschman to execute the aforesaid Contract for Sale Agreement and License Agreement with 70-72 Park Avenue, on behalf of the Borough; and

**BE IT FURTHER RESOLVED** that a true copy of this Resolution shall be sent to 70-72 Park Avenue, LLC and the Park Ridge Planning Board immediately upon the date of adoption.

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**BOROUGH OF PARK RIDGE  
 RESOLUTION NO. 010-338**

**AUTHORIZE RELEASE OF PERFORMANCE BOND –  
 L.C. Developers, LLC**

**WHEREAS, L.C. DEVELOPERS, LLC**, Grand Avenue, North Fifth Street, and Lafayette Avenue, officially known as Lots 1 and 3 of Block 1001, on the Tax Map of the Borough of Park Ridge, had posted a Performance Bond in the amount of \$234,348.12, which was subsequently reduced in 2008 to \$137,446.20; and

**WHEREAS**, a cash the Performance Bond of \$26,038.68 was posted, which was subsequently reduced to \$11,590.00 in 2008; and

**WHEREAS**, there remains in the Cash Performance Bond \$11,958.69, which includes interest; and

**WHEREAS**, the applicant has requested both their Performance Bond and Cash Performance Bond be released; and

**WHEREAS**, the Borough Engineer has conducted a site inspection and submitted a report dated October 22, 2010, a copy of which is attached; and

**WHEREAS**, the Planning Consultant has conducted a site inspection and submitted a report dated November 11, 2010, a copy of which is attached; and

**WHEREAS**, a **No Further Action** letter has been received from the Department of Environmental Protection, dated November 29, 2010, a copy of which is attached; and

**WHEREAS**, both the Engineer and Planning consultant now recommend the Performance Bond and Cash Performance Bond be released and that a Maintenance Bond in the amount of \$32,548.35 be submitted prior to the release of the Cash Performance Bond; and

**WHEREAS**, the current escrow amount of \$3,558.66 can be further reduced by \$2,058.66, thereby leaving a sum of \$1,500.00 remaining in the escrow account.

**WHEREAS**, the Planning Board of the Borough of Park Ridge has recommended that the Mayor and Council authorize the release of the \$137,446.80 Performance Bond; and

**WHEREAS**, the Planning Board has further recommended the release of the Cash Performance bond of \$11,958.69 and any subsequent accrued interest; and

**WHEREAS**, the Planning Board has further recommended that the escrow account be reduced by \$2,058.66, leaving a sum of \$1,500.00 in the escrow account.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Park Ridge that the Performance Bond of \$137,446.80 be released; and

**BE IT FURTHER RESOLVED** that upon receipt of a Maintenance Bond in the amount of \$32,548.35 the Cash Performance Bond of \$11,958.69 as well as any accrued interest be released; and

**BE IT FURTHER RESOLVED** that the escrow account be reduced by \$2,058.66, leaving a sum of \$1,500.00.

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**BOROUGH OF PARK RIDGE  
 RESOLUTION NO. 010-339**

**ESTABLISHMENT OF FIRE PREVENTION BUREAU INSPECTION FEES FOR 2011**

**WHEREAS**, Section 60-8 of the Code of the Borough of Park Ridge requires the Mayor & Council to adopt a Resolution on an annual basis establishing the fees for inspections conducted by the Fire Prevention Bureau; and

**WHEREAS**, the Fire Prevention Bureau has recommended that the proposed 2011 fees set forth in the annexed schedule hereto be adopted by the Mayor & Council.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Park Ridge hereby approve and adopt the following Fire Prevention Fee schedule for the year 2011.

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**BOROUGH OF PARK RIDGE  
 RESOLUTION NO. 010-340**

**APPROVE RENEWAL INTERLOCAL SERVICES AGREEMENT  
 SEWER TV INSPECTION  
 NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**

**WHEREAS**, the Borough of Park Ridge currently has an Interlocal Services Agreement for TV Inspection of Sanitary Sewers with the Northwest Bergen County Utilities Authority, 30 Wyckoff Avenue, PO Box 255, Waldwick, NJ 07463 on an as needed basis to provide such services pursuant to NJSA 40:8A-1 et seq., and

**WHEREAS**, said two-year Agreement expires on December 31, 2010; and

**WHEREAS**, the Director of Operations recommends renewal for the calendar years 2011 and 2012 pursuant to the attached renewal Agreement as provided by the NWBCUA dated December 15, 2010, and the Borough Administrator concurs.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Park Ridge hereby approve said renewal and authorize the Mayor and Borough Clerk to execute said agreement on behalf of the Borough of Park Ridge subject to the approval of Borough Attorney to said agreement as to form.

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**BOROUGH OF PARK RIDGE  
RESOLUTION NO. 010-341**

**APPROVE RENEWAL INTERLOCAL SERVICES AGREEMENT  
SANITARY SEWER CLEANING  
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**

**WHEREAS**, the Borough of Park Ridge currently has an Interlocal Services Agreement for Cleaning Sanitary Sewers with the Northwest Bergen County Utilities Authority, 30 Wyckoff Avenue, PO Box 255, Waldwick, NJ 07463 on an as needed basis to provide such services pursuant to NJSA 40:8A-1 et seq., and

**WHEREAS**, said two-year Agreement expires on December 31, 2010; and

**WHEREAS**, the Director of Operations recommends renewal for the calendar years 2011 and 2012 pursuant to the attached renewal Agreement as provided by the NWBCUA dated December 15, 2010, and the Borough Administrator concurs.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Park Ridge hereby approve said renewal and authorize the Mayor and Borough Clerk to execute said agreement on behalf of the Borough of Park Ridge subject to the approval of Borough Attorney to said agreement as to form.

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**BOROUGH OF PARK RIDGE  
RESOLUTION NO. 010-342**

**2010 CANCELLATION OF BALANCES**

**WHEREAS**, there are appropriated funds in the Swim Pool Utility Budget for the year 2010, and

**WHEREAS**, on December 31, 2010 there will be excess funds not committed or paid, and

**WHEREAS**, a request to cancel the excess funds and lapse them to surplus has been received from the Park Ridge Swim Pool Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Park Ridge that the following unexpended balances be cancelled:

Swim Pool Operating - S&W	\$ 3,900
Swim Pool Operating – O/E	\$10,600
Total	\$14,500

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**BOROUGH OF PARK RIDGE  
RESOLUTION NO. 010-343**

**AWARD OF CONTRACT FOR ROTATING TOWING SERVICES**

**WHEREAS**, the Mayor and Council have received applications for towing services from Ramsey Auto Body, Venusti Auto Body, Prestige Auto Body Inc., Bergen Brookside Towing and Rich’s Automotive and

**WHEREAS**, these companies have been inspected by the Park Ridge Police Department and found to be in compliance with provisions of Ordinance Chapter 92;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Park Ridge that Ramsey Auto Body, Bergen Brookside Towing and Rich’s Automotive are hereby appointed to the Official Towers List of the Borough of Park Ridge, said list effective January 1, 2011.

**BE IT FURTHER RESOLVED** that Notice of this action shall be published in The Bergen Record within ten (10) days of adoption, pursuant to NJSA 40A:11-5.

**BE IT FURTHER RESOLVED** that a true copy of this resolution shall be sent to the three companies within 10 days from the date of its adoption.

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**BOROUGH OF PARK RIDGE  
RESOLUTION NO. 010-344**

**2010 CANCELLATION OF BALANCES**

**WHEREAS**, there are appropriated funds in the Electric Utility Budget for the year 2010, and

**WHEREAS**, on December 31, 2010 there will be excess funds not committed or paid, and

**WHEREAS**, a request to cancel the excess funds and lapse them to surplus has been received from the Park Ridge Board of Public Works.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Park Ridge that the following unexpended balances be cancelled:

Salaries & Wages	\$ 25,000
Purchase of Current	\$ 75,000
Total	\$100,000

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**BOROUGH OF PARK RIDGE  
RESOLUTION NO. 010-345**

**2010 CANCELLATION OF BALANCES**

**WHEREAS**, there are appropriated funds in the Water Utility Budget for the year 2010, and

**WHEREAS**, on December 31, 2010 there will be excess funds not committed or paid, and

**WHEREAS**, a request to cancel the excess funds and lapse them to surplus has been received from the Park Ridge Board of Public Works.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Park Ridge that the following unexpended balances be cancelled:

Other Expenses	\$ 100,000
Capital Outlay	\$ 100,000
Total	\$ 200,000

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**COMMUNICATIONS:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**PUBLIC PRIVILEGE OF THE FLOOR:**

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

Speaker: No one.

**APPROVAL OF MINUTES**

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

Work Session minutes dated December 13, 2010

Councilman Maughan to abstain

Closed Session minutes dated December 14, 2010

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

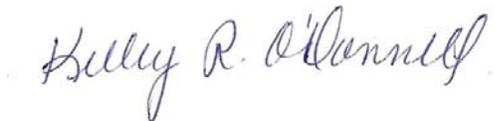
**Roll Call:** Councilmember Hopper - yes, Councilmember Viola - yes, Councilmember Maguire - yes, Councilmember Misciagna - yes, Council President Kane – yes.

**ADJOURN**

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

**Meeting adjourned at 8:45 p.m.**

Respectfully submitted,



Kelley R. O'Donnell, RMC  
Borough Clerk