

**REGULAR MEETING
OF THE
ELMWOOD PARK MAYOR AND COUNCIL
JULY 18, 2019
8:00P.M.**

1. CALL TO ORDER:

2. PRAYER AND FLAG SALUTE:

3. STATEMENT OF COMPLIANCE:

Whereas, Chapter 231 of the Public Laws of the State of New Jersey requires at the commencement of every meeting a Statement of Compliance be read by the presiding officer.

Now, Therefore Be Advised, that the meeting requirements for this meeting have been met by publishing a special meeting notice in The Record and Herald News and by posting such notice in the office of the Borough Clerk as well as in a public place within the Municipal Building, and by notifying interested citizens. Said notice was posted on January 7, 2019.

4. APPROVAL OF MINUTES:

February 21, 2019 – Regular Meeting
April 4, 2019 – Work Session Meeting
April 4, 2019 – Executive Session Meeting
April 11, 2019 – Work Session Meeting
April 11, 2019 – Executive Session Meeting
April 18, 2019 – Regular Meeting
April 26, 2019 – Special Meeting

5. ORDINANCES:

FIRST READING

R-253-19 Introduce Ordinance #19-14

CAPITAL ORDINANCE OF THE BOROUGH OF ELMWOOD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY TO APPROPRIATE AN ADDITIONAL SUM OF \$115,000 FOR IMPROVEMENTS TO THE TENNIS COURTS AT ELMWOOD PARK HIGH SCHOOL TO BE UNDERTAKEN JOINTLY BY ELMWOOD PARK AND THE ELMWOOD PARK BOARD OF EDUCATION AND PROVIDING THAT SUCH ADDITIONAL SUM SO APPROPRIATED SHALL BE RAISED FROM A CONTRIBUTION FROM THE ELMWOOD PARK BOARD OF EDUCATION AND FROM FUNDS AVAILABLE IN THE BOROUGH'S RESERVE FOR RECREATION EXPENDITURES.

R-254-19 Introduce Ordinance #19-15

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF ELMWOOD PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,585,000 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.

R-255-19 Introduce Ordinance #19-16

AN ORDINANCE AMENDING CHAPTER IV OF THE ELMWOOD PARK MUNICIPAL CODE MORE SPECIFICALLY SECTION 4-12 “RESERVED” TO READ AS “FOOD HANDLERS, MOBILE” THIS ORDINANCE SHALL AMEND THE EXISTING SECTION 4-12 TO INCLUDE AND DEFINE FOOD TRUCKS, FOOD CARTS, AND MOBILE RETAIL FOOD ESTABLISHMENTS AND ADOPT REGULATIONS ADDRESSING THEIR ALLOWED OPERATIONS AND LICENSING WITHIN THE BOROUGH OF ELMWOOD PARK.

R-256-19 Introduce Ordinance #19-17

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF ELMWOOD PARK IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY AMENDING CHAPTER XXXIV, ARTICLE VIII BULK REQUIREMENTS, SECTION 34-17 OF THE CODE OF THE BOROUGH, ENTITLED TABLE OF LOT AND BUILDING REGULATIONS, TO INCREASE THE RESIDENTIAL MINIMUM LOT SIZES FOR TWO FAMILY AND SEMI-DETACHED DWELLINGS FROM 5,000 SQUARE FEET TO 7,500 SQUARE FEET AND THE MINIMUM LOT WIDTH AND FRONTAGE FROM 50 FEET TO 75 FEET.

SECOND READING

R-257-19 Introduce Ordinance #19-10

AN ORDINANCE OF THE BOROUGH OF ELMWOOD PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH MORE SPECIFICALLY CHAPTER VII ENTITLED “TRAFFIC” SECTION 7-23 TURN PROHIBITIONS.

R-258-19 Introduce Ordinance #19-13

AN ORDINANCE TO AMEND CHAPTER XXVIII OF THE CODE OF THE BOROUGH OF ELMWOOD PARK ENTITLED FLOOD DAMAGE PREVENTION

6. CONSENT AGENDA:

R-259-19 Approval of Payroll

R-260-19 Approval of Bills List

R-261-19 Resolution Combining Several Authorizations of Bonds into a Single Issue and Prescribing the Details and Bond Form Thereof for \$6,950,000 General Improvement Bonds Dated August 15, 2019

R-262-19 Resolution Authorizing the Publication, Printing, and Distribution of a Notice of Sale and the Publication of a Summary Notice of Sale and Prescribing the Forms Thereof for \$6,950,000 General Improvement Bonds, Dated August 15, 2019, Approving the Preparation, Distribution, and Execution of a Preliminary and a Final Official Statement for Such Bonds, Undertaking to Provide Continuing Disclosure of Financial Information, Covenanting to Comply with the Internal Revenue Code of 1986, as Amended, Designating Such Bonds as “Qualified Tax-Exempt Obligations” for Purposes of the Internal Revenue Code of 1986, as Amended, and Authorizing

- Various Matters in Connection with Electronic Bidding for the Bonds.
- R-263-19 Authorize Current Estimate #4 – 2018 Road Program – 4 Clean Up, Inc.
- R-264-19 Award Proposal for Design Services – Alaimo Group
- R-265-19 Award Proposal for Design Services – Alaimo Group – 2019 Roadway Improvement Program
- R-266-19 Authorize Current Estimate #11 & Final – Water Tank Replacement – Fisher Tank Company
- R-267-19 Authorize Additional Funding – Recreation Hut – Top Notch Construction
- R-268-19 Authorize Purchase of Equipment – Fire Prevention – Wireless Communications & Electronics
- R-269-19 Authorize Proposal for Design Services – Alaimo Group – Cherry Hill Playground Improvements
- R-270-19 Authorize Installation of Equipment – Recreation Department – Whirl Construction, Inc.
- R-271-19 Authorize Purchase of Equipment – Recreation Department – MRC
- R-272-19 Authorize Purchase of RubberBond – Recreation Department – RubbeRecycle
- R-273-19 Authorize Release of Road Opening Performance Bonds
- R-274-19 Approve the Deletion and Addition of Bus Stops on Market Street
- R-275-19 Approve Additional Date – Temporary Sound Recording Operator – Municipal Court
- R-276-19 Accept Asset Management Plan
- R-277-19 Approve the Purchase of Memorial Sculpture – The Large Art Company
- R-278-19 Authorize Execution of Contract – Police Department
- R-279-19 Accept Side Bar to Collective Negotiations Agreement – White Collar/Blue Collar
- R-280-19 Authorize Change of Title – Clerks Office
- R-281-19 Appoint Part-Time Keyboarding Clerk I – Shanee Morris – Clerks Office
- R-282-19 Appoint Full-Time Administrative Assistant – Tama DeBoer – Borough Administrator/Mayors Office
- R-283-19 Approve 2019/2020 New and/or Used Car Dealerships Licenses
- R-284-19 Authorize Vacation Buybacks
- R-285-19 Approve Block Party Requests
- R-286-19 Authorize Execution of Contract – Topology
- R-287-19 Person-Person Liquor License Transfer – 0211-33-026-004
- R-288-19 Re-Enumerate Resolution
- R-289-19 Award of Bid – Memorial Tennis Courts Project – Zuccaro Inc.
- R-290-19 Approving Consent Agenda

7. APPOINTMENTS:

- R-291-19 Appointment to Zoning Board
- R-292-19 Appointment to Library Board

8. DEPARTMENTAL REPORTS:

Board of Recreation Minutes – May 20, 2019

9. APPLICATIONS:

August 24, 2019 – Carnival Games – St. Leo’s Church
 November 8, 2019 – Bingo Amendment – Our Lady of Mount Virgin Church
 Calendar Raffle – Elmwood Park Football Bombers

10. COUNCIL REPORTS:

11. MAYOR'S REPORT:

12. PUBLIC HEARING:

13. ADJOURNMENT:

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-253-19**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #19-14
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

CAPITAL ORDINANCE OF THE BOROUGH OF ELMWOOD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY TO APPROPRIATE AN ADDITIONAL SUM OF \$115,000 FOR IMPROVEMENTS TO THE TENNIS COURTS AT ELMWOOD PARK HIGH SCHOOL TO BE UNDERTAKEN JOINTLY BY ELMWOOD PARK AND THE ELMWOOD PARK BOARD OF EDUCATION AND PROVIDING THAT SUCH ADDITIONAL SUM SO APPROPRIATED SHALL BE RAISED FROM A CONTRIBUTION FROM THE ELMWOOD PARK BOARD OF EDUCATION AND FROM FUNDS AVAILABLE IN THE BOROUGH'S RESERVE FOR RECREATION EXPENDITURES.

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in the Municipal Building on Thursday, August 15, 2019 at 8:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

BE IT RESOLVED, that the Acting Borough Clerk be, and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law;

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____

Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 19-14**

CAPITAL ORDINANCE OF THE BOROUGH OF ELMWOOD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY TO APPROPRIATE AN ADDITIONAL SUM OF \$115,000 FOR IMPROVEMENTS TO THE TENNIS COURTS AT ELMWOOD PARK HIGH SCHOOL TO BE UNDERTAKEN JOINTLY BY ELMWOOD PARK AND THE ELMWOOD PARK BOARD OF EDUCATION AND PROVIDING THAT SUCH ADDITIONAL SUM SO APPROPRIATED SHALL BE RAISED FROM A CONTRIBUTION FROM THE ELMWOOD PARK BOARD OF EDUCATION AND FROM FUNDS AVAILABLE IN THE BOROUGH'S RESERVE FOR RECREATION EXPENDITURES.

WHEREAS, the Borough of Elmwood Park, in the County of Bergen, New Jersey (the "Borough"), has heretofore authorized improvements to the tennis courts at Elmwood Park High School to be undertaken jointly by the Borough and the Elmwood Park Board of Education (the "Board of Education") and appropriated therefor the sum of \$445,000 pursuant to Ordinance No. 18-27 adopted by the Borough Council of the Borough on November 8, 2018 (the "Prior Ordinance"); and

WHEREAS, said prior appropriation of \$445,000 consisted of: (1) a \$123,537.50 contribution from the Board of Education; (2) a \$197,925 grant from the County of Bergen Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund; and (3) \$123,537.50 from the Borough's Reserve for Recreation Expenditures; and

WHEREAS, the Borough Council now finds and determines that the additional sum of \$115,000 is required for such improvements; NOW, THEREFORE,

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

Section 1. The additional sum of \$115,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in the Prior Ordinance (hereinafter referred to as "purpose"). Said appropriation shall be raised from funds provided by the Board of Education and the Borough, as hereinafter provided. The sum of \$57,500 received or to be received as a contribution from the Board of Education is hereby appropriated to the payment of the cost of said purpose. The sum of \$57,500 is hereby appropriated from the Borough's Reserve for Recreation Expenditures to the payment of the cost of said purpose.

Section 2. Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five (5) years. Said improvements have been and shall be made as

general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 3. The capital budget is hereby amended to conform with the provisions of this capital 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 4. This ordinance shall take effect at the time and in the manner provided by law.

Introduced:

Adopted:

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-254-19**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #19-15
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF ELMWOOD PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,585,000 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.

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in the Municipal Building on Thursday, August 15, 2019 at 8:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

BE IT RESOLVED, that the Acting Borough Clerk be, and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law;

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____

Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 19-15**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF ELMWOOD PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,585,000 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.

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

Section 1. The Borough of Elmwood Park, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new communication and signal systems equipment, new information technology equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of SUVs for the use of the Police Department.

Appropriation and Estimated Cost	\$ 143,500
Down Payment Appropriated	\$ 7,300
Bonds and Notes Authorized	\$ 136,200
Period of Usefulness	5 years

B. Acquisition of new communication and signal systems equipment consisting of portable radios for the use of the Police Department.

Appropriation and Estimated Cost	\$ 108,500
Down Payment Appropriated	\$ 5,170
Bonds and Notes Authorized	\$ 103,330
Period of Usefulness	10 years

C. Acquisition of new information technology equipment consisting of a computer server for the use of the Police Department.

Appropriation and Estimated Cost	\$ 43,500
Down Payment Appropriated	\$ 2,080
Bonds and Notes Authorized	\$ 41,420
Period of Usefulness	7 years

D. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of an SUV for the use of the Fire Prevention Bureau.

Appropriation and Estimated Cost	\$ 63,500
Down Payment Appropriated	\$ 3,050
Bonds and Notes Authorized	\$ 60,450
Period of Usefulness	5 years

E. Replacement of the air conditioning system at the Municipal Building.

Appropriation and Estimated Cost	\$ 33,500
Down Payment Appropriated	\$ 1,600
Bonds and Notes Authorized	\$ 31,900
Period of Usefulness	15 years

F. Undertaking of the 2019 Road Resurfacing Program at various locations (including drainage improvements and curb and sidewalk replacement, where necessary), as set forth on a list on file with the Borough Clerk and hereby approved and incorporated herein by this reference thereto. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that the roads 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	\$1,192,500
Down Payment Appropriated	\$ 56,800
Bonds and Notes Authorized	\$1,135,700

Period of Usefulness

10 years

Aggregate Appropriation and Estimated Cost	\$1,585,000
Aggregate Down Payment Appropriated	\$76,000
Aggregate Amount of Bonds and Notes Authorized	\$1,509,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$210,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$76,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$76,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$1,509,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,509,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local

Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 9.37 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,509,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. 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 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to

reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage .

Introduced:

Adopted:

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-255-19**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #19-16
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE AMENDING CHAPTER IV OF THE ELMWOOD PARK MUNICIPAL CODE MORE SPECIFICALLY SECTION 4-12 “RESERVED” TO READ AS “FOOD HANDLERS, MOBILE” THIS ORDINANCE SHALL AMEND THE EXISTING SECTION 4-12 TO INCLUDE AND DEFINE FOOD TRUCKS, FOOD CARTS, AND MOBILE RETAIL FOOD ESTABLISHMENTS AND ADOPT REGULATIONS ADDRESSING THEIR ALLOWED OPERATIONS AND LICENSING WITHIN THE BOROUGH OF ELMWOOD PARK.

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in the Municipal Building on Thursday, August 15, 2019 at 8:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

BE IT RESOLVED, that the Acting Borough Clerk be, and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law;

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 19-16**

AN ORDINANCE AMENDING CHAPTER IV OF THE ELMWOOD PARK MUNICIPAL CODE MORE SPECIFICALLY SECTION 4-12 “RESERVED” TO READ AS “FOOD HANDLERS, MOBILE” THIS ORDINANCE SHALL AMEND THE EXISTING SECTION 4-12 TO INCLUDE AND DEFINE FOOD TRUCKS, FOOD CARTS, AND MOBILE RETAIL FOOD ESTABLISHMENTS AND ADOPT REGULATIONS ADDRESSING THEIR ALLOWED OPERATIONS AND LICENSING WITHIN THE BOROUGH OF ELMWOOD PARK.

PURPOSE

The purpose of this chapter is to properly control mobile food handlers in order to prevent and discourage undesirable business practices; to help protect the public from fraud; to permit the activity regulated to a limited degree in consideration for the density of population, size of streets and public rights-of-way; and to promote the health, safety and welfare of the residents of the Borough of Elmwood Park.

WHEREAS, the Borough of Elmwood Park is a municipal corporation duly organized and existing under laws of the State of New Jersey; and

WHEREAS, the mayor and Council have become aware of the popularity of food trucks, food carts and mobile retail food establishments have increased significantly in recent years; and

WHEREAS, the Borough of Elmwood Park Municipal Code do not specifically recognize food trucks, food carts and mobile retail food establishments nor their unique operating characteristics; and

WHEREAS, the Mayor and Council desires to clearly define food trucks, food carts and mobile retail food establishment and adopt regulations addressing their allowed operations within the borough limits of Borough of Elwood Park; and

WHEREAS, the Mayor and Council, wishes to address and adopt a comprehensive plan which would recognize and promote the food trucks, food carts and mobile retail food establishments, thereby, promoting the health, safety and welfare of the residence of the Borough of Elmwood Park and at the same time understanding and appreciating the trust and safety of our residents, property owners, and interest of boroughs business owners as they have or will invest in Borough of Elmwood Park and where the Mayor and Council are committed to a strong and supportive business climate which will fosters the local economy for today and for the future; and

WHEREAS, the Mayor and Council finds that defining food trucks, food carts and mobile retail food establishments and their allowed operations within the Borough of Elmwood Park will serve to clarify permissible uses and activities associated with the mobile food industry and promote a balance of uses among mobile food industry uses and established land-based restaurants and food establishments; and

WHEREAS, the Mayor and Council, wishes to protect and preserve the unique characteristics of the borough’s commercial areas and the distinctive neighborhoods of the Borough, that the mayor and Council are committed to recognizing the diversity of the Borough of Elmwood Park’s commercial areas and neighborhoods by establishing customized policies and tools to ensure that each maintains its individual character, economic vitality, and livable structure; and

WHEREAS, the Mayor and Council, finds it is necessary and appropriate that any new regulations regarding food trucks, food carts and mobile retail food establishments contain nuisance mitigation measures to ensure each neighborhood commercial area maintains their unique character and livable structure; and

WHEREAS, the Mayor and Council, has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMWOOD PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY, THAT SECTION 4-12 SHALL READ “FOOD HANDLERS, MOBILE”:

4-12.1 DEFINITION

As used in this chapter, the following terms shall have the meaning indicated:

Mobile Food Vehicle:

Shall include all vehicles, truck, van, trailer, cart, bicycle or other movable unit, motorized-wheeled vehicle, towed vehicle designed and equipped to store, prepare, or serve, and sell food and food items to consumers or other persons on the public sidewalks, streets and highways and are offered for retail sale or delivery to buyers, but which will not include hand-carried portable containers in or on which food or beverage is transported, stored for personal consumption or given away at temporary locations. "Mobile retail food establishments" does not include trucks, vans, trailers, carts, bicycles or other movable units used solely to deliver food from a stationary, fixed position location subject to the restaurant ordinance.

Mobile Retail Food Establishment:

Shall means Any movable restaurant, truck, van, trailer, cart, bicycle or other movable unit, including hand-carried portable containers in or on which food or beverage is transported, stored or prepared for retail sale or given away at temporary locations. "Mobile retail food establishments" does not include trucks, vans, trailers, carts, bicycles or other movable units used solely to deliver food from a stationary location and vehicles that are in a fixed position and subject to the restaurant ordinance.

Motor Vehicle:

As defined under New Jersey Motor Vehicle Laws, any vehicle propelled or drawn by mechanical or electrical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles.

Ice Cream Vendor:

Shall means a person or business selling or offering for sale ice cream or frozen dairy products on the streets, alleys or other public places.

Person:

Shall mean an individual, partnership, corporation, trust, joint venture, association, society, church, congregation or other organization.

DRIVER/OPERATOR:

Shall mean the owner or any other driver or operator of the food vending vehicle other than the owner.

FOOD VENDING VEHICLE:

Shall Include all vehicles and carts from which food and foodstuffs are offered for retail sale or delivery to buyers, consumers or other persons on the public sidewalks, streets and highways.

4-12.2 LICENSE REQUIRED; NUMBER LIMITED; PREFERENCE FOR RESIDENTS.

No activity, as defined in this chapter, shall be conducted in the Borough of Elmwood Park except in compliance with the provisions of this chapter. It shall be unlawful for any person of whatever nature to conduct the activities defined herein unless he/she has been issued a license pursuant to this chapter. The number of licenses that may be issued and in effect during any twelve-month period shall not exceed **FOUR (4)**; provided, however, that all **four** shall be and are hereby reserved for bona fide residents of the Borough of Elmwood Park as first preference and any un issued licenses shall be issued to outside residents on a first come first serve basis.

4-12.3 APPLICATION FOR LICENSE.

- A. Application for such license shall be made in writing on a form to be provided by the Borough of Elmwood Park. It shall require that the applicant and every employee shall provide two photographs taken within 30 days of the application of a size approximately 2 1/2 inches by 2 1/2 inches on thin paper having a light background clearly showing a frontal view of the applicant's face and his employee's face, one of which is to be attached or posted to the application.
- B. Such application for license shall require that the applicant give the following information concerning himself or itself:
 - (1) Name.
 - (2) Specific address for the past five years.
 - (3) Date and place of birth and citizenship.
 - (4) Arrests or convictions at any time of any crime, or for disorderly conduct, or of violations of any municipal ordinance or regulation.
 - (5) Names and addresses of employers for the last five years and respective date of employment.
 - (6) Proposed location or locations for which such license is sought.
 - (7) Description of all items to be sold.

4-12.4 REAPPLICATION AND RECERTIFICATION.

Each applicant and licensee shall each year, between January 1 and January 31, reapply for the license by personally appearing at the Borough Health Department to recertify to the information contained in such person's application. Where an applicant fails to appear and recertify, such person's name shall be removed from the lists of pending applications. No new fee shall be collected for a recertification where the applicant is pending licensure.

4-12.5 INVESTIGATION.

Such application shall be made to and licenses issued by the Borough Clerk of the Borough of Elmwood Park or the Business Administrator or their designee and only after investigation by the Borough of Elmwood Park Police Department and any other enforcement agency designated by the Borough Clerk of the Borough of Elmwood Park or the Business Administrator or their designee.

- A. Applicants and any additional drivers shall be fingerprinted at their own expense.
- B. Applicants shall supply their social security number and a certified motor vehicle abstract.
- C. Applicant shall provide a certified certificate of disposition for any criminal or quasi-criminal matters that an applicant may have.
- D. Each applicant shall present proof that he or she is a citizen of the United States or a legal resident eligible to hold gainful employment in the United States.
- E. Both the applicant and any additional driver/operator for a Risk 3 truck must have a valid food handler certificate prior to the issuance of a license pursuant to this chapter.
- F. A description of the vehicle to be used, if a motor vehicle or vehicular trailer is to be used, including:
 - (1) The name and address of the owner of the vehicle as registered with the Director of the Division of Motor Vehicles;
 - (2) A description of the vehicle, giving the name of the manufacturer, serial number and any other insignia appearing thereon;
 - (3) Proof of liability insurance for the vehicle in the amount of \$100,000 or greater.

14-12.5 CONTENTS, DISPLAY AND TRANSFER OF LICENSE.

- A. Each license issued by the Borough Clerk of the Borough of Elmwood Park or the Business Administrator or their designee, shall set forth the specific food and beverage authorized to be sold, the location or locations for the same, the name of each employee or agent and the expiration date of the license.
- B. No person shall engage in any activity, except those permitted under the license and at the locations specified therein. Upon granting of the license hereinabove mentioned, each licensee shall be required to prominently display said license on the vehicle employed to transact his business, in addition to a sign, in letters of at least two inches in length, printed clearly and distinctly with the name of the licensee.

C. No license may be transferred from one person or entity to another, and each person or entity must be licensed individually and separately.

14-12.6 PROHIBITED ACTS; CERTIFICATE OF OCCUPANCY.

A. No licensee shall:

(1) Engage in a business before 8:00 a.m. or after 6:00 p.m. **Monday through Saturday only.**

(2) Transact business from its vehicle unless it is properly parked immediately adjacent to the curb of a public street in an area where and when parking is permitted. Furthermore, no licensee shall, at any time, double park its vehicle while transacting business, nor transact business other than on the curbside of its vehicle; nor shall any licensee conduct its activity so as to interfere with pedestrians or vehicular traffic. However, the licensee shall be permitted to park the vehicle on private property as long as the property is located in a permitted business, commercial or industrial zone so long that it will not violate any other restrictive area contained in this ordinance.

(3) Conduct its activity along any public street or adjoining private property of any street within 1,000 feet of any school during the hours school is in session.

(4) Conduct its activity on Sunday within 1,000 feet of any house of worship.

(5) Conduct its activity on a county road without securing permission from the County of Bergen.

B. The granting of this license by the Borough of Elmwood Park does not relieve a licensee from obtaining a requisite certificate of occupancy where the Borough of Elmwood Park Zoning Officer and Construction Code Official determine that the same is necessary.

C. No licensee shall stop his or her vehicle for operation or conduct its activity as a mobile food handler within 1,000 feet from the front entrance door of a business or businesses for which a valid, current certificate of occupancy has been issued authorizing the sale of food or authorizing the operation of a restaurant. Soliciting at temporary construction sites shall be exempt from the limitations set forth in this section.

14-12.7 USE OF PUBLIC ROADS.

A. No licensee shall park a vehicle overnight on any location within the Borough of Elmwood Park. If the licensee parks a vehicle overnight on private property for the purpose of continuing the business each day at the same location, then such licensee shall comply with all regulations, rules, statutes and ordinances pertaining to permanent retail food establishments.

B. No licensee shall have a permanent location within or upon a public road or right-of-way by reason of prior use.

14-12.8 ENFORCEMENT.

Every licensee shall be subject to the supervision of the Borough of Elmwood Park and its designated agencies in all provisions of this chapter, as well as the rules and regulations promulgated hereby, and all orders and regulations promulgated by the Borough shall be enforced by such person or persons as the Borough, by resolution or ordinance, may designate from time to time or who, by New Jersey statute, may have the duty to so regulate.

14-12.9 EXEMPTIONS FROM LICENSE FEE.

The following are exempt from the license fees, but must apply for a license:

A. Churches, religious congregations, charitable and eleemosynary entities who present evidence that they are a bona fide nonprofit organization pursuant to the laws of the State of New Jersey.

B. A person licensed pursuant to N.J.S.A. 45:24-9 and N.J.S.A. 45:24-10 (veteran's license); provided, however, that such person must, in addition to applying for a license, comply with all aspects of this chapter and the regulations adopted hereunder.

14-12.10 GENERAL REGULATIONS.

In addition to requirements herein set forth, the following regulations must be complied with by all mobile food handlers:

A. Due to the nature, location and variety of conditions surrounding the operation of such establishments, it is frequently not possible to provide certain physical facilities required for

permanent establishments. In order to assure adequate protection of food served by temporary establishments, mobile establishments and agricultural markets which are unable to meet fully the requirements of these regulations, it may be necessary to restrict the types of food sold or the methods by which served, to modify some requirements for procedures and facilities and to impose additional requirements.

- B. The preparation of potentially hazardous foods, such as cream-filled pastries, custards and similar products and meat, poultry and fish in the form of salads or sandwiches, shall be prohibited, provided that this prohibition shall not apply to hamburgers, frankfurters and other food which, prior to service, requires only limited preparation, such as seasoning and cooking; and provided, however, that potentially hazardous food which is obtained in individual servings is stored in approved facilities which maintain such food at safe temperatures, below 45° F. or above 140° F., and is served directly in the individual, original container in which it was packaged at a food-processing establishment, may be distributed or sold.
- C. Ice which will be consumed, or which will come into contact with food shall be contained from a source meeting standard approved by law in chipped, crushed or cubed form. Such ice shall be obtained in single service, closed, protected containers satisfactory to the Department or health authority and shall be held therein until used.
- D. Wet storage of packed food and beverages shall be prohibited, provided that wet storage of pressurized containers of beverages may be permitted when:
 - (1) The water contains at least 50 parts per million of available chlorine or equivalent; and
 - (2) The iced water is changed frequently enough to keep both the water and container clean.
- E. Food contact surfaces of food preparation equipment such as grills, stoves and worktables shall be protected from contamination by dust, customers, insects or any other source. Where necessary, effective shields shall be provided.
- F. Equipment shall be installed in such a manner that the establishment can be kept clean and food will not become contaminated.
- G. An adequate supply of water for cleaning and handwashing shall be maintained in the establishment, and auxiliary heating facilities, capable of producing an ample supply of hot water for such purposes, shall be provided.
- H. Liquid waste which is not discharged into a sewerage system shall be disposed of in such a manner as not to create a public health hazard or nuisance condition.
- I. Adequate facilities shall be provided for employee handwashing. Such facilities may consist of a pan, water, soap and individual paper towels. Handwashing facilities shall be provided for employee handwashing for mobile retail food service establishments where food products are directly handled and fabricated, but need not be provided for mobile units serving prepackaged foods, milk, cold sealed beverages and tea, coffee, hot chocolate or other hot drinks at temperatures about 140° F.
- J. Floors shall be of tight wood or other cleanable material, provided that the Department or health authority may accept dirt or gravel-covered floors, when graded to preclude the accumulation of liquids and covered with removable, cleanable, wooden platforms or duckboards.
- K. Walls and ceilings shall be so constructed as to minimize the entrance of flies and dust. Temporary construction may be accepted. Ceilings may be of wood, canvas or other materials which protect the interior of the establishment from the elements, and walls may be of such materials or of sixteen-mesh screening or equivalent. When flies are prevalent, counter-service openings shall either be equipped with self-closing, fly tight doors or the opening shall be so limited that the fans employed will effectively prevent the entrance of flies.
- L. Any other requirement deemed necessary by the Department or health authority to protect the public health in view of the particular nature of the food service operation shall be met.

14-12.11 VIOLATIONS AND PENALTIES.

- A. Any person, firm, corporation, partnership or other entity violating any provisions of this chapter or any rules and regulations promulgated by the Borough pursuant hereto shall be punished by one or more of the following: a fine not exceeding \$2,000; imprisonment for a term not exceeding 90 days; and/or a period of community service not exceeding 90 days, in the discretion of the judge before whom such conviction shall be heard. Each and every violation and nonconformance with this chapter on each day that any provision of this chapter shall have been violated shall be construed as a separate and distinct violation hereof.
- B. If an unsanitary condition exists or if the Health Officer has reasonable cause to suspect that any food truck or any employee thereof is or may be a source of foodborne infection, the Health Officer is authorized to require the immediate closure of the food establishment until

the unsanitary condition has been eliminated and/or cause the immediate exclusion of the employee from the food establishment until the employee no longer poses a threat of foodborne infection.

- C. In addition to the penalties set forth herein, if any person operating a food vending vehicle violates any provisions of this chapter, or the applicable provisions of Title 8, Chapter 24, of the New Jersey State Administrative Code, the vehicle shall be deemed a public safety hazard. Accordingly, in the instance of such violation, the vehicle in question may be impounded (and, in the instance of an unlicensed operator, shall be impounded) by either the Borough of Elmwood Park Police Department or the Borough of Elmwood Park Board of Health with police assistance. In the event that any such vehicle is impounded, the vehicle or truck may be redeemed by the licensed person upon payment of the cost of impounding and the storage charges established by the Borough of Elmwood Park. The said storage charge and cost of impounding shall be the same as are established for the impounding of motor vehicles.

14-12.12 TRANSFER OF LICENSE PROHIBITED.

No license issued under this chapter shall be transferable from one person to another.

14-12.13 ANNUAL FEE.

The annual fee for the license for food vending vehicles dealing only with prepackaged (or wrapped) foods, such as but not limited to soft drinks, snacks, ice cream, excluding soft-serve and scooped, etc., which are packaged (wrapped), manufactured or processed at an approved licensed facility (outside of such establishments), shall be increased annually by resolution, payable to the Borough of Elmwood Park before the issuance of a license. The Borough shall issue four licenses per year for licensees authorized to transact business per this chapter. The fee per license shall be \$300 per year.

14-12.14 (RESERVED)

14-12.15 RIGHTS CONFERRED BY LICENSE; TRANSFERABILITY; TERM.

- A. The license issued shall not authorize any person, except the person designated therein, to engage in business thereunder. The license shall not be transferable from person to person. A separate background investigation shall be conducted for each food handler and every agent or representative working for the licensee.
- B. Licenses issued under this chapter shall be valid only for the term of one year beginning on the first day of January in each year and terminating on December 31 of the year of issuance.

14-12.16 LOCATION.

- A. The Borough Clerk of the Borough of Elmwood Park or the Business Administrator or their designee shall designate approved food distribution locations throughout the Borough which shall establish the locale and duration for each approved location.
- B. All licensees shall be required to move their vehicle a distance of no less than 1,000 feet away for every 30 minutes to another approved location from their then-current location.
- C. All licensees shall be permitted to locate their vehicles on the same approved location for one cumulative hour per day.

14-12.17 COMPLIANCE WITH FOOD LAWS.

All products offered for sale must comply with regulations under N.J.A.C. Title 8, Chapter 24.

14-12.18 SUSPENSION OR REVOCATION OF LICENSE; HEARING.

In addition to the penalty prescribed herein, any license issued under this chapter may be revoked by the Borough Council for the violation of any provision hereof upon notice and hearing. A license may be suspended for a period of two weeks pending hearing. No part of the license fee shall be returned upon revocation or suspension of the license.

Introduced:

Adopted:

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-256-19**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #19-17
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF ELMWOOD PARK IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY AMENDING CHAPTER XXXIV, ARTICLE VIII BULK REQUIREMENTS, SECTION 34-17 OF THE CODE OF THE BOROUGH, ENTITLED TABLE OF LOT AND BUILDING REGULATIONS, TO INCREASE THE RESIDENTIAL MINIMUM LOT SIZES FOR TWO FAMILY AND SEMI-DETACHED DWELLINGS FROM 5,000 SQUARE FEET TO 7,500 SQUARE FEET AND THE MINIMUM LOT WIDTH AND FRONTAGE FROM 50 FEET TO 75 FEET.

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in the Municipal Building on Thursday, August 15, 2019 at 8:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

BE IT RESOLVED, that the Acting Borough Clerk be, and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law;

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 19-17**

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF ELMWOOD PARK IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY AMENDING CHAPTER XXXIV, ARTICLE VIII BULK REQUIREMENTS, SECTION 34-17 OF THE CODE OF THE BOROUGH, ENTITLED TABLE OF LOT AND BUILDING REGULATIONS, TO INCREASE THE RESIDENTIAL MINIMUM LOT SIZES FOR TWO FAMILY AND SEMI-DETACHED DWELLINGS FROM 5,000 SQUARE FEET TO 7,500 SQUARE FEET AND THE MINIMUM LOT WIDTH AND FRONTAGE FROM 50 FEET TO 75 FEET.

PURPOSE

WHEREAS, the regulation of minimum lot sizes, lot widths, and lot frontage is fundamental to the Borough’s zoning policy; and

WHEREAS, the purpose of this ordinance is to provide a means to address the overcrowding of the off-street parking conditions for the residents and citizens of our community, to control the flow of traffic congestion and; to help protect the public and to regulate to a limited degree the density of construction taking into consideration the density of population, size of streets and public rights-of-way; and to promote the health, safety and welfare of the citizens and residents of the Borough of Elmwood Park; and

WHEREAS, the Borough Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey has reviewed, considered and has determined that there is a need for the overall safety, health and welfare of the citizens and residents of the Borough to amend the bulk requirements set forth at §34-17 of the Borough’s Zoning and Site Plan Review Code so as to prevent overburdening the off-street parking situation and controlling overcrowding and the density of structures and buildings which has a detrimental effect on the Borough as a whole; and

WHEREAS, the Borough Council of the Borough of Elmwood Park finds that increasing the residential minimum lot sizes, lot widths, and lot frontages for two-family and semi-detached dwellings set forth at §34-17 of the Borough’s code is reasonable and necessary to assist the Borough in alleviating the current off-street parking situation, controlling overcrowding and the density of structures and buildings.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Elmwood Park in the County of Bergen and State of New Jersey that the minimum lot sizes, minimum lot areas, and minimum lot widths set forth at Chapter XXXIV “Zoning and Site Plan Review,” Article VIII “Bulk Requirements,” Section 34-17 “Table of Lot and Building Regulations” regulating two-family and semi-detached dwellings in the Borough’s R-5, R-18, and R-MF Districts be and is hereby amended to read as follows:

		Minimum	Minimum	Minimum
		Lot Size	Lot Area	Lot Width
District	Principal Use	(sq. ft.)	D.U. (s.f.)	(ft.)
R-5	semi-detached	7,500	3,750	75
	two-family	7,500	3,750	75
R-18	semi-detached	7,500	3,750	75
	two-family	7,500	3,750	75
R-MF	semi-detached	7,500	3,750	75

BE IT FURTHER ORDAINED, that all remaining parts of the existing ordinance not otherwise listed in the table above remain in full force and effect, but any parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed and replaced.

BE IT FURTHER ORDAINED, that except under circumstances in which the savings provisions of N.J.S.A. 40:55D-49 and N.J.S.A. 40:55D-52 of the Municipal Land Use Law apply, at the time of final passage and adoption these amendments shall apply to all vacant unimproved two-family and semi-detached lots so situated in the Borough's R-5, R-18, and R-MF Districts.

BE IT FURTHER ORDAINED, that in accordance with N.J.S.A. 40:55D-68 of the Municipal Land Use Law, any two-family and/or semi-detached dwelling on a conforming lot, which was constructed and in existence at the time of final passage and adoption of this amendment to the Borough's zoning ordinances, and which would be nonconforming solely by reason of the increase in the minimum lot sizes, minimum lot areas, and/or minimum lot widths set forth herein, shall not be deemed nonconforming by virtue of this amendment unless and until such structure is demolished or more than partially destroyed.

BE IT FURTHER ORDAINED, that if for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

BE IT FURTHER ORDAINED, that this ordinance shall take effect in accordance with the law.

Introduced:

Adopted:

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-257-19**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #19-10
SECOND READING**

WHEREAS, a public notice has been given by the Borough Clerk that an ordinance entitled:

AN ORDINANCE OF THE BOROUGH OF ELMWOOD PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH MORE SPECIFICALLY CHAPTER VII ENTITLED “TRAFFIC” SECTION 7-23 TURN PROHIBITIONS.

WHEREAS, said ordinance was introduced and passed at a meeting held on Thursday, June 20th, 2019 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, that an ordinance entitled:

AN ORDINANCE OF THE BOROUGH OF ELMWOOD PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH MORE SPECIFICALLY CHAPTER VII ENTITLED “TRAFFIC” SECTION 7-23 TURN PROHIBITIONS.

pass on final reading.

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 19-10**

AN ORDINANCE OF THE BOROUGH OF ELMWOOD PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH MORE SPECIFICALLY CHAPTER VII ENTITLED “TRAFFIC” SECTION 7-23 TURN PROHIBITIONS.

WHEREAS, the governing body of the Borough of Elmwood Park in the County of Bergen and State of New Jersey, has determined that hazardous conditions exist that require the adoption of traffic regulations prohibiting left hand turns at certain designated addresses and right turn only at other designated addresses; and

WHEREAS, the Council has determined that there is a necessity to regulate traffic so as to prohibit vehicles from making a left-hand turn from:

1. the southbound on Mola Boulevard into 368 Market Street Parking lot (Leone’s Pizzeria); and
2. the Eastbound on Market Street into 357 Market Street Parking lot (Seven Eleven); and
3. the Eastbound on Market Street into 375 Market Street Parking lot (Elmwood Park Diner); and
4. the Westbound on Market Street into 324 Market Street driveway (Saint Leo’s East Driveway); and
5. the Westbound on Market Street into 348 Market Street Parking driveway (Delta Gas Station); and
6. the Northbound on Mola Boulevard into 500 Mola Boulevard driveway (Senior Citizen Center)

WHEREAS, the Council has determined that there is a necessity to regulate traffic so as to require vehicles to make a right hand turn only from:

1. 368 Market Street (Leone’s Pizzeria Parking lot both entrances one on Market Street and one on Mola Boulevard);and
2. 357 Market Street (Seven Eleven both driveways, one on Market Street and one on Mola Boulevard); and
3. 507 Mola Boulevard (Bank of America both driveways); and
4. 348 Market Street (Delta Gas Station both driveways one on Mola Boulevard and one on Market Street); and
5. 324 Market Street (Saint Leo’s east Driveway); and
6. 505 Mola Boulevard (both driveways) and 500 Mola Boulevard (Senior Citizens Center driveway)

WHEREAS, the Borough of Elmwood Park believes that these traffic regulations are necessary in order to protect the health, safety and welfare of those individuals who reside in the area of these designated intersections, as well as the safety of the public at large.

NOW, THEREFORE, BE IT ORDAINED, by the Borough of Elmwood Park in the County of Bergen and State of New Jersey, as follows:

SECTION 1. That Chapter VII, “Traffic”, of the General Ordinances of the Borough of Elmwood Park, New Jersey is hereby amended and supplemented at ***Section 7-23 Turn Prohibitions*** to reflect that in accordance with the provisions of section 7-23 no person shall make a left-hand turn from:

1. Southbound on Mola Boulevard into 368 Market Street Parking lot (Leone’s Pizzeria); and
2. Eastbound on Market Street into 357 Market Street Parking lot (Seven Eleven); and
3. Eastbound on Market Street into 375 Market Street Parking lot (Elmwood Park Diner); and
4. Westbound on Market Street into 324 Market Street driveway (Saint Leo’s East Driveway); and
5. Westbound on Market Street into 348 Market Street Parking driveway (Delta Gas Station); and
6. Northbound on Mola Boulevard into 500 Mola Boulevard driveway (Senior Citizen Center)

BE IT FURTHER ORDAINED That Chapter VII, “Traffic”, of the General Ordinances of the Borough of Elmwood Park, New Jersey is hereby amended and supplemented at ***Section 7-23 Turn Prohibitions*** to reflect that in accordance with the provisions of section 7-23 no person shall make a left hand turn and require that all vehicles shall make a right hand turn only from:

1. Hillman Drive at Mola Boulevard; and
2. 368 Market Street (Leone’s Pizzeria Parking lot both entrances one on Market Street and one on Mola Boulevard);and
3. 357 Market Street (Seven Eleven both driveways, one on Market Street and one on Mola Boulevard); and
4. 507 Mola Boulevard (Bank of America both driveways); and
5. 348 Market Street (Delta Gas Station both driveways one on Mola Boulevard and one on Market Street); and
6. 324 Market Street (Saint Leo’s east Driveway); and
7. 505 Mola Boulevard (both driveways); and
8. 500 Mola Boulevard (Senior Citizens Center driveway)

SECTION 3. That Chapter VII, “Traffic”, of the General Ordinances of the Borough of Elmwood Park, New Jersey is hereby amended and supplemented at ***Section 7-23 Turn Prohibitions*** to reflect that in accordance with the provisions of section 7-23 no person shall make a left-hand turn from:

1. Southbound on Mola Boulevard into 368 Market Street Parking lot (Leone’s Pizzeria); and
2. Eastbound on Market Street into 357 Market Street Parking lot (Seven Eleven); and

3. Eastbound on Market Street into 375 Market Street Parking lot (Elmwood Park Diner); and
4. Westbound on Market Street into 324 Market Street driveway (Saint Leo's East Driveway); and
5. Westbound on Market Street into 348 Market Street Parking driveway (Delta Gas Station); and
6. Northbound on Mola Boulevard into 500 Mola Boulevard driveway (Senior Citizen Center)

SECTION 4. That Chapter VII, "Traffic", of the General Ordinances of the Borough of Elmwood Park, New Jersey is hereby amended and supplemented at *Section 7-23 Turn Prohibitions* to reflect that in accordance with the provisions of section 7-23 no person shall make a left hand turn and require that all vehicles shall make a right hand turn only from:

1. At Hillman Drive and Mola Boulevard; and
2. At 368 Market Street (Leone's Pizzeria Parking lot both entrances one on Market Street and one on Mola Boulevard); and
3. At 357 Market Street (Seven Eleven both driveways, one on Market Street and one on Mola Boulevard); and
4. At 507 Mola Boulevard (Bank of America both driveways); and
5. At 348 Market Street (Delta Gas Station both driveways one on Mola Boulevard and one on Market Street); and
6. At 324 Market Street (Saint Leo's east Driveway); and
7. At 505 Mola Boulevard (both driveways) and 500 Mola Boulevard (Senior Citizens Center driveway)

SECTION 5. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law, but not before receipt of any approvals required by the New Jersey Department of Transportation and/or the County of Bergen.

SECTION 6. That, upon the effective date of this Ordinance, the appropriate Township officials and/or employees shall be authorized to post applicable signs in the affected areas.

SECTION 7. That, upon the effective date of this Ordinance, it shall be illegal for the motoring public to make the left hand turn only and a right hand turn only as referenced above, and the Borough of Elmwood Department shall be authorized to enforce the said traffic regulations as a violation of Section 7-23, "Turn Prohibitions", of the General Ordinances of the Borough of Elmwood Park, New Jersey.

SECTION 8. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION 9. All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION 10. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Introduced: June 20, 2019

Adopted:

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-258-19**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #19-13
SECOND READING**

WHEREAS, a public notice has been given by the Borough Clerk that an ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER XXVIII OF THE CODE OF THE BOROUGH OF ELMWOOD PARK ENTITLED FLOOD DAMAGE PREVENTION

WHEREAS, said ordinance was introduced and passed at a meeting held on Thursday, June 20th, 2019 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, that an ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER XXVIII OF THE CODE OF THE BOROUGH OF ELMWOOD PARK ENTITLED FLOOD DAMAGE PREVENTION

pass on final reading.

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 19-13**

**AN ORDINANCE TO AMEND CHAPTER XXVIII OF THE CODE OF THE BOROUGH
OF ELMWOOD PARK ENTITLED FLOOD DAMAGE PREVENTION**

WHEREAS, the Mayor and Council have become aware as to the need to revise and amend the existing stormwater control ordinance so as to enable the Municipality to continue to participate in the National Flood Insurance Program, in order to protect the health and safety of the residents of the Borough of Elmwood Park.

BE IT ORDAINED by the Mayor and Council of the Borough of Elmwood Park,

County of Bergen, and State of New Jersey that the following shall be adopted and shall amend and replace the existing ordinance where its applicable and be replaced with the following and that same shall supersede any and all inconsistent language and any and all inconsistencies between this ordinance as to the existing ordinance the present adopted ordinance shall govern.

SECTION 28-1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

28-1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the governing body of the Borough of Elmwood Park of Bergen County, New Jersey does ordain as follows:

28-2 FINDINGS OF FACT

- a) The flood hazard areas of the Borough of Elmwood Park are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

28-3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

28-4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards in other areas.

SECTION 28-5

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

Appeal — A request for a review of the Zoning Official's interpretation of any provision of this ordinance or a request for a variance shall be to the planning board of the municipality.

Area of Shallow Flooding — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one (1%) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) — The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Cumulative Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent [lower threshold – e.g.: replace 50 percent with 40 percent] of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

Development — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or

drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Erosion — The process of gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss". The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 28-6 GENERAL PROVISIONS

28-6.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Elmwood Park, Bergen County, New Jersey.

28-6.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Elmwood Park, Community No. _____ are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Bergen County, New Jersey (All Jurisdictions)" dated February 28, 2019.
- b) "Flood Insurance Rate Map for Bergen County, New Jersey (All Jurisdictions)" as shown on Index and panels are #34003C0167H, 34003C0169H, 34003C0186H, 34003C0188H whose effective date is August 28, 2019.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at the Borough Clerk, Municipal Building of Elmwood Park, 182 Market Street, Elmwood Park, New Jersey.

28-6.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 500.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Elmwood Park, from taking such other lawful action as is necessary to prevent or remedy any violation.

28-6.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

28-6.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

28-6.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Elmwood Park, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 28-7

ADMINISTRATION

28-7.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Zoning Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

28-7.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

28-7.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Zoning Official shall include, but not be limited to:

a) PERMIT REVIEW

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.

28-7.4 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

28-7.5 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

28-7.6 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

28-7.7 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

28-7.8 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 28-8.

28-8 VARIANCE PROCEDURE

28-8.1 APPEAL BOARD

- a) The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Official in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the Superior Court, as provided in ordinance and state statute.
- d) In passing upon such applications, the Board of Adjustment, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 28-8 1d) and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Zoning Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

28-8.2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 28-8 1d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 28-8 1d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 28-9

PROVISIONS FOR FLOOD HAZARD REDUCTION

28-9.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

28-9.2 ANCHORING

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

28-9.3 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

28-9.4 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

28-9.5 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

28-9.6 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

28-9.7 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 28-6.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 28-7.4, USE OF OTHER BASE FLOOD DATA, the following standards are required:

28-9.8 RESIDENTIAL CONSTRUCTION

- a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive, base flood elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1.
- b) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade at least three (3) feet if no depth number is specified and, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

28-9.9 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

either

- a) Elevated at or above the more restrictive, base flood elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1.; and
- b) Require within any AO or AH zone on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade at least three (3) feet if no depth number is specified and, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or
- c) Be floodproofed so that below the more restrictive, base flood elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 6-1, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

28-9.10 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive, base flood elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1,
 - v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

28-9.11 FLOODWAYS

Located within areas of special flood hazard established in section 28-6.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood

waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If the section above is satisfied, all new construction and substantial improvements must comply with section 28-9 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 28-10

SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 26-11

ENACTMENT

26-11.1 ADOPTION

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

Introduced: June 20, 2019

Adopted

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-259-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVAL OF PAYROLL

BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the following payrolls be approved for payment:

	PAYROLL		GROSS PAYROLL	SOCIAL SECURITY
CURRENT	6/18/2019	70909	\$411,776.48	\$15,407.39
WATER		1055	\$11,824.69	\$532.00
COMPENSATED ABSENCE				
	\$439,540.56			
	PAYROLL		GROSS PAYROLL	SOCIAL SECURITY
CURRENT	7/3/2019	70927	\$406,662.14	\$18,309.98
WATER		1055	\$12,131.34	\$546.00
RECREATION/MUN CT ALCOHOL		20105	13308.63	
COMPENSATED ABSENCE		6103	18123.35	
TOTAL PAYROLL	\$469,081.44			
	PAYROLL		GROSS PAYROLL	SOCIAL SECURITY
CURRENT	7/19/2019	70938	\$364,074.47	\$14,007.47
WATER		1058	\$11,533.70	\$519.00
RECREATION/MUN CT ALCOHOL		20116	16908.25	
COMPENSATED ABSENCE				
TOTAL PAYROLL	\$407,042.89			

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____

Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-260-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVAL OF BILLS LIST

BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the following Bills List be approved for payment:

AS PER ATTACHED COMPUTER LIST 6/18/2019	
CURRENT -	\$427,183.87
WATER -	\$12,356.69
SUBTOTAL WITH PAYROLL -	\$439,540.56
PAYROLL TOTAL -	\$439,540.56
TOTAL WITHOUT PAYROLL -	\$0.00
AS PER ATTACHED COMPUTER LIST 6/21- 7/17/2019	
CURRENT -	\$3,168,490.37
RECREATION -	\$56,458.55
CAPITAL BUDGET -	
WATER BUDGET -	\$26,285.14
WATER CAPITAL -	
MUN CT ALCOHOL ED FUND-	\$1,150.00
LIEN REDEMPTION -	\$18,201.81
COMPENSATED ABSENCE	\$18,123.35
ESCROW	\$7,650.00
SUBTOTAL	\$3,296,359.22
PAYROLL TOTAL	\$876,124.33
TOTAL WITHOUT PAYROLL	\$2,420,234.89
AS PER ATTACHED COMPUTER LIST 7/18/2019	
CURRENT -	\$1,038,263.03
RECREATION -	\$43,850.79
CAPITAL BUDGET -	
WATER BUDGET -	\$562,020.14
POAA	\$5,860.60
MUN CT ALCOHOL ED FUND-	\$4,490.50
RAP	\$70.00

FEDERAL EQUITABLE	\$2,260.00
UNEMPLOYMENT FUND	\$498.00
SUBTOTAL	\$1,657,313.06
PAYROLL TOTAL	\$0.00
TOTAL WITHOUT PAYROLL	\$1,657,313.06

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-261-19**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**RESOLUTION COMBINING SEVERAL AUTHORIZATIONS OF BONDS INTO A
SINGLE ISSUE AND PRESCRIBING THE DETAILS AND BOND FORM THEREOF
FOR \$6,950,000 GENERAL IMPROVEMENT BONDS DATED AUGUST 15, 2019**

WHEREAS, the bond ordinances hereinafter described have been duly adopted and it is necessary to provide for the issuance of the bonds authorized by such bond ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmwood Park, in the County of Bergen, New Jersey (the "Borough"), as follows:

Section 1. There shall be issued at this time \$2,100,000 of the bonds authorized pursuant to Bond Ordinance No. 14-12 adopted by the Borough Council of said Borough on June 5, 2014. The bonds are issued to finance the rehabilitation of Sanitary Sewer Pump Station No. 6 and replacement and extension of sanitary sewer force mains in conjunction therewith in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 2. There shall be issued at this time \$250,000 of the bonds authorized pursuant to Bond Ordinance No. 15-14 adopted by the Borough Council of said Borough on May 21, 2015. The bonds are issued to finance the undertaking of the 2015 Road Resurfacing Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$121,900 of the bonds authorized pursuant to Bond Ordinance No. 15-20 adopted by the Borough Council of said Borough on September 17, 2015. The bonds are issued to provide additional funding for the improvement of Boulevard (Sections 8, 9 and 10) in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 4. There shall be issued at this time \$30,000 of the bonds authorized pursuant to Bond Ordinance No. 15-22 adopted by the Borough Council of said Borough on December 3, 2015. The bonds are issued to finance the restoration of Fleischers Brook, including desnagging and shoal dredging, in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 5. There shall be issued at this time \$97,250 of the bonds authorized pursuant to Bond Ordinance No. 16-11 adopted by the Borough Council of said Borough on May 19, 2016. The bonds are issued to finance the resurfacing of Franklin Street, Gall Avenue, North Street and Summit Avenue in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 6. There shall be issued at this time \$400,000 of the bonds authorized pursuant to Bond Ordinance No. 16-12 adopted by the Borough Council of said Borough on June 16, 2016. The bonds are issued to finance the undertaking of the 2016 Road Resurfacing Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 7. There shall be issued at this time \$300,000 of the bonds authorized pursuant to Bond Ordinance No. 16-14 adopted by the Borough Council of said Borough on August 18, 2016. The bonds are issued to finance the acquisition of Department of Public Works ("DPW")

vehicles and the undertaking of HVAC improvements at the DPW Building, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 6.61 years computed from the date of such bonds.

Section 8. There shall be issued at this time \$19,000 of the bonds authorized pursuant to Bond Ordinance No. 16-19 adopted by the Borough Council of said Borough on October 6, 2016. The bonds are issued to finance the acquisition of self-contained breathing apparatus equipment for the use of the Fire Department in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 9. There shall be issued at this time \$455,200 of the bonds authorized pursuant to Bond Ordinance No. 17-14 adopted by the Borough Council of said Borough on April 20, 2017. The bonds are issued to finance the undertaking of the 2017 Road Resurfacing Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 10. There shall be issued at this time \$320,000 of the bonds authorized pursuant to Bond Ordinance No. 17-17 adopted by the Borough Council of said Borough on May 18, 2017. The bonds are issued to finance the acquisition of a fire rescue vehicle; the acquisition of a pickup truck for the use of the Police Department; and the acquisition of chest compression systems for the use of the Ambulance Corps, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 9.36 years computed from the date of such bonds.

Section 11. There shall be issued at this time \$25,000 of the bonds authorized pursuant to Bond Ordinance No. 17-20 adopted by the Borough Council of said Borough on May 18, 2017. The bonds are issued to finance the undertaking of underground storage tank removal and environmental remediation at the DPW Yard in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 12. There shall be issued at this time \$229,500 of the bonds authorized pursuant to Bond Ordinance No. 17-28 adopted by the Borough Council of said Borough on August 17, 2017. The bonds are issued to finance the acquisition of a sewer jet vacuum machine for the use of the DPW in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 13. There shall be issued at this time \$516,000 of the bonds authorized pursuant to Bond Ordinance No. 17-33 adopted by the Borough Council of said Borough on October 19, 2017. The bonds are issued to finance the acquisition of a new pumper fire engine in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 14. There shall be issued at this time \$165,000 of the bonds authorized pursuant to Bond Ordinance No. 18-09 adopted by the Borough Council of said Borough on May 17, 2018. The bonds are issued to finance the undertaking of various improvements to the intersection of Market Street and Mola Boulevard in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 15. There shall be issued at this time \$276,000 of the bonds authorized pursuant to Bond Ordinance No. 18-16 adopted by the Borough Council of said Borough on July 19, 2018. The bonds are issued to finance the replacement of sewer lines and ejector pumps at various locations in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 16. There shall be issued at this time \$392,300 of the bonds authorized pursuant to Bond Ordinance No. 18-17 adopted by the Borough Council of said Borough on July 19, 2018. The bonds are issued to finance the installation of playground safety surfacing at the following parks: English Avenue, Elmwood Drive and Garden Drive; the acquisition of SUVs and a live scan fingerprint reader for the use of the Police Department; and the acquisition of a garbage truck body, a pickup truck and an air compressor for the use of the DPW, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 9.63 years computed from the date of such bonds.

Section 17. There shall be issued at this time \$1,076,000 of the bonds authorized pursuant to Bond Ordinance No. 18-20 adopted by the Borough Council of said Borough on August 2, 2018. The bonds are issued to finance the undertaking of the 2018 Road Resurfacing Program in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 18. There shall be issued at this time \$68,500 of the bonds authorized pursuant to Bond Ordinance No. 18-21 adopted by the Borough Council of said Borough on August 2, 2018. The bonds are issued to finance the acquisition of various equipment and machinery for the use of the Fire Department in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 19. There shall be issued at this time \$108,350 of the bonds authorized pursuant to Bond Ordinance No. 18-23 adopted by the Borough Council of said Borough on October 4, 2018. The bonds are issued to provide additional funding for the resurfacing of portions of Franklin Street, Orchard Street and Lee Street in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 20. The bonds authorized by said nineteen bond ordinances described in Sections 1 to 19, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$6,950,000 consisting of an issue of bonds of the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. In the event that the purchaser of the bonds elects to take bonds in the last maturity which are not in multiples of \$5,000, or, if there are any such bonds herein, such bonds shall be in the denomination of \$1,000 or any integral multiple thereof, numbered upwards from the last numbered \$5,000 bond. The average period of usefulness within which the bonds authorized by said nineteen bond ordinances mature, according to the respective reasonable lives of the purposes to be financed, as determined in said ordinances taking into consideration the respective amounts of bonds authorized for the purposes to be financed as set forth in each of the bond ordinances hereinbefore set forth, is a period of 20.27 years computed from the date of such bonds. Said issue shall be payable in annual installments on August 15 in each year as follows:

\$375,000 in the year 2020,

\$390,000 in the year 2021,

\$415,000 in the year 2022,

\$435,000 in the year 2023,

\$440,000 in the year 2024,

\$455,000 in the year 2025,

\$700,000 in the year 2026,

\$740,000 in the year 2027, and

\$750,000 in each of the years 2028 to 2031, inclusive.

Said bonds shall be designated "General Improvement Bonds". A portion of the indebtedness evidenced by each such bond shall be deemed to have been incurred for the purpose described in each bond ordinance authorizing bonds of the same maturity, and such portion of such indebtedness shall be in the same proportion to the principal amount of such bonds as the total amount of bonds of like maturity to be issued pursuant to such bond ordinance bears to the aggregate amount of bonds of like maturity to be issued pursuant to such nineteen bond ordinances.

Section 21. All of said bonds shall be dated August 15, 2019, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each February 15 and August 15, commencing February 15, 2020 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Section 22. The bonds maturing on or before August 15, 2028 are not subject to redemption prior to their stated maturities. The bonds maturing on or after August 15, 2029 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after August 15, 2028, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Borough determines to optionally redeem a portion of the bonds prior to maturity, such bonds so redeemed shall be in such maturities as determined by the Borough, and within any maturity, by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the Bond Registrar/Paying Agent (as hereinafter defined) shall treat each bond as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000.

Section 23. Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any bond subject to redemption is a part of a greater principal amount of the bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the bond not to be redeemed, a new bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the bond surrendered less the amount to be redeemed.

Section 24. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 21 of this resolution, and principal of the bonds will be paid annually on August 15, as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the last business day of the month preceding the month in which such Interest Payment Date occurs. The Borough will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the bonds, or (b) the Borough determines that continuation of the book-entry system of evidence and transfer of ownership of the bonds would adversely affect the interests of the beneficial owners of the bonds, the Borough will discontinue the book-entry system with DTC. If the Borough fails to identify another qualified securities depository to replace DTC, the Borough will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and the interest on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 25. The Chief Financial Officer, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale, such terms to be determined by a resolution of the Borough Council to be hereafter adopted. The Chief Financial Officer shall report in writing to the Borough Council at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser.

Section 26. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Chief Financial Officer by manual or facsimile signature and the corporate seal of said Borough shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Acting Borough Clerk or Deputy Borough Clerk by manual or facsimile signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 27. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-__

\$_____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF BERGEN
BOROUGH OF ELMWOOD PARK
GENERAL IMPROVEMENT BOND

INTEREST

RATE PER

<u>ANNUM</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
%	AUGUST 15, 20__	AUGUST 15, 2019	290090

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----DOLLARS

The Borough of Elmwood Park, a municipal corporation of the State of New Jersey, located in the County of Bergen (hereinafter referred to as the "Borough"), for value received hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of this Bond until it shall mature at the INTEREST RATE PER ANNUM specified above, payable on each February 15 and August 15, commencing February 15, 2020 (each, an "Interest Payment Date"), of each year until maturity or prior redemption. The principal hereof is payable at the office of the Chief Financial Officer, Municipal Building, 182 Market Street, Elmwood Park, New Jersey 07407 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid to the person in whose name this Bond is registered on the record date for such interest, which shall be the last business day of the month preceding the month in which such Interest Payment Date occurs. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to nineteen bond ordinances adopted by the Borough Council of the Borough on June 5, 2014 (Ord. No. 14-12), May 21, 2015 (Ord. No. 15-14), September 17, 2015 (Ord. No. 15-20), December 3, 2015 (Ord. No. 15-22), May 19, 2016 (Ord. No. 16-11), June 16, 2016 (Ord. No. 16-12), August 18, 2016 (Ord. No. 16-14), October 6, 2016 (Ord. No. 16-19), April 20, 2017 (Ord. No. 17-14), May 18, 2017 (two ordinances: Ord. Nos. 17-17 and 17-20), August 17, 2017 (Ord. No. 17-28), October 19, 2017 (Ord. No. 17-33), May 17, 2018 (Ord. No. 18-09), July 19, 2018 (two ordinances: Ord. Nos. 18-16 and 18-17), August 2, 2018 (two ordinances: Ord. Nos. 18-20 and 18-21) and October 4, 2018 (Ord. No. 18-23) and resolutions adopted by the Borough Council of the Borough on July 18, 2019.

The Bonds maturing on or before August 15, 2028 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after August 15, 2029 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after August 15, 2028, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Borough determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Borough, and within any maturity, by lot; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption,

the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bond Registrar/Paying Agent shall keep at its office the books of the Borough for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the resolution upon the surrender hereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall deliver in exchange for this Bond a new bond or bonds, registered in the name of the transferee, of authorized denomination, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey, to exist, be performed or happen precedent to or in the issuance of this Bond exist, have been performed and have happened, and that this Bond together with all other indebtedness of the Borough, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the Borough are hereby pledged irrevocably to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the Certification of Authentication hereon shall have been signed by the Bond Registrar/Paying Agent.

IN WITNESS WHEREOF, the Borough has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Chief Financial Officer by manual or facsimile signature, and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its Acting Borough Clerk by manual or facsimile signature and this Bond to be dated August 15, 2019.

[SEAL]

(manual or facsimile signature)

Mayor

ATTEST:

(manual or facsimile signature)

(manual or facsimile signature)

Acting Borough Clerk

Chief Financial Officer

AUTHENTICATION DATE: AUGUST 15, 2019

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions and is one of the General Improvement Bonds dated August 15, 2019 of the Borough of Elmwood Park, in the County of Bergen, State of New Jersey.

Chief Financial Officer, as Bond Registrar/Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

_____,

the within Bond and irrevocably appoints _____,

attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

[End of Form of Bond]

Section 28. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent and, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the Borough upon the surrender thereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The Borough or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including interest thereon, to the extent of the sum or sums so paid.

The Borough shall appoint such registrars, transfer agents, depositories or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to the then commercial standards and for the timely payment of principal and interest with respect to the bonds. The Chief Financial Officer is hereby appointed registrar and paying agent for the Bonds (the "Bond Registrar/Paying Agent") subject to the right of the Borough Council to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at the Municipal Building, 182 Market Street, Elmwood Park, New Jersey 07407, the books of the Borough for the registration, registration of transfer, exchange and payment of the bonds.

Section 29. The Mayor, the Chief Financial Officer and the Acting Borough Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 30. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the following roll call vote:

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____

Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-262-19**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**RESOLUTION AUTHORIZING THE PUBLICATION,
PRINTING AND DISTRIBUTION OF A NOTICE OF SALE AND
THE PUBLICATION OF A SUMMARY NOTICE OF SALE AND
PRESCRIBING THE FORMS THEREOF FOR \$6,950,000
GENERAL IMPROVEMENT BONDS, DATED AUGUST 15, 2019,
APPROVING THE PREPARATION, DISTRIBUTION AND
EXECUTION OF A PRELIMINARY AND A FINAL OFFICIAL
STATEMENT FOR SUCH BONDS, UNDERTAKING TO
PROVIDE CONTINUING DISCLOSURE OF FINANCIAL
INFORMATION, COVENANTING TO COMPLY WITH THE
INTERNAL REVENUE CODE OF 1986, AS AMENDED,
DESIGNATING SUCH BONDS AS "QUALIFIED TAX-EXEMPT
OBLIGATIONS" FOR PURPOSES OF THE INTERNAL
REVENUE CODE OF 1986, AS AMENDED, AND AUTHORIZING
VARIOUS MATTERS IN CONNECTION WITH ELECTRONIC
BIDDING FOR THE BONDS**

WHEREAS, the Borough Council of the Borough of Elmwood Park, in the County of Bergen, New Jersey (the "Borough"), desires to make further provision for the issuance of \$6,950,000 General Improvement Bonds (the "Bonds"), which are to be issued pursuant to bond ordinances heretofore adopted by the Borough Council; **NOW, THEREFORE**,

BE IT RESOLVED by the Borough Council of the Borough of Elmwood Park, in the County of Bergen, as follows:

Section 1. A Notice of Sale (the "Full Notice of Sale") shall be published and printed and inserted in the Preliminary Official Statement (as hereinafter defined) for distribution in substantially the following form:

NOTICE OF SALE

BOROUGH OF ELMWOOD PARK,
IN THE COUNTY OF BERGEN, NEW JERSEY

\$6,950,000 GENERAL IMPROVEMENT BONDS

(Book-Entry Only) (Bank-Qualified)

(Callable) (Parity Bid)

dated

August 15, 2019

The Borough of Elmwood Park, in the County of Bergen, a municipal corporation of the State of New Jersey (the "Borough"), hereby invites ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS for the purchase of its \$6,950,000 General Improvement Bonds, dated August 15, 2019 (the "Bonds").

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Chief Financial Officer at the Municipal Building, 182 Market Street, Elmwood Park, New Jersey 07407, on August 6, 2019 at 11:00 o'clock A.M. (local time).

The Bonds comprise an issue of bonds payable on August 15 in each year as follows:

\$375,000 in the year 2020,

\$390,000 in the year 2021,

\$415,000 in the year 2022,

\$435,000 in the year 2023,

\$440,000 in the year 2024,

\$455,000 in the year 2025,

\$700,000 in the year 2026,

\$740,000 in the year 2027, and

\$750,000 in each of the years 2028 to 2031, inclusive.

To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY,

potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds shall be issued in registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC") and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any integral multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., its nominee. Interest on the Bonds will be payable on each February 15 and August 15, commencing February 15, 2020 (each, an "Interest Payment Date"), in each year until maturity or prior redemption, and principal of the Bonds will be payable, at maturity, by payment of immediately available funds by the Bond Registrar/Paying Agent to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest to participants of DTC will be the responsibility of DTC. Transfer of principal and interest to beneficial owners will be the responsibility of the DTC participants and other nominees of the beneficial owners. The Borough will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Borough determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Borough will discontinue the book-entry system with DTC. If the Borough fails to identify another qualified securities depository to replace DTC, the Borough will deliver replacement bonds in the form of fully registered certificates.

The Bonds maturing on or before August 15, 2028 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after August 15, 2029 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after August 15, 2028, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Borough determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Borough, and within any maturity, by lot; *provided, however*, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part

of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bonds are general obligations of the Borough and are secured by a pledge of the full faith and credit of the Borough for the payment of the principal thereof and the interest thereon. The Bonds are payable, if not paid from other sources, from ad valorem taxes to be levied upon all the real property taxable within the Borough without limitation as to rate or amount.

Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for, and the rate or rates named must be a multiple of 1/8th or 1/20th of one percentum (1%). The interest payable with respect to each Bond on any one date will be evidenced by a single rate of interest. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. If more than one rate of interest is named, no interest rate named for any maturity may be less than the interest rate named for any prior maturity. Each proposal submitted must be for all of the Bonds offered and the purchase price specified must not be less than \$6,950,000 nor more than \$7,019,500. The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest net interest cost, such net interest cost shall be computed, as to each bid, by adding to the total principal amount of Bonds bid for (which shall be all of the Bonds offered) the total interest cost to maturity in accordance with such bid and by deducting therefrom the amount of premium, if any, bid, which premium shall not exceed \$69,500 (1% of par). No proposal shall be considered which offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the Borough under any legally acceptable proposal. The Borough reserves its right to reject all bids, and any bid not complying with the material terms of this notice will be rejected. The Borough reserves the right to waive defects it deems non-material, in its sole discretion.

The successful bidder must pay accrued interest from the date of the Bonds to the date of delivery. No interest will be paid upon the deposit made by the successful bidder. The Bonds will be authenticated by the Chief Financial Officer, acting as Bond Registrar/Paying Agent for the Bonds.

Sealed proposals should be addressed to the undersigned Chief Financial Officer, and enclosed in a sealed envelope marked on the outside "Proposal for Bonds". A good faith deposit (the "Deposit") in the form of a cash wire or a certified, treasurer's or cashier's check drawn upon a bank or trust company in the amount of \$139,000, payable to the order of the BOROUGH OF ELMWOOD PARK, is required for each bid to be considered. If a cash wire is used, the wire must be received by the Borough no later than 11:00 A.M. on August 6, 2019. If a cash wire is utilized, each bidder must notify the Borough of its intent to use such cash wire prior to 11:00 A.M. on August 6, 2019, and must provide proof of electronic transfer of such cash wire prior to 11:00 A.M. on August 6, 2019 (with return wiring instructions). Wire instructions for the Borough can be obtained by contacting the Borough's Bond Counsel (Steven Rogut or Peter Calhoun (908) 931-1150) or its municipal advisor (Dara I. Melchionni (856) 234-2266 at Acacia Financial Group, Inc., Mount Laurel, New Jersey (the "Municipal Advisor")). If a check is used, it must accompany the bid or be received by the undersigned Chief Financial Officer prior to the opening of bids. Each bidder accepts responsibility for delivering such cash wire or check on time and the Borough is not responsible for any cash wire or check that is not received on time. Checks or wires of

unsuccessful bidders will be returned upon the award of the Bonds. No interest on the Deposit will accrue to the successful bidder. The Deposit will be applied in part payment for the Bonds or to partially secure the Borough from any loss resulting from the failure of the successful bidder to comply with the terms of its bid.

Award of the Bonds to the successful bidder or rejection of all bids is expected to be made within two hours after opening of the bids, but such successful bidder may not withdraw its proposal until after 3:00 p.m. (local time) of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the Borough; provided, however, that the request for the assignment of CUSIP identification numbers shall be the responsibility of the Municipal Advisor and the CUSIP Service Bureau charge therefor shall be the responsibility of and shall be paid for by the successful bidder. CUSIP numbers must be communicated to Bond Counsel within 24 hours of the award of the Bonds in order to have the CUSIP numbers printed on the Bonds.

The Bonds shall be delivered on or about August 15, 2019 at the office of Rogut McCarthy LLC, Cranford, New Jersey ("Bond Counsel"), or at such other place as may be determined by the successful bidder and the Borough. **PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.**

A preliminary Official Statement has been prepared and is available at www.i-DealProspectus.com or may be obtained from the undersigned, Chief Financial Officer, Municipal Building, 182 Market Street, Elmwood Park, New Jersey 07407, Telephone No. (201) 796-1457, ext. 216. The preliminary Official Statement is deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12"), but is subject to (a) completion with certain pricing and other information to be made available by the successful bidder for the Bonds and (b) amendment. The preliminary Official Statement, as so revised, will constitute the "final official statement". By the submission of a bid for the Bonds, the successful bidder contracts for the receipt of a reasonable number of copies of the final Official Statement within seven business days of the award of the Bonds. In order to complete the final Official Statement, the successful bidder must furnish on behalf of the underwriters of the Bonds the following information to Bond Counsel and the Borough by facsimile transmission or overnight delivery received by Bond Counsel and the Borough within 24 hours after the award of the Bonds: (a) initial offering prices or yields (expressed as percentages), (b) selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars), (c) the identity of the underwriters if the successful bidder is part of a group or syndicate and (d) any other material information necessary for the final Official Statement, but not known to the Borough (such as the bidder's purchase of credit enhancement). It shall also be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

Concurrently with the delivery of the Bonds, the officials of the Borough who will have executed the final Official Statement will deliver to the purchaser of the Bonds a certificate stating that, to the best of their knowledge, the preliminary Official Statement did not as of its date and as of the sale date, and the final Official Statement did not as of its date and does not as of the date of delivery of the Bonds, contain an untrue statement of a material fact or omit to state a material fact required to be included therein for the purpose for which the preliminary Official Statement or the final Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, provided such certificate shall not include consideration of information supplied by, or which should have been supplied by, the successful bidder for the Bonds.

The Borough has agreed in its bond resolution adopted on July 18, 2019 to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12, (i) not later than seven months after the end of the Borough's fiscal year (presently December 31) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year (commencing with the fiscal year ending December 31, 2019), (ii) timely notice of the occurrence of certain material events with respect to the Bonds and financial obligations of the Borough and (iii) timely notice of a failure by the Borough to provide the required annual financial information on or before the date specified in (i) above.

The successful bidder's obligation to purchase the Bonds shall be conditioned upon its receiving, at or prior to the delivery of the Bonds, in form and substance reasonably satisfactory to the successful bidder, evidence that the Borough has made the continuing disclosure undertaking set forth above in a written agreement or contract for the benefit of the Bondholders and the beneficial owners of the Bonds.

The approving legal opinion of Bond Counsel will be furnished without cost to the purchaser. The preliminary Official Statement contains a discussion of the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to the exclusion from gross income for Federal income tax purposes of the interest on the Bonds and a description of the opinion of Bond Counsel with respect thereto. The Borough has covenanted, to the extent permitted by the Constitution and laws of the State of New Jersey, to comply with the provisions of the Code required to preserve the exclusion from gross income of interest on the Bonds for Federal income tax purposes. There will also be furnished the usual closing papers.

The Borough has designated the Bonds "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code and will represent that it reasonably expects that neither it nor its subordinate entities will issue more than \$10,000,000 of new money tax-exempt obligations in the current calendar year.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall also be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

ISSUE PRICE DETERMINATION UNDER INTERNAL REVENUE CODE

If the "competitive sale requirements" are not satisfied, the winning bidder shall have the option to designate whether the "10% test" or the "hold-the-offering-price rule" shall apply to all the Bonds.

The following paragraphs contain the terms for the determination of issue price.

(a) The winning bidder shall assist the Borough in establishing the issue price of the Bonds and shall execute and deliver to the Borough at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications. A form of issue price certificate is available upon request to Steven L. Rogut, Bond Counsel, (908) 931-1150 or slr@rogutmccarthy.com.

(b) The Borough intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because:

- (1) the Borough shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Borough may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the Borough anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid. Bids will not be subject to cancellation in the event that the competitive sale requirements are not satisfied. Unless the bidder intends to hold the Bonds for its own account with no intention to offer the Bonds to the public, the bidder, by submitting a bid, represents to the Borough that the bidder has an established industry reputation for underwriting new issuances of municipal bonds.

(c) In the event that the competitive sale requirements are not satisfied, the Borough shall so advise the winning bidder. In that case, the winning bidder shall have the option to designate (by 5:00 P.M. Prevailing Time on the sale date) whether the issue price will be calculated upon either (a) the first price at which 10% of each maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis, or (b) a commitment to neither offer nor sell any of the Bonds of any maturity to any person at a price that is higher than the initial offering price to the public as of the sale date (the "initial offering price") during the holding period (as defined herein).

(d) If the 10% test is selected, the winning bidder shall advise the Borough if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds, and bidders should prepare their bids on the assumption that all of the maturities of the Bonds will be subject to the 10% test in order to establish the issue price of the Bonds. If the competitive sale requirements are not satisfied and the 10% test is selected, then until the 10% test has been satisfied

as to each maturity of the Bonds, the winning bidder agrees to promptly report to the Borough the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the Closing Date has occurred, until either (i) all Bonds of that maturity have been sold or (ii) the 10% test has been satisfied as to the Bonds of that maturity, provided that, the winning bidder's reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the Borough or Bond Counsel.

(e) In the event the "hold-the-offering-price" method is selected, for each maturity of the Bonds the winning bidder shall (a) neither offer nor sell any of the Bonds of such maturity to any person at a price that is higher than the initial offering price for such maturity during the holding period for such maturity (the "hold-the-offering-price rule"), and (b) verify that any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any third-party distribution agreement shall contain the agreement of each broker-dealer who is a party to the third-party distribution agreement, to comply with the hold-the-offering-price rule. Pursuant to such agreement, no underwriter (as defined below) shall offer or sell any maturity of the Bonds at a price that is higher than the respective initial offering price for that maturity of the Bonds during the holding period.

(f) By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, to (A) either comply with the hold-the-offering-price limitations stated herein or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder, (B) to promptly notify the winning bidder of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public, and (ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to either comply with the hold-the-offering-price limitations stated herein or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder or such underwriter that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder or such underwriter, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder.

(g) Sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

(i) "public" means any person other than an underwriter or a related party,

- (ii) "underwriter" means (A) any person that agrees pursuant to a written contract or otherwise with the Borough (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public),
- (iii) a purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other),
- (iv) "sale date" means the date that the Bonds are awarded by the Borough to the winning bidder,
- (v) "holding period" means, for each maturity of the Bonds, the period starting on the sale date and ending on the earlier of (i) the close of the fifth business day after the sale date, or (ii) the date on which the Underwriter has sold at least 10% of each maturity to the Public at prices that are no higher than the Initial Offering Price for such maturity, and
- (vi) "maturity" means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

By order of the Borough Council of the Borough of Elmwood Park, in the County of Bergen, New Jersey.

Dated: July 24, 2019

/s/ Roy Riggitano

Chief Financial Officer

Borough of Elmwood Park

County of Bergen, New Jersey

Section 2. A Summary Notice of Sale ("Summary Notice of Sale") shall be published in substantially the following form:

SUMMARY NOTICE OF SALE

BOROUGH OF ELMWOOD PARK,
IN THE COUNTY OF BERGEN, NEW JERSEY

\$6,950,000 General Improvement Bonds
(Book-Entry Only) (Bank-Qualified)
(Callable) (Parity Bid)

dated

August 15, 2019

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received by the Chief Financial Officer of the Borough of Elmwood Park, in the County of Bergen, New Jersey (the "Borough"), at the Municipal Building, 182 Market Street, Elmwood Park, New Jersey 07407, on

August 6, 2019

at 11:00 o'clock A.M. (local time) at which time they will be publicly opened and announced, for the purchase of the Borough's \$6,950,000 General Improvement Bonds dated August 15, 2019 and payable on August 15 in each year as follows:

\$375,000 in the year 2020,
\$390,000 in the year 2021,
\$415,000 in the year 2022,
\$435,000 in the year 2023,
\$440,000 in the year 2024,
\$455,000 in the year 2025,
\$700,000 in the year 2026,
\$740,000 in the year 2027, and
\$750,000 in each of the years 2028 to 2031, inclusive.

The Bonds shall be issued in book-entry only form through the book-entry system operated by The Depository Trust Company, New York, New York. The Bonds are subject to redemption prior to maturity at the option of the Borough in accordance with the terms set forth in the Notice of Sale to be made available to interested persons (the "Notice of Sale"). The Notice of Sale and

Proposal for Bonds should be reviewed by potential bidders for additional terms and conditions of the sale of the Bonds prior to bidding on the Bonds. To the extent any instructions or directions set forth in PARITY conflict with the Notice of Sale, the terms of the Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds will bear interest from their date at a rate or rates of interest in multiples of 1/8th or 1/20th of 1% per annum (same or ascending rates and only one rate per maturity) specified by the successful bidder payable on each February 15 and August 15, commencing February 15, 2020, in each year until maturity or prior redemption. The purchase price specified must not be less than \$6,950,000 nor more than \$7,019,500 (par plus a maximum 1% premium). Each proposal must be for all the Bonds offered. As further described in the Notice of Sale, bidders must, at the time of making their bids, make a wire transfer or deposit a certified, cashier's or treasurer's check drawn upon a bank or trust company in the amount of \$139,000 to the order of the Borough. The Bonds will be sold to the bidder specifying the lowest net interest cost in accordance with the terms set forth in the Notice of Sale. The Borough will furnish the Bonds and the approving legal opinion of Rogut McCarthy LLC, Cranford, New Jersey, Bond Counsel.

The Bonds will be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Copies of the Preliminary Official Statement, the Notice of Sale and the Proposal for Bonds are available at www.i-DealProspectus.com or by contacting the undersigned Chief Financial Officer at the Municipal Building, 182 Market Street, Elmwood Park, New Jersey 07407, Telephone No. (201) 796-1457, ext. 216.

By order of the Borough Council of the Borough of Elmwood Park, in the County of Bergen, New Jersey.

Dated: July 24, 2019

/s/ Roy Riggitano

Chief Financial Officer

Borough of Elmwood Park

County of Bergen, New Jersey

Section 3. The Acting Borough Clerk is hereby authorized and directed to publish (A) the Summary Notice of Sale in THE BOND BUYER, which is a publication carrying municipal bond notices and devoted primarily to the subject of State and municipal bonds, and is published in New York City, and (B) the Full Notice of Sale in The Record, a newspaper of general circulation published in Bergen County and circulating in the Borough. Said Summary Notice of Sale and Full Notice of Sale shall be published in each publication not later than one week before the date of the sale of said Bonds.

Section 4. The preparation of and distribution to potential bidders for the Bonds of a Preliminary Official Statement to be dated on or about July 30, 2019 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12").

Section 5. The preparation of an Official Statement in connection with the sale of the Bonds to be dated on or about August 6, 2019 is hereby approved. Such Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12.

Section 6. The execution of the Official Statement by the Chief Financial Officer on behalf of the Borough, the distribution of same to the successful bidder and the successful bidder's subsequent distribution of the Official Statement to purchasers or prospective purchasers of the Bonds are hereby authorized.

Section 7. The Borough hereby agrees to undertake for the benefit of the Bondholders and the beneficial owners of the Bonds to provide certain secondary market disclosure information pursuant to Rule 15c2-12 to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format, as prescribed by the MSRB. Specifically, the Borough will do the following for the benefit of the holders of the Bonds and the beneficial owners thereof:

(A) Not later than seven months after the end of the Borough's fiscal year (presently December 31), commencing with the report for the fiscal year ending December 31, 2019, provide or cause to be provided annual financial information with respect to the Borough consisting of (i) audited financial statements (or unaudited financial statements if audited financial statements are

not then available by the date of filing, which audited financial statements will be delivered when and if available) of the Borough and (ii) certain financial information and operating data consisting of information concerning the Borough's debt, overlapping indebtedness, tax rate, levy and collection data, property valuation, budget and fund balance of the type contained in Appendix A of the Official Statement. The audited financial statements will be prepared in accordance with mandated State statutory accounting principles, as in effect from time to time. Audited financial statements if not available by the filing date will be submitted separately when available.

(B) Provide or cause to be provided in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds or financial obligations of the Borough:

- (1) Principal or interest payment delinquencies;
- (2) Non-payment related default, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to the rights of Bondholders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;

- (10) Release, substitution or sale of property which secures the repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Borough (the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Borough in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Borough, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Borough);
- (13) The consummation of a merger, consolidation, or acquisition involving the Borough or the sale of all or substantially all of the assets of the Borough, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a financial obligation of the Borough, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Borough, any of which affect Bondholders, if material; and
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Borough, any of which reflect financial difficulties. The Borough intends the words used in paragraphs (15) and (16) and the definition of "financial obligation" to have the meanings ascribed to them in SEC Release No. 34-83885 (August 20, 2018).

(C) Provide or cause to be provided, in a timely manner, notice of a failure of the Borough to provide required annual financial information on or before the date specified above.

Section 8. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

Section 9. If the Borough fails to comply with the undertaking described above, any Bondholder or beneficial owner of the Bonds may pursue an action for specific performance to enforce the rights of all Bondholders and beneficial owners with respect to such undertaking; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds or any liability by the Borough for monetary damages. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all Bondholders and beneficial owners of the Bonds.

Section 10. The Borough reserves the right to terminate its obligation to provide annual financial information and notice of material events, as set forth above, if and when the Borough no longer remains an "obligated person" with respect to the Bonds within the meaning of Rule 15c2-12.

Section 11. The undertaking may be amended by the Borough from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, or change in the identity, nature, type of operation, or status of the Borough, which in the opinion of nationally recognized bond counsel complies with Rule 15c2-12 and does not, in such bond counsel's opinion, materially impair the interest of the Bondholders and the beneficial owners of the Bonds.

Section 12. The Borough hereby covenants, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Bonds be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

Section 13. The Borough hereby designates the Bonds as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. It is hereby determined and stated that (1) the Bonds are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new

money tax-exempt obligations (other than private activity bonds) during the calendar year 2019. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and expressly states that a covenant is not made hereby.

Section 14. The Mayor, the Chief Financial Officer and the Acting Borough Clerk are hereby authorized and directed to execute and deliver such other documents and to take such other action as they determine to be necessary or appropriate in order to effectuate the issuance and sale of the Bonds including, without limitation, the execution and delivery of all closing documents and certificates.

Section 15. The Chief Financial Officer, the Acting Borough Clerk, the Bond Counsel, the Auditor, the Municipal Advisor and other Borough officials and representatives are hereby authorized to take all necessary actions to allow for (A) the submission of electronic bids for the bonds, (B) the electronic posting of the Preliminary Official Statement, the full Notice of Sale and the bid form and (C) the submission by bidders of a wire transfer in lieu of a good faith check.

Section 16. This resolution shall take effect immediately upon its adoption. The foregoing resolution was adopted by the following roll call vote:

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-263-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

**AUTHORIZE CURRENT ESTIMATE #4 – 2018 ROAD PROGRAM
4 CLEAN UP, INC.**

WHEREAS, Alaimo Engineering has requested that Current Estimate #1 be approved by the Governing Body as stated below:

Contractor: 4 Clean Up, Inc.

Contract #: 2017-1

PROJECT: 2018 Road Program

Amount of Original Contract:	\$971, 677.20
Total Amount of Work Completed to Date:	\$814,525.32
Less Zero Percent (2%) Retainage:	<u>\$(16,290.51)</u>
Subtotal:	\$798,234.81
Less Previous Payments	<u>\$689,036.37</u>
Total Amount Due Estimate #2	\$109,198.44

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that Current Estimate #4 be approved and payment of \$109,198.44 to 4 Clean Up, Inc. for their services is hereby authorized.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-264-19**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

**AWARD PROPOSAL FOR DESIGN SERVICES – ALAIMO GROUP
IMPROVEMENTS TO MILLER & SUMMIT AVENUE AND 1ST, 2ND, & 3RD STREET**

WHEREAS, the Borough is in receipt of a proposal for Design and Construction service from Alaimo Engineering in connection with the Improvements to Miller Avenue, Summit Avenue, 1st Street, 2nd Street & 3rd Street; and

WHEREAS, the proposal states the cost of the design phase at \$21,300 and the construction phase at \$15,350;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby awards the Design and Construction services in connection with the Improvements to Miller & Summit Avenue and 1st, 2nd, & 3rd Street to Alaimo Engineering in an amount not to exceed \$36,650.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-265-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

AWARD PROPOSAL FOR DESIGN SERVICES – ALAIMO GROUP
2019 ROADWAY IMPROVEMENT PROGRAM

WHEREAS, the Borough is in receipt of a proposal for Design and Construction service from Alaimo Engineering in connection with the 2019 Roadway Improvement Program; and

WHEREAS, the proposal states the cost of the design phase at \$96,000 and the construction phase at \$91,200;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby awards the Design and Construction services in connection with the 2019 Roadway Improvement Program to Alaimo Engineering in an amount not to exceed \$187,200.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-266-19**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**AUTHORIZE CURRENT ESTIMATE #11 & FINAL – WATER TANK REPLACEMENT
FISHER TANK COMPANY**

WHEREAS, Alaimo Engineering has requested that Current Estimate #11 be approved by the Governing Body as stated below:

Contractor: Fisher Tank Company

Contract #: 2016-4

PROJECT: Water Tank Replacement

Amount of Original Contract:	\$2,247,700.00
Adjusted Contract Amount per Previous Change Orders No.1-3	\$85,688.38
Adjusted Contract Amount	\$2,333,388.38
Total Amount of Work Completed to Date:	\$2,333,388.38
Less Zero Percent (0%) Retainage:	<u>\$(0.00)</u>
Subtotal:	\$2,333,388.38
Less Previous Payments	<u>\$2,285,740.61</u>
Total Amount Due Estimate #11 & Final	\$47,647.77

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that Current Estimate #11 & Final be approved and payment of \$47,647.77 to Fisher Tank Company for their services is hereby authorized.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____

Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-267-19**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

**AUTHORIZE ADDITIONAL FUNDING – RECREATION HUT
TOP NOTCH CONSTRUCTION**

WHEREAS, the Mayor and Council of the Borough of Elmwood Park, County of Bergen, awarded a contract to work to be conducted at the “Hut”; and

WHEREAS, quotes were accepted and awarded to Top Notch Construction located at 82 Lee Street, Elmwood Park, NJ 07407; and

WHEREAS, initial work contracted at a costs of \$15,200 and where it was discovered upon partial renovation that black mold was present and a structure beam needed replacement after the work was commended; and

WHEREAS, additional work in the sum of \$7,400 was needed to remediate the black mold, and to rehab the structural element of the hut as substantiated by both the Building Official, Richard Bolan, and the Recreation Director, Donna Puglisi;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorizes the finance department to increase said quote to \$22,600 to Top Notch Construction.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-268-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

**AUTHORIZE PURCHASE OF EQUIPMENT – FIRE PREVENTION
WIRELESS COMMUNICATIONS & ELECTRONICS**

WHEREAS, the Fire Prevention Bureau has requested to purchase two tablets and two vehicle chargers using funding from fees collected; and

WHEREAS, two tablets and two vehicle chargers will be purchased through NJ State Panasonic Contract #89980 at a cost of \$6,928.00 with Wireless Communications & Electronics located in Philadelphia, Pennsylvania;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey that they hereby authorize the purchase of two tablets and two vehicle chargers totaling \$6,928.00 with Wireless Communications & Electronics.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-269-19**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

**AWARD PROPOSAL FOR DESIGN SERVICES – ALAIMO GROUP
CHERRY HILL PLAYGROUND IMPROVEMENTS**

WHEREAS, the Borough is in receipt of a proposal for Design and Construction service from Alaimo Engineering in connection with the Cherry Hill Playground Improvements; and

WHEREAS, the proposal states the cost of the construction management at \$5,500 and the construction inspection at \$4,000;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby awards the Construction services in connection with the Cherry Hill Playground Improvements to Alaimo Engineering in an amount not to exceed \$9,500.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-270-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

**AUTHORIZE INSTALLATION OF EQUIPMENT – RECREATION DEPARTMENT
WHIRL CONSTRUCTION, INC.**

WHEREAS, the Recreation Department has requested that funding from bond approved via Borough Ordinance No. 19-09 be used to install equipment for Cherry Hill Park; and

WHEREAS, installation will be awarded pursuant to the Pay-to-Play Fair and Open Process through Whirl Construction, Inc. located in Port Monmouth, NJ at a cost of \$33,500;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey that they hereby authorize the use of funding for said installation totaling \$33,500 with Whirl Construction.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-271-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

AUTHORIZE PURCHASE OF EQUIPMENT – RECREATION DEPARTMENT – MRC

WHEREAS, the Recreation Department has requested that funding from bond approved via Borough Ordinance No. 19-09 be used to purchase equipment for Cherry Hill Park; and

WHEREAS, 4 pieces of equipment will be purchased through NJ State Contract #16-FLEET-00121 at a cost of \$7,659.36 with MRC located in Spring Lake, New Jersey;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey that they hereby authorize the purchase of said equipment totaling \$7,659.36 with MRC.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-272-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

**AUTHORIZE PURCHASE OF RUBBERBOND – RECREATION DEPARTMENT
RUBBERECYCLE**

WHEREAS, the Recreation Department has requested that funding from bond approved via Borough Ordinance No. 19-09 be used to purchase RubberBond for Cherry Hill Park; and

WHEREAS, said RubberBond will be purchased, including installation, through State Contracting utilizing ESC New Jersey Contract, ECSNJ 17/18-18 at a cost of \$72,400 with RubbeRecycle located in Lakewood, New Jersey;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey that they hereby authorize the purchase of said RubberBond totaling \$72,400 with RubbeRecycle.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-273-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

AUTHORIZE RELEASE OF ROAD OPENING PERFORMANCE BONDS

WHEREAS, the Borough of Elmwood Park did receive Road Opening Cash Performance bonds posted by:

Name	Address	Amount	Number
RJ Trawinski Development Corp.	42 Walnut Street Elmwood Park, NJ	\$700.00	018-365
JG Drywall, LLC	303 Molnar Drive Elmwood Park, NJ	\$700.00	010-420

and

WHEREAS, the applicants have requested the return of said bonds; and

WHEREAS, the Department of Public Works has inspected said locations and found that the roadways have been satisfactorily restored and finds no objection to the return of said bonds;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey that Cash Performance Bonds 018-365 and 010-420 listed above in the amount of \$700.00 each be and are hereby returned.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-274-19**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

APPROVE THE DELETION AND ADDITION OF BUS STOPS ON MARKET STREET

BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, and State of New Jersey that pursuant to N.J.S.A. 39-4-8(e) the following described location is designated as a bus stop:

Elmwood Park County Road – Added Stop

1. Along Market Street (CR 56), eastbound, on the southerly side thereof at:
 - a. Between Pine Street and Boulevard – (mid-block)
Beginning 200 feet east of the easterly curb line of Pine Street and extending 135 feet easterly therefrom (location 32976).

BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, and State of New Jersey that pursuant to N.J.S.A. 39-4-8(e) the following described location is deleted as a bus stop:

Elmwood Park County Road – Deleted Stop

1. Along Market Street (CR 56), eastbound, on the southerly side thereof at:
 - a. Boulevard – (nearside)
Beginning at the westerly curb line of Boulevard and extending 105 feet westerly therefrom (location 11455).

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Elmwood Park will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____

Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-275-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

**APPROVE ADDITIONAL DATE – TEMPORARY SOUND RECORDING OPERATOR
MUNICIPAL COURT**

WHEREAS, a need arose to appoint a temporary Sound Recording Operator in the Municipal Court; and

WHEREAS, the Mayor and Council appointed Dawn Marshall to fill said position for specific dates on May 16, 2019;

WHEREAS, the Court Administrator has requested that an additional date be added for July 30, 2019;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, in the County of Bergen, that the above-named individual shall be compensated in retroactive payment, for the following date:

July 30, 2019

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-276-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

ACCEPT ASSET MANAGEMENT PLAN

WHEREAS, the State of New Jersey’s Department of Environmental Protection (NJDEP) has developed the Asset Management Plan Policy Program to aide in renewing New Jersey’s Water Infrastructure; and

WHEREAS, in order to be in compliance with the NJDEP guidelines, the Borough of Elmwood Park is required to accept a Borough Asset Management Plan; and

WHEREAS, the Department of Public Works Superintendent collaborated with Borough Engineer to develop and present a plan to the Governing Body; and

WHEREAS, the Governing Body received a copy of said plan during the presentation for review;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, in the County of Bergen, that the submitted Asset Management plan be and is hereby accepted.

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-277-19**

CONSENT AGENDA

**RESOLUTION BY: COUNCILWOMAN PELLEGRINE
SECONDED BY: COUNCILWOMAN WECHTLER**

**APPROVE THE PURCHASE OF MEMORIAL SCULPTURE
THE LARGE ART COMPANY**

WHEREAS, the Mayor and Council of the Borough of Elmwood Park, County of Bergen, has received a request from the Veterans Alliance to purchase an additional monument for the newly renovated Veterans Memorial Monument; and

WHEREAS, it is desirous of the Mayor and Council to approve said purchase; and

WHEREAS, The Large Art Company, 6500 Old Harford Road, Baltimore, Maryland 21214 is the supplier and maker of the monument entitled "A Woman's Touch";

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, payment in the amount of \$5,995 is hereby authorized to The Large Art Company.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-278-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

AUTHORIZE EXECUTION OF CONTRACT – POLICE DEPARTMENT

WHEREAS, Police Chief Michael Foligno wishes to enter into an Employment Agreement between the Borough of Elmwood Park to continue to serve as Chief of Police; and

WHEREAS, the Mayor and Council also wishes to enter into said agreement

NOW THEREFORE BE IT RESOLVED, that Mayor Daniel Golabek and Acting Borough Clerk Erin Delaney are hereby authorized to execute the contract submitted to both the Mayor and Council and Borough Clerk for said services.

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-279-19**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

**ACCEPT SIDE BAR TO COLLECTIVE NEGOTIATIONS AGREEMENT
WHITE COLLAR/BLUE COLLAR**

WHEREAS, a request has arisen to make changes to the White Collar/Blue Collar Employees Association's Collective Negotiations Agreement dated October 26, 2018; and

WHEREAS, Association Representatives and the Borough Administrator have agreed upon and signed a Side Bar Agreement addressing said request to be entered into the Collective Negotiations Agreement; and

WHEREAS, the Mayor and Council of the Borough of Elmwood Park have reviewed the Side Bar Agreement; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the agreed upon and signed Side Bar Agreement be accepted and effective immediately.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-280-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

AUTHORIZE CHANGE OF TITLE

WHEREAS, the Mayor and Council of the Borough of Elmwood Park appointed Marlene DiStefano as Keyboarding Clerk I/Assistant Municipal Clerk effective March 16, 2015; and

WHEREAS, as per the request of the Acting Borough Clerk and Borough Administrator, the Mayor and Council is desirous to change Ms. DiStefano's title to Deputy Borough Clerk;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, that the title of Marlene DiStefano be and is hereby changed to Deputy Borough Clerk, salary to match Schedule A of the White Collar/Blue Collar Agreement at \$43,810.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____

Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-281-19**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

**APPOINT PART-TIME KEYBOARDING CLERK I
SHANEE MORRIS
CLERKS OFFICE**

WHEREAS, the need arose to appoint a part-time Keyboarding Clerk I within the Clerk's Office; and

WHEREAS, it is the recommendation of the Acting Borough Clerk and Borough Administrator to appoint the following on a part time basis Monday-Friday from 10AM-2PM;

Shanee Morris

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, that Shanee Morris be and is hereby appointed as a part-time Keyboarding Clerk I (Provisional Status) with a salary of \$15.00 per hour and a not to exceed amount of 29.5 hours per week.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-282-19**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

**APPOINT FULL-TIME ADMINISTRATIVE ASSISTANT
TAMA DEBOER
BOROUGH ADMINISTRATOR/MAYORS OFFICE**

WHEREAS, the need arose to appoint a full-time Administrative Assistant within the Borough Administrator/Mayor's Office; and

WHEREAS, it is the recommendation of the Borough Administrator and Mayor to appoint the following;

Tama DeBoer

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, that Tama DeBoer be and is hereby appointed, to serve at the pleasure of the Mayor and Council of the Borough of Elmwood Park, as Administrative Assistant (Provisional Status) with a salary of \$40,000.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-283-19**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

APPROVE 2019/2020 NEW AND/OR USED CAR DEALERSHIPS LICENSES

WHEREAS, the following car dealerships have made application to the Borough of Elmwood Park to obtain a license to sell new and used cars on properties listed below; and

WHEREAS, zoning has been previously approved at said properties; and

WHEREAS, said applicants have paid the required fee of \$650;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that permission is granted to the following car dealerships to sell new and used vehicles, expiring June 30, 2020;

**AJS Autoworks, LLC
224 Van Riper Avenue
Elmwood Park, NJ 07407**

**ELRAC, LLC
d/b/a Enterprise Car Sales
100 Route 46
Elmwood Park, NJ 07407**

**Frank Motor Cars
391 Route 46 West
Elmwood Park, NJ 07407**

**North Jersey Truck Center
220 Route 46 East
Elmwood Park, NJ 07407**

**Route 4 Auto Exchange
65 Broadway
Elmwood Park, NJ 07407**

**Scheuer Motors
285 Route 46 West
Elmwood Park, NJ 07407**

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____

Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-284-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

AUTHORIZE VACATION BUYBACKS

WHEREAS, the following employees have accumulated vacation days from previous years as employees of the Borough of Elmwood Park; and

WHEREAS, it has been requested by said employees that they receive payment for such days;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the following employees are hereby approved to receive vacation buyback as stated below:

<u>Employee</u>	<u>Amount of Days</u>	<u>Amount of Compensation</u>
Richard Tagliabue	69 Hours	\$1,587.00
John Stankiewicz Sr.	32.5 Hours	\$1,937.28

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____

Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-285-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVE BLOCK PARTY REQUESTS

WHEREAS, the residents of Parkview Avenue and Rudolph Avenue have requested to conduct block parties as follows:

Date: September 21, 2019 with a Rain Date of September 22, 2019
Time: 3PM-9PM
Road Closure: Parkview Avenue between Columbia and Willow

Date: August 17, 2019 with a Rain Date of August 18, 2019
Time: 12PM-10PM
Road Closure: Parkview Avenue between Columbia and Willow

NOW, THEREFORE, BE IT RESOLVED that the Department of Public Works be notified to deliver barricade the Friday before to be used to close the portions of the streets listed above;

BE IT FURTHER RESOLVED, that the Police Department, Fire Department and Ambulance Corps. also be notified of the roadway closings.

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-286-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

AUTHORIZE EXECUTION OF CONTRACT – TOPOLOGY

WHEREAS, the Mayor and Council of the Borough of Elmwood Park appointed Topology. as the Borough’s Planner for the remainder of the year, term ending December 31, 2019; and

WHEREAS, Topology has presented and asked for the execution of a contract for their services;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, that the Mayor and Acting Borough Clerk are hereby authorized to execute said agreement; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the Acting Borough Clerk is hereby authorized and directed to forward a copy of the agreement to Topology immediately hereafter.

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-287-19**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

**PERSON-PERSON LIQUOR LICENSE TRANSFER
0211-33-026-004**

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License, 0211-33-026-004, heretofore issued to Fratelli’s Coal Pizza, LLC, for premises located at 206 US Highway 46; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW THEREFORE BE IT RESOLVED, that the Governing Body of Elmwood Park does hereby approve, effective July 18, 2019, the transfer of the aforesaid Plenary Retail Consumption License to Gee Spot, Inc. and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Gee Spot, Inc. effective July 18, 2019.”

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-288-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

RE-ENUMERATE RESOLUTION

WHEREAS, the Mayor and Council of the Borough of Elmwood Park voted on Resolution R-178-19 titled Resolution Supporting an Application to, and Acceptance of, Award from the NJDCA Neighborhood Preservation Program (NPP) on May 9, 2019; and

WHEREAS, it is requested by the Acting Borough Clerk that the Mayor and Council re-enumerate said resolution to R-293-19;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Elmwood Park hereby re-enumerates said resolution to Resolution R-293-19 titled Resolution Supporting an Application to, and Acceptance of, Award from the NJDCA Neighborhood Preservation Program (NPP), effective immediately, with the council vote on passage to remain the same, which should be reflected as such in the meeting minutes.

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-289-19**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

**AWARD OF BID – MEMORIAL TENNIS COURTS PROJECT
ZUCCARO INC.**

WHEREAS, the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey solicited bid proposals for the Memorial Tennis Court Project; and

WHEREAS, the Bid Opening Committee did receive 1 bid pursuant to the advertisement for the above project during its second round; and

WHEREAS, the proposal was rejected during the Special Meeting of the Mayor and Council on Thursday, June 6th, 2019 as it was 29% higher than the Engineer's estimate therefore the Borough's Qualified Purchasing Agent (QPA)/CFO entered into negotiations; and

WHEREAS, at the advice of the Borough's QPA/CFO the Mayor and Council of the Borough of Elmwood Park is now desirous to award a bid to the following:

<u>Contractors</u>	<u>Bid</u>
Zuccaro Inc.	\$482,210

WHEREAS, the bid submitted has been reviewed by the Borough Attorney and Borough Engineer and is in compliance with the New Jersey Local Public Contract Law, and it is the recommendation of the Mayor and Council that the above-mentioned project be awarded to Zuccaro Inc. in the amount of \$482,210.00 be and is hereby awarded; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey that the bid submitted by Zuccaro Inc. in the amount of \$482,210.00 be and is hereby awarded; and

BE IT FURTHER RESOLVED, that Mayor Daniel Golabek and Borough Clerk Erin N. Delaney are hereby authorized to execute said contract.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-290-19**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

RESOLUTION TO APPROVE THE CONSENT AGENDA

BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the actions noted in the Consent Agenda, Resolutions R-259-19 through R-290-19 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-291-19**

RESOLUTION BY:

SECONDED BY:

APPOINTMENT OF BOARD OF ADJUSTMENT MEMBER

BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the appointment of:

Chakib Fakhoury

to the Board of Adjustment for an unexpired term, term ending, December 31, 2021, and the same is hereby confirmed.

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____

Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-292-19**

RESOLUTION BY:
SECONDED BY:

APPOINTMENT OF LIBRARY BOARD MEMBER

BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the appointment of:

to the Library Board for an unexpired term, term ending, December 31, 2022, and the same is hereby confirmed.

APPROVED: July 18, 2019

Daniel Golabek, Mayor

ATTEST: _____
Erin Delaney, MPA
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Balistreri					Ingui				
Dombrowski					Wechtler				
Fasolo					Pellegrine				

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 18th day of July 2019. Signed and sealed before me.

Erin Delaney, MPA
Acting Borough Clerk

Dated