



PROPERTY KNOWN AS  
BLOCK 1407, LOT 9 BLOCK 1408  
LOT 1 ON THE OFFICAL TAX MAP  
OF THE BOROUGH OF ELMWOOD  
PARK FOR THE WIDENING OF THE  
INTERSECTION OF MARKET  
MARKET STREET AND  
BOULEVARD

**RESOLUTIONS:**

R-328-12	Payment of Bills
R-329-12	Confirmation of Checks
R-330-12	Confirmation of Payroll
R-331-12	Authorize Agreement between Borough of Elmwood Park and the Borough of Fair Lawn for Engineering Costs – Traffic Signal on Broadway
R-332-12	Appoint Substitute Crossing Guard – Police Department – Joseph Toro
R-333-12	Approve Plenary Distribution Liquor License Person-to-Person Transfer – BNJ Group, LLC – 234-238 Market Street
R-334-12	Approve Curfew for Mischief Night and Halloween – November 4, 2012 & November 5, 2012

**CONSENT AGENDA**

**DEPARTMENTAL REPORTS:**

A motion to accept and file the Police Department Overtime Report for September 2012, Municipal Court Report for September 2012, Health Officer's Report for September 2012 and Library Minutes of September 24, 2012 and October 4, 2012 was made by Councilman Vuoncino and seconded by Councilman Work. Motion carried unanimously.

**COMMITTEE REPORTS:**

**MUNICIPAL ATTORNEY'S REPORT:**

**MAYOR'S REPORT:**

**PUBLIC HEARING:**

**ADJOURNMENT:**

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-324-12**

**RESOLUTION BY: COUNCILMAN VUONCINO  
SECONDED BY: COUNCILMAN WORK**

**INTRODUCE ORDINANCE # 12-23  
SECOND READING**

**BE IT RESOLVED**, that an ordinance entitled:

**EMERGENCY ORDINANCE PURSUANT TO N.J.S.A. 40:81-21 REGARDING THE DISPENSATION OF PETROLEUM PRODUCTS WITHIN THE BOROUGH OF ELMWOOD PARK**

WHEREAS, the event known as Hurricane Sandy has created circumstances requiring the invocation of N.J.S.A. 40:81-21, Emergency Ordinances; and

WHEREAS, there has occurred within the Borough long lines of pedestrians and vehicular traffic or individuals seeking to obtain petroleum products, causing an additional stress on the emergency resources of the Borough; and

WHEREAS, the Governing Body of the Borough of Elmwood Park finds it necessary to address this situation pursuant to N.J.S.A. 40:81-21 for the immediate preservation of the public order, peace, health and/or safety and remedy an emergency caused by Hurricane Sandy; and

WHEREAS, the Governor of the State of New Jersey has declared a State of Emergency relating to the conditions occasioned by Hurricane Sandy.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey, that:

**ODD/EVEN DATES FOR DISPENSING PETROLEUM PRODUCTS**

The dispensation of petroleum products within the Borough shall be made as follows, **effective Monday, November 5, 2012 at 6:00 a.m.**

As to motor vehicles, the last number on the license plate of said vehicle shall determine whether it is “odd” or “even”.

Pedestrian walk ups are prohibited. Customer must be in a vehicle that meets the odd/even criteria set forth in this ordinance.

Until further notice, petroleum products shall be dispensed on odd dates only to odd numbered vehicle customers. By way of explanation, November 5<sup>th</sup> is an “odd” date.

Until further notice, petroleum products shall be dispensed on even dates only to even numbered vehicle customers. By way of explanation, November 6<sup>th</sup> is an “even” date.

Until further notice, petroleum products shall be dispensed on even dates only to vehicles with customized plates containing no numbers as follows: If the last letter has an even sequence number in the alphabet. By way of explanation letters B, D, F, etc. is an even date.

Until further notice, petroleum products shall be dispensed on odd dates only to vehicles with customized plates containing no numbers as follows: If the last letter has an odd sequence number in the alphabet. By way of explanation letters A, C, E, etc. is an odd date.

A copy of this Ordinance shall be served upon each individual dispenser of petroleum products which shall immediately post in prominent area(s) a notice stating **“ODD/EVEN SALES DATES NOW IN EFFECT”**.

The penalties for the violation of this Ordinance upon the dispenser of petroleum products and its agents shall be as follows:

A term of imprisonment not exceeding ninety (90) days; or  
A fine not exceeding \$2,000.00; or

A period of community service not exceeding ninety (90) days.

Each violation shall constitute a separate offense.

The term “dispenser of petroleum products and its agents” shall mean the corporate owner of the retailer and any individual person dispensing petroleum products, jointly and individually.

The provisions of this Ordinance shall not apply to Emergency or Essential Vehicles as defined in the discretion of the Borough Clerk and/or the Chief of Police.

APPROVED: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia	X				Trawinski	X			
Colletti	X				Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1<sup>st</sup> day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-324-12**

**RESOLUTION BY: COUNCILMAN CONBOY  
SECONDED BY: COUNCILMAN VUONCINO**

**INTRODUCE ORDINANCE # 12-22  
FIRST READING**

**BE IT RESOLVED**, that an ordinance entitled:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ELMWOOD PARK BY AMENDING CHAPTER 4 THEREOF, TITLED "TOWERS AND TOWING"**

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, December 6, 2012 at 8:00 p.m. or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

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

APPROVED: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia	X				Trawinski	X			
Colletti	X				Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1<sup>st</sup> day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated

**BOROUGH OF ELMWOOD PARK**

**ORDINANCE 12-22**

**AN ORDINANCE TO AMEND CHAPTER 4 OF THE  
CODE OF THE BOROUGH OF ELMWOOD PARK TITLED "TOWERS AND TOWING"**

**AN ORDINANCE TO AMEND** the Code of the Borough of Elmwood Park by amending Chapter 4 thereof, titled "Towers and Towing."

**BE IT ORDAINED** by the Mayor and Council of the Borough of Elmwood Park as follows:

**Section 1.** The Code of the Borough of Elmwood Park is hereby amended by deleting Chapter 4 titled "Towers and Towing" in its entirety and replacing it with the following:

**§ 4-34.1 Definitions.**

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

**AUTOMOBILE**

A motor vehicle of a private passenger or station wagon type that is owned or leased and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; and a motor vehicle with a pickup body, or delivery sedan, a van or a panel truck or a camper-type vehicle used for recreational purposes owned by an individual or husband and wife who are resident of the same household, not customarily used in the occupation, profession or business of the owner(s).

**BASIC TOWING SERVICE**

The removal and transportation of an automobile from a highway, street or other public or private road or a parking area or from a storage facility and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm or from being impaled upon any other object within the right-of-way or berm. Basic tow only includes providing access to the vehicle during normal business hours. Any additional services, including tow outs, will be negotiated with the party requesting same.

**CALENDAR YEAR**

The period of time between January 1 and December 31 of any given year.

**CLASS I VEHICLE**

A private passenger vehicle not exceeding a seven-thousand-pound gross vehicle weight rating.

**CLASS II VEHICLE**

Vehicles with a seven-thousand-pound to fourteen-thousand-nine-hundred-ninety-nine-pound gross vehicle weight rating.

**CLASS III VEHICLE**

Vehicles with a fifteen-thousand-pound to twenty-five-thousand-nine-hundred-ninety-nine-pound gross vehicle weight rating.

**CLASS IV VEHICLE**

Vehicles with, or exceeding, a twenty-six-thousand-pound gross vehicle weight rating. This class is inclusive of trailers.

**GVWR**

Gross vehicle weight rating.

**HEAVY-DUTY TOW VEHICLE**

A specifically designed vehicle designed to tow, transport or otherwise move motor vehicles, with a gross vehicle weight rating of at least 31,000 pounds and equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or underreach equipment, as hereinafter defined.

**INSIDE BUILDING**

A vehicle storage facility that is completely indoors, having one or more opening in the walls, for storage and removal of vehicles and that is secured by a locking-device on each opening.

**LAND ALL TRAILER**

Detachable trailer capable of hauling vehicles, machinery and/or equipment, commonly referred to as "low-boy."

**MOTOR VEHICLE ACCIDENT**

An occurrence in which a private passenger automobile comes in contact with any other object for which the private passenger automobile must be towed or removed for placement in a storage facility. This includes all situations which are accidental as to the licensed owner or operator of the motor vehicle even if they were caused by the intentional acts of a perpetrator where the perpetrator was not the licensed owner or operator of the motor vehicle.

**OUTSIDE SECURED**

An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six feet high and is installed with a locked gate. The facility is to be lighted at night.

**OFFICIAL TOWER**

A person or company licensed by the Borough of Elmwood Park to tow and/or store vehicles.

**SPECIAL RECOVERY SERVICES**

Constitutes any action that is not normally associated with roadside towing, e.g., winching, righting overturned vehicles or other services required when a vehicle will not roll on its own wheels.

**TOW VEHICLE**

Only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or underreach equipment specifically designed by its manufacturer for the removal or transport of motor vehicles.

**§ 4-34.2 Official towers to be designated.**

A. The governing body of the Borough of Elmwood Park, or its designated agent or officer, may license persons or companies meeting the criteria set forth in this chapter and engaged in the business of or offering the services of motor vehicle towing, wrecking or storage (service), whereby damaged, (or) disabled and/or impounded motor vehicles are towed or otherwise removed from the place where they are damaged, (or) disabled, and/or impounded by use of a tow vehicle, as defined herein. Such person(s) or company shall be known as an "official tower."

B. Official towers shall be identified by means of a license, which shall be issued by the Borough as hereinafter provided

**§ 4-34.3 Services to be furnished.**

A. The official tower shall furnish adequate and proper towing, wrecking, storage and emergency repair service to damaged or disabled motor vehicles within the limits of the Borough when requested to do so by the Chief of Police or his designee. The official tower shall be available to render service 24 hours per day, seven days per week.

B. In the event that a disabled vehicle requires special towing equipment (and) the official tower does not possess such equipment, then the Chief of Police or his designee shall select the next official tower in the rotation list who does possess the necessary special equipment to tow such disabled, (or) damaged or impounded vehicle. No official tower shall subcontract or assign any work that is to be performed by the official tower under the provisions of this chapter.

**§ 4-34.4 Application for an official tower license.**

A. Application for an official tower license shall be made to the Mayor and Council of the Borough of Elmwood Park upon a form provided by the Borough Clerk and shall contain all of the following information:

(1) The name, business address, telephone number and federal tax identification number (where applicable). When the official tower is owned and operated by an individual, the name, social security number, residential and business addresses and telephone number(s) of such individual shall be provided. When the official tower is a corporation or partnership, the application shall contain the names, residences, telephone numbers, date of birth and social security number of all persons owning any interest in the official tower.

(2) In the event that the official tower is conducting business operating under a trade or business name, the applicant shall submit a certificate of such name as proof that such name has been appropriately filed with the County Clerk's Office of Bergen County and/or with the Secretary of State of the State of New Jersey.

(3) Any such information as may be required by the Mayor and Council (or designee), concerning the personnel, vehicles, equipment and storage facilities of such applicant, as hereinafter provided, showing that the applicant meets the minimum standards of performance.

(4) A certificate or certificates of insurance evidencing adequate insurance coverage as hereinafter provided.

(5) A fee of \$500.00 to cover the administrative expenses incurred by the Borough in processing the application and an additional fee of \$75.00 for each tow vehicle.

(6) The names and addresses of two business references not in the employ of the Borough who have known the applicant for at least two years and who can attest to the applicant's experience and performance in the towing, wrecking and storage business.

(a) All towing vehicles must be listed on the application, including the make and model number, year of vehicle and vehicle identification number (VIN) and any and all other information that the Mayor and Council may deem necessary.

(b) No vehicle may be listed on more than one application, nor can there be a transfer of vehicles between towers.

(7) A complete list, including dates of service, of all other municipalities, state agencies and/or governmental entities that the applicant is, or has been, an official tower of or held a towing permit from. No person applying individually shall be eligible for approval or appointment as an official tower of the Borough of Elmwood Park

unless that person shall have been an official municipal tower with a minimum of five years' experience in municipal towing in any municipality of the State of New Jersey including a minimum of two years' experience in municipal towing in any municipality in the County of Bergen, State of New Jersey. No corporation or partnership shall be eligible for approval or appointment as an official tower of the Borough of Elmwood Park unless that business entity shall have been an official municipal tower with a minimum of five years' experience in municipal towing in any municipality of the State of New Jersey including a minimum of two years' experience in municipal towing in any municipality in the County of Bergen, State of New Jersey.

(8) A complete list of all actions taken against the applicant by a governmental entity for the applicant's alleged violation of any towing ordinance or regulation while towing as a licensed or permitted tower for that governmental entity. If the applicant's towing license or permit has been revoked, suspended or denied, the applicant shall list each time, what governmental entity was involved and a brief description of the event(s) that led up to the revocation, suspension and/or denial of a towing license or permit.

B. No license shall be granted to a tower unless and until the tower seeking the license has appointed the Borough Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.

C. Suspension or revocation of a license, and/or the prior denial of an application affecting the applicant, from this municipality or any county or state agency granting such license may be cause for denial of a license under this chapter.

D. The applicant shall also cause each of its drivers to have a background check performed at a State approved facility prior to that driver performing any towing services in the Borough. Copies of the results of the background check shall be made available to the Borough Clerk immediately upon receipt.

E. Upon receipt of a completed application, the Borough Clerk shall forward a copy to the Chief of Police or his designee for his review and recommendation. The review by the Chief of Police or his designee shall consist of the following:

(1) An inspection of the personnel, vehicles, equipment and storage areas proposed to be utilized by the applicant to verify the accuracy of the information contained in the application and to determine compliance with applicable laws and regulations and the standards of performance required by this chapter.

F. An applicant may be included on the official towers list by an official action of the Mayor and Council, by resolution adopted at a regular public meeting, when, from a consideration of the application and from such other information as may be obtained, the Mayor and Council find that all of the following circumstances exist:

(1) The applicant has not knowingly and with intent to deceive made any false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.

(2) The applicant has met the standards in this chapter and has furnished the required hold harmless agreement and certificate(s) of insurance.

(3) The application has been reviewed and the Chief of Police or his designee has submitted a favorable report.

(4) Neither the applicant nor the applicant's personnel have been convicted of a criminal offense or have had their driver's license suspended within the past year.

G. The Chief of Police or his designee shall conduct his or her review and render a report to the Mayor and Council recommending either the approval or denial of the application within 28 days of receipt of the application from the Borough Clerk. The Mayor and Council shall take action with regard to the report of the Chief of Police within 30 days or at the next public meeting of the Mayor and Council, whichever is later. The applicant or its representative shall be given notice of the date on which the Mayor and Council will consider the application and shall be permitted to appear and be heard at that time.

H. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Mayor and Council.

#### **§ 4-34.5 Issuance of license.**

A. Upon approval of the application as herein provided, the Borough Clerk shall issue for the applicant an official tower's license for each tow vehicle or flatbed vehicle to be utilized in providing services pursuant to this chapter by submitting such to the Chief of Police or designee for issuance to the official tower(s).

B. Said licenses and identifying decal is to be affixed by the Chief of Police or his designee at police headquarters, which shall be in a form so approved by the Mayor and Council, and shall be displayed on the tow vehicle or flatbed vehicle at all times.

C. Expiration; renewal; revocation.



(1) Each official tower's license shall expire on December 31 of each calendar year and the license shall run for the calendar year only. Each applicant for an official tower's license or renewal shall apply for such license on or before November 15 of any calendar year for the next succeeding calendar year, and the license shall not be transferable or assigned and may be subject to revocation by the Mayor and Council for any of the following reasons:

(a) If it is subsequently determined that the applicant knowingly and with intent to deceive made false misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.

(b) Violation of any federal or state law or municipal ordinance or regulation relating to the operation of a motor vehicle or the provision of towing services.

(c) Violation of any rule or regulation promulgated by the New Jersey Department of Insurance.

(d) Violation of any of the provisions of this chapter.

(2) No license shall be issued for less than a full calendar year nor should a license be issued at any other time than the period set forth above.

D. Upon the expiration of an official tower's license, the applicant, prior to performing any service thereafter, shall re-file completely for such official tower's license, setting forth all the information required in the form provided by the Borough Clerk and complying with the provisions of this chapter.

#### **§ 4-34.6 Minimum standards of performance.**

To qualify for inclusion on the list of official towers, applicants must meet the following minimum standards:

##### **A. Minimum vehicle requirements.**

(1) Every official tower shall maintain and have available to render services required by this chapter a minimum of two regular tow vehicles with wheel lift, one flatbed vehicles and one medium-duty towing vehicle of at least 15,000 pounds gross vehicle weight. In lieu of a medium-duty towing vehicle, the tower may substitute a heavy-duty towing vehicle in its place. Registration documents shall be shown to the Borough certifying registration is the same or better than the gross vehicle weight (GVW) of the vehicle, as plated on the vehicle.

##### **(2) Vehicle classes.**

(a) Heavy-duty tow vehicles of 31,000 pounds gross vehicle weight or more must be equipped with a boom or winch assembly mounted on the chassis, a tow sling or tow bar and a wheel lift assembly or underreach. The winch assembly must have 100 feet of at least five-eighths-inch steel cable attached to a motor-driven winch.

(b) Flatbed vehicles must be equipped with a winch or hydraulically operated bed which slides or tilts to accommodate the transporting of vehicles.

B. Each applicant shall submit, along with its application, proof of ownership or lease of the vehicles, which will be utilized to provide services pursuant to this chapter.

##### **C. Minimum equipment and reporting requirements.**

(1) Every tow vehicle or flatbed vehicle shall have two-way radio or cellular phone capability with a dispatching center on a twenty-four-hour basis.

(2) Every tow vehicle or flatbed vehicle shall be equipped with the following:

(a) At least one amber rotating beacon or strobe light mounted on the highest practical location on the vehicles, visible from 360° when in use and visible at a minimum distance of 500 feet during daylight hours. An amber light permit, as required by the state, must be filed in the office of the Chief of Police and Borough Clerk.

(b) Safety tow lights or magnetic tow lights for towing vehicles at night, amber or red colored.

(c) Extra chains and cable for pulling or securing a towed vehicle.

(d) At least one heavy-duty broom, a shovel, a crowbar or prybar, a set of jumper cables, a flashlight, one two-pound or larger fire extinguisher of dry chemical type, one dozen flares or similar warning devices for placement at the scene of an accident or behind a disabled vehicle, at least 10 pounds of dry sand or a drying compound for gasoline and oil spilled on the roadway and containers for removal thereof and a sufficient quantity and types of tools to enable the tow vehicle operator to perform proper and adequate emergency repair services for the tow.

(3) Every tow vehicle or flatbed vehicle shall comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements and shall be subject to inspection by the Chief of Police or his designee at any time. Where applicable, all permits required by other agencies than the Borough shall be provided to the Borough upon request of the Borough.

(4) Every tow vehicle or flatbed vehicle shall have the name of the official tower, by a permanently affixed or painted sign prominently displayed on the vehicle in such manner so as to conform to the provisions of N.J.S.A. 39:4-46. Such demarcations shall be placed on the outside door panels of the vehicle. The sign shall be at least three inches in height and diameter, be visible to the naked eye and the names must be the same on both panels.

(5) Within five calendar days of the expiration of each month, the official tower shall submit to the Borough Clerk a copy of all of the invoices for services rendered to any owner or operator of a damaged or disabled vehicle on a form of invoice provided by the Borough. In the absence of a Borough form, the official tower will submit the bills which state: the name and address of the person towed; the make and model of the vehicle towed; plate number; and, the in date of the tow and the out date of the tow. Only fees applicable in this chapter shall appear on said invoice, and there shall be only one invoice per vehicle towed.

D. Minimum personnel requirements. Official towers shall have available, at all times, a minimum of two drivers to provide the services required by this chapter. All drivers employed by official towers to provide the services required by this chapter shall meet the following requirements and be subject to the following regulations. They shall:

(1) Be competent and able to provide minimum road services for disabled vehicles.

(2) All drivers required to have a commercial driver's license (CDL) by the State of New Jersey and/or federal regulations are required to furnish such license for the purpose of this chapter.

(3) Obey all traffic laws and regulations.

(4) Not have been convicted of a crime within the past year.

(5) All drivers who do not possess a CDL must submit to random drug testing two times each year.

E. Minimum storage requirements.

(1) Every official tower shall maintain an inside building and/or outside secured storage area meeting the following requirements:

(a) All official towers must have sufficient storage area on their own premises to store towed vehicles at the licensed site. This area must be over and above the requirement that is in effect for requirement of parking for that site. No vertical stacking of vehicles is permitted. Official towers located within the Borough cannot store vehicles on the thoroughfares of the Borough, whether under the auspices of the Borough, County of Bergen or State of New Jersey without Borough approval. Storage of vehicles on the thoroughfares of other municipalities wherein Borough towers are located is subject to the requirements of those municipalities.

(b) The location of the storage area shall be located within the limits of the Borough.

(c) The storage area shall be fenced with an acceptable screened material six feet in height. The fenced area shall be no less than 5,000 square feet in area. The storage area shall have a suitable gate and be installed with a locking device or a similar on-site security measure. The facility is to be lighted at night.

(d) The storage area shall be in an area legally zoned for or legally nonconforming for such use; the certificate of occupancy is to be furnished with the application.

(e) The storage facility shall be available from at least 8:00 a.m. until 6:00 p.m. Monday through Friday and from at least 8:00 a.m. to 1:00 p.m. on Saturday. The applicant shall prominently display the hours during which the facility will be open on weekends. The storage area must have a building wherein a permanently installed telephone is located. The building shall be within sight distance and/or within 500 feet of the entrance of the storage area. On the application for a towing license, the applicant shall list all business hours required pursuant to the subsection for the calendar year of the license in question, which shall not be changed during the calendar year.

(f) The official tower shall not charge any additional fee or other charge for releasing vehicles to their owners after normal business hours or on weekends or for moving a vehicle from one location to another in the storage area.

(g) The applicant shall, with its application, submit proof of ownership or lease of the storage area.

(h) The official tower shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this chapter. The official tower shall be liable for any damage incurred by such vehicles while in transit to or while stored in the storage areas.

(2) To ensure the timely release of a vehicle, the tower shall release a vehicle to the owner/occupier of the vehicle no later than one hour from the vehicle's arrival at the tower's facility or within one hour of being contacted by the owner/occupier of the vehicle that he/she wishes to take possession of said vehicle during regular business hours.

F. Credit cards. All official towers must have the ability to receive credit card payment and will accept same for payment of all towing and storage services included, specifically or by reference, in this chapter.

#### **§ 4-34.7 Utilization of the official towers list.**

A. Official towers shall be placed on the list in the order in which their application is approved and license issued. Once the initial list has been established, new official towers, when their applications have been approved, will be added to the end of that list.

B. The Borough shall request wrecking, towing and storage services from each official tower in rotation. When called, the tower shall advise the dispatcher if a vehicle is available and the estimated time of arrival. If no tower vehicle is available or if the response time will exceed 20 minutes, the next official tower on the list shall be called. If none of the official towers are available or able to provide such services as are requested by the Borough, the Borough may request such services from any other available source. All requests shall be made by the Chief of Police or his designee.

C. The Borough shall request service only from official towers; provided, however, that if no emergency or road hazard exists, the Chief of Police or his designee shall request such service from such other person as the owner of the motor vehicle in need of such services may request, provided that the request is responded to within 30 minutes.

D. During adverse weather conditions, heavy traffic conditions or emergency conditions, official towers shall give priority to requests from the Borough over any other requests which may be received by the official towers.

#### **§ 4-34.8 Hold harmless agreement.**

Applicants shall agree, in writing, to assume the defense of and indemnify and hold harmless the Borough, its elected officials, boards, commissions, officers, employees and agents from all suits, actions, damages or claims to which the Borough may be subjected of any kind and nature whatsoever resulting from, caused by, arising out of or as a consequence of the provision of towing, wrecking, storage and/or emergency services provided at the request of this Borough pursuant to this chapter. Official towers shall enter into a hold harmless agreement in a form to be prepared by the Attorney for the Borough prior to being included in the official towers list.

#### **§ 4-34.9 Insurance.**

A. No person shall be included on the official towers list unless and until such person has provided to the Borough a certificate(s) of insurance evidencing that there is in effect the following insurance coverage.

(1) General property damages and liability insurance in an amount not less than \$1,000,000.00 per occurrence and \$2,000,000.00 per aggregated general liability, including additional garagekeepers coverage, shall be primary as respects vehicles of others and shall include collision coverage.

(2) Garagekeeper's liability insurance in an amount not less than \$500,000.00 per location shall be required. No deductible amounts are permitted. The words "no deductible" shall be included on the policy and/or certificate of insurance.

(3) Workers' compensation as required by law shall be required.

B. Policies of insurance shall be written by insurance companies authorized to do business in the State of New Jersey.

C. The Borough of Elmwood Park shall be named as an additional insured on all policies of insurance provided pursuant to this chapter. All certificates of insurance shall provide that the policies may not be canceled or terminated or coverage decreased without 30 days' written notice to the Borough. Such insurance shall be primary.

D. Policies of insurance required by this chapter shall be maintained in full force and effect at all times. In the event that any coverage is canceled or terminated or coverage decreased in amount, the tower shall be removed immediately from the official towers list until such time as the required coverage is reinstated or replaced.

#### **§ 4-34.10 Towing and storage fee schedule.**

A. All charges shall be limited to those included in this chapter.

B. Fees for towing and storage of Class I vehicles damaged in an accident or recovered after being stolen may not exceed the fees established by the New Jersey Department of Insurance pursuant to N.J.S.A. 40:48-2.55. Those towing and storage fees, which are set forth in N.J.A.C. 11:3-38.1, as amended and supplemented, are incorporated herein by reference. Pursuant to law, the fee schedules shall be reviewed by the New Jersey State Commissioner of Insurance on an annual basis and may be revised if necessary. In the event that the schedules are revised by the New Jersey State Commissioner of Insurance, the revised fees shall be the maximum fees that may be charged by official towers, and this chapter shall be amended accordingly. The following is the fee schedule for towing services not covered by N.J.S.A. 40:48-2.55 and N.J.A.C. 11:3-38.1:

In addition to the fees set forth herein, each vehicle towed shall be charged a \$25.00 administrative fee. The administrative fee shall be collected by the tower and remitted to the Borough of Elmwood Park within 30 days.

(1) The following is the fee schedule for towing services:

	<b>Rates at any time</b>	<b>Towing Fee Per Diem</b>
	7 miles or less from point of pickup (one way)	\$100.00
	Each additional mile after 7 miles from point of pickup (one way)	\$4.50
	Police impound (towing of car to police impound facilities)	\$100.00, plus mileage as above
	Road service charge	\$50.00
	Special recovery services	\$75.00 per hour
	Class I and II storage rates	\$40.00 per day or any part of a day

(2) The following is the fee schedule for storage services:

	<b>Storage Facility Capacity</b>	<b>Towing Fee Per Diem</b>
	Inside and/or outside building (secured) -	\$40.00

C. The above portion of § 4-34.10B does not regulate towing or storage of Class II, III and IV vehicles. Such services shall be provided and referred by the official tower(s) at the following rates.}

(1) Class II vehicle: \$135.00. Said charge covers all actions necessary and related to towing Class II vehicles. Hookup front or rear, plus \$5.00 per mile for all miles in excess of seven miles.

(2) Class III vehicle: \$175.00. Said charge covers all actions necessary and related to towing Class III vehicles. Hookup front or rear, plus \$7.50 per mile for all miles in excess of seven miles.

(3) Class IV vehicle: \$325.00. Said charge covers all actions necessary and related to towing Class IV vehicles and shall be inclusive of the use of heavy-duty underreach equipment. Hookup front or rear, plus \$10.00 per mile for all miles in excess of seven miles.

(4) Road service for Class II vehicles: \$50.00 plus materials.

(5) Road service for Class III vehicles: \$75.00 plus materials.

(6) Road service for Class IV vehicles: \$95.00 plus materials.

(7) Storage of Class II, III and IV vehicles is subject to the same requirements as set forth in § 4-34.10B with the exception of a change in the rate for storage. Storage of Class II, III and IV vehicles shall be charged at the respective rates below.

(a) Class II: \$40.00 per day.

(b) Class III: \$50.00 per day.

(c) Class IV: \$85.00 per day.

(8) Special recovery services of Class II, III and IV vehicles shall be charged at the respective rates below. This charge shall only be used in situations deemed necessary, and a notation of fact should be noted on the official tower's bill. Said charge shall not apply to winching a vehicle on to a flatbed vehicle.

(a) Class II: \$100.00 per hour.

(b) Class III: \$200.00 per hour.

(c) Class IV: \$300.00 per hour.

(9) If an accident requires the cleanup of an accident site beyond the first thirty (30) minutes from arrival on the scene of the accident by the tower, the tower shall be entitled to \$35.00 per hour for such clean-up services for all clean up time expended after the first thirty (30) minutes.

D. The fees set forth on the schedules for towing rates are the maximum charges that shall apply to a Class I vehicle for basic towing services. There shall be no additional charges other than those provided herein in Subsections B and/or C above.

E. Calculation of rates and fees.

(1) The towing mileage rates, where applicable, shall be calculated based on the total distance traveled from the site of pickup of the vehicle in question to the dropoff point, by way of the shortest available route. Fractions shall be rounded up to the nearest whole. The first seven miles shall not be subject to the mileage charge.

(2) Tow vehicles transporting multiple passenger cars at one time shall receive the applicable fees for each vehicle transported.

F. There shall be a maximum charge of \$2,500.00 for Class I or II vehicles stored regardless of duration of the storage period.

G. No storage of any disabled or damaged vehicle shall be located on any public street or sidewalk in the Borough.

H. The fees set forth on the schedules set forth in this section contained for storage fees are the maximum storage charges per twenty-four-hour period that shall apply to all vehicles stored by an official tower.

I. Motorcycles and all other on/off-road vehicles shall be considered private passenger vehicles for purposes of determining fees which are allowed under this section. Any other objects not covered herein, which are towed by an official tower at the request of the Borough, shall be subject to fees as determined by the Towing Committee.

J. The use of Speedy-Dri shall be charged the rate of \$15.00 per fifty-pound bag after the first bag. The first bag is included in the initial towing cost.

K. Fees for towing and storage of private passenger vehicles damaged in an accident or recovered after being stolen may not exceed the fees established by the New Jersey Department of Insurance pursuant to N.J.S.A. 17:33B-47.

Editor's Note: N.J.S.A. 17:33B-47 was repealed by P.L. 1997, c. 387. See now N.J.S.A. 40:48-2.55.

Those towing and storage fees, which are set forth in N.J.A.C. 11:3-38.1, are incorporated herein by reference.

L. The fees set forth in Subsections B and C of this section do not apply to vehicles owned and/or operated by the Borough of Elmwood Park or any of its agencies. The towing of and special recovery services provided to any of the Borough's vehicles shall be provided free of charge by the official tower.

#### **§ 4-34.11 Miscellaneous provisions.**

A. Copies of this chapter and the schedule of fees that may be charged by official towers shall be made available to the public during normal business hours at the Borough Hall. Copies shall also be made available to the public at each official tower's place of business.

B. All official towers shall post, in a prominent place at each storage area clearly visible to the public, a schedule of fees that may be charged for all services provided that the same is pursuant to this chapter.

C. The Borough reserves the right to make periodic unannounced inspections of the personnel, vehicles, equipment and storage areas of all official towers.

D. The relationship between an official tower and the Borough is one of an independent contractor. Neither party shall be construed in any manner whatsoever to be an employee of the other, nor shall any employee or agent furnished by any party be construed to be an employee or agent of the other party. Inclusion on the official towers list shall not be construed or considered as a joint venture, partnership, association, contract of employment or profit-sharing agreement.

E. The Borough shall not be liable or responsible for compensating the official towers for any of the services performed under this chapter unless those services are performed for Borough vehicles. Compensation shall be the responsibility of the owner of the towed motor vehicle and the official tower shall proceed directly against the owner.

F. The official tower shall, at all times, be solely responsible for the conduct of its employees.

G. Each official tower shall keep and maintain adequate and complete records showing all vehicles towed, stored and released, all services rendered and all fees charged and collected. All records shall be available for inspection by the Borough at any time during normal business hours. Records shall be kept and maintained by the official tower at one central location and shall be retained for a period of seven years. Records may be written, printed or computerized as long as the requirements of this subsection are met.

#### **§ 4-34.12 Enforcement agency; suspension or revocation of license.**

A. The Elmwood Park Police Department shall be the enforcement agency. The enforcement agency shall have the authority to hear complaints against any official tower whether brought by Borough representatives, the public and/or other official towers.

B. The enforcement agency shall have the power to issue subpoenas to compel attendance at the hearing.

C. In the event that a complaint (of a noncriminal nature) is received by the Borough, involving the improper or unsatisfactory performance of services by an official tower, excessive charges or damage to a motor vehicle while in the custody of the tower, the enforcement agency shall give written notice of said complaint, by certified mail, return receipt requested to the official tower against whom the complaint is made. The official tower shall make a written response to such complaint within five calendar days from receipt of the written notice.

D. The enforcement agency after hearing the matter shall have the authority to suspend the official tower's license until the next rotation. Any contestation of such action by the enforcement agency shall be made by way of appeal to the Mayor and Council within 14 calendar days of the notice of said suspension. The Mayor and Council shall then conduct a hearing regarding the appeal of the suspension at the next public Council meeting or within 30 calendar days of the tower's notice of appeal.

E. In the event that two or more complaints are pending for over 30 days in Municipal Court, then the enforcement agency may suspend the official tower's license, after a hearing and decision by the enforcement agency.

F. If, after considering the matter and the findings by the enforcement agency the Mayor and Council shall determine that there is good and sufficient cause for revocation of the official tower's license, the tower shall surrender said license to the Borough Clerk within one calendar day.

G. Failure to surrender the license upon revocation shall constitute a violation of this chapter, subject to all legal action available to the Borough, including permanent removal from the official towers list.

H. Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against an official tower in a court of competent jurisdiction.

#### **§ 401-13 Violations and penalties.**

A. In addition to any suspension or revocation of license, a person who shall violate any of the provisions of this chapter shall be subject to the following:

(1) Punishable by a fine not exceeding \$2,000.00 or imprisonment for a term not exceeding 90 days or for a period of community service not exceeding 90 days, or any combination of them, at the discretion of the Municipal Court. The minimum fine for violation of any provision of this chapter shall be a fine of \$1000.00;

(2) Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense; and

(3) The imposition of a fine or imprisonment, or both, for a violation of this chapter of the Code shall not be deemed to be in lieu of any other provision therein providing for revocation or suspension of any license or permit issued thereunder.

B. In addition to the fine provided above, a violation of any of the provisions of this chapter shall be cause for revocation of the official tower's license.

**Section 2.** If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 3.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect upon final passage and publication according to law.

Attest:

Approved:

\_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Municipal Clerk

\_\_\_\_\_  
Richard A. Mola  
Mayor

Introduced: November 1, 2012

Adopted:

A motion was made by Councilman Vuoncino and seconded by Councilman Work to open to the public. Motion carried unanimously. No one wished to be heard.

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-325-12**

**RESOLUTION BY: COUNCILMAN TRAWINSKI  
SECONDED BY: COUNCILMAN COLLETTI**

**INTRODUCE ORDINANCE # 12-17  
SECOND READING**

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

**AN ORDINANCE TO AMEND CHAPTER 34 OF THE CODE OF THE BOROUGH OF ELMWOOD PARK TITLED “ZONING AND SITE PLAN REVIEW.”** and;

**WHEREAS**, said ordinance was introduced and passed at a meeting held on Thursday, September 20, 2012 and that further consideration of this ordinance would be taken up at the October 4, 2012 meeting; and

**WHEREAS**, all person interested in said ordinance were given an opportunity to be heard concerning same at the October 4, 2012 Regular Meeting of the Mayor and Council;

**WHEREAS**, at said meeting a motion was made and passed to table the ordinance to the November 2, 2012 Regular Meeting;

**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 34 OF THE CODE OF THE BOROUGH OF ELMWOOD PARK TITLED “ZONING AND SITE PLAN REVIEW.”**

pass on final reading.

APPROVED: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote to Table

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia		X			Trawinski	X			
Colletti	X				Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1<sup>st</sup> day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated

A motion was made by Councilman Castiglia to table the ordinance. No second was made.



**BOROUGH OF ELMWOOD PARK  
ORDINANCE 12-17**

**AN ORDINANCE TO AMEND** Chapter 34 of the Code of the Borough of Elmwood Park titled "Zoning and Site Plan Review."

**BE IT ORDAINED** by the Mayor and Council of the Borough of Elmwood Park as follows:

**Section 1.** The Code of the Borough of Elmwood Park is hereby amended by amending Ordinance 34-44.4(f) titled "Site requirements" to read as follows:

**§34-44.4(f). Site Requirements.**

Any change in use or occupancy of business and/or commercial properties on Market Street and Broadway in the C-L- and C-G Zoning District shall be referred to the Zoning Administrator and/or Construction Official. In the event the Zoning Administrator or Construction Official determines that the parking is or may not be sufficient, he shall refer the application to the Planning Board to review and determine the adequacy and sufficiency of parking for said change in use and/or occupancy.

**Section 2.** The Code of the Borough of Elmwood Park is hereby amended by amending existing Ordinance 34-58.2 titled "Certificate of occupancy" to read as follows:

**§34-58.2. Certificate of occupancy.**

Any structure hereafter altered or erected shall not be occupied or used, in whole or in part, for any purpose whatsoever until a certificate of occupancy shall have been issued by the Zoning Enforcement Officer, upon the Zoning Enforcement Officer being satisfied and certifying that the premises and building comply with all the provisions of the applicable ordinances and development approvals of the Borough of Elmwood Park including, but not limited to, Planning Board and Board of Adjustment approval. If the Zoning Enforcement Officer declines to issue a certificate of occupancy, his reasons for so doing shall be stated on the application, one (1) copy of which shall be returned to the applicant. Appeals from a decision of the Zoning Enforcement Officer or the question of issuance of a certificate of occupancy may be made to the Board of Adjustment. No change in the use of any premises shall be made until a new zoning permit and certificate of occupancy have been granted after application therefore.

Section 3. The Code of the Borough of Elmwood Park is hereby amended by amending existing Ordinance 34.58.3 titled "Certificates of reoccupancy" to be renamed as "Certificate of Continuing Occupancy for Commercial, Industrial and Residential Premises," to read as follows:

**§34-58.3. Certificate of Continuing Occupancy for Commercial, Industrial and Residential Premises.**

A. No person shall occupy or use any portion of a commercial, industrial or residential building after such building or portion thereof has been vacated or sold, or which there has been a change in use or a change in occupancy, until the owner/landlord shall have applied for and secured a certificate of continuing occupancy from the Zoning enforcement Officer of the Borough of Elmwood Park.

With respect to any change in occupancy/ownership in a building less than 10,000 square feet in any non residential district the Zoning Officer shall have the discretion to determine whether a full review and approval by the Planning Board should be made prior to the issuance of a continued certificate of occupancy. All uses in all non residential districts in buildings larger than 10,000 square feet of floor area will be directed to the Planning Board for a determination of adequacy in parking and conformance with the Zoning Ordinances of Elmwood Park and any land use resolutions in effect. The Zoning Enforcement Officer's review shall verify:

- (1) The type of business of the new occupant is a permitted use.
- (2) The number of employees of the new occupant shall be equal to or less than the past one.

(3) The number of parking spaces required by the new occupant shall be equal to or less than the past one.

(4) The nature of the interior renovations (i.e., substantial or minor) of the new occupant.

If the Zoning Enforcement Officer determines that based upon the above factors that Planning Board review and approval is not required, the Zoning Enforcement Officer shall then have the authority to issue to the owner/tenant the appropriate continued certificate of occupancy.

If the Zoning Enforcement Officer determines that based upon the above factors that Planning Board review and approval is required, the matter shall then be referred to the Planning Board. The Planning Board shall review the application and impose the same requirements the Board applies in the issuance of a continued certificate of occupancy.

B. Upon receipt by the Enforcement Officer of an application for a certificate of continuing occupancy and payment of the requisite fee, the Enforcement Officer or person designated by him shall conduct an inspection of the premises in question to insure compliance with applicable building, health, safety and fire codes, regulations, ordinances and statutes of the Borough of Elmwood Park and State of New Jersey.

C. The Enforcement Officer shall issue a certificate of continuing occupancy upon his inspection and satisfaction that no violations of the aforementioned codes, regulations, ordinances and statutes exist.

D. If violations are found to exist, there shall be no new occupancy or use of the premises until compliance with this section has been obtained. If compliance is not obtained within a reasonable time after inspection and notice, the Enforcement Officer is authorized to take appropriate legal action.

E. The Enforcement Officer shall provide a form to be completed by each applicant. \$100.00 shall be paid for residential single-family dwellings. A fee of \$275.00 shall be paid for commercial multi-family or industrial properties. The Enforcement Officer may waive the inspection and the above fee if an inspection of the same premises has been made within sixty (60) days, and there has been no physical change to the property.

**Section 4.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

**Section 5.** This Ordinance shall take effect upon final passage and publication according to law.

Attest:

Approved:

\_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Municipal Clerk

\_\_\_\_\_  
Richard A. Mola,  
Mayor

Introduced: September 20, 2012

Adopted: November 1, 2012

A motion was made by Councilman Vuoncino and seconded by Councilman Work to open to the public. Motion carried unanimously.

Deirdre Gilmore, Orange Avenue expressed her concerns regarding parking on Orange Avenue.

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-326-12**

**RESOLUTION BY: COUNCILMAN VUONCINO  
SECONDED BY: COUNCILMAN CASTIGLIA**

**INTRODUCE ORDINANCE # 12-20  
SECOND READING**

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

**AN ORDINANCE TO AMEND CHAPTER 7 OF THE CODE OF THE BOROUGH OF ELMWOOD PARK TITLED "TRAFFIC" BY AMENDING SECTIONS 7-11 AND 7-14.1 THEREAFTER**  
and;

**WHEREAS**, said ordinance was introduced and passed at a meeting held on Thursday, October 18, 2012 and that further consideration of this ordinance would be taken up at this meeting; and

**WHEREAS**, all person interested in said ordinance were given an opportunity to be heard concerning 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 7 OF THE CODE OF THE BOROUGH OF ELMWOOD PARK TITLED "TRAFFIC" BY AMENDING SECTIONS 7-11 AND 7-14.1 THEREAFTER**

pass on final reading.

APPROVED: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote to Table

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia	X				Trawinski		X		
Colletti		X			Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1<sup>st</sup> day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated

**BOROUGH OF ELMWOOD PARK  
ORDINANCE 12-20**

**AN ORDINANCE TO AMEND** Chapter 7 of the Code of the Borough of Elmwood Park titled "Traffic" by amending Sections 7-11 and 7-14.1 thereof.

**BE IT ORDAINED** by the Mayor and Council of the Borough of Elmwood Park as follows:

**Section 1.** Ordinance 7-11 titled "Parking Time Limited on Certain Streets" is hereby amended by deleting the following streets from the schedule set forth in the Ordinance:

**§7-11 - Parking Time Limited on Certain Streets.**

- Bellevue Avenue
- Elizabeth Avenue
- Florence Place
- Rosedale Avenue

**Section 2.** Ordinance 7-14.1 titled "Parking Prohibited During Certain Hours on Certain Days" is hereby amended by the addition of the following:

**§7-14.1 - Parking Prohibited During Certain Hours on Certain Days.**

<i>Name of Street</i>	<i>Days</i>	<i>Sides</i>	<i>Hours</i>	<i>Location</i>
Bellevue Avenue	Monday	East	9:00 a.m. to 6:00 p.m.	Between New Jersey Route 4 and Magnolia Street.
	Tuesday			
	Wednesday			
Bellevue Avenue	Thursday	West	9:00 a.m. to 6:00 p.m.	Between New Jersey Route 4 and Magnolia Street.
	Friday			
	Saturday			
Elizabeth Avenue	Monday	East	9:00 a.m. to 6:00 p.m.	Between New Jersey Route 4 and Magnolia Street.
	Tuesday			
	Wednesday			
Elizabeth Avenue	Thursday	West	9:00 a.m. to 6:00 p.m.	Between New Jersey Route 4 and Magnolia Street.
	Friday			
	Saturday			
Florence Avenue	Monday	East	9:00 a.m. to 6:00 p.m.	Between New Jersey Route 4 and Magnolia Street.
	Tuesday			
	Wednesday			
Florence Avenue	Thursday	West	9:00 a.m. to 6:00 p.m.	Between New Jersey Route 4 and Magnolia Street.
	Friday			
	Saturday			
Rosedale Avenue	Monday	East	9:00 a.m. to 6:00 p.m.	Between New Jersey Route 4 and Magnolia Avenue.
	Tuesday			
	Wednesday			
Rosedale Avenue	Thursday	West	9:00 a.m. to 6:00 p.m.	Between New Jersey Route 4 and Magnolia Avenue.
	Friday			
	Saturday			

**Section 3.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect upon final passage and publication according to law.

Attest:

Approved:

\_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Municipal Clerk

\_\_\_\_\_  
Richard A. Mola,  
Mayor

Introduced:       October 18, 2012

Adopted:         November 1, 2012

A motion was made by Councilman Colletti and seconded by Council Colletti to open to the public. Motion carried unanimously. No one wished to be heard.

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-327-12**

**RESOLUTION BY: COUNCILMAN COLLETTI  
SECONDED BY: COUNCILMAN CASTIGLIA**

**INTRODUCE ORDINANCE # 12-21  
SECOND READING**

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

**AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR EMINENT DOMAIN IF NECESSARY, OF THE REAL PROPERTY KNOWN AS BLOCK 1407, LOT 9 BLOCK 1408 LOT 1 ON THE OFFICAL TAX MAP OF THE BOROUGH OF ELMWOOD PARK FOR THE WIDENING OF THE INTERSECTION OF MARKET STREET AND BOULEVARD** and;

**WHEREAS**, said ordinance was introduced and passed at a meeting held on Thursday, October 18, 2012 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

**AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR EMINENT DOMAIN IF NECESSARY, OF THE REAL PROPERTY KNOWN AS BLOCK 1407, LOT 9 BLOCK 1408 LOT 1 ON THE OFFICAL TAX MAP OF THE BOROUGH OF ELMWOOD PARK FOR THE WIDENING OF THE INTERSECTION OF MARKET STREET AND BOULEVARD**

pass on final reading.

APPROVED: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia	X				Trawinski	X			
Colletti	X				Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1st day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated

**BOROUGH OF ELMWOOD PARK  
ORDINANCE NO. 12-21**

**AN ORDINANCE AUTHORIZING THE ACQUISITION  
BY PURCHASE OR EMINENT DOMAIN IF NECESSARY,  
OF THE REAL PROPERTY KNOWN AS  
BLOCK 1407, LOT 9  
BLOCK 1408, LOT 1  
ON THE OFFICIAL TAX MAP OF THE  
BOROUGH OF ELMWOOD PARK  
FOR THE WIDENING OF THE INTERSECTION OF  
MARKET STREET AND BOULEVARD**

**WHEREAS**, N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et. seq. authorize public entities to acquire real property or an interest in real property;

**WHEREAS**, the Mayor and Council of the Borough of Elmwood Park ("Borough") has deemed it necessary to acquire certain real property in the Borough known as Block 1407, Lot 9 and Block 1408, Lot 1 (the "Property") on the Official Tax Map of the City; and

**WHEREAS**, the Borough has determined that the public interest will be served by the acquisition of the Property for the widening of the intersection of Market Street and Boulevard.

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

**SECTION 1.** The Property designated as Block 1407, Lot 9 and Block 1408, Lot 1 on the Official Tax Map of the Borough of Elmwood Park (the "Property"), is determined to be needed for the widening of the intersection of Market Street and Boulevard.

**SECTION 2.** The Mayor, Administrator and Borough Attorney are authorized and directed to undertake any actions and to execute any documents necessary or appropriate to acquire the Property from the owners either by purchase or eminent domain if necessary, in accordance with the Eminent Domain Act of 1991, N.J.S.A. 20:3-1 et seq.

**SECTION 3.** The amount of the offer price to be offered to the record owners of the Property is fixed as follows, all as set forth in the appraisal reports prepared by McNerney & Associates, Real Estate Appraisers.

**SECTION 4.** In conjunction with any such acquisition, the Borough hereby reserves and shall reserve any and all rights it had or may have to recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of contamination and/or removal of solid waste and/or sanitary land fill closures that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of this Property in the name of the Borough.

**SECTION 5.** In conjunction with any such acquisition, the Borough reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Property in accordance with applicable state and federal statutory regulatory provisions or to remove solid or carry out closure of a sanitary landfill if located on the Property. The Borough is not and shall not be liable for the clean-up and removal costs of any discharge which occurred or began prior to the Borough's ownership.

**SECTION 6.** The Mayor and Council and all such other officials, consultants, agents, employees and professionals of the Borough as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

**SECTION 7.** All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 8.** If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article,

subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effect:

**SECTION 9.** This Ordinance shall take effect after approval and publication as required by law.

**ATTEST:**

**BOROUGH OF ELMWOOD PARK**

\_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Municipal Clerk

\_\_\_\_\_  
Richard A. Mola  
Mayor

**Introduced: October 18, 2012**

**Adopted: November 1, 2012**



**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-328-12**

**CONSENT AGENDA**

**RESOLUTION BY: COUNCILMAN WORK  
SECONDED BY: COUNCILMAN CONBOY**

**BILL LIST**

**BE IT RESOLVED**, by the Mayor and Council, of the Borough of Elmwood Park that the following bills be approved for payment and that after the purchase orders have been signed by the necessary Chairmen, the Treasurer will issue warrants in payment thereof:

AS PER ATTACHED COMPUTER LIST

CURRENT - \$1,317,606.76

REC. TRUST - \$438.08

CAPITAL - \$16,315.25

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: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia	X				Trawinski	X			
Colletti	X				Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1st day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated

**Bill list**

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>
<b>Fund: CURRENT FUND</b>			
NORTH JERSEY MEDIA	197.50	SEPTEMBER 2012	CURRENT FUND MUNICIPAL CLERK O/E
BAGEL BASE & DELI	30.00	9/17/2012	CURRENT FUND MUNICIPAL CLERK O/E
<b>Total for: 01- MUNICIPAL CLERK O/E</b>			<b>227.50</b>
MAILFINANCE	208.37	10/10-11/9/12 POSTAGE	CURRENT FUND REV/ADMIN O/E POSTAGE
<b>Total for: 01- REV/ADMIN O/E POSTAGE</b>			<b>208.37</b>
BOSWELL MCCLAVE	1320.00	71286	CURRENT FUND ENGINEERING COSTS
<b>Total for: 01- ENGINEERING COSTS</b>			<b>1320.00</b>
J & M REPORTING	250.00	10/10/12	CURRENT FUND PLANNING BOARD O/E
<b>Total for: 01- PLANNING BOARD O/E</b>			<b>250.00</b>
PATRICIA BURKE	150.00	2012 EYECARE	CURRENT FUND GROUP INSURANCE FOR
<b>Total for: 01- GROUP INSURANCE FOR EMPLOYEES</b>			<b>150.00</b>
PROFESSIONAL	400.00	89647	CURRENT FUND OTHER INSURANCE
<b>Total for: 01- OTHER INSURANCE</b>			<b>400.00</b>
ALL BERGEN LOCK	19.00	37949	CURRENT FUND POLICE O/E
VE RALPH	106.00	43522	CURRENT FUND POLICE O/E
VERIZON WIRELESS	0.00	2802288019	CURRENT FUND POLICE
VERIZON WIRELESS	201.28	2802288019	CURRENT FUND POLICE
<b>Total for: 01- POLICE</b>			<b>326.28</b>
RAMSEY GRAPHICS &	864.00	237-1	CURRENT FUND FIRE O/E
STATE LINE FIRE &	43.30	85819	CURRENT FUND FIRE O/E
ROYAL	105.00	21078	CURRENT FUND FIRE O/E
MY-LOR INC	217.26	QUOTE:9/25/12	CURRENT FUND FIRE O/E
ADVANCED AIR	798.45	7002525	CURRENT FUND FIRE O/E
DEFENDER CO #3	500.00	CONVENTION	CURRENT FUND FIRE O/E
ZAP LUBE & CAR	5.25	2802 JULY 2012 CAR	CURRENT FUND FIRE O/E
<b>Total for: 01- FIRE O/E</b>			<b>2533.26</b>
GARFIELD LUMBER &	100.90	SEPT. 2012	CURRENT FUND STREETS AND ROADS O/E
OLYMPIC GLOVE &	368.00	634344	CURRENT FUND STREETS AND ROADS O/E
COOPER ELECTRIC	250.00	S013907566.001	CURRENT FUND STREETS AND ROADS O/E
RAPID PUMP & METER	625.00	89694R	CURRENT FUND STREETS AND ROADS O/E
DAVE STERN TIRES	32.25	268343	CURRENT FUND STREETS AND ROADS O/E
ALL BERGEN LOCK	104.00	38278	CURRENT FUND STREETS AND ROADS
ALL BERGEN LOCK	115.00	38420/38417	CURRENT FUND STREETS AND ROADS
NEMCO, INC	950.00	122231SEPT. 2012	CURRENT FUND STREETS AND ROADS
SUPERIOR	563.00	SEPT. 2012	CURRENT FUND STREETS AND ROADS
AGL WELDING CO INC	47.79	R414899	CURRENT FUND STREETS AND ROADS O/E
ONE CALL CONCEPTS,	70.80	2095241	CURRENT FUND STREETS AND ROADS O/E
ZEE MEDICAL	114.99	0113551780	CURRENT FUND STREETS AND ROADS O/E
<b>Total for: 01- STREETS AND ROADS O/E</b>			<b>3341.73</b>
ELMWOOD PARK	6066.25	2012 CONTRIBUTION	CURRENT FUND SENIOR CITIZENS
<b>Total for: 01- SENIOR CITIZENS OTHER EXPENSE</b>			<b>6066.25</b>
HESS CORPORATION	1325.19	ES12629194	CURRENT FUND ELECTRICITY, GAS &
HESS CORPORATION	70.21	H12196781/H12196780	CURRENT FUND ELECTRICITY, GAS &
<b>Total for: 01- ELECTRICITY, GAS &amp; OIL</b>			<b>1395.40</b>
ELMWOOD PARK HIGH	220.00	2012 STIPEND	CURRENT FUND CLEAN COMMUNITY ACT
GRANDFALLOONS	2700.00	SCHOOL PROGRAM	CURRENT FUND CLEAN COMMUNITY ACT
PATRICIA BURKE	54.73	CLEAN UP	CURRENT FUND CLEAN COMMUNITY ACT
SUPERIOR	612.24	SEPT. 2012	CURRENT FUND CLEAN COMMUNITY ACT
<b>Total for: 01- CLEAN COMMUNITY ACT RECYCLING</b>			<b>3586.97</b>
LAW OFFICES OF	150.00	9/25/12	CURRENT FUND PUBLIC DEFENDER
<b>Total for: 01- PUBLIC DEFENDER</b>			<b>150.00</b>
ALL BERGEN LOCK	53.00	37949	CURRENT FUND POLICE O/E
<b>Total for: 01- POLICE O/E</b>			<b>53.00</b>
COUNTY OPEN SPACE	13847.00	4TH QRTR 2012	CURRENT FUND COUNTY TAXES
TREASURER BERGEN	1283751.00	4TH QRTR 2012	CURRENT FUND COUNTY TAXES
<b>Total for: 01- COUNTY TAXES</b>			<b>1297598.00</b>
<b>Total for: 01 CURRENT FUND</b>			<b>1317606.76</b>

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>
<b>Fund: RECREATION TRUST FUND</b>			
DONNA PUGLISI	48.08	SEMINAR	RECREATION TRUST FUND RECREATION
JORDAN BUS SERVICE	390.00	0037290-IN	RECREATION TRUST FUND RECREATION
<b>Total for: 03- RECREATION TRUST</b>			<b>438.08</b>
<b>Total for: 03 RECREATION TRUST FUND</b>			<b>438.08</b>

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>	<u>Account</u>
<b>Fund: CAPITAL</b>			
BOSWELL MCCLAVE	471.50	71284 ORD:11-18 PART B	CAPITAL EASEMENT MARKET/BLVD
<b>Total for: 04- EASEMENT MARKET/BLVD</b>			<b>471.50</b>
BOSWELL MCCLAVE	11709.50	71287 ORD:12-06 PART A	CAPITAL 2012 ROAD RESURFACING
BOSWELL MCCLAVE	3694.00	71285 ORD:12-06 PART B	CAPITAL 2012 KIPP AVE IMPVMTS
<b>Total for: 04- 2012 KIPP AVE IMPVMTS</b>			<b>15403.50</b>
BOSWELL MCCLAVE	440.25	71288 ORD:12-09	CAPITAL ENGLISH AVE SOCCER FIELD
<b>Total for: 04- ENGLISH AVE SOCCER FIELD</b>			<b>440.25</b>
<b>Total for: 04 CAPITAL</b>			<b>16315.25</b>
<b>Total Bill List:</b>	1334360.09		

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-329-12**

**CONSENT AGENDA**

**RESOLUTION BY: COUNCILMAN WORK  
SECONDED BY: COUNCILMAN CONBOY**

**PREPAID BILL LIST**

WHEREAS, it was necessary to issue certain checks to carry on the order of business

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council, of the Borough of Elmwood Park, that the action of the Mayor, Clerk, and Treasurer in issuing the following checks be confirmed:

SEE ATTACHED LIST

CURRENT - \$1,288.429.69

WATER - \$131.044.80

ESCROW – SEE ATTACHED

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: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia	X				Trawinski	X			
Colletti	X				Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1st day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated

PRE-PAID CHECKS FOR 11/01/2012 COUNCIL MEETING						
VENDOR	CHECK#	AMOUNT	PO#	ACCOUNT	ACCT NAME	DATE
PTOABC	53888	\$200.00	41614	01-2010-25-2412-044	2012 dues	10/19/2012
NJMVC	53889	\$2.00	41618	01-2010-25-2412-103	junk title	10/19/2012
Wayne Robbins	53890	\$470.00	40821	01-2010-20-1212-103	video of meeting	10/19/2012
Virtual Town Pages	53891	\$549.00	40568	01-2010-20-1212-103	town website	10/19/2012
Francie Joseph	53892	\$195.60	41621	01-2010-20-1312-028	mileage reimbursement	10/22/2012
Hess Corp	53893	\$45.19	41572	01-2010-31-4302-071	gas	10/22/2012
NRG Business Solutions	53894	\$1,625.72	41573	01-2010-31-4302-071	electric	10/22/2012
Verizon Long Distance	53895	\$5.49	41588	01-2010-31-4402-076	telephone	10/22/2012
Nextel Communication	53896	\$144.65	41589	01-2010-27-3312-103	health dept cell phones	10/22/2012
Passaic Valley Sewerage Comm.	53897	\$1,024,839.10	41596	01-2010-31-4572-103	sewer taxes 4th qtr	10/22/2012
Aton Computing	53900	\$0.00	41173	01-2010-22-1962-103 01-2010-20-1212-103 01-2010-20-1312-028	920.00 from voided out check	10/26/2012
PSEG	53901	\$72,062.36	41640	01-2010-26-3002-079 01-2010-31-4302-071 01-2010-31-4352-075 01-2030-31-4352-075	electricity and gas	10/26/2012
PSEG	53901	\$152.61	41641	01-2010-31-4302-071	gas/electric	10/26/2012
South Jersey Energy	53902	\$1,153.65	41642	01-2010-31-4352-075	gas/electric	10/26/2012
Verizon Communications	53903	\$238.53	41635	01-2010-31-4402-076	telephone	10/26/2012
New Jersey Health Benefits	53904	\$73,452.84	41651	01-2010-23-2102-096	Nov. 2012 retiree insurance by wire	10/26/2012
N.J. Health Benefits Financial	53905	\$113,267.95	41652	01-2010-23-2102-092 01-2010-23-2102-095	Nov. 2012 health/script	10/26/2012
Treasurer, State of NJ	53906	\$25.00	41654	01-2010-20-1212-103	Notary change of address	10/26/2012
<b>TOTAL CURRENT BUDGET</b>		<b>\$1,288,429.69</b>				
Aton Computing	13478	\$0.00	41173	03-2010-05-8530-103	computers from voided check	10/26/2012
<b>TOTAL RECREATION BUDGET</b>		<b>\$0.00</b>				
Aton Computing	2017	\$0.00	41072	04-2759-55-9502-004	computer from voided check	10/26/2012
Aton Computing	2017	\$0.00	41173	04-2759-55-9502-004	computer from voided check	10/26/2012
<b>TOTAL CAPITAL BUDGET</b>		<b>\$0.00</b>				

State of N.J. PWT	7791	\$2,004.47	41616	05-2010-55-5012-131	2012 3rd qrtr water taxes	10/19/2012
Passaic Valley Water Comm.	7792	\$129,040.33	40888	05-2010-55-5012-134	Sept. 2012 water charge	10/19/2012
<b>TOTAL WATER BUDGET</b>		<b>\$131,044.80</b>				

Boswell		71803	10/23/2012	776 114 1345	2455	\$11.50	
Boswell		71803	10/23/2012	776 0288 721	2456	\$7.00	
Boswell		71803	10/23/2012	776 144 2529	2457	\$245.50	
Boswell		71802	10/23/2012	776 0288 631	2458	\$7.86	
Boswell		71802	10/23/2012	776 0288 653	2459	\$40.25	
Boswell		71802	10/23/2012	776 114 1147	2460	\$44.00	
Boswell		71802	10/23/2012	776 114 1493	2481	\$30.25	
Boswell		71802	10/23/2012	776 144 2198	2462	\$72.75	
Boswell		71802	10/23/2012	776 114 1402	2463	\$83.39	
Boswell		71806	10/23/2012	776 213 2482	2464	\$195.00	
Boswell		71805	10/23/2012	776 213 7383	2465	\$220.00	
Boswell		69326	10/23/2012	776 213 7466	2466	\$132.00	
Dutra Excavating	reso refund		10/23/2012	776 0155 010	2467	\$75.00	
Riverfront Residential I, LLC	part relea cash bond r 320 12		10/25/2012	776 144 1935	2468	\$74,920.00	

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-330-12**

**CONSENT AGENDA**

**RESOLUTION BY: COUNCILMAN WORK  
SECONDED BY: COUNCILMAN CONBOY**

**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		SOCIAL SECURITY	
CURRENT	10/22/2012	CK#53898	\$292,020.64	CK# 53899	\$11,275.67
WATER		CK#7793	\$10,474.28	CK#7794	\$471.34

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: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia	X				Trawinski	X			
Colletti	X				Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1st day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated



**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-331-12**

**CONSENT AGENDA**

**RESOLUTION BY: COUNCILMAN WORK  
SECONDED BY: COUNCILMAN CONBOY**

**AUTHORIZE AGREEMENT BETWEEN BOROUGH OF ELMWOOD PARK AND THE BOROUGH  
OF FAIR LAWN FOR ENGINEERING COSTS – TRAFFIC SIGNAL ON BROADWAY**

**WHEREAS**, given the motorists lack of compliance with the existing flashing beacon system installed by New Jersey Department of Transportation at the Broadway Station, the Borough supports replacement of the existing system with a new traffic control device providing a red signal to require a mandatory motorist stop when pedestrians are crossing the street;

**THEREFORE BE IT RESOLVED**, the Borough of Elmwood Park commits to funding engineering costs of the new signal up to a sum not to exceed \$40,000, provided that the Borough of Fair Lawn contributes 50% of the total amount; and that New Jersey Department of Transportation advises in writing that construction of the new traffic control device is approved as a capital project along with any clarification to its scope.

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: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia	X				Trawinski	X			
Colletti	X				Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1st day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-332-12**

**CONSENT AGENDA**

**RESOLUTION BY: COUNCILMAN WORK  
SECONDED BY: COUNCILMAN CONBOY**

**APPOINTMENT OF SUBSTITUTE CROSSING GUARD – POLICE DEPARTMENT**

**WHEREAS**, the Police Department has recommended the hiring a substitute crossing guard; and

**WHEREAS**, the Detective Bureau has investigated the applicant and is recommending the appointment;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Elmwood Park that the following named be and is hereby appointed as a substitute crossing guard, and will be compensated at \$14.45 an hour as needed:

**Joseph Toro  
25-347 Sothern Drive  
Fair Lawn, NJ 07410**

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: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia	X				Trawinski	X			
Colletti	X				Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1st day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-333-12**

**CONSENT AGENDA**

**RESOLUTION BY: COUNCILMAN WORK  
SECONDED BY: COUNCILMAN CONBOY**

**APPROVE PLENARY DISTRIBUTION LIQUOR LICENSE PERSON-TO-PERSON TRANSFER –  
234-238 MARKET STREET – BNJ GROUP LLC**

**WHEREAS**, application has been made to the Mayor and Council for a Person-to-Person transfer of Plenary Retail Distribution Liquor License # 0211-44-001-007 which is active to the premises at located at 234-238 Market Street, Elmwood Park, County of Bergen, New Jersey; and

**WHEREAS**, the Police Department has conducted the usual investigation and has found nothing to prohibit the transfer;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Elmwood Park that said transfer is hereby granted.

**BJN Group, LLC  
234-238 Market Street  
Elmwood Park, NJ 07407**

APPROVED: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia	X				Trawinski	X			
Colletti	X				Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1st day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-334-12**

**CONSENT AGENDA**

**RESOLUTION BY: COUNCILMAN WORK  
SECONDED BY: COUNCILMAN CONBOY**

**APPROVE CURFEW FOR MISCHIEF NIGHT AND HALLOWEEN**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Elmwood Park that a 9:00 p.m. curfew be, and the same is hereby approved for Mischief Night, Sunday, November 4, 2012 and Halloween, Monday, November 5, 2012.

APPROVED: November 1, 2012

\_\_\_\_\_  
Richard A. Mola  
Mayor

ATTEST: \_\_\_\_\_  
Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Castiglia	X				Trawinski	X			
Colletti	X				Vuoncino	X			
Conboy	X				Work	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 1st day of November 2012. Signed and sealed before me.

\_\_\_\_\_  
Keith Kazmark RMC/CMC/MMC  
Borough Clerk

\_\_\_\_\_  
Dated

## **COMMITTEE REPORTS**

Councilman Castiglia commended the Police, Fire Department and the Department of Public Works for their work during Hurricane Sandy. He further stated that road closures continue due to downed power lines.

Councilman Conboy discussed the upcoming election. He further discussed an article in the Community News pertaining to the current Council. Councilman Conboy stated that the Council works hard for the community. Councilman Conboy commended all the emergency services for all that was done during and after Hurricane Sandy. He further stated he wishes the best for everyone and hopes that everyone is safe.

Councilman Vuoncino discussed the power outages due to the storm and encouraged people to stay safe and help a neighbor who might be in need. He further thanked the Police Department, Fire Department, the Office of Emergency Management and the Department of Public Works crew and all Borough officials for all they have done during and after the storm. He further stated that due to the change of Halloween, that the Ambulance Corps. will be holding their Haunted House on Tuesday, November 6, 2012.

Councilman Colletti commended the Police, Fire, Department of Public Works, and other Borough employees for their efforts during and after the storm. He reminded residents of Election Day on Tuesday, November 6, 2012.

Councilman Trawinski discussed some of the damage around the Borough from Hurricane Sandy. He thanked all the emergency responders for their contributions during the storm. Councilman Trawinski further stated that the Building Department would like to waive permit fees for hurricane related work and repairs to homes. He discussed PSE&G pertaining to damage to their substations. He further discussed many downed power lines and expressed the importance to exercise extreme caution.

Councilman Work thanked the emergency services for their work during the storm. He further discussed the extreme damage on Ackerman Avenue. Councilman Work reminded residents of the upcoming election, but stated this is a time for politics to be put aside and address the concerns of the residents.

Borough Clerk Keith Kazmark discussed the County Offices being kept open the weekend prior to the election so that registered voters may vote in person by mail in ballot. Mr. Kazmark explained the process for mail in ballot by authorized messenger.

Mayor Mola discussed the emergency lighting pertaining to Altair and the Riverfront Residential building. Mayor Mola discussed Police Chief Johnson has been at headquarters continuously during and after the storm. The Police Chief has been sleeping on an air mattress and is not receiving additional compensation for all the extra hours. Mayor Mola further also discussed the extra hours by Scott Karcz who also is not receiving extra compensation for the extra hours. Mayor Mola further thanked Chief Sulick and all the firefighters for all their work during and after the storm. Further Mayor Mola thanked Borough Clerk Keith Kazmark for all the coordination he has done during this time. He further thanked the residents of Elmwood Park for their understanding and patience.

## **PUBLIC HEARING**

Jeanne Freitag, Hillman Drive, inquired about the power at Gantner Avenue and Sixteenth Avenue. Mr. Kazmark stated that Gantner Avenue did have power however a high voltage line is down by Gantner Avenue. Therefore the polls that are normally at Gantner have been moved to the High School. Mr. Kazmark stated that Sixteenth Avenue did not have power and as such those polling locations have been moved to the High School. Mrs. Freitag inquired about the lift which is located by the cafeteria in the high school for election purposes. Mr. Kazmark stated that he has been in communication with Dr. Tomko and Mr. Moffett to discuss all aspects of Election Day. Mrs. Freitag inquired if the District reached out to offer their alert system to spread the word of the polling changes. Mr. Kazmark stated that the Borough will be utilizing their reverse 911 system to send out notifications and asked Dr. Tomko to use the District's alert system to further saturate the town with information about election changes. Mrs. Freitag commented on the shredding event that was held.

Jeff Freitag, Hillman Drive, discussed the emergency ordinance on tonight's agenda utilizing odd/even purchasing days for petroleum. He further asked if legal council had reviewed the ordinance. Mr. Kazmark stated that the Borough utilized the same resolution that Belleville created with their legal council and further stated that Borough Attorney Brian Giblin reviewed the ordinance this evening.

Unnamed Resident, Lee Street, inquired about the emergency ordinance on tonight's agenda. She further shared an experience in which she was told that she could not have her red gas jug filled after being on line for an extended period of time.

Guy Milazzo, Franklin Street, stated that there is a downed tree on the corner of East 54<sup>th</sup> Street and Franklin Street.

Mark Rose, Elmwood Court, inquired about the Emergency Ordinance pertaining to the odd/even petroleum purchases.

Kenneth Arabia, Locust Street, discussed his concerns for the lighting in the rear municipal parking lot and the speed of the cars on Locust Street.

Steven Conti, Market Street, inquired about the presence of PSE&G worker within the Borough of Elmwood Park. Mr. Kazmark stated that workers are only being dispatched for emergencies only at this time. He further stated that once the infrastructure has been repaired then workers will be dispatched onto the streets. Mr. Conti expressed his concerns with the gas station situation within the Borough.

A motion was made by Councilman Conboy and seconded by Councilman Castiglia to adjourn. Motion carried unanimously.

Respectfully submitted;

---

Keith Kazmark, RMC/CMC/MMC  
Borough Clerk

*Minutes were approved at the December 6, 2012 Regular Meeting of the Mayor and Council.*