

Borough of Palisades Park
275 Broad Avenue
County of Bergen
State of New Jersey

Work & Regular Meeting
of the Mayor & Council
June 22, 2021

Mayor Christopher Chung opened the meeting at 5:01 P.M.

Statement: This is a Work Session of the Mayor & Council, and notice was given as follows:

1. Notice was filed January 5, 2021 with The Record & Newark Star Ledger, both official newspapers of the Borough.
2. Notice was posted on the Bulletin Board.
3. Copy is preserved in the Clerk's Office.

Pledge of Allegiance Led By Councilperson: **JONGCHUL LEE**

Moment of Silence for Our Troops

ROLL CALL:

Councilperson

“	Kim	Present
“	Lee	Present
“	Min	Absent

Motion Made By Councilperson: Pirrera

Seconded By Councilperson: Vietri

To Excuse Councilman Min from the Work Session

All Present in Favor by Voice Vote.

“	Park	Present
“	Pirrera	Present
“	Vietri	Present

Borough Attorney John Schettino, Esq. Present

Borough Administrator David Lorenzo Present

PRESENTATION OF SCHOLARSHIPS

Mayor Christopher Chung presented the Recycling and Mayor's Scholarship to the recipients. He also stated that he had attended the Palisades Park High School graduation, and it was very touching to see the students graduate after having overcome the barriers that COVID-19 presented.

ADOPTION OF PREVIOUS MONTH'S MINUTES

Mayor & Council Meeting: May 25, 2021

Special Meeting of the Mayor and Council: June 11, 2021

CONSENT AGENDA:

RESOLUTION 2021-171	Claims
RESOLUTION 2021-172	Authorization of Submission of Grant Application and Execution of a Grant Contract with the New Jersey Department of Transportation (RE: MA-2022-Broad Avenue Streetscape Project-00121)
RESOLUTION 2021-173	Authorization of Collective Bargaining Agreement between the Borough of Palisades Park and PBA Local 45
RESOLUTION 2021-174	Authorization of Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994 C. 72
RESOLUTION 2021-175	Authorization of ADA Cooperative Curb Ramp Grant Program Agreement
RESOLUTION 2021-176	Authorization of Shared Services Agreement for County Road Resurfacing Program
RESOLUTION 2021-177	Authorization of Liquor License Renewals
RESOLUTION 2021-178	Authorization to Auction Surplus Equipment
RESOLUTION 2021-179	Hiring of Part-Time Tax/Finance Clerk (RE: J. Belleza)
RESOLUTION 2021-180	Hiring of Part-Time DPW Employees
RESOLUTION 2021-181	Authorization of Medicare Part B Coverage Reimbursement
RESOLUTION 2021-182	Hiring of Employees for the 2021 Pool Season

OFF CONSENT:

RESOLUTION 2021-183	Authorization of Police Promotion to Sergeant (RE: S. Cottrell)
RESOLUTION 2021-184	Authorization of Police Promotion to Sergeant (RE: A. Monteleone)
RESOLUTION 2021-185	Amendment of 2021 Municipal Budget

INTRODUCTION OF ORDINANCE:

ORDINANCE 2021-9 Establishment of Ordinance Regarding “Benefits for Officers and Employees of the Borough of Palisades Park Not Covered By Collective Bargaining”
ORDINANCE 2021-10 Amendment of Chapter 282 Entitled “Vehicles and Traffic”
ORDINANCE 2021-11 Amendment of Chapter 58 Entitled “Police Department” - Article V. Fees for Copies and Services
ORDINANCE 2021-12 Amendment of Chapter 300 Entitled “Zoning”, Addition of New Section, “Rights-of-Way for 5G Telecommunications”
ORDINANCE 2021-13 Amendment of Chapter 58 Entitled “Police Department” – Special Law Enforcement Officers Class III

2ND READING/PUBLIC HEARING:

ORDINANCE 2021-6 Bond Ordinance to Authorize the Improvement of West Ruby Avenue and Fairview Street In, By and For the Borough of Palisades Park to Appropriate the Sum of \$120,000
ORDINANCE 2021-7 Bond Ordinance to Authorize Various Improvements to Lindbergh Field In, By and For the Borough of Palisades Park to Appropriate the Sum of \$127,500
ORDINANCE 2021-8 Amendment of Chapter 58 Entitled “Police Department”

COUNCIL REPORTS:

None

Motion Made By Councilperson: Pirrera
Seconded By Councilperson: Kim
To Open Meeting to Public

All Present in Favor by Voice Vote.

PUBLIC PARTICIPATION:

Joseph Sperlazzo – Asked about Bond Ordinance #2021-7. The Borough Administrator David Lorenzo answered that the improvements will include fencing and drainage work at Lindbergh Field.

Melanie Comas – Asked what was being done at West Ruby Ave. Mr. Lorenzo answered that West Ruby Ave was going to paved from Grand Ave below.

Motion Made By Councilperson: Pirrera
Seconded By Councilperson: Lee
To Close Public Portion and Adjourn Work Session

All Present in Favor by Voice Vote.

Meeting adjourned at 5:10 P.M.

Attest:



Gina S. Kim, RMC
Borough Clerk

Borough of Palisades Park
Regular Meeting of the Mayor and Council
June 22, 2021

Mayor Christopher Chung opened the meeting at 5:10 P.M.

- Statement: This is a Regular Meeting of the Mayor & Council, and notice was given as follows:
1. Notice was filed January 5, 2021 with The Record & Newark Star Ledger, both official newspapers of the Borough.
 2. Notice was posted on the Bulletin Board.
 3. Copy is preserved in the Clerk's Office.

ROLL CALL:

Councilperson		
“	Kim	Present
“	Lee	Present
“	Min	Absent

Motion Made By Councilperson: Pirrera
Seconded By Councilperson: Vietri
To Excuse Councilman Min from the Regular Meeting

All Present in Favor by Voice Vote.

“	Park	Present
“	Pirrera	Present
“	Vietri	Present
Borough Attorney	John Schettino, Esq.	Present
Borough Administrator	David Lorenzo	Present

OFF CONSENT:

RESOLUTION 2021-183: Authorization of Police Promotion to Sergeant (RE: S. Cottrell):
WHEREAS, Sean Cottrell is presently employed with the Palisades Park Police Department as a Patrolman; and

WHEREAS, the Palisades Park Police Department wishes to promote Patrolman Cottrell to the position of Sergeant effective June 23, 2021 at an annual salary in accord with the salary ordinance for said position; and

WHEREAS, Patrolman Cottrell has met all the qualifications necessary for the position of Sergeant in the Palisades Park Department; and

WHEREAS, based upon interviews conducted, the Borough Administrator and Police Committee recommend the promotion of Sean Cottrell from Patrolman to Sergeant in the Palisades Park Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park, County of Bergen and State of New Jersey, that Patrolman Sean Cottrell be and is hereby promoted to the position of Sergeant in the Palisades Park Police Department effective June 23, 2021 with an annual salary as set forth in the salary ordinance for said position; and

BE IT FURTHER RESOLVED, that the Borough Administrator be and he is hereby authorized and directed to forward a certified copy of this Resolution to Sean Cottrell and the Palisades Park Police Department immediately upon its passage and to place a copy of said resolution in his personnel file.

Motion Made By Councilperson: Kim
Seconded By Councilperson: Vietri
To Adopt Off Consent Agenda Resolution #2021-183

ROLL CALL:

Councilperson		
“	Kim	Yes
“	Lee	Yes
“	Min	Yes
“	Park	Yes
“	Pirrera	Recused
“	Vietri	Yes

Borough of Palisades Park
Regular Meeting of the Mayor and Council
June 22, 2021

OFF CONSENT:

RESOLUTION 2021-184: Authorization of Police Promotion to Sergeant (RE: A. Monteleone):

WHEREAS, Alex Monteleone is presently employed with the Palisades Park Police Department as a Patrolman; and

WHEREAS, the Palisades Park Police Department wishes to promote Patrolman Monteleone to the position of Sergeant effective June 23, 2021 at an annual salary in accord with the salary ordinance for said position; and

WHEREAS, Patrolman Monteleone has met all the qualifications necessary for the position of Sergeant in the Palisades Park Department; and

WHEREAS, based upon interviews conducted, the Borough Administrator and Police Committee recommend the promotion of Alex Monteleone from Patrolman to Sergeant in the Palisades Park Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park, County of Bergen and State of New Jersey, that Patrolman Alex Monteleone be and is hereby promoted to the position of Sergeant in the Palisades Park Police Department effective June 23, 2021 with an annual salary as set forth in the salary ordinance for said position; and

BE IT FURTHER RESOLVED, that the Borough Administrator be and he is hereby authorized and directed to forward a certified copy of this Resolution to Alex Monteleone and the Palisades Park Police Department immediately upon its passage and to place a copy of said resolution in his personnel file.

Motion Made By Councilperson: Kim
Seconded By Councilperson: Vietri
To Adopt Off Consent Agenda Resolution #2021-184

ROLL CALL:

Councilperson		
“	Kim	Yes
“	Lee	Yes
“	Min	Yes
“	Park	Yes
“	Pirrera	Recused
“	Vietri	Yes

Officer-in-Charge, Captain Shawn Lee, recognized and thanked the Mayor, Council, and Borough Administrator for their continued support of the Police Department. Captain Lee spoke about Police Officers Sean Cottrell and Alex Monteleone before they were sworn in as Sergeants by Mayor Christopher Chung.

The Mayor asked for a five-minute recess after the swearing in ceremony.

Meeting recessed at 5:25 P.M. and resumed at 5:30 P.M.

Roll call was taken.

ROLL CALL:

Councilperson		
“	Kim	Yes
“	Lee	Yes
“	Min	Absent
“	Park	Yes
“	Pirrera	Yes
“	Vietri	Yes

Borough Attorney John Schettino, Esq. Present

Borough Administrator David Lorenzo Present

ADOPTION OF PREVIOUS MONTH'S MINUTES

Borough of Palisades Park
Regular Meeting of the Mayor and Council
June 22, 2021

Mayor & Council Meeting: May 25, 2021
Special Meeting of the Mayor and Council: June 11, 2021

Motion Made By Councilperson: Pirrera
Seconded By Councilperson: Kim
To Adopt the May 25, 2021 Mayor and Council Meeting Minutes and June 11, 2021 Special Meeting Minutes

ROLL CALL:

<u>Councilperson</u>		
“	Kim	Yes
“	Lee	Yes
“	Min	Absent
“	Park	Yes
“	Pirrera	Yes
“	Vietri	Yes

CONSENT AGENDA:

RESOLUTION 2021-171 Claims
RESOLUTION 2021-172 Authorization of Submission of Grant Application and Execution of a Grant Contract with the New Jersey Department of Transportation (RE: MA-2022-Broad Avenue Streetscape Project-00121)
RESOLUTION 2021-173 Authorization of Collective Bargaining Agreement between the Borough of Palisades Park and PBA Local 45
RESOLUTION 2021-174 Authorization of Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994 C. 72
RESOLUTION 2021-175 Authorization of ADA Cooperative Curb Ramp Grant Program Agreement
RESOLUTION 2021-176 Authorization of Shared Services Agreement for County Road Resurfacing Program
RESOLUTION 2021-177 Authorization of Liquor License Renewals
RESOLUTION 2021-178 Authorization to Auction Surplus Equipment
RESOLUTION 2021-179 Hiring of Part-Time Tax/Finance Clerk (RE: J. Belleza)
RESOLUTION 2021-180 Hiring of Part-Time DPW Employees
RESOLUTION 2021-181 Authorization of Medicare Part B Coverage Reimbursement
RESOLUTION 2021-182 Hiring of Employees for the 2021 Pool Season

OFF CONSENT:

RESOLUTION 2021-183 Authorization of Police Promotion to Sergeant (RE: S. Cottrell)
RESOLUTION 2021-184 Authorization of Police Promotion to Sergeant (RE: A. Monteleone)
RESOLUTION 2021-185 Amendment of 2021 Municipal Budget

INTRODUCTION OF ORDINANCE:

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ORDINANCE 2021-8 Amendment of Chapter 58 Entitled “Police Department”

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Regular Meeting of the Mayor and Council
June 22, 2021

CONSENT AGENDA:

RESOLUTION 2021-171: Claims:

RESOLVED, by the Mayor and Council of the Borough of Palisades Park, that the following claims, aggregating **\$ 3,336,008.58** as so ordered and approved by the Finance Committee; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified the availability of funds; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, Borough Clerk and Collector shall and are hereby authorized to draw warrants in payment of said claims:

Current Account	\$ 3,184,898.45
Capital Account	\$ 128,272.42
Swim Pool Account	\$ 22,837.71
Pool Trust	\$ 0
Recycling Trust	\$ 0
Unemployment Trust	\$ 0
Dog Trust	\$ 0
Cat Trust	\$ 0
Food Handling Trust	\$ 0
Municipal Alliance Trust Account	\$ 0
DDEF	\$ 0
Tree Preservation	\$ 0
Federal Share Forfeiture	\$ 0
Public Defender Trust	\$ 0
UFC Fines & Penalty	\$ 0

Total \$ 3,336,008.58

Net Payroll	\$ 0
Developers Escrow	\$ 10,277.50
Night Out Against Crime	\$ 0
Library	\$ 0
Affordable Housing Authority	\$ 0
Rent Affordable Housing	\$ 4,457.38

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk be and is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Tax Collector

RESOLUTION 2021-172: Authorization of Submission of Grant Application and Execution of a Grant Contract with the New Jersey Department of Transportation (RE: MA-2022-Broad Avenue Streetscape Project-00121):

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Broad Avenue Streetscape Project

NOW, THEREFORE, BE IT RESOLVED, that Mayor and Council of the Borough of Palisades Park formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as *MA-2022-Broad Avenue Streetscape Project-00121* to the New Jersey Department of Transportation on behalf of the Borough of Palisades Park.

BE IT FURTHER RESOLVED, that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Palisades Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Mayor and Council
On this 22nd day of June, 2021.

Gina Kim, Borough Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

RESOLUTION 2021-173: Authorization of Collective Bargaining Agreement between the Borough of Palisades Park and PBA Local 45:

WHEREAS, the Collective Bargaining Agreement between the Borough of Palisades Park and the Palisades Park PBA Local 45 terminated as of December 31, 2020; and

WHEREAS, the Borough and Palisades Park PBA Local 45 have been negotiating a new collective bargaining agreement for the police officers effective as of January 1, 2021 thru December 31, 2025; and

WHEREAS, such a Collective Bargaining Agreement has been negotiated and agreed upon between the Borough of Palisades Park and Palisades Park PBA Local 45; and

WHEREAS, the Collective Bargaining Agreement attached hereto and incorporated herein by reference is satisfactory to both parties,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Palisades Park, County of Bergen and State of New Jersey, that the Collective Bargaining Agreement, a copy of which is attached hereto and incorporated herein by reference, between the Borough and Palisades Park and PBA Local 45 for the period January 1, 2021 through December 31, 2025 be and is hereby ratified by the Borough; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute said Collective Bargaining Agreement.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to PBA Local 45 upon its passages.

RESOLUTION 2021-174: Authorization of Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994 C. 72:

A RESOLUTION AUTHORIZING THE BOROUGH OF PALISADES PARK TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994 C. 72

WHEREAS, the Borough of Palisades Park had a public hearing regarding its scheduled budget adoption on June 22, 2021 and the Bergen County Board of Taxation is unable to certify Palisades Park's tax rate at this time and the Borough of Palisades Park's Tax Collector will be unable to mail the Borough's 2021 tax bills on a timely basis; and

WHEREAS, the Borough of Palisades Park Tax Collector and Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Governing Body of the Borough of Palisades Park requests the Director of the Division of Local Government Services to approve the estimated tax levy conforming with the 105% listed below. Approval will enable the Borough to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest on borrowing.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of Borough of Palisades Park, in the County of Bergen, State of New Jersey on this 22nd day of June 2021, as follows:

1. The Borough of Palisades Park Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2021 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by P.L. 1993, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2021 is hereby set at \$51,786,543.80
3. In accordance with law, the third installment of 2021 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

RESOLUTION 2021-175: Authorization of ADA Cooperative Curb Ramp Grant Program

Agreement:

WHEREAS, the Mayor and Council of the Borough of Palisades Park wish to enter into an Agreement with the County of Bergen with regard to the ADA Cooperative Curb Ramp Grant Program; and

WHEREAS, pursuant to N.J.S.A. 40A:65-1 et. seq. the Uniform Shared Services and Consolidation Act provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction and further authorizes municipalities to fulfill obligations by entering into a shared services agreement with another municipality or county government; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed the Agreement between the Borough and the County of Bergen with regard to the ADA Cooperative Curb Ramp Grant Program, a copy of which is attached hereto and incorporated herein by reference and recommend the approval of same.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park, County of Bergen and State of New Jersey that the Agreement between the Borough and the County of Bergen for the ADA Cooperative Curb Ramp Grant Program, a copy of which is attached hereto and incorporated herein by reference, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward a copy of this resolution together with the Agreement to the County of Bergen upon its passage.

RESOLUTION 2021-176: Authorization of Shared Services Agreement for County Road

Resurfacing Program:

WHEREAS, the Borough of Palisades Park seeks to enter into a Shared Services Agreement with the County of Bergen for the County Road Resurfacing Program; and

WHEREAS, the term of the Shared Services Agreement shall commence on the effective date of this resolution and shall continue for a term of one year, and shall renew annually until terminated or modified by either Party; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed the Shared Services Agreement between the Borough and the County of Bergen, a copy of which is attached hereto and incorporated herein by reference, and recommend the approval of same.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park, County of Bergen and State of New Jersey that the Shared Services Agreement between the Borough of Palisades Park and the County of Bergen for the County Road Resurfacing Program attached hereto and incorporated herein by reference, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Shared Services Agreement shall be effective the date of this resolution and shall continue for a term of one year, and shall renew annually until terminated or modified by either Party; and

BE IT FURTHER RESOLVED, that the Mayor be and he is hereby authorized and directed to execute the Shared Services Agreement with the County of Bergen attached hereto and incorporated herein by reference on behalf of the Borough; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward a copy of this resolution together with the signed Shared Services Agreement to the County of Bergen immediately upon its passage.

RESOLUTION 2021-177: Authorization of Liquor License Renewals:

WHEREAS, the Police and Borough Clerk of the Borough of Palisades Park having investigated the applications of the following for license to conduct business for retail consumption of alcoholic beverages; and

BE IT RESOLVED, that the Borough Clerk be and is hereby empowered to issue plenary retail consumption licenses to the following persons for the year commencing on:

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July 1, 2021 through June 30, 2022

0245-32-018-006	Mukeunji, Inc.	215-217 Broad Avenue
0245-33-001-004	R.A. Warnock, Inc.	16 State Hwy 5
0245-33-006-005	Kilmok Corp.	238 Broad Avenue
0245-33-007-009	C & C Chocolate Entertainment Corp	8 Henry Avenue
0245-33-009-006	Madrid Restaurant Corp	343 Bergen Blvd
0245-33-010-010	Bergen Kr, Inc .	400 Bergen Blvd, Unit A
0245-33-019-018	Hanam Daeji Inc.	445 Grand Ave, 1 st & 2 nd Floor
0245-33-023-014	Grand Avenue Restaurant Inc	42 Broad Avenue
0245-33-024-010	Pine Tree Yitaewon, LLC	7 Broad Avenue
0245-33-027-006	Evergreen Diner Inc.	243 Broad Avenue
0245-33-028-007	BC Kim Enterprise LLC	330 Broad Avenue
0245-33-030-004	Te Min Quan, Inc.	270 Broad Avenue
0245-33-016-005	Halsam Tavern Inc.	452 Broad Avenue
0245-33-005-008	Palisades Bar & Grill LLC	417 E. Brinkerhoff Avenue
0245-33-025-009	Negi F&B Inc.	412 Bergen Blvd
0245-33-029-009	Tyan Grand Inc.	15 Grand Avenue
0245-33-003-008	Jeong Yook Corp	329 Bergen Blvd
0245-33-013-007	BSJ Hospitality Group, LLC	Inactive
0245-33-021-007	CH International Corp.	232 Broad Avenue

BE IT FURTHER RESOLVED, that the Police and Borough Clerk of the Borough of Palisades Park having investigated the applications of the following persons for license to conduct business for retail distribution of alcoholic beverages; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby empowered to issue plenary retail distribution licenses to the following persons for the year commencing on:

July 1, 2021 through June 30, 2022

0245-44-002-006	Hurositore, Inc.	15 Grand Avenue
0245-44-004-007	Sang Ju, LLC	246 Broad Avenue
0245-44-011-004	Best Choice Liquor Co, LLC	23 Broad Avenue
0245-44-012-003	Anthony's Pharmacy	341 Broad Avenue
0245-44-014-005	ABK Industries LLC	534 Bergen Blvd
0245-44-008-006	Mohtaram & Mohtaram Inc.	400 Broad Avenue
0245-44-015-006	AD Corp, Inc.	Inactive
0245-44-017-007	Palisades Park Liquor Co, LLC	100 E. Columbia Avenue
0245-44-026-005	Pae's Supreme Corp	220 Broad Avenue
0245-44-031-006	Grace 2016, LLC	520 Bergen Blvd

BE IT FURTHER RESOLVED, that the Police and Borough Clerk of the Borough of Palisades Park having investigated the applications of the following Club License; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby empowered to issue Club Licenses to the following organization for the year commencing on:

July 1, 2021 through June 30, 2022

0245-31-034-002	Palisades Park Elks Lodge	536 10 th Street
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BE IT FURTHER RESOLVED, that all of said licenses have been issued pursuant to an Act of the Legislature of the State of New Jersey, entitled "An Act Concerning Alcoholic Beverages, Its Supplements and Amendments Thereto" and the Borough of Palisades Park.

RESOLUTION 2021-178: Authorization to Auction Surplus Equipment:

WHEREAS, the Borough of Palisades Park has surplus equipment that is no longer used and useful in providing municipal services to the citizens of the borough and wishes to dispose of these goods through an efficient and effective process; and

WHEREAS, the Borough has determined that the miscellaneous equipment constitutes property no longer needed for public use; and

WHEREAS, the Borough desires to sell this property through an online auction at Govdeals.com; and

WHEREAS, the sale of surplus through an online auction is to be conducted in accordance with the requirements of Local Finance Notice 2008-09; and

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WHEREAS, the auction of surplus pursuant with the terms and conditions of the Borough's contract with Govdeals.com is necessary for the efficient operations of the Borough and the sale of property no longer used or useful by the Borough for the provision of municipal services is in the best interests of its citizens; and

WHEREAS, the contract by and between the Borough and Govdeals.com setting forth the terms and conditions of the auction services to be provided will be available in the Borough Clerk's Office and the website of Govdeals.com.

NOW, THEREFORE, BE IT RESOLVED, that the following equipment shall be auctioned through Govdeals.com:

FORD 2007 CROWN VIC VIN# 2FAFP71W07X148720
FORD 2004 BUS 1FDXE45S84HB39197
PIERCE 1989 TRUCK 1P9CT02JXKA040390

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized to furnish copies of this Resolution to the following:

1. Communications Manager

RESOLUTION 2021-179: Hiring of Part-Time Tax/Finance Clerk (RE: J. Belleza):

WHEREAS, upon the recommendation of the Tax Department, a need exists for the hiring of a part-time tax/finance clerk; and

WHEREAS, it is in the best interests of the Borough and its residents to hire a part-time tax/finance clerk; and

WHEREAS, Mr. Belleza will be hired as a part-time tax/finance clerk at a rate of \$22.00/hr.

NOW, THEREFORE, BE IT RESOLVED, that Jack Russell Belleza, 1505 74th Street, North Bergen, NJ 07047 be hired as a part-time tax/finance clerk effective immediately, at a rate of \$22.00/hr with no benefits.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Tax Collector
3. Jack Russell Belleza

RESOLUTION 2021-180: Hiring of Part-Time DPW Employees:

WHEREAS, the Borough of Palisades Park has determined, after consultation with the Director of the Department of Public Works, that there is a need for the hiring of part-time workers for the Borough of Palisades Park Department of Public Works; and

WHEREAS, Ruben Mancilla of 13 Alliotts Place, Palisades Park, NJ 07650 and Edgar Simon of 436 Broad Ave Apt. 3, Palisades Park, NJ 07650 have expressed interest in working for the Department of Public Works in a part-time capacity.

NOW, THEREFORE, BE IT RESOLVED, that Ruben Mancilla and Edgar Simon is hereby appointed to the position of a part-time worker with an hourly rate of \$14.00 per hour with no benefits.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to furnish a copy of this Resolution to the following:

1. Superintendent of DPW
2. Chief Financial Officer
3. Payroll Department
4. Ruben Mancilla
5. Edgar Simon

RESOLUTION 2021-181: Authorization of Medicare Part B Coverage Reimbursement:

RESOLVED, by the Mayor and Council of the Borough of Palisades Park that the Collector shall be and is hereby authorized to reimburse the following retired employees for hospitalization premiums paid to Social Security for Part B and Part D under Medicare in accordance with

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Chapter 75, P.L. 1972.

NAME	VEND #	ADDRESS	AMOUNT
LEONARD & REGINA COTTRELL	3506	543 2nd STREET PAL PK, NJ 07650	\$ 1,710.00
FRANK & DIANE MARTINI	3637	27 BOGART DRIVE NORTH HALEDON, NJ. 07508	\$ 1,782.00
BARBARA & SAL PALAZZOLA	4119	6 CROWDALE PLACE GALLOWAY, NJ. 08205	\$ 1,782.00
HENRY & MARGARET RUH	3763	12 NELKE CT. HAWTHORNE NJ. 07506	\$ 1,639.20
DOLLY CAIAZZO	3004	424 E. BRINKERHOFF AVE PAL PK, NJ 07650	\$ 1,838.00
JOSEPH CALI	525	111 SCHOONER AVE BARNEGAT, NJ. 08005	\$ 891.00
FEEDERICK R HANSEN	5830	WOODCLIFF LAKE, NJ 07672	\$ 1,184.10
NICOLINA OSTUNI	3113	1124 14TH STREET. FORT LEE. NJ 07024	\$ 891.00
MICHAEL & SHARON PALADINO	3841	128 SUN VIEW LN. KERRVILLE TX. 78028	\$ 1,746.00
JAMES RING	153	475 GRAND AVE APT # 1 H PAL PK, NJ 07650	\$ 891.00
MICHAEL & MARYANN VIETRI	598	436 B 1ST STREET PAL PK, NJ 07650	\$ 2,300.00
RONALD KIDA	4377	79 HARRINGTON ST. BERGENFIELD 07621	\$ 891.00
JOHN & DIANE GENOVESE	4376	9130 SEASON TER VEROBEACH FL. 32963	\$ 1,740.00
JOHN MATTESSICH	2685	354 EAST HOMESTEAD AVE PAL PK, NJ 07650	\$ 1,247.40
PAUL V ROMANO	4818	20 GRANDVIEW AVE GLEN ROCK NJ. 07452	\$ 849.00
JOSEPH & CAROL FERGUSON	527	475 GRAND AVE APT # 3 PAL PK NJ. 07650	\$ 1,782.00
LAURENCE & ANNETTE RUH	4746	1119 RIVER ROAD NEW MILFRED 07646	\$ 1,789.50
PASQUALINA & GINO GIANNANTONIO	5081	192 AMBERMIST WAY, FORKED RIVER, NJ 08731	\$ 1,782.00
TERESA V VAUGHAN	5222	185 D DILWORTH RD. NEW MILFORD, NJ 07646	\$ 891.00
RICHARD & DEBRA SOPELSA	4986	1122 CUMBERMEADE RD. FORT LEE, NJ. 07024	\$ 5,125.00
JADRANKO MIHALINEC	91	468 VAN EMBURG AVE, TWP OF WASHINGTON NJ 07676	\$ 2,316.00
ANDREA T. KRUEGER	5543	68 MONTVALE AVE. MONTVALE NJ. 07645	\$ 742.50
STEVEN A. THOMPSON	5557	546 WELLINGTON DR. WYCKOFF NJ. 07481- 1133	\$ 1,321.20
KATHLEEN M. JACKSON	5637	215 CENTER STRRET NEW MILFORD NJ. 07646	\$ 891.00
THOMAS LETO	5720	68 FRANKLIN AVENUE, FAIRVIEW, NJ 07010	\$ 894.00
ANTHONY F POLLOTTA	1033	1305 PELICAN DR, NEW BERN, NC 28560	\$ 891.00
TOTAL			\$ 39,807.50

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Tax Collector

RESOLUTION 2021-182: Hiring of Employees for the 2021 Pool Season:

WHEREAS, upon the recommendation of the Pool Manager, a need exists for the hiring of pool employees for the 2021 Pool Season from June to September; and

WHEREAS, it is in the best interests of the Borough and its residents to hire certified lifeguards to maintain the safety of all pool visitors, secretaries and checkers to manage pool offices and daily operations, and maintenance/custodial workers to ensure the cleanliness of the pool grounds; and

WHEREAS, the following list of employees shall be hired and paid in accordance with the salary guide below:

- Head Guard in Training at \$15.00 per hour
 - Christopher Alvarez

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- Lifeguards at \$11.00 per hour
 - McKenzie Flynn
 - Haslin Granados
 - Daniel Kim
 - Jason Lee
 - Justin Park
 - Elijah Perez
 - Gabriel Pinto
 - Luis Rodriguez
 - Anthony Saric
 - Sebastian Taveras
 - Aziz Toumi
 - Daniel You
 - Ayana Yugay

- Maintenance at \$11.00 per hour
 - Giana Restrepo
 - Paul Tarakdijan
 - Jose Taveras

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned pool employees be hired effective immediately for the duration for the 2021 Pool Season from June to September.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Pool Manager

Motion Made By Councilperson: Vietri
 Seconded By Councilperson: Lee

To Adopt Consent Agenda Resolutions #2021-171 thru #2021-182

ROLL CALL:

Councilperson		
“	Kim	Yes
“	Lee	Yes
“	Min	Yes
“	Park	Yes
“	Pirrerera	Yes, Recused from #2021-173
“	Vietri	Yes

OFF CONSENT:

**RESOLUTION 2021-185: Amendment of 2021 Municipal Budget:
 BOROUGH OF PALISADES PARK**

RESOLUTION TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2021 was approved on April 27, 2021; and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Palisades Park, Bergen County, that the following amendments to the approved budget of 2021 be made:

**CURRENT FUND
 BUDGET**

**ANTICIPATED
 REVENUES**

3. Miscellaneous Revenues - Section
 F: Special Items of General
 Revenue Anticipated with Prior
 Written

	From	To
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	Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations			
	Municipal Alliance	4,861.20	4,507.18	
	Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues	54,107.44	53,753.42	
3.	Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items			
	American Rescue Plan	0.00	923,369.55	
	Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items	123,900.00	1,047,269.55	
	TOTAL MISCELLANEOUS REVENUES	2,766,697.44	3,689,712.97	
5.	SUBTOTAL GENERAL REVENUES (Items 1, 2, 3 and 4)	7,056,697.44	7,979,712.97	
		<u>From</u>	<u>To</u>	
6.	Amount to be Raised by Taxes for Support of Municipal Budget:			
	(A) Local Tax for Municipal Purpose Including Res. for Uncollected Taxes	17,590,535.00	17,231,430.45	
	TOTAL AMOUNT TO BE RAISED BY TAXES FOR SUPPORT OF MUNICIPAL BUDGET	18,700,101.00	18,340,996.45	
7.	TOTAL GENERAL REVENUES (Items 5 and 6)	25,756,798.44	26,320,709.42	
		<u>From</u>	<u>To</u>	
8.	(A) Operations - Excluded from "CAPS" Public and Private Programs Offset by Revenues			

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	Municipal Alliance	4,861.20	4,507.18
	Total Public and Private Programs Offset by Revenues	54,107.44	53,753.42
	TOTAL OPERATIONS - EXCLUDED FROM "CAPS"	4,090,385.44	4,090,031.42
	Detail:		
	Other Expenses	<u>4,040,385.44</u>	<u>4,040,031.42</u>
8.	(E) Deferred Charges - Municipal - Excluded from "CAPS" Special Emergency	50,000.00	489,265.00
	TOTAL DEFERRED CHARGES - MUNICIPAL - EXCLUDED FROM "CAPS"	50,000.00	489,265.00
	(F) Judgements (N.J.S.A. 40A:4-45.3cc)	325,000.00	450,000.00
	(H-2) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES EXCLUDED FROM "CAPS"	5,820,385.44	6,384,296.42
	(O) TOTAL GENERAL APPROPRIATIONS - EXCLUDED FROM "CAPS"	5,820,385.44	6,384,296.42
	(L) SUBTOTAL GENERAL APPROPRIATIONS (Items (H-1) and (O))	24,556,798.44	25,120,709.42
9.	TOTAL GENERAL APPROPRIATIONS	25,756,798.44	26,320,709.42
10	DEDICATED REVENUES FROM SWIMMING POOL UTILITY		
	Operating Surplus Anticipated with prior written consent of Director of Local Government Services	160,735.00	0.00
	Total Operating Surplus Anticipated	160,735.00	0.00
	American Rescue Plan-Revenue Losses	0.00	160,735.00

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services for their certification of the 2021 Local Municipal Budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in The Record, in the issue of June 30, 2021, and that said publication contain notification of public hearing on said amendment to be held at the Municipal Building on July 27,

2021.

IT IS HEREBY CERTIFIED that the Amended Budget hereto and hereby made a part hereof is a true copy of the Amended Budget approved by resolution of the Governing Body on the 22nd day of June, 2021

IT IS HEREBY CERTIFIED that the Adopted Budget Amendment annexed hereto and hereby made a part of the 2021 Budget is a copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations.

Motion Made By Councilperson: Kim
 Seconded By Councilperson: Vietri
To Adopt Off Consent Agenda Resolution #2021-185

ROLL CALL:

Councilperson		
“	Kim	Yes
“	Lee	Yes
“	Min	Absent
“	Park	Yes
“	Pirrera	Yes
“	Vietri	Yes

INTRODUCTION OF ORDINANCE:

ORDINANCE 2021-9: Establishment of Ordinance Regarding “Benefits for Officers and Employees of the Borough of Palisades Park Not Covered By Collective Bargaining”:

ORDINANCE #2021-9

**AN ORDINANCE REGARDING
 “OFFICERS AND EMPLOYEES OF THE BOROUGH OF PALISADES PARK
 NOT COVERED BY COLLECTIVE BARGAINING, BENEFITS
 SECTION I – BENEFITS”**

WHEREAS, the purpose of this Ordinance is to establish Benefits for Employees of the Borough of Palisades Park not covered by a Collective Bargaining Agreement; and

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

Section I – The following Non-Union/White Collar Employees shall be entitled to the same benefits as those employees covered under the Agreement between the Borough of Palisades Park and Teamsters Local 97 of New Jersey:

<u>Title</u>	<u>Salary Range</u>
Bldg. Dept. Secretary/TACO Officer	\$35,000-\$50,000/\$2,000-\$5,000
Tax Collector/Tax Search Officer	\$70,000-\$95,000/\$4,900-\$5,500
Code Enforcement Official/COAH Enforcement Off.	\$49,000-\$70,000/\$16,000-\$20,000
Facilities manager	\$40,000-\$60,000
Bi-Lingual Receptionist	\$40,000-\$50,000
Dep. Tax Collector/Dep. CFO	\$40,000-\$60,000/\$15,000-\$25,000
Secy. to Public Works	\$30,000-\$55,000
Secy. to Boro. Clerk/Recycling Coordinator	\$45,000-\$55,000/\$3,000-\$4,000
Traffic Superintendent	\$65,000-\$95,000
IT Intern	
Registered Environmental Specialist	\$40,000-\$55,000
Accts. Payable Clerk/Planning Bd. Secy.	\$50,000-\$70,000
Computer Supervisor/Bookkeeper	\$60,000-\$80,000
Building Inspector	\$68,000-\$88,000
Municipal Court Adm.	\$70,000-\$95,000
Health Nurse	\$55,000-\$80,000
Construction Code Official/Bldg. Sub-Code Inspector	\$80,000-\$105,000/\$7,500-\$15,000/
Zoning Official, Local Housing Inspector	\$2,000-\$3,000/\$2,000-\$6,000
Deputy Court Administrator	\$40,000-\$65,000
Police Records Clerk	\$35,000-\$45,000

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Building Dept. Secy.	\$45,000-\$60,000
TEO	\$30,000-\$44,000
Resource Specialist	\$16,000-\$65,000
Chief Fire Inspector	\$60,000-\$85,000

Section 2. Longevity. Payments shall be made to employees with unbroken, continuous long term service to the Borough as follows:

- a. Employees completing 48 months (4 years) of service at 2% of base annual salary not including over-time.
- b. Employees completing 96 months (8) years of service at 4% of base annual salary not including over-time.
- c. Employees completing 144 months (12 years) of service at 6% of base annual salary not including over-time.
- d. Employees completing 192 months (16 years) of service at 8% of base annual salary not including over-time.
- e. Employees completing 240 months (20) years of service at 10% of base annual salary not including over-time.
- f. Anyone hired after January 1, 2017 will not be eligible for longevity. It is understood that no employee irrespective of length of service shall be entitled to more than 10% longevity compensation.
- g. The longevity compensation increase shall commence on the first day of the month next following the employee's attainments of the eligibility thereof.
- h. In computing over-time, longevity pay shall be included.
- i. Longevity payments shall be paid with normal paychecks.
- j. Part-time employees must work a minimum of twenty (20) hours per week to be eligible for longevity. They will receive that proportion of the longevity payment represented by the percentage of their hours of work compared to the standard work week.

Section 3. Health Benefits. Premiums for the current Health Benefits Plan, now provided to borough employees, shall be paid by the Borough for members of the bargaining unit to include Prescription Plan and Dental Plan. Employees must work on an average of at least twenty-five (25) hours per week to be eligible for this coverage.

- (i) Summer seasonal, hourly and per diem workers are not eligible.
- (ii) The Borough will supply current insurance or its equivalent and Major Medical coverage and pay one-half (1/2) of the premium for the Prescription Plan for any employee of the bargaining unit who has been employed at least twenty-five (25) years by the Borough and has retired. Said payments would be made by the Borough until said employee reaches the age of sixty-five (65) years. After the age of 65, the employer shall reimburse a retired employee for the cost of the employee's Medicare Part B.
- (iii) Employees shall contribute to health insurance premiums in accordance with Chapter 78, P.L. 2011.
- (iv) All employees hired prior to the effective date of this ordinance shall receive lifetime health benefits upon retirement provided they have worked fifteen (15) continuous years in the Borough.

Section 4. Work Schedule Overtime Compensatory Time Off.

A. Work Schedule.

- (i). The standard work week shall consist of 32.5 hours per week exclusive of lunch hour. Any permanent changes in the hours of work schedules shall be negotiated with the Union prior to its adoption.
- (ii). Employees shall be paid straight time for all hours worked up to forty (40) hours and including forty (40) hours in a normal five (5) day work week.

B. Overtime.

- (i) Employees shall only be entitled to receive compensation for overtime and holiday pay provided that authorization to work overtime is received from the Department Supervisor. Employees shall be paid overtime as follows:
 - a. After the fortieth hour in a regularly scheduled work week, payment shall be at one and one-half times the hourly rate of pay for all hours worked in excess of forty (40) hours. The hourly rate of pay shall be the annual salary divided by one thousand six hundred ninety hours (1,690).
 - b. Part-time workers shall not be entitled to time and one-half pay unless they work more than forty (4) hours in a week.
 - c. Holiday pay – each employee shall be paid at the rate of time and one-half, plus normal days pay if he is scheduled and does in fact work on that holiday.

C. Compensatory Time.

- (i) The Borough will allow employees to earn compensatory time in lieu of payment for overtime worked.
 - a. Employees may plan to use compensatory time provided notice is given one day in advance.
 - b. All compensatory time must be used by December 31 of the year it was earned.

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c. The Shop Steward shall keep track of all compensatory time and provide to the Department Head the records thereof so that the Borough can keep the official records.

d. Employees are able to get an official printout of their comp time. The Department Head will fill requests for said printout within 48 hours so long as the Shop Steward has given the Department Head updated compensatory time reports.

Section 5. Pay During Absence.

A. Unscheduled absence – if, for any reason, an employee is unable to report for duty he must notify his department head one half hour before his or her starting time. Irregular or poor attendance may cause for disciplinary action. All employees currently covered under this contract are entitled to fifteen (15) sick leave day per year. Anyone hired after January 1, 2017 will be eligible for twelve (12) days of sick leave per year. Employees hired on or after May 21, 2010 are not permitted to receive any supplemental compensation during their employment and may only receive a payout of their unused sick leave time upon retirement with said payout amount not to exceed \$15,000.00. Employees hired prior to May 21, 2010 are not subject to said limitation.

(i) Employees would be permitted to accrue up to twelve (12) days per year sick leave provided total accrual may not exceed sixty (60) days and employees shall have the option, at retirement, to use the accrued sick leave and accept payment of one-half the accrued sick leave at the regular rate of pay in lieu thereof. They will be incorporated within the contract Section 4 of Ordinance No. 922.

(ii) Any employee who has accumulated sixty (60) days of such time will be paid for the unused sick leave from the previous year under the following schedule:

(a) 1-12 unused sick days – 100% of regular salary. Payment shall be made no later than January 30 of the year following the accrual.

(iii) Employees shall be entitled to three (3) working days leave with pay to attend or make arrangements for the funeral of a member of their immediate family. Immediate family shall include spouse, children, parents, brothers and sisters and spouse's parents, brothers and sisters and grandparents of employee or spouse.

(iv) For every full time employee who retires with ten (10) full years of service, they shall be given the equivalent of one (1) months' salary as termination pay.

(v) For every full time employee who retires with twenty (20) years of service, they shall be given the equivalent of two (2) months' salary as termination pay.

(vi) For every full time employee who retires with twenty-five (25) years of service, they shall be given the equivalent of three (3) months' salary as termination pay.

(vii) For every full time employee who retires with thirty (30) years of service, they shall be given the equivalent of four (4) months' salary as termination pay.

(viii) For every full time employee who retires with forty (40) years of service, they shall be given the equivalent of five (5) months' salary as termination pay.

B. If a full time employee dies before the receipt of any accrued termination leave benefits, these benefits shall be distributed according to the provisions contained within the employee's Last Will and Testament.

Should there exist no provision in an employee's Last Will and Testament for the distribution of his accrued terminal leave benefits shall be distributed according to the law of intestate succession operative within the State of New Jersey.

C. The Employer shall continue the disability insurance plan made available by the State of New Jersey for public employees. The Employer and employee shall share the cost equally.

D. All severance payouts (termination pay) for anyone hired after the ratification of the contract (January 1, 2017) shall be capped at thirty (30) days of pay.

Section 6. Vacation.

A. Employees hired before January 1, 2017 vacation leave is earned and accumulated in the following manner:

(i) employees completing one to five years of service shall be entitled to ten days vacation.

(ii) for employees beginning the sixth year of service to and including the tenth year of service, they shall be entitled to fifteen days vacation.

(iii) for employees beginning the eleventh year of service, through and including the 15th year of service, they shall be entitled to twenty days vacation.

(iv) employees beginning the sixteenth year of service, or longer shall be entitled to twenty-five days of vacation.

(v) an employee who works twenty (20) hours or less shall not be entitled to any vacation.

B. For employees hired after January 1, 2017, vacation leave is earned and accumulated in the following manner:

(i) employees completing one to five years of service shall be entitled to ten days vacation.

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(ii)for employees beginning the sixty year of service to and including the nineteenth year of service, shall be entitled to fifteen days vacation.

(iii)for employees beginning the twentieth year of service, they shall be entitled to twenty days vacation.

C. Employees must use all their vacation time during the year it is earned unless its use was prevented by business demands in which case the accrued vacation leave may only be used during the next succeeding year.

D. General Information.

(i)in the event of the termination of his employment prior to repayments of advanced vacation leave, the necessary salary adjustment will be made on the employees final paycheck.

(ii)earned vacation leave for one calendar year may be at the discretion of the employer, carried over and used during the following calendar year only. Except upon termination of his employment, the employee will not be allowed to receive pay in place of taking his earned vacation leave.

(iii)if the employee resigns with prior notice or plans to retire, he may be paid for his earned and unused vacation leave as of the effective date of his termination. In no case may an employee be paid for more than one year of unused vacation leave.

(iv)if the employee should die while employed, a sum of money equal to his earned and unused vacation leave shall be paid to his estate.

(v)the salary paid to the employee while on vacation leave shall be the same amount he would have earned had he worked regular straight time hours during vacation period.

(vi)if the employee is on leave of absence without pay for more than two weeks in any month, he does not earn vacation leave for that month.

(vii)if a holiday observed by the Borough occurs during the period of the employee's vacation leave, it is not charged against the balance of his vacation leave and he may request an equivalent day off.

(viii)every effort is made to arrange vacation schedules to meet the individual desires of all departmental employees. When there is a conflict in the dates of proposed vacation schedules, preference is given to the employees with seniority. All requests for vacation shall be scheduled in other than the summer months when the needs of the department require it.

Section 7. Holidays.

A .Each full time employee covered by the Agreement shall receive holiday pay equal to one (1) day's pay at six and one-half (6 ½) hours straight time without working during the following days:

New Year's Day	President's Day
Lincoln's Birthday	Good Friday
Memorial Day	Independence Day
Thanksgiving	Day after Thanksgiving
Labor Day	Election Day (November of each year)
Veteran's Day	Christmas Day
Columbus Day	Employee's Birthday
M.L. King's Birthday	Day before Christmas

B. General Information.

(i)If a holiday falls during an employee's vacation, he shall be granted an additional day of vacation. If a holiday falls one day the employee shall receive a compensation day in the future, provided the employee as worked the normally scheduled work day.

(ii)in order for an employee to be eligible for Holiday pay as provided above, he must work the day before and the day after the Holiday unless he is given express written approval to be absent by the Department Head.

Section 8. – All ordinances governing payment of salaries, wages and compensation heretofore enacted are hereby expressly repealed and all ordinances or part of ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistencies.

Section 9. The invalidity of any part or provision of this Ordinance shall not affect the validity of any part of this Ordinance, which can be given effect without such invalid part or provision.

Section 10. This Ordinance shall become effective upon final approval and publication pursuant to law.

Motion Made By Councilperson: Kim
Seconded By Councilperson: Vietri

To Introduce Ordinance #2021-9

All Present in Favor by Voice Vote. Councilwoman Pirrera recused.

INTRODUCTION OF ORDINANCE:

ORDINANCE 2021-10: Amendment of Chapter 282 Entitled "Vehicles and Traffic":

ORDINANCE #2021-10

**AN ORDINANCE AMENDING CHAPTER 282 OF THE CODE OF THE BOROUGH OF
PALISADES PARK ENTITLED "VEHICLES AND TRAFFIC"**

BE IT ORDAINED, by the Mayor and Council of the Borough of Palisades Park, County of Bergen and State of New Jersey, that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged:

Ch. 282 VEHICLES AND TRAFFIC.

Sec. 282-44.1 Restrictions on Parking.

No person shall park a vehicle upon any of the streets within the Borough of Palisades Park during the applicable days and hours of restrictions set forth herein unless the vehicle is owned or operated on a regular basis by a Palisades Park resident and the vehicle has a current residential parking permit between the hours of 12 a.m., and 9 a.m., Sunday through Friday, except legal holidays, with the following listed exceptions: Bergen Boulevard, Grand Avenue, Fairview Street, Union Street and Fair Street.

Commercial Avenue from its intersection with West Central Boulevard northerly to its terminus.

East Columbia Avenue from Broad Avenue to Roff Avenue.

West Ruby Avenue from Grand Avenue to its terminus.

West Palisades Boulevard from Grand Avenue westerly to its terminus.

West Edsall Boulevard from Commercial Avenue westerly to its terminus.

§ 282-44.2 Regulations not exclusive.

A. The provisions of this article imposing a time limit on parking shall not relieve any person of the duty to observe other more restrictive provisions prohibiting or limiting stopping, standing or parking as set forth in N.J.S.A. 39:4-138 or any other municipal parking ordinances.

B. The creation of a residential parking permit shall have no effect upon meter parking spaces or business parking areas. Parking-metered spaces shall be available to all vehicles, with or without a residential permit. A residential parking permit shall not exempt a resident when parked in a metered space from purchasing time from the meter at the established rate, except as set forth herein.

§ 282-44.3 Enforcement.

This article shall be enforced by the Traffic Department of the Borough of Palisades Park. Enforcement of this article may also be enforced by any civilian employee(s) known as "Traffic Enforcement Officers" appointed by the Mayor and Council.

§ 282-44.4 Rules and regulations.

The following rules and regulations shall apply to the Borough of Palisades Park Resident Parking Program:

A. A resident parking permit will be issued to the resident owner of a vehicle by the Borough of Palisades Park. The vehicle must be owned by a person residing in the Borough of Palisades Park and have a gross weight of no more than 2.5 tons.

B. Proof of residency of the owner of a vehicle must be presented when applying for a permit. The following is acceptable proof of residency:

(1) A copy of a valid New Jersey driver's license reflecting the applicant's address in the Borough of Palisades Park accompanied by a Certificate of occupancy, or utility bill (e.g., phone, United Water, PSE&G); and

(2) A copy of a valid New Jersey motor vehicle registration for the vehicle for which the permit is sought, reflecting the applicant's address in the Borough of Palisades Park. In the case of a vehicle claimed to be leased and used by a Palisades Park resident, a copy of a valid motor vehicle registration and a copy of the automobile lease agreement shall be presented to the Police Department.

C.

The resident after satisfying Section B will then pay a fee of up to \$20 per vehicle which shall give the resident residential parking permit lasting 2 years from the date of issuance.

Visitor permits.

- A. The Borough of Palisades Park shall have the authority to issue a temporary parking permit to parties visiting a resident of the Borough. Visitor passes will be available for purchase daily for a cost up to \$15, and monthly for a cost up to \$300. Daily Visitor passes can only be purchased by the same vehicle a maximum of ten times in any six month period.

§ 282-44.5 Visitor passes.

Visitor passes shall be available for purchase to any visitor who meets one of the following qualifications:

A. Are in need of parking on residential streets during designated residential parking permit hours of Monday through Friday 12 am – 9 am; except during legal holidays.

B. Visitor passes shall be available for purchase via a link in the borough's website, MyPalisadesPark.com, in daily, weekly, and monthly increments. The price of visitor passes shall be up to \$15 for a daily pass, and up to \$300 for a monthly pass.

C. Visitor passes will be monitored electronically using a license plate recognition system and any vehicle that is found to be in violation of residential parking permit hours will be issued a ticket.

§ 282-44.6 Use of visitor passes.

A. The presumption shall be that any vehicle parked more than three city blocks from the household for which the visitor pass has been issued shall not be visiting such household and shall be subject to violations and penalties set forth in § 282-44.10 of this article.

§ 282-44.7 Exceptions to visitor pass requirements.

A "visitor" shall also be defined as follows:

A. Contractor/services and delivery vehicles. Contractor, services and delivery vehicles bearing the name and address of the commercial vehicle may park without a permit during the times they are rendering a service within the Borough.

B. Emergency and utility vehicles. Emergency vehicles and utility vehicles, such as gas, electric, water, telecommunications and other similar vehicles, may park without a permit during the times they are rendering services within the Borough.

C. Health-care providers. Doctors, nurses, home health aides or other medical professionals may park their vehicles within the Borough during the times that they are rendering assistance and/or health care service to the residents of the Borough.

D. Nonresident property owners of Palisades Park. Any nonresident property owner of Palisades Park may park his or her vehicles within the Borough during the times he or she are at the property owned by him or her.

§ 282-44.8 Abuse of visitor pass.

Any abuse in the use of a visitor pass will result in its revocation in the following circumstances:

A. When any such pass is used on any vehicle owned and controlled by a resident.

§ 282-44.9 Terms of permits.

[Amended 3-28-2017 by Ord. No. 2017-3]

Resident permits will have a predetermined expiration date, and an expectancy not to exceed two years. Any vehicle bearing an expired resident permit and parked on a street posted "Permit Parking Only" shall be subject to the same penalty as a vehicle parked on the street without a resident parking permit.

§ 282-44.10 Violations and penalties.

A. Any vehicle parked on a street posted "Permit Parking Only" without a valid resident permit or visitor pass shall be subject to a parking fine not to exceed \$50 for each three-hour period or a portion thereof of a twenty-four-hour period that said vehicle is parked in violation of this article. Persons in possession of any resident permits or visitor pass and who misuse, alter, fraudulently counterfeit, sell or transfer to third parties or any unauthorized individual(s) or vehicle(s) are subject to revocation of the permit for up to one year and a fine of up to \$100.

B. Any vehicle violating this article shall be subject to towing by the Borough of Palisades Park and shall not be released until the payment of the appropriate charges.

§ 282-44.11 Promulgation of rules and regulations.

The Traffic Department shall have the authority to formulate and promulgate rules and regulations pertaining to this article as it deems necessary and proper. The Traffic Department shall provide copies of any regulations adopted under this article to the Borough Clerk's office within 30 days of their adoption, and the Borough Clerk shall present same to the governing body for its approval. The Traffic Department and Traffic Enforcement Officers shall be entitled, in their discretion, to verify any information appropriate to the enforcement of this article. The Traffic Department shall have the power to issue summonses for violation of the article.

§ 282-44.12 Residents on Broad Avenue and Columbia Avenue.

Persons residing on Broad Avenue or on lots contiguous to Broad Avenue and persons residing on Columbia Avenue which residence are in front of metered parking shall have issued a separate residential parking permit.

§ 282-44.13 Special parking permit.

Persons issued a special residential parking permit declaring their residence to be on Broad Avenue or on lots contiguous to Broad Avenue and persons residing on Columbia Avenue which residences are in front of metered parking shall be allowed to park their vehicles in accordance with these regulations at needed spaces on Broad Avenue from 6:00 p.m. to 9:00 p.m. and be exempt from purchasing time from the meter at the established rate.

§ 282-44.14 Application for parking permits.

Applications for parking permits shall be made on forms provided by the Traffic Department and submitted to the Traffic Department from website portal located on Borough's website.

If any section, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance, but shall be confirmed in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

All Ordinances of the Borough of Palisades Park which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This Ordinance shall take effect immediately upon passage and publication as provided by law.

Motion Made By Councilperson: Vietri
Seconded By Councilperson: Pirrera
To Introduce Ordinance #2021-10

All Present in Favor by Voice Vote.

INTRODUCTION OF ORDINANCE:

ORDINANCE 2021-11: Amendment of Chapter 58 Entitled "Police Department" - Article V. Fees for Copies and Services:

ORDINANCE #2021-11

AN ORDINANCE AMENDING CHAPTER 58 OF THE CODE OF THE BOROUGH OF PALISADES PARK ENTITLED "POLICE DEPARTMENT"

WHEREAS, Chapter 58 of the Code of the Borough of Palisades Park sets forth all regulations regarding the Police Department within the Borough of Palisades Park; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Palisades Park, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 58: Police Department.

Article V. Fees for Copies and Services.

- A. All public records which are required by law to be made, maintained or kept on file by the Borough shall be available to every citizen during regular business hours to copy such records by hand, and they shall have the right to purchase copies of such records, pursuant to N.J.S.A. 47:1A-2. Copies of records shall be made available upon the payment of the following fees, which shall be based on the total number of pages, or parts thereof, to be purchased at a price of:
 - (1) Seventy-five cents per page for the first 10 pages.
 - (2) Fifty cents per page for the next ten pages.
 - (3) Twenty-five cents per page thereafter.
- B. In the event said public records are requested and necessitate the location and mailing of same to the party requesting said public records, then the additional fees therefor shall be as follows:
 - (1) Mailing charge: actual postage, plus \$0.25 for stationery-related expenses.
- C. Video recordings/audio recordings
 - (1) Fees for the purchase of police video recordings and/or audio recordings will be charged at the flat rate of \$1 each per video and/or audio recording
 - (2) An additional cost of mailing any video and/or audio recordings via certified mail will be at a flat rate of \$6.00
- D. Reproduction costs. When the Borough does not have the ability to reproduce a document for a person requesting such document, the exact reproduction cost charged to the Borough will be passed on to the requestor with no other administrative charges added in.
- E. Police accident reports. In the event the police accident reports are not requested in person and not part of Municipal Court discovery, copies of the reports shall be made available upon the payment of the following fees:
 - (1) \$5 when not in person
 - (2) \$0.75 per page when in person
- F. Special requests. Whenever the nature, format, manner of collation, or volume of a public record embodied in the form of printed matter to be inspected, examined, or copied pursuant to N.J.S.A. 47: 1A-2 and this article is such that the record cannot be reproduced by ordinary document-copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the Borough may charge, in addition to the actual cost of

duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies. The person requesting the public record shall have the opportunity to review and object to the charge prior to it being incurred.

- G. Photographs. Fees for the purchase of police photographs will be charged at the following rates:
- (1) Up to the first 10 photographs: \$5 per photograph.
 - (2) Each photograph thereafter: \$3 per photograph.
 - (3)
- H. A fee of \$10.00 is hereby established for fingerprinting of any individual.
- I. Operations reports - \$10.00 per report.
- J. Investigation reports - \$10.00 for one- to five-page reports; \$16.00, six-or-more page reports.

If any section, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance, but shall be confirmed in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

All Ordinances of the Borough of Palisades Park which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This Ordinance shall take effect immediately upon passage and publication as provided by law.

Motion Made By Councilperson: Vietri
Seconded By Councilperson: Lee
To Introduce Ordinance #2021-11

All Present in Favor by Voice Vote.

INTRODUCTION OF ORDINANCE:

ORDINANCE 2021-12: Amendment of Chapter 300 Entitled “Zoning”, Addition of New Section, “Rights-of-Way for 5G Telecommunications”:

ORDINANCE #2021-12

AN ORDINANCE TO PROVIDE FOR THE AMENDMENT OF CHAPTER 300 ENTITLED “ZONING”, ARTICLE XII OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF A NEW SECTION ENTITLED “RIGHTS-OF-WAY FOR 5G TELECOMMUNICATIONS”

STATEMENT OF PURPOSE: The purpose of this Ordinance is to provide for reasonable regulations concerning the placement of small cell wireless facilities within the Borough, consistent with state and federal law through the implementation of a right-of-way approval and permitting procedure.

WHEREAS, the Borough of Palisades Park (“Borough”) is aware that the telecommunications industry is rapidly developing and there is a strong desire among telecommunications companies to look for areas within municipalities for the placement of small cell wireless facilities, herein known as “small cells,” “5G towers” and “personal wireless service facilities” by accessing rights-of-way within municipalities; and

WHEREAS, the rights-of-way are municipal properties and provide a valuable resource to its citizens by permitting the public to travel freely over and across these designated properties without unreasonable encroachments or interference; and

WHEREAS, the Borough recognizes that the use of these properties must be managed carefully with the utmost consideration given to general welfare and best interest of its citizens; and

WHEREAS, the Federal Telecommunications Act (FTA) preserves a local government’s ability to “manage the public rights-of-way...on a competitively neutral and non-discriminatory basis” (47 U.S.C. §253 (c)); and

WHEREAS, the FTA further preserves a local government’s authority over the “placement construction and modification of personal wireless service facilities” (47 U.S.C. §332(c)(7)(A)); and

WHEREAS, the FTA makes it unlawful for a local government to prohibit or have the effect of prohibiting the provisions of personal wireless service (47 U.S.C. 332(c)(7)(B)(i)(II)); and

WHEREAS, the FTA provides that municipalities “shall not unreasonably discriminate among providers of functionally equivalent services” (47 U.S.C. §332(c)(7)(B)(i)(I)); and

WHEREAS, recent developments in wireless technology, specifically the development of 5G technology, involve the placement of small cells, cabinets and equipment in municipal rights of-way; and

WHEREAS, pursuant to N.J.S.A. 48:3-19 and N.J.S.A. 48:17-10 New Jersey municipalities must give consent before a small cell including a small antenna can be placed on existing poles or new poles erected within public rights-of-way; and

WHEREAS, the erection of new poles and ground level cabinets in the public right-of-way raises aesthetic and safety concerns including, but not limited to, concerns related to sight triangles and other safety related issues; aesthetic concerns and safety concerns associated with the use of roadways by the

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public such as the public's ability to pass and repass over same, and; the impact on the streetscape and character of residential neighborhoods; and

WHEREAS, pursuant to regulations adopted by the Federal Communications Commission ("FCC"), in order to ensure the safety of its citizens and preserve the aesthetic quality of the Borough, the Borough may impose regulations on related infrastructure including, but not limited to, small cells, all poles, antennas and cabinets located on municipal rights-of-way provided such aesthetic requirements and/or restrictions are: 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployment; and 3) published in advanced; and

WHEREAS, the TCA further provides that municipalities may "require fair and reasonable compensation" from telecommunications providers for the use of the public right-of-way, provided said compensation is applied on a "competitively neutral and nondiscriminatory basis" among providers, and if said compensation is "publicly disclosed", 47 U.S.C. 253(c); and

WHEREAS, the FCC adopted an Order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," (FCC-18-133A or "Carr's Order"), which was mostly upheld by the Ninth Circuit Court of Appeals on August 12, 2020; and

WHEREAS, in pertinent part, Carr's Order 1) establishes safe harbors for fees that municipalities can charge for one-time event application processing as well as recurring fees for right-of-way access, which are presumed acceptable under TCA; 2) provides that one-time fees and recurring fees, or rates, above the safe harbor levels may be imposed, and are not considered an effective prohibition of service within the meaning of the TCA (47 U.S.C. 253(c)) provided such fees are a reasonable approximation of actual costs, and the costs themselves are objectively reasonable, and non-discriminatory; and 3) places 60 and 90 day shot clock time limits on the municipal decision making process for applications for the placement of small wireless facilities, the replacement of existing poles and the placement of new poles in the public right-of-way; and

WHEREAS, the Borough has determined the most efficient way to effectuate this process is to set forth clear standards in relation to the positioning of poles, cabinets and antennas for the benefit of its citizens and any utilities that use or seek to make use of Palisades Park's rights-of-way safely, and to require all technology companies seeking to use municipal rights-of way for the purpose of erecting telecommunication equipment apply for and be granted permits and, furthermore, pay the permitted fees, which may change from time to time, in accordance with legal thresholds established by the FCC, state and federal laws and court orders; and,

WHEREAS, the Borough has recommended that such additional provisions be mandatorily imposed within the Borough of Palisades Park's Revised General Ordinances ("RGO") as part of the anticipated telecommunication development of municipal rights-of-way; and

WHEREAS, the current antenna code, RGO Chapter 300-77 Telecommunications Towers and Antennas is intended to govern macro cell sites on rooftops and freestanding towers and, thus, is insufficient to govern the unique circumstances and requirements of small cell facilities in the rights-of-way; and

WHEREAS, this Ordinance is limited to the installation of facilities in the public rights-of-way and shall have no effect on the installation of wireless telecommunications facilities and antennas on private lands pursuant to Article XII, Section 300 sections 300-72 through 300-82 Telecommunications Antennas and Towers; and

WHEREAS, the FCC Broadband Deployment Advisory Committee (BDAC) formed a Model Code for Municipalities Working Group and, in July 2018, published a Model Code for Municipalities for Small Wireless Facilities deployments. This model code is generally compliant with the Telecommunications Act, and FCC declaratory rulings and orders issued in 2009, 2014 and 2018. Thus, a municipality that adopts this code substantially in its original form will be in compliance with Federal laws and FCC guidelines for cell site deployments; and

WHEREAS, this Ordinance utilizes the FCC Model Code for Municipalities template to ensure compliance with Federal law and FCC regulations; and

WHEREAS, the Borough acknowledges that there may already exist a number of small cell facilities in the public rights-of-way that were approved under terms and conditions that would not be in compliance with this proposed ordinance; and

WHEREAS, the Borough has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way; and

WHEREAS, in the event of any inconsistencies between this Ordinance and any agreements, licenses or franchises in existence, which govern said existing small cell facilities, the provisions of this Ordinance shall control, and shall supersede and replace any conflicting terms in said agreements or licenses, and shall govern all future relationships between the Borough and parties in said licenses and agreements;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Palisades Park that the Revised General Ordinances be amended as follows:

Chapter 300 of the Revised General Ordinances of the Borough of Palisades Park is hereby amended, supplemented and revised with the addition of a section entitled "Section 300-83 Telecommunications Facilities in the Public Right-of-Way", which shall read, in its entirety, as follows:

SECTION 300-83 – TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY
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Section 300-83-1 Short Title, Purpose and Definitions

300-83-1.1 Short Title.

This Section is titled the "Telecommunications Facilities in the Public Right-of-Way", and amends all applicable provisions of the Borough of Palisades Park Revised General Ordinances, and any existing local laws, rules, orders, resolutions and ordinances relating to the subject matter of this Section.

300-83-1.2 Purpose.

It is the intent of this section of Chapter 300 of the Revised General Ordinances to regulate the placement of telecommunications equipment, including poles, towers, antennas and other infrastructure located on Municipal Rights-of-Way. The placement of telecommunications equipment outside of the Municipal Right-of-Way shall be governed by Chapter 300 Telecommunications Antennas and Towers.

It is furthermore intended that this Section shall control in the event of any inconsistency between the provisions of this Section and any existing agreements, licenses or franchises in existence and which govern existing Small Wireless Facilities in the Municipal Right-of-Way, and that the prevailing terms of this Section shall supersede and replace any conflicting terms in said agreements or licenses, and shall govern all future relationships between the Borough and the applicable parties in said licenses and agreements.

300-83-1.3 Definitions.

- a. "Administrative Review" means ministerial review of an Application by the Borough relating to the review and issuance of a Permit, including review by the Designee, a wireless consultant with knowledge beyond the expertise of Borough personnel, as well as the Construction Official, Zoning Officer, Director of Public Works, engineer, or other Borough staff or designees to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Section. Administrative permit issuance is non-discretionary and based on whether an application is in conformity with the provisions of this Section, as well as any other applicable local, state and federal laws and regulations governing small cell deployment. This process does not involve the exercise of discretion.
- b. "Antenna" means communications equipment that transmits and/or receives over-the-air electromagnetic signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.
- c. "Applicable Codes" means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the Borough or otherwise are applicable in the jurisdiction.
- d. "Applicant" means a Person or entity who submits an Application under this Chapter.
- e. "Application" means a written request submitted by an Applicant to the Borough for a Permit (i) to locate or Collocate, or to modify, a Communications Facility underground or on any existing Support Structure, Pole, or Tower, or (ii) to construct, modify or Replace a new Support Structure, Pole or Tower or any other structure on which a Communications Facility will be Collocated.

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- f. "Borough" means the Borough of Palisades Park, or any agency, department, district, subdivision or any instrumentality thereof, including, but not limited to public utility districts, or municipal electric utilities. The term shall not include courts of the State having jurisdiction over the Borough or any entities that do not have zoning or permitting authority or jurisdiction. The Borough may hereinafter be referred to as the "Borough", "the Borough of Palisades Park", "Palisades Park" or "the Borough".
- g. "Borough Pole" means a Pole owned, managed or operated by or on behalf of the Borough.
- h. "Collocate" means to install, mount, maintain, modify, operate and/or replace a Communications Facility on an existing Support Structure, Pole, or Tower or any other structure capable of supporting such Communications Facility. "Collocation" has a corresponding meaning. The term does not include the installation of a new Utility Pole, Tower or Support Structure in the Public Right-of-Way.
- i. "Communications Facility" means, collectively, the equipment at a fixed location or locations that enables communication between user equipment and a communications network, including: (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.
- j. "Communications Service Provider" means a cable operator, as defined in 47 U.S.C. §522(5), a provider of information service, as defined in 47 U.S.C. §153(24); or a provider of telecommunications service, as defined in 47 U.S.C. §153(53); or provider of fixed wireless or other wireless services as defined in 47 U.S.C. §332(c)(7)(C)(i).
- k. "Contract for Professional Services" means a contract through which the Borough has entered into an arrangement with an individual, attorney consultant or firm for same to provide professional consulting services pursuant to this Section, said contract being in conformance with New Jersey Public Contracts Law, Pay-to-Play Laws and other applicable laws governing such contracts and agreements.
- l. "Decorative Pole" means a Borough Pole that is specially designed and placed for aesthetic purposes.
- m. "Deployable" means a portable, self-contained Wireless Facility that can be moved to a specified location or area and provide Wireless Services on a temporary or emergency basis such as a "cell on wheels" or "COW," "cell on light truck" or "COLT," tethered balloon, tethered drone or other unmanned device.
- n. "Designee" means Hoplite Communications, LLC, appointed by the Borough and contracted for professional services to serve as the point-of-contact and primary consultant and specialist for the Borough for all matters concerning this Section. Hoplite contact information- Office address: Hoplite Communications, LLC, 197 Route 18, Suite 3000, East Brunswick, NJ 08816. Phone: 732-207-3912. Email: Peter.lupo.hoplite@gmail.com
- o. "Discretionary Review" means review of an Application by the Borough relating to the review and issuance of a Permit, that is other than an Administrative Review. Discretionary Review involves discretion on the part of the Borough (subject to any applicable limits on such discretion) in determining whether to issue a Permit and may be subject to one or more public hearings or meetings, including appearances before the planning board, zoning board of adjustment and referral to the Historic Preservation Commission for commentary and recommendations
- p. "Eligible Facilities Request" means an eligible facilities request as set forth in 47 C.F.R. Section 1.6100(b)(3), as may be amended from time to time.
- q. "FCC" means the Federal Communications Commission of the United States.
- r. "Fee" means a one-time, nonrecurring charge, whether a fixed amount or cost- based amount based on time and expense.
- s. "Historic Property" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register maintained by the United States Secretary of the Interior (in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C) or established pursuant to state historic preservation law.

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- t. "Laws" means, collectively, any and all Federal, State, or local law, statute, common law, code, rule, regulation, order, or ordinance.
- u. "Occupant" means any occupant of the Public Right-of-Way, including any Wireless Provider, Wireless Infrastructure Provider, utility company, or public or private entity with a physical presence or right to maintain a physical presence on, under or across the Public Right-of-Way.
- v. "Ordinary Maintenance, Repair and Replacement" means (i) with respect to a Communications Facility and/or the associated Support Structure, Pole or Tower, inspections, testing, repair and modifications that maintain functional capacity, aesthetic and structural integrity, and (ii) with respect to a Communications Facility only, the replacement or upgrade of Antennas and/or other components of the Communications Facility (specifically, such as a swap out or addition of small cell Antennas and radio equipment as required by the Applicant), with Antennas and/or other components substantially similar, in color, aggregate size and other aesthetics to that previously permitted by the Borough (and/or consistent with the same height and volume limits for Wireless facilities under this Section), so long as the Support Structure, Pole, or Tower will structurally support, or prior to installation will be modified to support, the structural load. Modifications are limited to by the structural load analysis supplied by the Applicant to the Borough, and by the volume limits in Section 300-83-2.8 Design Standards. Modifications beyond the foregoing must be requested in writing by the Applicant and are subject to Discretionary Review by the Borough.
- w. "Permit" means a written authorization (in electronic or hard copy format) required by the Borough to initiate, continue, or complete installation of a Communications Facility, or an associated Support Structure, Pole, or Tower.
- x. "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the Borough.
- y. "Pole" means a pole, such as a utility, lighting, traffic, or similar pole, made of wood, concrete, metal or other material, located or to be located within the Public Right of Way or Utility Easement. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached unless the Borough grants a waiver for such pole. The term does not include electric transmission poles or structures. A Pole does not include a Tower or Support Structure.
- z. "Provider" means a Communications Service Provider or a Wireless Provider.
- aa. "Public Right of Way", "Public ROW" or "Municipal ROW" means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, but not including a federal interstate highway or other area not within the legal jurisdiction, or within the legal ownership or control of the municipality.
- bb. "Rate" means a recurring charge.
- cc. "Replace" or "Replacement" means, in connection with an existing Pole, Support Structure or Tower, or Communications Facility, as the case may be, to replace (or the replacement of) same with a new structure, similar in design, size and scale to the existing structure and in conformance with current Borough building code, zoning provisions and other applicable regulations, in order to address limitations of, or change requirements applicable to, the existing structure to structurally support Collocation of a Communications Facility. In connection with replacement of a Pole or Tower to support Collocation of a Wireless Facility, similarity in size and scale shall be evaluated consistent with 47 C.F.R. 1.6100 (b)(7).
- dd. "Small Wireless Facility" means a Wireless Facility that meets both of the following qualifications: (i) each Wireless Provider's Antenna (including, without limitation, any strand-mounted Antenna) could fit within an enclosure of no more than three (3) cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than twenty eight (28) cubic feet in volume. The following types of associated, ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for connection of power and other services. The following additional parameters apply to Small Wireless Facilities: (i) Total height of Small Wireless Facility and supporting structure is less than 50 feet, or the Small Wireless Facility is mounted on structures no more than 10% taller than adjacent structures, or the Small Wireless Facility does not extend the existing structure to a height of greater than 50 feet or by more than 10% of the original height, whichever is greater.

- ee. "State" means the State of New Jersey.
- ff. "Support Structure" means a building, a billboard, a water tank or any other structure to which a Communications Facility is or may be attached. Support Structure does not include a Pole or a Tower.
- gg. "Tower" means any structure built for the sole or primary purpose of supporting a Wireless Facility, such as a self-supporting Tower, a monopole, a lattice Tower or a guyed Tower. Tower also includes a structure designed to conceal from the general public the Wireless Facility. A Tower does not include a Pole or a Support Structure.
- hh. "Utility Easement" means the area on, below, or above privately-owned property that has been designated for use as or is used for a specific utility purpose (such as for electric, cable or other utility purpose), and is evidenced by a recorded instrument in the public land records pursuant to a recorded plat, easement or right of way or is otherwise a legally enforceable easement, and does not include any portion of a Public Right of Way.
- ii. "Wireless Facility" means a Communications Facility installed and/or operated by a Wireless Provider. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or Collocated; or (ii) coaxial, fiber-optic or other cabling that is between Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one example of a Wireless Facility.
- jj. "Wireless Infrastructure Provider" means any Person, including a Person authorized to provide telecommunications service in the State, that builds or installs and/or operates Wireless Facilities or Poles, Towers or Support Structures on which Wireless Facilities are or are intended to be used for Collocation, but that is not a Wireless Services Provider.
- kk. "Wireless Provider" means a Wireless Infrastructure Provider or a Wireless Services Provider.
- ll. "Wireless Services" means any wireless services including, without limitation, personal wireless services as that term is defined in 47 U.S.C. § 332(c)(7)(C)(i), fixed wireless and other wireless services.
- mm. "Wireless Services Provider" means a Person who provides Wireless Services.

Section 300-83-2 Governance of Deployment in the Public ROW

300-83-2.1 General Provisions of Agreement for Access to the Public ROW

- a. Applicability. Except as otherwise provided herein, the placement, installation, modification, replacement, repair and upgrade of any Communications Facilities, including Small Wireless Facilities, as well as the associated Poles, Towers or Support Structures, in the Public Right-of-Way shall be governed by this Section.
- b. Notice Prior to Any Non-Emergency Work.
 - i. The Designee will serve as the initial point of contact for the Borough for all matters pertaining to this Section.
 - ii. No action, application, installation, upgrade, maintenance, repair, replacement or, modifications by Applicant contemplated by this Section shall be commenced without first giving notice to the Borough Designee.
 - iii. This notice requirement pertains to all work, including ordinary maintenance, repairs, upgrades and like-for-like equipment swap outs.
- c. Municipal Agreement. Prior to receiving a Permit to install a Communications Facility in the Public ROW, each Applicant shall be required to enter into a Municipal Agreement (e.g., Right of Way Access Agreement, Pole Attachment Agreement, License Agreement) between the Borough and the Applicant, on terms and conditions substantially the same for all Applicants and existing Occupants of the Public ROW. The terms and conditions of such Municipal Agreement will include the following:
 - i. Fees and Rates. As consideration to the Borough for entering into the Municipal Agreement and also as a condition precedent for the issuance of any required permits and approvals to install the applicable Communications Facilities in the public right-of-way, the Applicant shall pay the required fees and rates as set forth in Schedule A of this Section, and which may be amended or modified from time to time per revision and modification to local, state and federal laws and regulations. Said fees shall include

Application or One-Time fees and Recurring Right-of-Way Occupancy Rates.

The Small Cell Permit Application Escrow, as described in Schedule A, shall be paid upon submission of an Application and shall be held in escrow and billed against actual incurred One-Time Fees and costs to process an Application, also as described below and in Schedule A of this Section. If said Small Cell Permit Application Escrow is insufficient to cover incurred One-Time Fees as described below and in Schedule A, then Applicant shall submit an additional amount equal to the initial Small Cell Permit Application Escrow to be further billed against incurred One-Time Fees and costs.

(a) Reasonable Approximation: All one-time event fees will be a reasonable approximation of objectively reasonable costs.

(b) One Time Fees Apply to All Work: One-time fees and event fees apply to the initial installation of facilities as well as to any subsequent upgrade, replacement, modification or alteration of same, with each instance of an upgrade or repair being a separate project subject to One-Time Fees. Maintenance and repair work on an existing Communications Facility does not trigger any One Time Fees.

A. Annual ROW Occupancy Rate shall be as specified in Schedule A of this Section and shall be paid within thirty (30) days of the issuance of the applicable Permit and annually thereafter, with payment being due on the anniversary of the first payment date for the balance of the Term. However, under no circumstances shall the Rate be remitted later than ninety (90) days after the full execution of the applicable Municipal Agreement between Borough and Applicant.

B. Annual Attachment Rate, equal to an amount that represents a reasonable approximation of the objectively reasonable costs incurred by the Borough for the attachment of each Small Wireless Facility to Borough-owned structures in the Public Right-of-Way. This amount shall be paid within thirty (30) days of issuance of the applicable Permit(s) and annually thereafter. The annual rates in 300-83-2.1(c)(A) and (B) combined shall not exceed \$270 annually per Small Wireless Facility location.

C. All Fees and Rates will be applied in a non-discriminatory manner to all Communications Service Providers.

D. Make-Ready Fee, shall be determined on a site-specific, engineering basis, for work reasonably necessary to make a particular Borough Pole suitable for attachment of the applicable Communications Facility shall be paid upon submission of the Application as more particularly described in Subsection 300-83-2.3 below.

d. Other Terms.

- i. Term. Unless otherwise agreed to in writing by the Borough and Applicant, the Agreement term shall be ten (10) years.
- ii. Safety and Accessibility. The Applicant will demonstrate compliance with applicable safety and accessibility requirements, including those under Americans with Disabilities Act ("ADA"), OSHA and similar laws.
- iii. The Municipal Agreement shall include, as an appendix thereof, a schedule containing the location of all proposed Small Wireless Facilities in the Public Right-of-Way, which the Borough and Applicant may update as necessary without the need for additional review. Said locations shall be as specific as possible and shall include, but not be limited to, latitude, longitude, the nearest proximate address, cross streets as well as lot and block numbers, if available. Applicants shall also provide for inclusion in the Municipal Agreement information indicating the horizontal and approximate vertical location, relative to the boundaries of the Public ROW, of all equipment which it owns or over which it has control and which is located in any Public Right-of-Way.
- iv. Indemnification and Insurance Requirements.

Insurance. The Applicant shall at all times maintain a commercial general liability insurance policy with a single amount of at least One Million Dollars (\$1,000,000.00) per

occurrence and in the aggregate covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000.00) per occurrence and in the aggregate. The Applicant may use any combination of primary and excess insurance to meet the total limits required. Such coverage shall be primary, non-contributory and shall contain a waiver of subrogation. Evidence of same shall be provided prior to the commencement of any work of any kind by the Applicant. Prior to the commencement of any work pursuant to this Agreement, the Applicant shall file with the Borough, a Certificate(s) of Insurance with any required endorsements evidencing the coverage provided by said liability and excess liability policies. The Borough shall notify Applicant within fifteen (15) days after the receipt of any claim or demand to the Borough, either by suit or otherwise, made against the Borough on account of any of Applicant or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Agreement. Applicant shall notify the Borough Clerk within fifteen (15) days of receipt of any claim or demand of Applicant or its subcontractors, agents, employees, officer, servants, designees, guests or invitees by any aggrieved party for any work or action made pursuant to this Ordinance

Indemnification. Applicant, its successors, assigns, contractors, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the Borough, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all personal injury and property damage claims, demands, suits, actions at law or equity or otherwise, or related judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Applicant's actions under this Agreement and costs in connection therewith except to the extent that such claims, demands, suits, or actions are the result of the negligence or willful misconduct of the Borough, its successors, assigns, elected officials, officers, employees, servants, contractors, designees or invitees. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys' fees, court costs and any other expenses that may be incurred by the Borough in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Applicant's activities pursuant to the rights granted in this Agreement. This indemnification shall also specifically include that the Borough retains the right to choose its own defense counsel in regard to any action at law or equity pursuant to this section.

- v. Reliable 24/7 Emergency Notification Contact Information will be provided by the Applicant to the Borough and incorporated into the Agreement.
- vi. Additional Agreement Terms: Additional terms, such as for termination, assignment and sublicensing rights, shall be as negotiated between the Applicant and Borough.
- vii. Nondiscriminatory. Applications will be processed on a nondiscriminatory basis.

300-83-2.2 Permitted Communications Facility Uses/Administrative Review; Application

- a. Permitted Use. The following uses within the Public ROW shall be a permitted use, subject to the entering into of a Municipal Agreement between Applicant and Borough as set forth in Section 300-83-2.1(c) above, and Administrative Review and the issuance of a Permit as set forth in this Section 300-83-2.2. All such uses shall be in accordance with all other applicable provisions of this Section, including without limitation, those set forth in Section 300-83-2.5 below.
 - (i) Collocation of a Small Wireless Facility.
 - (ii) Collocation that qualifies as an Eligible Facilities Request.
 - (iii) Modification of a Pole, Tower or Support Structure or Replacement of a Pole, for Collocation of a Communications Facility that qualifies as an Eligible Facilities Request or involves a Small Wireless Facility that does not exceed the maximum limitations set forth in Subsection 300-83-2.3(c)(i)(A)(i) below.
 - (iv) Construction of a new Pole or a monopole Tower (but no other type of Tower) to be used for Collocation of a Small Wireless Facility that does not exceed the maximum height and other applicable design standards set forth in this Section.

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- (v) Construction of a Communications Facility, other than those set forth in subparagraphs (i), (ii) or (iii) in this Subsection 300-83-2.2(a), involving the installation of coaxial, fiber-optic or other cabling, that is installed underground (direct buried or in conduit) or aboveground between two or more Poles or a Pole and a Tower and/or Support Structure, and related equipment and appurtenances.
 - (vi) Ordinary Maintenance, including any upgrade, repair, replacement, modification or alteration of a Communications Facility, with each upgrade, maintenance or repair being a separate instance subject to Administrative Review
 - (vii) The Borough reserves and retains the right to subject any installation or modification contemplated in this section as well as in this Section to Discretionary Review subject to the 60 and 90 day Shot Clock guidelines of FCC-18-133A. This may include public hearings and zoning board of adjustment approval. The Shot Clock guidelines will be adhered to for Discretionary Reviews unless compelling and extraordinary circumstances suggest otherwise.
 - (viii) All other installations, modifications and replacements not subject to Administrative Review and that do not qualify as a Permitted Use are subject to Discretionary Review under Chapter 167 Land Use and Development Regulations, as described in Section 300-83-2.4 of this Section.
- b. Permit Required. No Person shall place any facility described in Subsection 300-83-2.2(a) above in the Public ROW without first filing an Application for same and obtaining a Permit thereof, except as otherwise expressly provided in this Section.
- c. Proprietary or Confidential Information in Application. The Borough shall make accepted Applications publicly available by reasonably available means such as a request pursuant to the Open Public Records Act ("OPRA"). Notwithstanding the foregoing, Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each portion of such materials accordingly, and the Borough shall treat the information as proprietary and confidential, subject to applicable State and local "freedom of information" or "sunshine" Laws and the Borough's determination that the Applicant's request for confidential or proprietary treatment of an Application material is reasonable. Confidential and proprietary information shall not include any information which is by law, regulation, ordinance, OPRA procedure and regulations or this Section, open and available for public inspection, including proposed Communications Facilities' site locations.
- d. Administrative Review Application Requirements. The Application shall be made by the applicable Provider or its duly authorized representative and shall contain the following:
- (i) The Applicant's name, address, telephone number, and e-mail address, including emergency contact information for the Applicant.
 - (ii) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
 - (iii) A general description of the proposed work and the purposes and intent of the proposed facility or facilities. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed.
 - (iv) Detailed construction drawings regarding the proposed facility, as required by the Uniform Construction Code of the State of New Jersey, or as otherwise stated and required under applicable Borough ordinances.
 - (v) Demonstration of compliance with RF health and safety measures, as established by the TCA and FCC, via an RF Health and Safety Report. Applicant may utilize the RF Safety Reports provided in connection with the Municipal Agreement, as described in Section 2.1(d)(iv), for its applications for Administrative Review and Permit issuance.

- (vi) Applicant shall demonstrate compliance with the Section 300-83-2.8 Design Standards as they pertain to appearance, siting and height of the proposed Communications Facilities and their support poles, towers or other structures.
 - (vii) To the extent the proposed facility involves Collocation on a Pole, Tower or Support Structure, a structural report performed by a qualified engineer evidencing that the Pole, Tower or Support Structure will structurally support the Collocation (or that the Pole, Tower or Support Structure will be modified to meet structural requirements) in accordance with Applicable Codes.
- e. Applicant shall demonstrate compliance with applicable environmental, historical and landmark laws, rules and regulations, including SHPO and NEPA approval, as needed or applicable, including obtaining any necessary permits and approvals from the appropriate local, state or federal department agency or other governing body.
- f. Ordinary Maintenance, Repair and Replacement. Ordinary maintenance and repairs may require administrative review and be subject to the provisions of Section 300-83-2.1(b) and (c) of this Section, including notification to the Borough Designee of any proposed work, repairs, replacement and modification. This will include coordination with the Borough DPW and Police Department for necessary street closures and safety protocols, as well as the payment of any required fees required under Section 300-83-2.1(a) above.
- g. Information Updates. Any material change to information contained in an Application shall be submitted in writing to the Borough within thirty (30) days after the condition necessitating the change.
- h. Application Fees. Unless otherwise provided by applicable Laws, all Applications pursuant to this Section shall be accompanied by the Fees required under Subsection 300-83-2.1(c) above.

300-83-2.3 Action on Administrative Review Applications

- a. Review of Applications for Administrative Review.
- (i) The Borough shall review the Application in light of its conformity with applicable provisions of this Section, and shall issue a Permit on nondiscriminatory terms and conditions, subject to the following requirements:
 - (A) The Borough must act consistent with the following Shot Clock Dates:
 - (i) Review of an Application to collocate a Small Wireless Facility using an existing structure: 60 days.
 - (ii) Review of an Application to collocate a facility other than a Small Wireless Facility using an existing structure: 90 days.
 - (iii) Review of an Application to deploy a Small Wireless Facility using a new structure: 90 days.
 - (iv) Review of an Application to deploy a facility other than a Small Wireless Facility using a new structure: 150 days.
 - (B) Tolling period: Unless a written agreement between the Applicant and the Borough provides otherwise, the tolling period for an Application (if any) is as set forth in paragraphs (1) through (3) of this section.
 - (1) For an initial application to deploy Small Wireless Facilities, if the Borough notifies the Applicant on or before the 10th day after submission that the Application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation shall restart at zero on the date on which the Applicant submits all the documents and information identified by the Borough to render the Application complete.
 - (2) For all other initial Applications, the tolling period shall be the number of days from--
 - (i) The day after the date when the Borough notifies the Applicant in writing that the Application is materially incomplete and clearly and specifically identifies the missing documents or information that the Applicant must submit to render the Application complete and the specific rule or regulation creating this obligation; until
 - (ii) The date when the Applicant submits all the documents and information identified by the siting authority to render the Application complete;
 - (iii) But only if the notice pursuant to paragraph (B)(2)(i) of this section is effectuated on or before the 30th day after the date when the application was submitted; or
 - (3) For resubmitted Applications following a notice of deficiency, the tolling period shall be the number of days from--
 - (i) The day after the date when the Borough notifies the Applicant in writing that the Applicant's supplemental submission was not sufficient to render the Application complete and

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clearly and specifically identifies the missing documents or information that need to be submitted based on the Borough's original request under paragraph (B)(1) or (2) of this section; until

(ii) The date when the applicant submits all the documents and information identified by the Borough to render the Application complete;

(iii) But only if the notice pursuant to paragraph (B)(3)(i) of this section is effectuated on or before the 10th day after the date when the Applicant makes a supplemental submission in response to the Borough's request under paragraph (B)(1) or (2) of this section.

A. The Borough must advise the Applicant in writing of its final decision, and in the final decision document the basis for a denial, including referencing specific code provisions and/or regulations upon which the denial was based, including any federal law, or local or state laws and regulations, provided said local and state laws and regulations do not conflict with federal law. Denial may include lack of conformity with the Borough codes, ordinances and regulations, as well as local, state and federal environmental, landmark and historical regulations. A decision to deny an application shall be in writing and supported by clear evidence contained in a written record, publicly released, and sent to the applicant. The written decision, supported by such substantial evidence, shall constitute final action by the Borough. The review period or "shot clock" shall run until the written decision, supported by substantial evidence, is released and sent to the Applicant contemporaneously. The subsequent review by the Borough shall be limited to the deficiencies cited in the original denial and any material changes to the Application made to cure any identified deficiencies.

b. **Undergrounding Provisions.** The Borough shall administer undergrounding provisions in a non-discriminatory manner. It shall be the objective of the Borough and all Public ROW Occupants to minimize disruption or discontinuance of service of all kinds to consumers, through mutual obligation to coordinate and timely complete such projects. An Occupant, including the Applicant, as the case may be, shall comply with nondiscriminatory Borough undergrounding requirements that 1) are in place and published prior to the date of initial filing of the Application, and 2) prohibit electric, telecommunications and cable providers from installing above-ground horizontal cables, Poles, or equivalent vertical structures in the Public ROW; and the Borough may require the removal of overhead cable and subsequently unused Poles. In areas where existing aerial utilities are being moved underground, Wireless Providers shall retain the right to remain in place, under their existing authorization, by buying out the ownership of the Pole(s), subject to the concurrence of the Pole owner and consent of the Borough (which consent may not be unreasonably withheld, conditioned or delayed) or, alternatively, the Wireless Provider may reasonably replace the existing Pole(s) or vertical structure locations for Antennas and accessory equipment, as a permitted use, within 50 feet of the prior location, unless a minimally greater distance is necessary for compelling public welfare. In neighborhoods or areas with existing underground utilities that do not have Small Wireless Facilities deployed as a permitted use, a new entrant Wireless Provider applying after utilities have been placed underground shall first seek existing vertical structure locations, if technically feasible for the wireless service to be deployed. To the degree such vertical structures are not available, and upon receiving an approved Permit, the Applicant shall be entitled to place Poles or vertical structures as necessary to provide the wireless service using vertical structures commensurate with other vertical structures in the neighboring underground utility area. In neighborhoods or areas with existing underground utilities that do have Small Wireless Facilities deployed as a permitted use, a new entrant Wireless Provider applying after utilities have been placed underground shall first seek existing vertical structure locations, if technically feasible for the wireless service to be deployed. To the degree such vertical structures are not available, and upon receiving an approved Permit, the Applicant shall be entitled to place Poles or vertical structures as necessary to provide the wireless service using vertical structures commensurate with other vertical structures of Wireless Providers in the neighboring underground utility area. In neighborhoods with underground utilities, whether being converted from overhead utilities or initially underground, microwireless devices, typically strand-mounted, shall be treated like other Small Wireless Facilities in the Public ROW, requiring permitted use status, and subject to non-recurring and recurring Fees and Rates.

c. **Effect of Permit.**

(i) **Authority Granted; No Property Right or Other Interest Created.** A Permit from the Borough authorizes an Applicant to undertake only certain activities in accordance with this Section, and does not create a property right or grant Borough to the Applicant to impinge upon the rights of others who may already have an interest in the Public ROW.

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- (ii) Duration. Any Permit for construction issued under this Section shall be valid for a period of six (6) months after issuance, provided that the six (6) month period shall be extended for up to an additional six (6) months upon written request of the Applicant (made prior to the end of the initial six (6) month period if the failure to complete construction is delayed as a result of circumstances beyond the reasonable control of the Applicant.
- d. Removal, Relocation or Modification of a Communications Facility in the ROW.
- (i) Notice. Within ninety (90) days following written notice from the Borough, a Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any Communications Facility within the Public ROW whenever the Borough has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Borough improvement in or upon, or the operations of the Borough in or upon, the Public ROW, or pursuant to any redevelopment plan made pursuant to the Municipal Land Use Law contained in N.J.S.A. 40:55D, or any council resolution that approves any redevelopment plan for work that is performed by a private company other than the Borough. The Borough shall apply the same standards to all utilities in the Public ROW.
 - (ii) Emergency Removal or Relocation of Facilities. The Borough retains the right and privilege to cut power to or move any Communications Facility located within the Public ROW of the Borough, as the Borough may determine to be necessary, appropriate or useful in response to any public welfare emergency, or safety emergency. If circumstances permit, the Borough shall notify the Provider and provide the Provider an opportunity to move its own facilities prior to cutting power to or removing the Communications Facility and in all cases shall notify the Provider after cutting power to or removing the Communications Facility as promptly as reasonably possible.
 - (iii) Structural reconditioning, repair and replacement. From time to time, the Borough may paint, recondition, or otherwise improve or repair the Borough Poles in a substantial way (“Reconditioning Work”). The Provider shall reasonably cooperate with the Borough to carry out Reconditioning Work activities in a manner that minimizes interference with the Provider’s approved use of the facility.
 - A. Prior to commencing Reconditioning Work, the Borough will use reasonable efforts to provide the Provider with at least sixty (60) days prior written notice. Upon receiving that notice, it shall be the Provider’s sole responsibility to provide adequate measures to cover, remove, or otherwise protect the Provider’s Communications Facility from the consequences of the Reconditioning Work, including but not limited to paint and debris fallout. The Borough reserves the right to require the Provider to remove all of the Provider’s Communications Facility from the Borough Pole and surrounding premises during Reconditioning Work, provided the requirement to remove same is contained in the written notice required by this Subsection. All cost associated with the protection measures, including temporary removal, shall be the sole responsibility of the Provider. The Borough will provide the Provider with a date by which its equipment must be protected or removed. The Provider may request a modification of the Borough procedures for carrying out Reconditioning Work in order to reduce the interference with Provider’s operation of its Communications Facility. If the Borough agrees to the modification, the Provider shall be responsible for all reasonable incremental cost related to the modification.
 - B. If the Borough Poles need to be replaced (“Replacement Work”), the Borough shall provide Provider with at least sixty (60) days written notice to remove its Communications Facilities. The Borough shall also promptly notify Provider when the Borough Poles have been replaced and Provider may re-install its equipment. During the Replacement Work, the Provider may maintain a temporary Communications Facility on the property, or after approval by Borough, on any land owned or controlled by Borough, in the vicinity of the property. If the property will not accommodate the Provider's temporary Communications Facility or if the parties cannot agree on a temporary location, the Provider, at its sole option, shall have the right to suspend the applicable permit, until the replacement Pole is installed, upon thirty (30) days written notice to the Borough.
 - C. If the Borough Poles need to be repaired due to storm or other damage (“Repair Work”), the Borough shall notify the Provider to remove its

Communications Facilities as soon as possible. In the event of an emergency, the Borough shall contact the Provider by telephone at its emergency contact of record upon or prior to removing the Provider's equipment. Once the Borough Poles have been replaced or repaired, the Borough will promptly notify the Provider that it can reinstall its equipment. During Borough Repair Work, the Provider may maintain a temporary Communications Facility on the property, or after approval by Provider, on any land owned or controlled by the Borough in the vicinity of the property. All cost associated with any removal or protection of Communications Facilities shall be the sole responsibility of the Provider, except to the extent caused by third-parties or the Borough.

e. Attachment to Borough Poles in the Public ROW.

- (i) Make-Ready. For any attachment to Borough Poles in the Public ROW, the Borough shall provide a good faith estimate for any make-ready work necessary to enable the Borough Pole to support the proposed facility, including Replacement of the Pole if necessary, within sixty (60) days after receipt of a completed Application requesting attachment to the Borough Pole, unless a longer period is required in order to comply with New Jersey law, including, but not limited to, Local Public Contracts Law ("LPCL") and the New Jersey Local Unit Pay to Play. Make-ready work including any Pole Replacement shall be completed within one hundred and twenty (120) days of written acceptance of the good faith estimate by the Provider. Borough will make all reasonable estimates to complete the work within the stated timeframes. Such acceptance shall be signified by payment via check or other commercially reasonable and customary means specified by the Borough. If Borough does not indicate it is willing to perform the make-ready work within the sixty (60) days after receipt of a completed Application requesting attachment to the Borough Pole, Applicant may perform the work itself consistent with Borough approval under this Section.

300-83-2.4 Applications Requiring Discretionary Review and Approval.

- a. Discretionary Review Required. All other uses not expressly set forth or referenced in Subsection 300-83-2.2(a) above shall require compliance with applicable Borough ordinance, including, but not limited to, Chapter 300 Telecommunications Antennas and Towers and the district zoning regulations and any other applicable laws and ordinances of the Borough.

300-83-2.5 Other Public ROW Installation Requirements.

a. General Principles.

- (i) The Borough shall have the power to establish reasonable and non-discriminatory limitations on the placement of new or additional facilities within specific congested segments of the Public ROW if there is insufficient space to accommodate all of the requests of Applicants or other Persons to occupy and use the Public ROW. In making such decisions, the Borough shall to the extent possible accommodate all existing users and potential users (i.e. those who have submitted an Application to deploy facilities within the Public ROW) of the Public ROW, and shall be guided primarily by considerations of the public interest, the width and physical condition of the Public ROW, the time of year with respect to essential utilities, the protection of existing facilities in the Public ROW and established plans for public improvements and development projects which have been determined to be in the public's interest.

Fewest Possible New Poles / Use of Existing Poles: Applicant shall use existing poles when possible for the placement of its Small Wireless Facilities and shall minimize the number of new proposed Poles in the right-of-way to the fewest possible to meet the coverage and capacity requirements.

- (ii) Leasing of excess space in ducts, conduits and on a Pole is a matter between interested parties (subject to any applicable Pole Attachment regulations and any other applicable statutory, regulatory or contractual obligations); however, lessees or licensees of such physical facilities must still comply with the terms of this Section, unless otherwise expressly exempted by the Borough.

- (iii) An Occupant of the Public ROW shall employ due care during the installation and maintenance process, and comply with all safety and Public ROW-protection requirements of applicable Federal, State and local Laws (and any generally applicable Borough guidelines, standards and practices), and any additional commonly accepted safety and Public ROW- protection standards, methods and devices (to the extent not inconsistent with applicable Laws). All facilities under the streets of the Borough shall be kept and maintained in a safe and well-ordered condition, and in good order and repair.

- (A) Any permittee occupying any portion of the Public ROW shall erect a barrier around the perimeter of any excavation and provide any and all traffic-control devices, signs and lights appropriate to the level of complexity of the activity in order to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic-control plan in accordance with the Manual on Uniform Traffic Control Devices, and existing procedures, including the Borough Work Site Evaluation process by which the construction office refers proposed work to the police department in order to develop safety measures to safeguard pedestrian and vehicular traffic as well as property. In the event of any conflict between the provisions of this subsection and the Work Site Evaluation process, the Work Site Evaluation procedures shall control.
 - (B) Occupants of the Public ROW with open excavations awaiting final restoration shall maintain all devices until the Borough notifies the Occupant in writing that the Borough or the Borough's designated contractor is assuming responsibility for traffic control.
 - (C) Each Occupant shall designate a safety officer. The safety officer shall be responsible for safety-related issues affecting both the public and the Occupant's field employees and contractors for all job sites within the Public ROW.
- (iv) Location of Existing Facilities.
- (A) An Occupant of the Public ROW shall not place any fixtures or equipment where the same will interfere with any existing facility, and shall locate its lines and equipment in such a manner as not to interfere unnecessarily with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abuts any Public ROW.
 - (B) In the event that the Borough notifies the Occupant in advance that it is expressly interested in sharing the trenches or bores at a specific location area where construction is occurring, then the Occupant shall allow the Borough to place its infrastructure in the Occupant's trenches and bores as requested by the Borough. In these instances, the Borough will bear an incremental share of the costs of trenching, boring and the placement of conduit and infrastructure.
 - (C) Before beginning excavation in any Public ROW, an Occupant shall contact the regional notification center for subsurface installations (One-Number Locator Service) to determine possible conflicts.
- (v) Abandonment of Facilities.
- (A) Any Occupant of the Public ROW, including any Applicant, Wireless Provider or Wireless Infrastructure Provider, that intends to permanently discontinue use of any facilities within the Public ROW shall notify the Borough in writing within thirty (30) days prior to abandonment. Such notice shall describe the facilities for which the use is to be discontinued, and the date of discontinuance of use. Upon notification, at its discretion, the Borough will choose from the following options within 14 days or any other agreed upon option, and so notify the Occupant of its decision:
 1. Abandon the facilities in place and the Occupant shall further convey full title and ownership of such abandoned facilities to the Borough. The Occupant is responsible for all obligations of the facilities, or other associated liabilities until the conveyance to the Borough is completed; or
 2. The facilities shall be removed and the Occupant shall be liable for removing the facilities at its own cost. If an Occupant fails to remove facilities that the Borough requires it to remove, after ninety (90) days notice to the Occupant, the Borough may perform the work and shall be entitled to collect the cost from the Occupant its successors and/or assigns.
- b. Additional Requirements.
- (i) General. All deployments of Communications Facilities in the Public ROW shall comply with the following:
 - (A) Compliance with ADA and other applicable Federal, State and local Laws and standards.

- (B) Pedestrian and vehicular traffic and safety requirements established by the Borough.
- (C) Existing Public ROW occupancy or management ordinances, not otherwise inconsistent with this Section.
- (ii) Additional Permits. In addition to obtaining a Permit for installation of a Communications Facility in the Public ROW, an Applicant must obtain the following additional permits and approvals, as well as provide notice where indicated:
 - 1. Notification to Borough Designee for all work contemplated in this Section, pursuant to Section 300-83-2.1
 - 2. Construction Permit (including building and electrical subcodes), per statutory fees established by uniform construction code regulations contained in N.J.A.C. 5:23.
 - 3. Zoning Permit, as applicable, per this Section and the applicable provisions of the Borough land use regulations
 - 4. Street Opening Permit, if applicable, per Borough code Chapter 258 Streets and Sidewalks.
 - 5. Telecommunications Consultation and Review performed by the Borough Designee or other such official of the Borough or professional contracted by the Borough, to include permit review, construction oversight for code and zoning compliance and post-installation inspection to ensure compliance with the technical specifications.
 - 6. Engineering Review by an outside consultant, as needed
 - 7. Discretionary Review: For Small Wireless Facilities applications not subject to Administrative Review pursuant to this Section.
- c. Existing Utility Easements in the Public Right of Way.
 - (i) Applicants will work with the Borough engineer to coordinate and protect existing utilities in the Public ROW.
 - (ii) Applicants will coordinate with the Borough engineer all public safety considerations prior to and during installation in the Public ROW to ensure public safety response in the case of gas line, water line or electric Borough disturbance.

300-83-2.6 Attachment to and Replacement of Decorative Poles.

Notwithstanding anything to the contrary in this Section, the Borough may request that Applicant install a Small Wireless Facility on a new Decorative Pole, or Replace an existing Decorative Pole with a new Decorative Pole that is in keeping with the aesthetics of the existing Decorative Pole or the surrounding streetscape only upon satisfaction of the following additional requirements:

- (i) Issuance of a Permit under Subsection 300-83-2.2(a) above.
- (ii) The new Decorative Pole, Small Wireless Facilities attachment and/or the Replacement Decorative Pole is in keeping with the aesthetics of the Decorative Pole and surrounding streetscape in the judgement of the Borough.

300-83-2.7 Batch Applications.

An Applicant seeking to construct, modify or replace a network of Communications Facilities may, at the Applicant's discretion and subject to the Borough's approval, batch Application requirements and file a consolidated Application and receive multiple permits or a single Permit for multiple Communications Facilities. The Borough's denial of any site or sites within a consolidated Application shall not affect other sites submitted in the same Application. The Borough shall grant a Permit(s) for any and all sites in a consolidated Application that it does not otherwise deny, subject to the requirements of this Section.

300-83-2.8 Design Standards.

All above-ground Communications Facilities in the Public ROW requiring Administrative Review only shall conform to the following non-discriminatory design guidelines generally applicable to all facilities in the Public ROW:

(A) Siting and Design Requirements:

- 8. Pole Siting Standards. New Poles for use as support structures for Small Wireless Facilities shall conform to the following siting standards:
 - a. Height. No Proposed Pole shall be taller than fifty (50) feet or 110% of the height of Poles in the surrounding streetscape, whichever is higher.
 - b. Location, Safety and Aesthetics. No Proposed Pole shall be erected in the Right-of-Way unless it:
 - i. Is approved pursuant to the provisions of this Section;
 - ii. Replaces an Existing Pole; or
 - iii. Does not inhibit any existing sight triangles or sight distances; and

- iv. Allows adequate room for the public to pass and re-pass across, along and through the Right-of-Way; and
 - v. Is finished and/or painted and/or otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties.
 - vi. Is compliant with Chapter 258 Streets and Sidewalks of the Borough Code as well as any applicable local and state laws and regulations pertaining to the installation of utility poles in the right-of-way, including promulgated by the Board of Public Utilities requiring approval of proposed locations prior to installation.
9. Ground Level Cabinet Siting Standards. Ground level cabinets shall conform to the following siting standards:
- a. Ground level cabinets are prohibited in the Public Right-of-Way in residential zones and any future residential zones.
 - b. Ground level cabinets are permitted in non-residential zones provided that such Ground Level Cabinet:
 - c. Is less than twenty-eight (28) cubic feet in volume; and
 - d. Is finished and/or painted so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 - e. Does not inhibit any existing sight triangles or sight distance; and
 - f. Allows adequate room for the public to pass and repass across, along and through the Municipal Right-of-Way.
10. Pole Mounted Antenna and Pole Mounted Cabinet Siting Standards.
11. Pole mounted antennas are permitted on Existing Poles, provided that each pole mounted antenna:
- a. Does not exceed three (3) cubic feet in volume; and
 - b. Is finished and/or painted and/or otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 - c. Does not inhibit any sight triangles or sight distance; and
 - d. Allows adequate room for the public to pass and repass across, along and through the Public Right-of-Way.
 - e. Pole mounted cabinets are permitted on Existing Poles in all residential zones and non-residential zones provided that each pole mounted cabinet:
 - i. Does not exceed sixteen (16) cubic feet; and
 - ii. Is finished and/or painted and/or otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 - iii. Does not inhibit any sight triangles or sight distance; and
 - iv. Allows adequate room for the public to pass and repass across the Public Right-of-Way.

(B) Maximum Height Requirements.

(i) Maximum Size of Permitted Use. Small Wireless Facilities, and new, modified or Replacement Poles, Towers and Support Structures (subject to the further limitation for Replacement of Support Structures described in Subsection 300-83-1.3(cc) above) to be used for Collocation of Small Wireless Facilities may be placed in the Public Right of Way as a permitted use in accordance with this Subsection 300-83-2.8, subject to the following requirements.

A. Each new, modified or Replacement Pole, Tower or Support Structure installed in the Public ROW shall not exceed the greater of:

- 1. Five (5) feet above the tallest existing Pole, Tower or Support Structure not exceeding 50 feet in the Public ROW, in place as of the effective date of this Section , and located within 500 feet of the new proposed Pole, Support

- Structure; or ten (10') feet on utility distribution poles where required by the electrical utility separation requirements; or
2. Fifty (50) feet above ground level.
- B. Each modified or Replacement Pole, Tower, or Support Structure installed in the Public ROW shall not exceed the greater of:
1. five (5) feet above the height of the structure being modified or replaced in place as of the effective date of this Section; or ten (10) feet on utility distribution poles where required by the electrical utility separation requirements; or
 2. the height limit under this section 300-83-2.8(B)(i)(A)

Section 300-83-3 Miscellaneous Terms

300-83-3.1 Preexisting Sites and Municipal Agreements.

Any Communications Facilities in the Public Rights-of-Way existing at the time of the adoption of the provisions of this Section, whether or not a Municipal Agreement exists or is in force and effect with regard to same, shall be required to comply with the provisions of this Section.

Any Municipal Agreements entered into between the Borough and any Provider regarding Communications Facilities in the Public Rights-of-Way shall be required to conform to the provisions and standards of this Section. To the extent the provisions of any existing Municipal Agreement conflict with this Section, said provisions shall be replaced and superseded by the applicable terms of this Section.

300-83-3.2 New Jersey One Call

Prior to the start of any installation of Poles, Small Wireless Facilities or other Communications Facilities that requires excavation, Applicant shall contact New Jersey One Call at 811 at least three (3) full business days prior to the commencement of work.

300-83-3.3 "Dig Once" Requirements

For all installations of Communications Facilities and Small Wireless Facilities that require the installation of above ground and underground communications and power cabling and conduit, along the Public ROW as well as utility easements and private property, the Borough's Department of Public Works or Construction Office may request that the project developer publicly offer to coordinate with Providers who operate, or have applied for facilities in the Borough through the Department of Public Works or other applicable department or agency to ensure the Public ROW and any planned utility easements are adequate to accommodate the deployment of both aboveground and underground Communications Facilities. Specifically, planned utility easements should allow for an adequate number of huts, utility Poles and other structures, as well as belowground conduit, to adequately serve current and anticipated Communications Facilities. Access to easements should be provided to Providers on a non-discriminatory basis and at a reasonable cost, or pursuant to applicable Laws.

300-83-3.4 Violation of this Section:

Violation of any of the provisions of this Section shall be a simple citation punishable with a civil penalty of \$500 for each violation which continues more than ten (10) days after written notice of such violation is provided to the Applicant. Each day, after such notice, that a violation occurs or is permitted to exist by the Applicant constitutes a separate offense.

300-83-3.5 Governance of Deployments Outside of the Public Right-of-Way.

This Section is intended to govern the installation, placement, maintenance, modification, upgrade and repair of Communications Facilities, including Small Wireless Facilities, in the Public Right-of-Way. The placement of telecommunications equipment outside of the Public Right-of-Way shall be governed by Chapter 300 Telecommunications Antennas and Towers, as well as by other applicable codes and ordinances of the Borough.

300-83-3.6 Waiver.

The Borough Council, or other Borough person, agency or department with the authority to do so, may waive any provision or standard set forth in this Section where it is demonstrated that the strict enforcement of said standard:

- (i) Will prohibit or have the effect of prohibiting any telecommunications service pursuant to 47 U.S.C. 253(a); or
- (ii) Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(II); or
- (iii) Will violate any requirement set forth in the FCC Order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," WT Docket No. 17-79; "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," WC Docket No. 17-84; or
- (iv) Will prohibit, or have the effect of prohibiting, the ability of an entity to provide wireless service to any prospective customer within the Borough.

300-83-3.7 Wireless Consultant Contact Information

As specified in section 300-83-15-2.1(b) herein, the Borough Designee shall be the initial point of contact for the Borough for all matters concerning this Section.

300-83-3.8 Effective Date.

This Section shall take effect twenty (20) days after its adoption by the Borough Council.

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Schedule A

One Time Fees*	Rate*	Frequency	Note
Small Cell Permit Application Escrow	\$1000, per new installation or \$500 per modification or upgrade. To be held in escrow and billed against actual incurred costs per the below schedule of fees:	Per install or upgrade	Escrow to be used against incurred expenses. Any expense amounts above the escrow shall be invoiced to Applicant directly upon completion of work.
Construction Permit	Per Section 11-1.12	Per install or upgrade	Building/electrical
Zoning Permit, if applicable	Per Section 25-1205	Per install or upgrade	Structure/addition
Street Opening Permit	Per Section 15-2.10	Per street opening	\$50 up to 100 ft ²
Telecommunications Consultation and Review by Borough Designee	\$350/hour per agreement	Per install or upgrade	Up to 3 hours/site
Engineering Review	Per agreement schedule between the Borough and the Borough engineer or contracted engineering firm performing engineering services on behalf of the Borough		
Recurring Fees*			
ROW Access Fee (including attachment fee to Borough Pole, if applicable)	\$270	Annual Access Rate	Per small cell site

*The fees described in this Schedule A are the fees in effect at the time of the adoption of this ordinance. All fees are subject to change as existing ordinances are amended and future ordinances adopted and future contracts and agreements entered into and effectuated by resolution. Any amendment, revision or addition to a Borough ordinance supersedes any prior inconsistent ordinances.

Motion Made By Councilperson: Pirrera

Seconded By Councilperson: Vietri

To Introduce Ordinance #2021-12

All Present in Favor by Voice Vote.

INTRODUCTION OF ORDINANCE:

ORDINANCE 2021-13: Amendment of Chapter 58 Entitled "Police Department" – Special Law Enforcement Officers Class III:

ORDINANCE #2021-13

AN ORDINANCE AMENDING CHAPTER 58 OF THE CODE OF THE BOROUGH OF PALISADES PARK ENTITLED "POLICE DEPARTMENT"

WHEREAS, Chapter 58 of the Code of the Borough of Palisades Park sets forth all regulations regarding the Police Department within the Borough of Palisades Park; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Palisades Park, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 58: Police Department

PURPOSE The purpose of this general order is to maintain procedures for a special law enforcement officer program to enhance the services provided to the public by the Palisades Park Police Department

POLICY It is the policy of the Palisades Park Police Department to maintain a Special Law Enforcement Officer Program to supplement and not supplant the regular police department in accordance with the requirements of N.J.S.A. 40A: 14-146.8, et seq., and Borough of Palisades Park municipal ordinances.

The Palisades Park Police Department recognizes that the proper utilization of special law enforcement officers (SLEO) enhances the agency's ability to provide the community with the highest possible level of law enforcement services.

The Palisades Park Police Department will utilize SLEO personnel in ways to help deliver more economical and effective police services.

PROCEDURES

I. GENERAL

- A. Special law enforcement officer (SLEO) means any person appointed pursuant to N.J.S.A. 40A: 14-146.8, et seq., to temporarily or intermittently perform duties similar to those performed regularly by members of a municipal police department, or to assist a police department during unusual or emergency circumstances and to provide security in a school system within Palisades Park.
1. SLEO personnel are considered part-time employees and can be terminated for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing (N.J.S.A. 40A: 14-146.14).
 2. Under no circumstances do the contents of this general order intend to create a contract for any purpose of a guarantee of continued employment between the Borough of Palisades Park and SLEO personnel.
 3. No SLEO shall consider this position as a means of livelihood nor is there any guarantee, either written or implied, as to the amount of work or yearly remuneration that can be expected as a result of membership. There is also no guarantee that membership will in any way lead to appointment to the regular police department.
 4. At no time will any SLEO be permitted to use, wear, or exhibit any badge, patch or insignia of the Palisades Park Special Police while performing any duty or work for any agency other than the Palisades Park Special Police Unit or the Borough of Palisades Park.
 5. There is no limit to the number of SLEO I personnel.
- B. Borough of Palisades Park Ordinance 58-4.8 et seq. authorizes special law enforcement officers (SLEO).
- C. SLEO personnel shall be included in the agency's organizational chart and are subordinate to the division, bureau, or unit commander assigned. The Chief of Police/Chief Executive Law Enforcement Officer shall appoint a liaison officer.
1. The liaison officer is the first step in the chain of command for all SLEO personnel.
 2. The liaison officer will report to Executive Officer then to the Chief of Police/Chief Executive Law Enforcement.
 3. The liaison officer is the officer-in-charge of the special police unit. He/she shall conduct monthly meetings to disseminate information and shall prepare or assign someone to prepare work schedules to be posted no less than three days before its starting date.
 4. He/she shall maintain all necessary records including but, not limited to personnel folders and attendance records and conduct all necessary correspondence.
- D. Minimum qualifications for all SLEO personnel:
- a. Must be legally permitted to work in the United States;
 - b. Must be a resident of the State of New Jersey during the term of appointment;

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- c. Must be at least 18 years of age;
 - d. Must be able to read, write and speak the English language well and intelligently;
 - e. Must have a high school diploma or its equivalent;
 - f. Must possess a valid New Jersey driver's license;
 - g. Must be able to read, write and speak the English language well and intelligently and have a high school diploma or its equivalent;
 - h. Must be sound in body and of good health and be able to perform the physical functions of the duties assigned;
 - i. Must be of good moral character and shall not have been convicted of any crime or offense involving moral turpitude;
 - j. Must successfully undergo the same psychological testing that is required of full time police officers.
- E. Additional minimum qualifications for SLEO Class III personnel:
- a. Must be a retired law enforcement officer who is less than 65 years of age. NOTE: a law enforcement officer shall not be considered retired if the officer's return to employment violates any federal or state law or regulation, which would deem the officer's retirement as not being bona fide;
 - b. Must have served as a duly qualified, fully-trained, full-time officer in any municipality or county of this state or as a member of the New Jersey State Police and was separated from that prior service in good standing, within three years of appointment;
 - c. 'Good standing' means to exclude a retirement resulting from injury or incapacity.
 - d. Must be physically capable of performing the functions of the position, determined in accordance with PTC guidelines;
- F. No person shall be appointed to be a SLEO if he/she:
- 1. Serves as a special law enforcement officer in another jurisdiction;
 - 2. Serves as a full-time, permanently appointed law enforcement officer in another jurisdiction;
 - 3. Serves as a public official with responsibility for setting law enforcement policy in this borough;
 - 4. Serves as a public official exercising authority over the budget in this borough;
 - 5. Serves as a public official exercising authority over the supervision of the police personnel in any jurisdiction
- G. Any person who at any time prior to appointment had served as a duly qualified, fully-trained, full-time officer in any municipality of this State and who was separated from that prior service in good standing, shall be eligible to serve as a SLEO. The PTC may waive the basic training requirements with regard to any such person eligible to be appointed as a SLEO.
- H. SLEO personnel can only be appointed to assist regular police officers and cannot be employed, used, or deployed to replace or substitute for regular police officers of this department, or in any way diminish the number of full-time officers employed.

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- I. SLEO personnel in good faith carrying out, and complying with, or attempting to comply with rules and regulations made and promulgated or performing any authorized service shall have and possess all the rights, privileges and immunities conferred upon regular officers by the laws of this State.
- J. When on duty, SLEO personnel are covered by state and federal statutes for compensation insurance in case of death or personal injury.
- K. SLEO personnel are provided with public liability protection equal to that provided to regular police officers.
 - A. SLEO personnel shall be appointed for a term not to exceed one year.
 - 1. Reappointment is not guaranteed at the expiration of the one-year term.
 - 2. SLEO personnel are not members of the regular police force and their powers and duties shall cease at the expiration of the term for which appointed.
 - 3. SLEO personnel have no law enforcement authority while off-duty.
 - 4. SLEO personnel have no law enforcement authority outside the Borough of Palisades Park, except that SLEO personnel may travel through another local unit to transport persons to and from a correctional facility
 - B. SLEO personnel shall not perform any duties other than authorized by the Chief of Police/Chief Executive Law Enforcement Officer or designee(s).
 - C. SLEO personnel shall not leave any assignment without notification to and permission from the shift sergeant or watch commander.
 - D. SLEO personnel shall not work on any premises in this Borough that serves or sells alcoholic beverages.
 - E. While off duty, SLEO personnel shall not wear or display any badge, patch or part of the Palisades Park Special Police Unit uniform that indicates or implies that they are employed by the Borough of Palisades Park while in or out of the Borough, except:
 - 1. SLEO personnel may wear their uniform outside of the Borough while on duty or while on other official and authorized assignments.
 - 2. SLEO personnel may wear their uniform directly to and from work.
- Note: SLEO personnel must be aware that an armed criminal may, in an emergent situation, mistake them for and armed/regular officer.
- F. Regular police officers shall not abdicate their authority and responsibility to a SLEO. When a regular police officer is present, the regular officer is responsible for any decisions made and/or actions taken.
- G. SLEO personnel shall be deemed on duty only when they are performing the public safety functions on behalf of the Borough of Palisades Park and when receiving compensation as established by borough ordinance.
- H. SLEO personnel as subject to the same drug screening procedures established for regular police officers; see this department's drug testing policy.
- I. SLEO personnel are subject to all rules, regulations, policies, general orders, and directives of this department. Each SLEO will sign a statement, or electronic equivalent, acknowledging receipt.
- J. Failing to carry out or disobeying any rule, regulation, general order, policy procedure, etc. shall be cause for appearance before a disciplinary review board and will subject SLEO personnel to such penalties as authorized by the Chief of Police/Chief Executive Law Enforcement Officer. Penalties include verbal counseling, written reprimand, suspension, and dismissal.

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1. The disciplinary review board shall consist of the Chief of Police/Chief Executive Law Enforcement Officer, the liaison officer and/or other officers or persons designated by the Chief of Police/Chief Executive Law Enforcement Officer.
2. Allegations/complaints of SLEO misconduct or violation of an offense or crime under the statutes of the State of New Jersey or another state, shall be handled in a manner similar to such complaints received or lodged against regular police officers, as directed by the Chief of Police/Chief Executive Law Enforcement Officer.
3. The following charges can, upon a finding of guilt by the disciplinary review board, be cause for dismissal or other penalties:
 - a. Intoxication while on duty;
 - b. Willful disobedience of lawful orders;
 - c. Indecent, profane or harsh language;
 - d. Disrespect to a superior officer;
 - e. Unnecessary force/violence or willful mistreatment of prisoners or citizens;
 - f. Neglect in paying his/her just debts, for rents or necessities of life contracted while on the force;
 - g. Leaving of post without permission or good reason;
 - h. Immorality;
 - i. Absence from assignment without proper notification;
 - j. Lewdness or indecency;
 - k. Sleeping while on duty;
 - l. Incompetence;
 - m. Neglect of duty;
 - n. Lack of energy;
 - o. Conduct unbecoming an officer;
 - p. Mental or physical disability that prevents the SLEO from performing an essential function of the position;
 - q. Conduct prejudicial to the good order and discipline of the regular and or special police departments;
 - r. Violation of any criminal law or penal ordinance;
 - s. Making known any proposed movement of the department including, discussing of confidential police information with anyone outside of the Palisades Park Police Department or Special Police Unit without permission from the Chief of Police/Chief Executive Law Enforcement Officer or his/her designee;
 - t. Violating rules governing the municipal court of the borough;
 - u. Refusal to perform duty of any kind whenever required on patrol or elsewhere whether in uniform or not;

- v. Use of narcotics, hallucinogens or any other controlled dangerous substance, while on or off duty, (not including prescribed medication and cleared to perform duty by the prescribing doctor);
 - w. Being under the influence of a controlled dangerous substance on or off duty, (not including prescribed medication and cleared to perform duty by the prescribing doctor);
 - x. Malfeasance;
 - y. Falsifying any record or report.
- K. Within 10 days of any permanent change of residence or change of phone number, SLEO personnel shall notify the liaison officer in writing of any change.

II. SELECTION PROCESS

- A. Prior to appointment, prospective SLEO personnel shall complete and return a comprehensive employment application.
- 1. All SLEO applicants shall be fingerprinted and subject to a background investigation, including but, not limited to:
 - a. Verification of qualifying credentials;
 - b. A review of any criminal or traffic record;
 - c. Verification of at least three personal references;
 - d. A check of the NJ Domestic Violence Registry;
 - e. A check of the NJSP Central Drug Registry.
 - 2. Applicants must successfully undergo the same psychological testing that is required of all full-time police officers or a testing process for SLEO approved by the Police Training Commission pursuant to N.J.S.A. 52:17B-70.
 - 3. Applicants must successfully pass a drug screening test pursuant to *New Jersey Attorney General's Law Enforcement Testing Policy* and the *department's drug testing policy*.
 - 4. Applicants must successfully pass a medical examination in accordance with PTC guidelines. Such medical examination must be documented on a *PTC Medical Certification Form (PTC 8A)*.
- B. The Mayor and Borough Council make appointments upon recommendation by the Chief of Police/Chief Executive Law Enforcement Officer. The Chief of Police/Chief Executive Law Enforcement Officer shall certify the eligibility and qualifications of all applicants, in writing, to the Mayor and Borough Council prior to appointment.
- C. Any person so appointed to the department as a SLEO, prior to entering the service of the Borough, take and subscribe an oath of office, which shall be filed with the Borough Administrator.
- D. Following appointment, the Chief of Police/Chief Executive Law Enforcement Officer or his/her designee shall forward the following documents to the PTC.
- 1. *Request for Waiver of Training Form (Form PTC-15)*, if applicable;
 - 2. Documentation confirming date of appointment (e.g., Resolution, signed letter from the appointing authority, or signed copy of personnel action form). Note: oaths of office are not acceptable.
 - 3. *Notice of New Appointment (NONA)* form;
 - 4. Proof of completed SRO training (within 12 months of being appointed).

III. TRAINING

A. All SLEO personnel must successfully complete a PTC approved basic training course before commencing duties and produce a certificate of completion from the New Jersey PTC as a Class IA, Class IB, Class III special law enforcement officer or a regular law enforcement officer.

1. The PTC may waive basic training consistent with subsection I.F and N.J.A.C. 13: 1-8.4.
2. If the applicant is a retired law enforcement officer, the PTC may require him/her to complete portions of the basic training course (e.g., applicant has been separated from the police service in excess of 3 years and may need to retake use of force training, etc.).
3. The Chief of Police/Chief Executive Law Enforcement Officer may also require SLEO personnel to complete a training course for safe school resource officers developed pursuant to N.J.S.A. 52: 17B-71.8.

B. SLEO personnel are required to attend other mandatory training made necessary by their assignment or duties. Those training topics required of regular police officers shall be provided with the same frequency as regular police officers. These topics include but, are not limited to:

1. Use of force refresher (with the same frequency as regular officers);
2. Weapons proficiency (with the same frequency as regular officers);
3. Active shooter/threat response;
4. Pursuit guidelines (with the same frequency as regular officers only if vehicle operation is required);
5. Unlawful harassment in the workplace;
6. Ethics training;
7. Right to know;
8. Hazardous material awareness;
9. Bloodborne pathogens;
10. First Aid / CPR / AED / Narcan administration;
11. Other topics mandated by the Chief of Police/Chief Executive Law Enforcement Officer.

IV. APPOINTMENT, TERMS, REGULATIONS, AND DUTIES

A. **SLEO CLASS I (SLEO I)** are authorized to perform traffic details, spectator control and similar duties when so authorized by the Chief of Police/Chief Executive Law Enforcement Officer.

1. SLEO I are prohibited from carrying and using a firearm and no SLEO I shall be assigned any duties that may require the carrying or use of a firearm.
2. SLEO I are permitted to carry and use oleoresin capsicum as a mechanical force weapon but, only upon training and maintaining proficiency with the same frequency as regular police officers.
3. SLEO I are authorized to utilize handcuffs and other restraining devices consistent with this department's policies and only after demonstrating proficiency in the use of these devices.

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4. SLEO I are prohibited from engaging in any high-speed response or vehicular pursuit.
 5. SLEO I are authorized to issue summonses for traffic, and municipal ordinance offenses.
 6. SLEO I duties may include, but are not limited to:
 - a. Traffic direction and control, including crossings;
 - b. Crowd control;
 - c. Park security;
 - d. Special event security;
 - e. Parking enforcement.
- A. **SPECIAL LAW ENFORCEMENT OFFICERS CLASS III (SLEO III)** personnel are authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public or nonpublic school on the school premise during hours when the public or nonpublic school is normally in session or when it is occupied by public or nonpublic school students or its teachers.
- B. SLEO III personnel are authorized to carry a handgun and must qualify and demonstrate proficiency with the handgun and any other authorized firearms with the same frequency as a regular police officer, but must first comply with the requirements of N.J.S.A. 2C: 39-6 authorizing a retired law enforcement officer to carry a handgun
- C. SLEO III personnel are authorized to use batons, OC, handcuffs and other restraining devices consistent with this department's general orders and only after demonstrating proficiency in the use of these devices with the same frequency as regular police officers
- D. SLEO III personnel are not eligible for health care benefits or enrollment in any state-administered retirement system.
- E. SLEO Class III (SLEO III) personnel shall be appointed for a term not to exceed one year. Reappointment is not guaranteed at the expiration of the one-year term.
1. SLEO III personnel shall not perform any duties other than authorized by the Chief of Police/Chief Executive Law Enforcement Officer.
 - a. Regular police officers shall not abdicate their authority and responsibility to a SLEO III. When a regular police officer is present, the regular officer is responsible for any decisions made and/or actions taken.
 - b. SLEO III personnel shall not leave any assignment without notification to and permission from the duty tour commander or his/her designee.
 - c. SLEO III personnel shall be deemed on duty only when they are performing the public safety functions on behalf of Palisades Park and when receiving compensation as established by the borough ordinance.
 - d. SLEO III personnel are subject to all rules, regulations, general order, policies and procedures of this department.
 - e. SLEO III personnel authorized to utilize handcuffs and other restraining devices consistent with this department's general orders and only after demonstrating proficiency in the use of these devices.
 - f. SLEO III personnel can possess and carry their own off duty handgun while on duty.

- g. SLEO III personnel are not eligible for extra duty assignments.

2. SLEO III DUTIES IN A SCHOOL

- a. SLEO III personnel may be employed only to assist this department with security duties and shall not supplant a law enforcement officer employed pursuant to the provisions of N.J.S.A. 18A: 17-43 or a safe schools resource officer employed pursuant to the provisions N.J.S.A. 18A: 17-43.1.;
- b. SLEO III personnel are employees of this department and are subordinate to the Chief of Police and his/her designees. SLEO III personnel are NOT school employees and not subject to the school's chain of command.
- c. SLEO III personnel should not refuse any reasonable request by a school official if the duty is consistent with this general order. direction and control;
- d. SLEO III personnel shall contact the SLEO III coordinator or a police supervisor for guidance if a request appears to be in conflict with this general order and the mission of the police department.
- e. SLEO III personnel are responsible for security in their assigned school. SLEO III personnel shall work in cooperation with school officials and with the school system's security supervisor/administrator.
- f. SLEO III personnel shall provide security at school activities and functions including, but not limited to:
 - 1. School opening;
 - 2. Student assembly;
 - 3. Lunch;
 - 4. Recess (where applicable);
 - 5. School dismissal;
 - 6. After school activities, sports, and functions.
- g. SLEO III personnel may be reassigned to different schools and different hours depending on the school, its specific security needs, and the specific school's extra-curricular activity schedule.
- h. SLEO III personnel are also responsible for conducting security assessments and vulnerability studies as directed by the Chief of Police, operations commander, or the SLEO III coordinator.
- i. While on duty, SLEO III personnel may respond to offenses or emergencies off school grounds if they occur in the officer's presence while traveling to a school facility, but an officer shall not otherwise be dispatched or dedicated to any assignment off of school property

V. DOCUMENTATION

- A. SLEO personnel shall complete all reports and forms required by their assignment prior to reporting off duty.
- B. SLEO personnel shall be issued an ID number, which shall be used on all documentation.

VI. HOURS, SCHEDULES, MEETINGS

- A. SLEO personnel shall be permitted to access the RMS program to read and sign for all rules, regulations, policies, procedures, general orders, or directives issued by the Chief of Police/Chief Executive Law Enforcement Officer or designee and to partake of any training or testing programs mandated or offered by the Chief of Police/Chief Executive Law Enforcement Officer or designee.
- B. SLEO personnel shall be paid at a rate established by borough ordinance and shall be paid their hourly rate for in-person training when done at the request of the Borough. Note: required RMS training, testing, and review of any directive as required by the Chief of Police/Chief Executive Law Enforcement Officer are not subject to reimbursement or remuneration unless specifically authorized by the Chief of Police/Chief Executive Law Enforcement Officer.
- C. SLEO personnel shall receive performance evaluations with the same frequency as regular police officers.

VII. UNIFORMS, EQUIPMENT AND APPEARANCE

- A. SLEO personnel shall report for duty in the uniform of the day. The Chief of Police/Chief Executive Law Enforcement Officer may authorize plainclothes administrative or clerical assignments.
- B. Appearance standards male:
 - 1. The face will be freshly cleanly shaven, except that a mustache may be worn. When worn, a mustache will be neatly and closely trimmed. The length of mustache hair fully extended must not exceed ½’.
 - 2. Hair shall be worn neatly combed or brushed. It may be clipped at the edges of the side and back and will be evenly graduated from zero length at the hairline on the lower portion of the head gradual to the top of the head. Head hair will be styled in such a manner so as not to interfere with the proper wearing of uniform headgear.
 - 3. Sideburns will not extend below the top of the orifice of the ear. The length of hair of the sideburn will not exceed 1/8” when fully extended.
 - 4. **Note: The above regulations apply to all SLEO on all authorized duties or details.**
- C. Appearance standards female:
 - 1. HAIR:
 - a. The length, bulk or appearance of natural hair shall not be excessive, ragged or unkempt.
 - b. Shall be neatly groomed.
 - c. Shall not be worn longer than the bottom of the shirt or coat collar at the back of the neck when standing with the head in a normal posture.
 - d. Shall be groomed in front as so that it does not fall below the band of properly worn uniform headgear.
 - e. Ponytails or platted hair are not permitted.
 - f. A bun or twist will be permitted on the top or back of the head provided it is worn in a neat manner and does not interfere with the wearing of uniform headgear.
 - g. No ribbons or ornaments shall be worn in the hair except for neat, inconspicuous bobby pins or conservative barrettes, which blend with the hair color.
 - h. Hair coloring, if used, must appear natural.

SEVERABILITY

All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

EFFECTIVE DATE.

This Ordinance shall become effective upon adoption, final approval and publication, pursuant to law.

Motion Made By Councilperson: Vietri

Seconded By Councilperson: Lee

To Introduce Ordinance #2021-13

All Present in Favor by Voice Vote. Councilwoman Pirrera recused.

NOTICE IS HEREBY GIVEN that **Ordinance #2021-9, #2021-10, #2021-11, #2021-12, and #2021-13** were introduced and passed on first reading at a meeting of the Mayor & Council, held on **June 22, 2021** and ordered published in accordance with the law. Said Ordinance(s) will be considered for final reading and adoption at a meeting held on **July 27, 2021** at 5:00 PM, in the Council Chambers, at which time all persons interested may appear for or against the passage of said Ordinance(s).

A copy of the Ordinance(s) will be posted on the Bulletin Board in the Borough Hall and will be available at the Office of the Borough Clerk.

2ND READING/PUBLIC HEARING:

ORDINANCE 2021-6: Bond Ordinance to Authorize the Improvement of West Ruby Avenue and Fairview Street In, By and For the Borough of Palisades Park to Appropriate the Sum of \$120,000:

BOND ORDINANCE #2021-6

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF WEST RUBY AVENUE AND FAIRVIEW STREET IN, BY AND FOR THE BOROUGH OF PALISADES PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$120,000 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 Palisades Park, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Palisades Park, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to improve West Ruby Avenue and Fairview Street, including curb, sidewalk and drainage improvements, where necessary, in, by and for said Borough. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor and shall be undertaken in accordance with plans and specifications prepared by the Borough Engineer and hereby approved and incorporated herein by this reference thereto. Such plans and specifications are on file or shall be placed on file with the Borough Clerk and made available for public inspection during regular business hours. It is hereby determined and stated that such roads to be 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").

Section 2. The sum of \$120,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. It is anticipated that a grant in the amount of \$90,000 from the Bergen County Community Development program, pursuant to the Federal Housing and Community Development Act, shall be received by the Borough to finance the cost of the improvements described in Section 1 hereof. Said grant funds shall be applied as set forth in Section 10 hereof. 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 (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$120,000, and (4) \$5,800 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$114,200, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$20,000 which is estimated to be necessary to finance the cost of such purpose, 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 4. It is hereby determined and stated that moneys exceeding \$5,800, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore

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adopted for said Borough, are now available to finance said purpose. The sum of \$5,800 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$114,200 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 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$114,200 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 7. 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 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. 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 \$114,200 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 10. 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 purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. 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 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 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 13. 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 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Motion Made By Councilperson: Pirrera

Seconded By Councilperson: Kim

To Open Ordinance #2021-6 to Public

All Present in Favor by Voice Vote.

PUBLIC PARTICIPATION:

Melanie Comas (W. Harwood Terrace) – Asked what this Ordinance was about. Mr. Lorenzo answered that the street would be paved.

Motion Made By Councilperson: Pirrera

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Seconded By Councilperson: Vietri
To Close & Adopt Ordinance #2021-6

All Present in Favor by Voice Vote.

2ND READING/PUBLIC HEARING:

ORDINANCE 2021-7: Bond Ordinance to Authorize Various Improvements to Lindbergh Field In, By and For the Borough of Palisades Park to Appropriate the Sum of \$127,500:

BOND ORDINANCE #2021-7

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO LINDBERGH FIELD IN, BY AND FOR THE BOROUGH OF PALISADES PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$127,500 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 Palisades Park, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Palisades Park, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake various improvements to Lindbergh Field in, by and for said Borough. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$127,500 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. It is anticipated that a grant in the amount of \$51,250 from the County of Bergen Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund shall be received by the Borough to finance the cost of the improvements described in Section 1 hereof. Said grant funds shall be applied as set forth in Section 10 hereof. 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 (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$127,500, and (4) \$6,100 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$121,400, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$20,000 which is estimated to be necessary to finance the cost of such purpose, 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 4. It is hereby determined and stated that moneys exceeding \$6,100, 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 purpose. The sum of \$6,100 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$121,400 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 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$121,400 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 7. 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.

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Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 9. 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 \$121,400 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 10. 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 purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. 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 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 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 13. 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 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Motion Made By Councilperson: Kim
Seconded By Councilperson: Pirrera
To Open Ordinance #2021-7 to Public

All Present in Favor by Voice Vote.

Councilwoman Pirrera addressed a question that was raised at the last Mayor and Council regarding whether or not the Borough had the authority to do improvements at Lindbergh School Field. Mr. Lorenzo answered that the Borough owns Lindbergh Field.

PUBLIC PARTICIPATION:

Neris Papoters – Asked what improvements would be done at Lindbergh School. Mr. Lorenzo answered that there would be drainage, fencing, and lighting.

Joseph Sperlazzo – Asked if the fencing would be changed along Roff Ave.

Motion Made By Councilperson: Pirrera
Seconded By Councilperson: Vietri
To Close & Adopt Ordinance #2021-7

All Present in Favor by Voice Vote.

2ND READING/PUBLIC HEARING:

ORDINANCE 2021-8: Amendment of Chapter 58 Entitled “Police Department”:

ORDINANCE #2021-8

AN ORDINANCE AMENDING CHAPTER 58 OF THE CODE OF THE BOROUGH OF PALISADES PARK ENTITLED “POLICE DEPARTMENT”

WHEREAS, Chapter 58 of the Code of the Borough of Palisades Park sets forth all regulations regarding the Police Department within the Borough of Palisades Park; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Palisades Park, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 58: Police Department

ARTICLE II Membership and Organization

Sec. 58-4.2. Creation of Department; membership.

Sec. 58-4.2.7 Creation of Police Assistant Administrator.

The position of Police Assistant Administrator in the Palisades Park Police Department is hereby established and who shall be appointed by the Mayor and Council.

(A) Job Duties.

- (1) Make recommendations to update, adopt and promulgate standard operating procedures and general orders for the operation of the Police Department.
- (2) Make recommendations to adopt and promulgate such policies and procedures necessary for the supervision and discipline of the personnel of the Police Department.
- (3) Conduct a comprehensive review of the Department's Rules and Regulations to ensure compliance with the Attorney General Guidelines, current best practices and standards, labor and employment laws, and all applicable rules for all Borough employees.
- (4) Assess and make recommendations to improve existing systems, processes and policies within the Department.
- (5) Make recommendations to instill a community policing mindset throughout the Department and work to build relationships of trust and mutual respect with the community.
- (6) Make recommendations to utilize quantitative data-driven policing strategies to foster smarter and more efficient allocation of law enforcement resources.
- (7) Make recommendations on establishing a structured chain of command which will help provide for the orderly flow of communications and directions and an adherence to the hierarchical structure of the organization.
- (8) Make recommendations to embrace inclusiveness and diversity in the workplace.
- (9) Make recommendations to establish a communication system through which the Department routinely exchanges information, ideas and suggestions to best serve the Department.
- (10) Make recommendations to establish protocols regarding when and how notifications are made to the Chief, Mayor and Borough Council.
- (11) Assist in the review of all mandated and available training courses to both ensure compliance with the NJ Attorney Guidelines as well as presenting an opportunity for ALL officers to attend in-service training classes.

B. Qualifications. No person shall be appointed as Police Assistant Administrator unless:

(a) In order to be qualified for the position of Police Assistant Administrator, the person shall have served in the capacity of a superior administrative officer of a Police Department, Law Enforcement agency or similar capacity for not less than 25 years or have sufficient higher educational training in the field of administration, executive and/or financial background with a minimum post graduate degree in a related field.

(b) They are a citizen of the United States and of the State of New Jersey.

(c) They shall possess a valid New Jersey Driver's License.

C. Compensation. Compensation for the Police Assistant Administrator in the Palisades Park Police Department shall be set forth in the Annual Salary Ordinance.

D. Term. The Term of this office shall be one year.

SEVERABILITY

All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

EFFECTIVE DATE.

This Ordinance shall become effective upon adoption, final approval and publication, pursuant to law.

Motion Made By Councilperson: Vietri

Seconded By Councilperson: Kim

To Open Ordinance #2021-8 to Public

All Present in Favor by Voice Vote.

PUBLIC PARTICIPATION: None

Motion Made By Councilperson: Vietri

Seconded By Councilperson: Lee

To Close & Adopt Ordinance #2021-8

All Present in Favor by Voice Vote.

COUNCIL REPORTS:

Councilman Lee – Reported the DPW responded to approx. 50 calls this month. Their work included cleaning up the town bus stops and picking up litter from the streets.

Councilwoman Pirrera – Stated she was happy to report the high income of \$136,000.00 for the pool this early in the season. She projected a successful summer and a happy one for all pool goers.

Councilman Kim – Stated he was currently working on minimizing expenses for the residents and investing in recreational activities for the youth. He asked Councilwoman Pirrera for her support.

Councilman Vietri – Thanked the Fire Dept. for a great job this month. He spoke about the settling of the PBA contract. He introduced the 3 new Police Officers that recently graduated from the academy. He announced that the 4 new Police Officers would be going into the academy on July 6. He is looking forward to a successful future for the Police Department.

Borough Administrator David Lorenzo informed the public that the new PBA contract was negotiated and resolved. The white and blue collar contracts were soon to follow. The new starting salaries for Police Officers will help keep new officers in place. He noted the town managed to maintain a low tax increase and made it out of the pandemic with no serious matters. He thanked the financial committee for all their work.

Councilman Kim asked Mr. Lorenzo to advise the public of the 3 Police Consultants salaries, and Mr. Lorenzo answered the contracts maintain the salaries will not exceed \$50,000 each per year. The three combined were less than one Sergeant's salary.

Mayor Chung thanked the Borough Administrator, Finance Committee, the Council, Michael Apicella (Tax Collector), and Roy Riggitano (CFO) for working hard to reduce the burden of the taxes on the public. He was happy to report the Attorney General's office recently awarded the Borough \$97,800 to replace the police department body cameras. He thanked Police Officer Rob DeVito for working on this.

Captain Lee had no report.

Motion Made By Councilperson: Kim
Seconded By Councilperson: Pirrera
To Open Meeting to the Public

All Present in Favor by Voice Vote.

PUBLIC PARTICIPATION:

Susan Brauer (50 Henry Ave) – Asked regarding Resolution #2021-172. Mr. Lorenzo answered it was for the beautification of Broad Avenue, which will include sidewalk restoration.

Youbong Won-Yoon – She wanted clarification on the budget and tax increase. Mr. Lorenzo explained further. Ms. Won-Yoon commented that bordering towns had 1 – 1.5% tax increases. Michael Apicella, Tax Collector, stated that he works in Leonia and the increase was well over 1%.

Melanie Comas – Spoke on heavy trucking on Grand Avenue and if there was anything that could be done to decrease this activity. She asked if the Borough can install more crosswalks for the pedestrians.

Susan Brauer (50 Henry Ave) – Commented it was nice to be back to in-person meetings with everyone and thanked Police Officer Robert DeVito for all his help with the Zoom meetings throughout the pandemic.

Motion Made By Councilperson: Kim
Seconded By Councilperson: Vietri
To Close Public Portion and Adjourn Regular Meeting

All Present in Favor by Voice Vote.

Meeting adjourned at 6:02 P.M.

Attest:



Gina S. Kim, RMC
Borough Clerk