Regular Meeting of the Mayor and Council of the Borough of Bogota, to be held at the Bogota Council Chambers, 375 Larch Avenue, Bogota, NJ, on Thursday, June 7, 2018 at 7:30pm.

Salute to the Flag

The notice requirements of the Open Public Meetings Law have been satisfied as notice was sent to two newspapers and posted on the Borough Hall bulletin board on December 23, 2017.

Roll Call: Mayor Kelemen, Councilmembers Fede, Gates-Ferris, Macfarlane, Miranda, Murphy, and Napolitano, Borough Attorney, Borough Administrator,

Citizen Remarks: One Five (5) minute time limit per person

Consent Agenda
18-089 Tax Sale Redemption for Block 75, Lot 12
18-090 Tax Overpayment Refund for Block 72, Lot 1.01
18-091 Tax Overpayment Refund for Block 72, Lot 6
18-092 Authorizing Release of Performance Bond and Waiver of Maintenance Bond for 297 Palisade Avenue
18-093 Granting Permission to AT&T Corp to install communications facilities along, under, and over the public right of way in order to provide communications services to the public
18-094 Authorize amendment to Bergen County Animal Control Shared Services Agreement
18-095 Issue Liquor Licenses for 2018-2019

Introduction of the Following Ordinance
#1514 An Ordinance Amending Schedule VII of chapter 7-3.6 Entitled "time Limit Parking" – to Establish an Exception for Active Borough Volunteers

Public Hearing on the Following Ordinance
#1513 An Ordinance Amending Schedule I of Section 7-3.3 Entitled "Parking Prohibited at All Times on Certain Streets" to Allow Parking at the Southern Terminus of Linden Avenue

Approvals
Minutes of 5/17/18

Discussion
Police test for Sergeant
Bogota Beautiful Utility Box Project

Reports
Mayor, Council Committees: Five (5) minute time limit per Council Member, Administrator, Attorney, CFO, Clerk

Closed Session: Personnel (CFO)

Adjournment

RESOLUTION # 18-089 DATE 6/7/18

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
D. Fede						
K. Gates-Ferris						
D. Macfarlane						
F. Miranda						
M. Murphy						
T. Napolitano						

WHEREAS, Tax Sale Certificate number 17-010 for Block 75, Lot 12 a/k/a 136 Queen Anne Road has been redeemed and

WHEREAS, the redemption funds have been deposited into the Borough Trust account.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that the proper financial officers are authorized and hereby charged to issue a warrant in the amount of $12,486.94, which includes the redemption funds of $4,186.94 and the premium of $8,300 to Christiana Trust T C/F CEI/ First Trust, P.O. Box 5021, Philadelphia, Pa 19111-5021.

BE IT FURTHER RESOLVED, that a certified copy of this resolution is to be given to the Tax Collector for her records and that the check is to be given to the Tax Collector for proper processing.

RESOLUTION # 18-090 DATE 6/7/18

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
D. Fede						
K. Gates-Ferris						
D. Macfarlane						
F. Miranda						
M. Murphy						
T.Napolitano						

WHEREAS, RC Urban Renewal a/k/a Block 72, Lot 1.01 has entered into a PILOT program with the Borough of Bogota and

WHEREAS, RC Urban Renewal has paid first and second quarters of 2018 causing an overpayment of taxes.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that the proper financial officers be authorized and are hereby charged to issue a warrant in the amount of $48,622.92, which includes $1,122.92 in interest to RC Urban Renewal, 350 Main Street, Suite 301, Montville, NJ 07045.

BE IT FURTHER RESOLVED, that a certified copy of this resolution is to be given to the Tax Collector for her records and that the check is to be given to the Tax Collector for proper processing.

RESOLUTION # 18-091 DATE 6/7/18

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
D. Fede						
K. Gates-Ferris						
D. Macfarlane						
F. Miranda						
M. Murphy						
T.Napolitano						

WHEREAS, RC Urban Renewal a/k/a Block 72, Lot 6 has entered into a PILOT program with the Borough of Bogota and

WHEREAS, RC Urban Renewal has paid first and second quarters of 2018 causing an overpayment of taxes.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that the proper financial officers be authorized and are hereby charged to issue a warrant in the amount of $38,408.66, which includes $878.66 in interest to RC Urban Renewal, 350 Main Street, Suite 301, Montville, NJ 07045.

BE IT FURTHER RESOLVED, that a certified copy of this resolution is to be given to the Tax Collector for her records and that the check is to be given to the Tax Collector for proper processing.

RESOLUTION # 18-092 DATE: 6/7/18

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
D. Fede						
K. Gates-Ferris						
D. Macfarlane						
F. Miranda						
M. Murphy						
T. Napolitano						

Authorizing Release of Performance Bond
And Waiver of Maintenance Bond

WHEREAS, 297 Palisade Avenue Urban Renewal constructed the premises located at 297 Palisades Avenue; and

WHEREAS, pursuant to said approvals, a performance bond of $45,558 was required to be posted with the Borough, which bond was posted on or about December 19, 2013 via Bond #B1139267; and

WHEREAS, the project was completed and Certificate of Occupancy and Approvals were issued for the project on or about December 9, 2016; and

WHEREAS, as a result of said completion, said performance bond shall be released and maintenance bond waived for the project.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bogota, that the Borough of Bogota hereby releases performance bond #B1139267 as posted by 297 Palisade Avenue Urban Renewal and waives the requirement for the posting of said maintenance bond; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to 297 Palisade Avenue Urban Renewal as well as the Borough Building Department for their respective files.

Jeanne Cook, Borough Clerk

Chris Kelemen, Mayor

RESOLUTION # 18-093 DATE: 6/7/18

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
D. Fede						
K. Gates-Ferris						
D. Macfarlane						
F. Miranda						
M. Murphy						
T. Napolitano						

Granting permission to AT&T Corp. to install communications facilities along, under and over the public right-of-way in order to provide communications services to the public.

WHEREAS, AT&T Corp., through its operating subsidiaries, including AT&T Communications of New Jersey, L.P., Teleport Communications America, LLC, and Teleport Communications New York (collectively, "AT&T"), is a communications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, AT&T, as a public utility and common carrier, has requested approval to install communications facilities in Bogota public right-of-way; and

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly Verizon New Jersey Inc., and Verizon has required that AT&T obtain approval of the Bogota Borough Council as a condition of such access;

NOW THEREFORE BE IT RESOLVED BY THE BOGOTA BOROUGH COUNCIL THAT:

1. Permission and authority are hereby granted to AT&T to install communications facilities, or lease or obtain for such communications facilities space on existing poles or in existing conduits, in the public right-of-way in Bogota in order to provide communications services to the public, and to operate, maintain and repair said facilities, subject to the following:

    A. The facilities shall be installed in underground conduit and/or on to existing utility poles in the public right-of-way.

    B. AT&T, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right-of-way.

C. AT&T, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.

D. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless the Borough of Bogota, its officers, agents, and servants, from any claims whatsoever arising from or in any way connected to the acts or omissions of AT&T in use of the public right-of-way but shall agree on behalf of the Borough to defend any action at law or equity which may be brought against the Borough upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Borough.

E. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Borough, in the amount of at least $5,000,000, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Borough as an insured and including the indemnification clause in Section D shall be filed with the Borough Clerk prior to the installation of any plant. The Borough shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided it does so generally for all companies using the public right-of-way within the Borough. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Borough Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.

F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Borough.

G. Such permission be and is hereby given upon the condition that AT&T shall obtain all applicable permits which may be required by the Borough.

H. AT&T shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said plant.

I. Notwithstanding any provision contained herein, neither the Borough nor AT&T shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.

J. This instrument shall be adopted on behalf of the Borough by the Bogota Borough Council and attested to by the Borough Clerk who shall affix the Borough Seal thereto. Said execution, approval, and filing shall constitute the existence of public notification.

K. The permission and authority hereby granted shall be for a period of 50 years. However, after 15 years from the date of this agreement, the Borough shall have the right to terminate permission and authority, by Resolution with a minimum one year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority, by request of Resolution with a minimum of one year from passage of such Resolution to sell or liquidate its facilities in the public right-of-way.

STATEMENT

This resolution authorizes AT&T to install communications lines within conduit or on existing poles in the public right-of-way in order to provide communications services to the public.

RESOLUTION # 18-094 DATE: 6/7/18

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
D. Fede						
K. Gates-Ferris						
D. Macfarlane						
F. Miranda						
M. Murphy						
T. Napolitano						

Amendment to Bergen County Animal Control Shared Services Agreement

WHEREAS, Bergen County Health Services and the Borough of Bogota entered into a Shared Services Agreement for Animal Control Services on November 1, 2017; and

WHEREAS, additional services are needed to address recent legislation mandating every municipality to immediately appoint at least one Municipal Humane Law Enforcement Officer (MHLEO) who shall be responsible for animal welfare within the jurisdiction of the municipality and said individual must be trained within the calendar year; and

WHEREAS, the Bergen County Department of Health already has MHLEO officers that are offered at a minimal additional cost to those municipalities that already have a shared services contract with the County; and

WHEREAS, the Borough of Bogota now desires to amend its present shared services contract to include these additional services at a cost of $1,800 for the remainder of the 2018 calendar year.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bogota authorize the attached Amendment to the Shared Service Agreement with the Bergen County Health Department which will provide for an MHLEO for the remainder of the 2018 calendar year.

ATTEST:

Jeanne Cook, Borough Clerk

Christopher M. Kelemen, Mayor

AMENDMENT TO SHARED SERVICE AGREEMENT

THIS AGREEMENT, made effective **June 1st, 2018** by and between:

COUNTY OF BERGEN, a body politic and corporate of the State of New Jersey, with administrative offices at One Bergen County Plaza, Room 580, Hackensack, New Jersey 07601-7076, hereinafter referred to as the "County"; and

Borough of Bogota, a body politic and corporate of the State of New Jersey, with administrative offices at **375 Larch Avenue Bogota, NJ 7603** (hereinafter referred to as the "Municipality").

W I T N E S S E T H:

WHEREAS, Bergen County Freeholder Resolution No. 1521-15 adopted on December 21, 2015 authorized the County to enter into an agreement with the Municipality for the County's furnishing of health services of a technical and professional nature; and

WHEREAS, the County and the Municipality entered into a Shared Services Agreement dated **November 1, 2017** and now desire to amend same to include additional services; and

WHEREAS, additional services are needed to address recent legislation mandating every municipality to immediately appoint at least one Municipal Humane Law Enforcement Officer (MHLEO) who shall be responsible for animal welfare within the jurisdiction of the municipality and said individual must be trained within the calendar year.

NOW, THEREFORE, in consideration of the promises, and of the covenants, terms and conditions hereinafter set forth, the parties agree as follows:

A The Shared Services Agreement is amended to provide that the Bergen County Department of Health Service will also deliver Animal Control Services to the Municipality as set forth below:

1. Provide a MHLEO to enforce animal cruelty complaints through investigation and signing complaints concerning violations of the applicable law.
2. Provide required training for MHLEO.
3. Provide legal transportation, licensed sheltering, and medical care for impounded animals at no additional charge to the Municipality.
4. Impound animal if determined to be an imminent danger or due to lack of compliance regarding a signed complaint(s).
5. Report all cruelty complaints to the Municipal Chief of Police and the Bergen County Prosecutor as required by law.

B Municipality shall pay the County a fee for the services rendered in the total amount of One Thousand Eight Hundred Dollars ($1800.00) for the remainder of the 2018 calendar

year. This rate will be subject to change for the 2019 calendar year upon a review of the service provided to ascertain the cost of the allocated resources. Notification of the fee change will be provided thirty (30) days in advance of implementing the rate for 2019.

C Except as set forth in this Amendment, the Shared Services Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Agreement, the terms of this amendment will prevail.

IN WITNESS WHEREOF, the County, and Municipality have caused this Agreement to be signed and their corporate seals to be hereunto affixed, pursuant to duly adopted resolutions of their governing bodies, passed for that purpose. *Respective seals to be affixed*

SIGNATURES BELOW:

PLEASE PLACE BOARD OF MUNICIPAL SEAL OVER ATTESTING SIGNATURE

ATTESTING SIGNATURE:

By: _____ By: _____

Title: _____ Title: _____

Date: _____ Date: _____

COUNTY OF BERGEN SIGNATURES BELOW:

ATTESTING SIGNATURE:

By: _____ By: _____

James J. Tedesco III, County Executive or
Julien X. Neals, Acting County Administrator

RESOLUTION # 18-095 DATE: 6/7/18

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
D. Fede						
K. Gates-Ferris						
D. Macfarlane						
F. Miranda						
M. Murphy						
T. Napolitano						

WHEREAS, the following have made application for Plenary Retail Consumption liquor licenses, which are in proper form and accompanied by license fee of $2,232.00 each:

0204-33-011-005 No Place Inn, Inc. t/a Buddy's Place, 13 E. Fort Lee Rd.
0204-33-004-006 Rich & Bob inc., t/a 101 Pub, 101 Queen Anne Rd.

WHEREAS, the following have made application for Plenary Retail Distribution liquor licenses which are in proper form and accompanied by license fee of $1,156.00 each:

0204-44-002-006 Somrus Liquor Inc., t/a Santa Fe Liquors, 74 W. Main St

WHEREAS, the following made application for a Club liquor license which is in proper form and accompanied by a license fee of $188:

0204-31-014-001, Ralph H. Hall Post #5561, VFW, 241 West Shore Avenue

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bogota that licenses be issued to the above named applicants as of July 1, 2018, as said licenses expire June 30, 2019, and the Borough Clerk is authorized to sign and deliver such licenses.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the New Jersey Director of Alcoholic Beverage Control.

Resol liquor for 2018-2019

BOROUGH OF BOGOTA
ORDINANCE NO. 1514

AN ORDINANCE AMENDING SCHEDULE VII OF CHAPTER 7-3.6 ENTITLED "TIME LIMIT PARKING" – TO ESTABLISH AN EXCEPTION FOR ACTIVE BOROUGH VOLUNTEERS

WHEREAS, the Borough of Bogota previously adopted Chapter VII entitled "Traffic" establishing regulations regarding parking, travel and other regulations regarding the roadways and streets in the Borough, namely overnight parking; and

WHEREAS, the Governing Body recognizes that volunteers and first responders need to respond as quickly as possible to emergencies and time is precious in those situations and therefore should be able to have their vehicles parked on the street and ready to respond as expeditiously as possible; and

WHEREAS, for those volunteers that meet the definition of "Active Volunteer Member" as that term is defined within the Borough Code, the Governing Body would like to issue annual parking passes to exempt them from the ban on overnight parking within the Borough; and

WHEREAS, said parking passes shall be issued by the Chief of Police annually upon certification by the respective Departments which members qualify as "Active Volunteer Members" and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Bogota, Bergen County, New Jersey that Chapter 7-3.6 entitled "Time Limit Parking" be amended as follows:

7-3.6 Parking Time Limited on Certain Streets.

A. No person shall park a vehicle for longer than the time limit shown in Schedule IV at any time between the hours listed in Schedule IV of any day upon any of the streets or parts of streets described in Schedule IV attached to and made a part of this chapter. (Ord. 1/12/67; Ord. 7/10/75; Ord. 9/9/76; Ord. 807; Ord. #1114, S3; Ord. #1136, S3; Ord. #1160, S3; Ord. #1176, S3; Ord. #1180, S1; Ord. #1185, S1; Ord. #1191, S3; Ord. #1250, S2; Ord. #1367; Ord. #1382; Ord. #1395)

B. Exemptions. The Chief of Police shall be permitted on an annual basis to issue to any qualifying Active Volunteer Member, as defined in §32-1.2, a permit exempting them from the provisions of Schedule IV related to overnight parking only. Said permit shall be valid for one calendar year and shall only be issued and in effect so long as said Active Volunteer Member qualifies as the same. Any authorized Borough of Bogota volunteer who is not covered by Chapter 32 benefits, shall be eligible for a permit under this

ORD 1514

section upon certification of their Department Head that they have participated in at least 50% of the calls.

Amendments in italics

BE IT FURTHER ORDAINED, that a copy of this Ordinance shall be sent to the Chief of Police and the Borough of Bogota Police Department; and

BE IT FURTHER ORDAINED, that if any section of this Ordinance shall be deemed invalid as a matter of law, such invalidity shall not affect any other portion contained herein; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect as required by law.

ATTEST

_____

Jeanne Cook, Borough Clerk

Borough of Bogota

By:_____

Chris Kelemen, Mayor

BOROUGH OF BOGOTA
ORDINANCE #1513

AN ORDINANCE AMENDING SCHEDULE I OF SECTION 7-3.3 ENTITLED "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS" TO ALLOW PARKING AT THE SOUTHERN TERMINUS OF LINDEN AVENUE

WHEREAS, the Borough of Bogota previously adopted Section 7-3.3 entitled "Parking Prohibited At All Times on Certain Streets" to prohibit parking on certain streets and portions of certain streets; and

WHEREAS, Schedule I contains a list of streets which prohibits parking on certain street and portions of certain streets; and

WHEREAS, N.J.S.A.39:4-138.6 permits a municipality to adopt certain rules and regulations upon streets that are solely contained within the municipality and deemed municipal street, and

WHEREAS, it has been brought to the attention of the Mayor and Council that parking at the southern terminus of Linden Avenue is no longer needed to be included within the Ordinance and the Chief of Police concurs with said determination and recommendation.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Bogota, Bergen County, New Jersey that Schedule I of Section 7-3.3 be amended as follows:

SCHEDULE I

NO PARKING

Name of Street	Side	Location
Linden Avenue	Both	From West Grove Street to West Broad Street ~~Southern Terminus~~

~~removed~~

BE IT FURTHER ORDAINED, that a copy of this Ordinance shall be sent to the Borough of Bogota Police Department; and

BE IT FURTHER ORDAINED, that all signage shall be installed to effectuate the purposes of this Ordinance and shall indicate that parking therein is done at the individuals "own risk"; and

BE IT FURTHER ORDAINED, that if any section of this Ordinance shall be deemed invalid as a matter of law, such invalidity shall not affect any other portion contained herein; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect as required by law.

ATTEST

_____
Jeanne Cook, Borough Clerk

Borough of Bogota

By:_____
Christopher M. Kelemen, Mayor