

“On January 5, 2016, adequate notice of this meeting pursuant to the Open Public Meetings Act has been furnished by inclusion thereof in the Annual Schedule of Meetings for 2016, which has been posted on the bulletin board at Borough Hall, filed with the Borough Clerk, faxed to the Our Town, The Record, and The Community News newspapers and distributed to all persons, if any, requesting copies of same pursuant to said Act.”

In case of an emergency or fire alarm you must evacuate the building by using any of the exit doors in the room. They are immediately to my right and the double doors at the rear of the room. Occupants must exit the building by using the staircase and not the elevator.

This meeting is being recorded by both video and audio and may be rebroadcast.

Mayor Febre asked for a moment of silence to remember Alfred Kuss, father of former Mayor Wayne Kuss and the victims of the Orlando tragedy.

SALUTE TO THE FLAG

ROLL CALL

Members of the Governing Body present: Mayor Febre, Council members Padovano, Gervino, DeHeer, Messar, Morrone, and Lindenau. Also present were Borough Attorney Brian Eyerman and Borough Clerk Jean M. Pelligra.

LATE: Borough Administrator Roberta Stern arrived at 8:00 pm.

ABSENT: Borough Attorney Ronald A. Dario

Gregory Polyniak of Neglia Engineering was present to give the monthly report.

1. 2009 NJDEP ECONOMIC RECOVERY PROGRAM

Scope: This project consists of improvements to the Lincoln / Mendez Intersection Drainage and the cleaning, televising, and lining of the Westerly Brook (see revised scope below).

Status: This project was awarded to Montana Construction in the amount of \$602,201.72 which was NJDEP - approved. In mid-April 2012, our office submitted a project revision plan package to the NJDEP that was approved in July 2012. This project was closed out by the Borough in March 2013.

The Spring Valley Avenue Pump Station project required two separate legal tasks to be performed prior to project bidding. The first, the interlocal sanitary connection agreement was addressed by legal counsel for both the Borough of Maywood and Paramus. The second was the easement purchases from the Spring Valley Avenue, Maywood office building property and the Hanjin, Paramus property.

The Borough of Maywood executed the said Interlocal Agreement at the July 22, 2014 Mayor and Council Meeting. Thereafter, the Borough pursued the easement purchases for the Spring Valley Avenue, Maywood office building property and the Hanjin, Paramus property.

A meeting occurred on Friday, January 09, 2014 at the site with the property owners and Borough Attorney's office to review the easements. The Maywood office building property was prepared to execute the agreement. At that time, the Hanjin property owner did not agree to execute the agreement due to the condition of Paramus / Maywood watercourse along the coincident municipal boundaries.

As requested by the Borough, Neglia Engineering Associates contacted the Paramus Borough Engineer on March 12, 2015 to discuss a joint service to remove debris (not silt and sediment). To expedite the process, the Borough of Maywood DPW removed debris without the aid of the Borough of Paramus as of June 24, 2015 to permit the Borough Attorney to negotiate and finalize an agreement with the Hanjin property owner which was completed late 2015.

Neglia Engineering Associates completed the NJDEP TWA Permit package for the project in mid-December 2015. We supplied the NJDEP TWA Permit package to the Borough for signature and

preparation of an endorsing resolution in late December 2015. Both were supplied to our office shortly thereafter.

In early January 2016, Neglia Engineering Associates submitted the NJDEP TWA Permit package to the Borough of Paramus for its review and signature. We received the Paramus endorsing resolution and signed NJDEP TWA Permit in early February 2016. Thereafter on February 10, 2016, Neglia Engineering Associates submitted on NJDEP TWA Permit package for endorsement by the Bergen County Utilities Authority.

In late April 2016, Neglia Engineering Associates received signed BCUA application package. Thereafter, Neglia Engineering Associates submitted the NJDEP TWA Permit package for State review on April 29, 2016. On May 24, 2016, the NJDEP deemed the TWA application administratively complete. The 90-day technical review timeframe proceeded on that said date. Subsequent to the anticipated acquisition of this said permit, the project would be publically bid.

2. **PSE&G IMPROVEMENTS (CENTRAL AVENUE)**

Scope: PSE&G will be constructing utility improvements within Central Avenue from the coincident municipal boundaries with the Borough of Rochelle Park and City of Hackensack.

Status: On April 02, 2014, Neglia Engineering Associates attended a meeting with Ms. Roberta Stern, Bergen County, AECOM (PSE&G's Engineer), Kemsco, Inc. (Project Contractor), and PSE&G on Central Avenue to review the utility improvement project. An overall project review letter was prepared and submitted to the Borough, PSE&G and its consultants on April 25, 2014.

Public notices were to be distributed by PSE&G to residents on May 28, 2014. Construction activities halted on Central Avenue in late 2014. Construction proceeded in March 2015.

On August 26, 2015, a project status meeting was held at Borough Hall with PSE&G, their contractor, their consultants, Neglia Engineering Associates, and the Borough present. At the meeting the following was stated by PSE&G:

1. The Borough DPW shall spray paint any areas of PSE&G trench settlement. PSE&G stated that it is responsible for the trench and will address these painted locations.
2. The Esplanade / Central Avenue project was to proceed on September 14, 2015. The project construction outside of paving was to be completed in late 2015
3. The construction activities were to leave westbound traffic on Central Avenue unimpeded. There was to be an eastbound detour which will utilize Maywood Avenue and Passaic Street.
4. The roadway paving is anticipated to occur during mid-2016.

As of June 06, 2016, PSE&G continues construction activities near the intersection of Esplanade and Central Avenue.

Mr. Polyniak stated paving is anticipated to begin at the end of June.

3. **MAYWOOD AVENUE STREETScape (NJDOT FUNDED)**

Scope: Per a correspondence produced by the Governor's Office on May 06, 2014, Neglia Engineering Associates understands that the Borough is to receive an NJDOT Municipal Aid Grant in the amount of \$149,000 for the Maywood Avenue Streetscape.

Status: Per the request of the Borough, Neglia Engineering Associates issued a proposal, dated May 14, 2014 for surveying, engineering, and construction management services for this project for review and consideration by the Governing Body. The proposal was approved at the November 25, 2014 Mayor and Council meeting.

During the week of December 02, 2014, Neglia Engineering Associates performed and completed field surveying services from East Hunter Avenue to Central Avenue. The completed survey was forwarded to the Borough on December 18, 2014.

Per the survey, the Maywood Avenue buildings between East Hunter Avenue and the railroad tracks are setback from the right-of-way leaving substantial hardscape to the business' building walls. There is limited right-of-way width from the curb to the right-of-way / boundary line. On April 20, 2015, Neglia Engineering Associates forwarded engineer's estimates for off-site work that is anticipated to occur on the individual commercial lots. The estimate included improvements such as decorative sidewalk and streetscape amenities. Meetings were held with the business owners at this location. On approximately July 15, 2015, the Borough found that the businesses did not wish to participate in the project.

Therefore, the project scope is from Central Avenue to the railroad crossing. Improvements will include curbing, sidewalk, and other amenities. Our office supplied the Borough with preliminary construction documents on August 25, 2015 for review and comment prior to bid. We incorporated the Borough's comments at that time and submitted an NJDOT review and Railroad review package to each on August 31, 2015.

Neglia Engineering Associates forwarded the Resolution to Advertise and Bid Notice to the Borough for review and action which occurred in September 2015. The bid notice listed the document availability date and bid opening as October 02, 2015 and October 29, 2015, respectively. The project specifications listed the construction start date as Monday, April 04, 2016 pending prevailing weather conditions.

The bid opening occurred on Thursday, October 29, 2015. The lowest bid of the nine submitted was from Bello Grande Contracting, 354 State Street, #7, Hackensack, New Jersey 07601 in the amount of One Hundred Thirty-Three Thousand Four Hundred Ninety-Five Dollars and Forty Cents (\$133,495.40). On January 19, 2016, the project pre-construction meeting occurred at Borough Hall.

Project construction proceeded on Wednesday, April 06, 2016 due to weather conditions. Curbing, sidewalk, and driveway aprons have been completed. On June 09, 2016, the contractor proceeded with the paver belt installation. Thereafter, the street trees, lights, and amenities would be installed.

4. **JERSEY AVENUE AND PARKWAY (NJDOT MUNICIPAL AID GRANT) & YEAR 2015 ROADWAY IMPROVEMENT PROGRAM**

On May 22, 2015, the Borough of Maywood was provided a letter from the NJDOT stating that it is to receive an NJDOT Municipal Aid Grant in the amount of \$149,000.00 for Parkway and Jersey Avenue.

In addition, Neglia Engineering Associates understands that the Borough adopted a bond ordinance which includes improvements related to a Year 2015 Roadway Improvement Program. The Year 2015 Roadway Improvement Program is in the amount of \$713,000 with \$149,000 of the amount from the said NJDOT Municipal Aid Grant. The Program includes the following roadways pending funding availability:

- a. Spring Valley Road from Coolidge Avenue to Spring Valley Avenue
- b. Grove Avenue and Elm Street Intersection
- c. Lincoln Avenue from West Passaic Street to West Pleasant Avenue
- d. Spencer Joseph Way
- e. Sections of Parkway and Jersey Avenue as selected by the Borough per a May 19, 2015 inspection meeting with the Borough Administrator in the following order of improvement unless informed otherwise:
 1. Parkway from Maywood Avenue to Palmer Avenue
 2. Parkway from Spring Valley Road to Lincoln Avenue
 3. Parkway from Maywood Avenue to Jersey Avenue
 4. Parkway from Palmer Avenue to Edel Avenue
 5. Jersey Avenue in the vicinity of 680 Jersey Avenue to in the vicinity of 709 Jersey Avenue
 6. Jersey Avenue in the vicinity of 737 Jersey Avenue to Washington Avenue

Our office forwarded the Resolution to Advertise to the Borough on June 25, 2015. We also forwarded the Bid Notice. The construction document availability date was July 24, 2015.

The bid opening for the project occurred on August 19, 2015. The lowest of four bids submitted was from 4 Clean Up Inc., P.O. Box 5098, North Bergen, New Jersey 07047 for the Base Bid and Alternate Bid A through G. The bid was in the amount of Five Hundred Forty-One Thousand One Hundred Sixty Dollars and Eighty Cents (\$541,160.80). The Borough awarded the project to 4 Clean Up, Inc. on Monday, August 24, 2015 for the Base Bid and all Alternate Bids.

A pre-construction meeting for the project was held on September 10, 2015 at Borough Hall. Construction began on September 25, 2015. The project was substantially completed in early November 2015. The contractor addressed the intersection of Jersey Avenue and Parkway on April 27, 2016 through infrared.

As per a May 2016 approved change order, the contractor installed a new structurally reinforced, dowelled driveway apron at the Peerless Firehouse. Remaining construction activities associated with the change order include additional sidewalk replacement and infrared asphalt gutter channelization at the intersection of Parkway and Maywood Avenue.

5. **VARIOUS ADA RAMP IMPROVEMENTS (BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT)**

Neglia Engineering Associates understands that the Borough has received a Bergen County Community Development Block Grant in the amount of \$60,873.00 to address these ramp locations. The Various Handicapped Accessible Curb Ramps are to consider and potentially include the following intersection locations:

1. Elm Street and Woodland Avenue
2. Garden Street and Woodland Avenue
3. Jersey Avenue and Woodland Avenue
4. Washington Avenue and Jersey Avenue
5. East Fairmount Avenue and Jersey Avenue
6. East Fairmount Avenue and Collingwood Avenue
7. Howcroft Road and Demarest Place

On March 23, 2016, our office completed and issued construction documents to Bergen County and the Borough for review and comment. We also issued a Resolution to Advertise for consideration by the Governing Body at the April 12, 2016 Mayor and Council meeting along with a Bid Notice to be published in the newspaper. The bid opening for the project is scheduled for Tuesday, June 21, 2016 at Borough Hall.

Council member DeHeer questioned if there has been any confirmation that PSE&G will be paving Central Avenue curb to curb.

Mr. Polyniak responded PSE&G initially stated they would do so; however, we have no confirmation in writing; adding his office will continue to push for it.

Council member Morrone asked if Mr. Polyniak had an opportunity to check the traffic circles on West Pleasant Avenue.

Mr. Polyniak responded yes and explained it appears to be normal fading of the color from the weather.

Council member Morrone stated the traffic circle located by the Maywood Market appears to be peeling.

Mr. Polyniak responded his office will address it.

PROCLAMATIONS, PRESENTATIONS, ETC.

NONE

MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)

Mayor Febre opened the meeting to the public for any comments on or off the agenda.

There being no comments from the public, Mayor Febre closed this portion of the meeting.

PUBLIC HEARING ON PENDING ORDINANCES – ADOPTION OF ORDINANCES

ORDINANCE # 13-16

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$334,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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 Maywood, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Maywood, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the down payment and State grant appropriated, by this ordinance. It is anticipated that the following additional grants shall be received by the Borough: (A) \$34,129 from the County of Bergen Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund to finance the cost of the installation of sun shade pavilions described in Section 4.B hereof; and (B) \$60,873 from the Bergen County Community Development program, pursuant to the Federal Housing and Community Development Act, to finance the cost of the installation of handicapped access curb ramps described in Section 4.C hereof. Said grant funds shall be applied as set forth in Section 13 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 the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth

in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the State grant hereinafter appropriated, and (3) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (4) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of streetscape improvements at Maywood Avenue (from Central Avenue to the railroad tracks adjacent to East Hunter Avenue).

Appropriation and Estimated Cost	\$184,000
State Grant Appropriated	\$184,000
Period of Usefulness	10 years

B. Installation of sun shade pavilions at the Municipal Pool and Coach's Park.

Appropriation and Estimated Cost	\$ 75,000
Down Payment Appropriated	\$ 3,750
Bonds and Notes Authorized	\$ 71,250
Period of Usefulness	15 years

C. Installation of handicapped access curb ramps at various locations.

Appropriation and Estimated Cost	\$ 75,000
Down Payment Appropriated	\$ 3,750
Bonds and Notes Authorized	\$ 71,250
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$334,000
State Grant Appropriated	\$184,000
Aggregate Down Payment Appropriated	\$ 7,500
Aggregate Amount of Bonds and Notes Authorized	\$142,500

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$50,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. The sum of \$184,000 received or to be received as a grant from the New Jersey Department of Transportation is hereby appropriated to the payment of the cost of the streetscape improvements at Maywood Avenue authorized in Section 4.A hereof.

Section 7. It is hereby determined and stated that moneys exceeding \$7,500, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$7,500 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 8. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$142,500 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 9. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$142,500 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 10. 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 11. It is hereby determined and declared that the average period of usefulness of the purposes to be financed with bonds or notes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 12.50 years computed from the date of said bonds.

Section 12. 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 \$142,500 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 13. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the State grant hereinbefore appropriated which shall be applied to the cost of such

purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 (excluding Section 4.A) of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

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

Section 16. 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 17. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Febre opened the meeting to the public for any comments or questions relative to the foregoing ordinance.

There being no comments or questions from the public, Mayor Febre closed this portion of the meeting.

Council member Morrone moved for the adoption, seconded by Council member Messar; and so carried by unanimous roll call vote.

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinance #13-16 be passed upon second and final reading, and that the Borough Clerk is hereby authorized and directed to advertise the same according to law, and that the twenty day period of limitation within which a suit, action, or proceeding questioning the validity of such Ordinance can be commenced as provided in the Local Bond Law has begun to run from the date of first publication of this statement. A copy of this Ordinance has been posted on the Bulletin Board upon which public notices are customarily posted in the Borough Hall of the Borough, and a copy is available up to and including the time of such meeting to the members of the general public of the Borough who shall request such copies, at the Office of the Borough Clerk in said Borough in Maywood, New Jersey.

CORRESPONDENCE AND REPORT OF BOROUGH CLERK

Borough Clerk Pelligra reported on the following:

1. She reported 22.83% of the Borough's registered voters came out to the polls this past Tuesday for the Primary Election which was higher than normal; adding there were also a number of write-in votes and mail-in ballots. She wished congratulations to everyone.

Council member Morrone made a motion to go out of the regular order of business for the purpose of re-opening the meeting to the public; seconded by Council member Messar - All in Favor.

John Ciravalo – Seafood Gourmet - 103 W. Pleasant Avenue – He stated there was a fire in his store about two weeks ago and he was amazed at how the community pulled together. He expressed his gratitude to the Fire Department, Board of Health and everyone else who came out; adding from the bottom of his heart he is very thankful and presented a donation to the fire department.

Council member Morrone made a motion to go back into the regular order of business; seconded by Council member DeHeer - All in Favor.

REPORT OF ADMINISTRATOR

Administrator Stern reported on the following:

1. She reported PSE&G has purchased nineteen trees and seventeen have been planted throughout the Borough as of today.
2. She clarified the Municibid resolution regarding the auction of various Borough vehicles and equipment.

REPORT OF ATTORNEY

Attorney Eyerman stated he has no report this evening.

COMMITTEE REPORTS

Council member Padovano stated she has no report this evening.

Council member Gervino stated he has no report this evening.

Council member DeHeer reported on the following:

1. He reported the following from the Building Department:
 - The department has collected \$1,665.00 in zoning fees, \$16,665.00 in permit fees and has issued eight garage sale permits for the month of June.
 - The Zoning Officer has been active in sending letters to property owners regarding property maintenance issues and is happy with the responses he has been receiving especially for unoccupied homes.
2. He reported the following from the Fire Department:
 - The department did a great job at the Seafood Gourmet fire causing minimal damage.
 - The department has everything planned out for the fireworks display on July 2, 2016.
3. He reminded everyone today is Flag Day.

Mayor Febre suggested Council member DeHeer advise the Zoning Officer to pay attention to the signs that are being posted on telephone poles and other places all over town without permission.

Council member Messar reported on the following:

1. He congratulated all the volunteers, coaches and parents from Maywood/Rochelle Park Girls Softball and Maywood Youth Athletic Association for putting together the closing ceremonies on Saturday, May 11, 2016, for softball and baseball. He thanked the Recreation Department and DPW for their organization and maintenance of the fields.
2. He stated he spoke with Weather Bug who manages our lightning detection system and he was advised we have a widget which through our website can inform the public of the status of our system.
3. He stated the police department has not taken delivery of the new police vehicles due to a delay with the vehicle cage vendor, adding this has also delayed the rolling out of our canine program by a couple of weeks.

Council member Morrone reported on the following:

1. He thanked the DPW for picking up the recycling debris in front of his house.

Council President Lindenau reported on the following:

1. He reported the following from the Green Team:
 - All gardening beds have been assigned at the Community Garden and the sprinklers are active and on timers.
 - He stated on June 8, 2016, eighth grade Girl Scout Troop 823 and leader Michelle Gervino assisted the Green Team to clean out the green house at Maywood Avenue School for future projects.
2. He stated there will be a free canning demonstration at the library on June 21, 2016 at 7:00 pm.
3. He thanked Arlene Formisano and Krissy Panos for working together with Ms. Donovan to plant the Butterfly Garden at Memorial School. He also thanked Mr. Trapp, the third grade class, Angelo's Pizzeria, Maywood Market and Mayor Febre for their contributions and help with the garden; adding this will be Ms. Donovan's legacy.

REPORT OF MAYOR

Mayor Febre reported on the following:

1. He spoke regarding an Eagle Scout project to fix up Zigrest Centennial Park; adding a car wash will be held next Saturday at Zion Lutheran Church to raise funds for the project.
2. He thanked the fire department for their professionalism at the Seafood Gourmet fire.
3. He read emails received from Police Chief Pegg and Special Police Officer David Marotti in appreciation of the Borough Clerk's work during the Primary Election.

ACTION LIST ITEMS

NONE

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

1. Jaspreet Singh as a member of the Maywood Fire Department - Peerless Engine Company No. 2 effective June 14, 2016.

Council member DeHeer moved the resignations be accepted, seconded by Council member Morrone; and so carried by unanimous roll call vote.

APPOINTMENTS – APPROVAL OF THE FOLLOWING

1. **Summer Recreation Program Counselors:** Edwin Medina, Emily Kopp, Caroline Duncan and Cassidy Kadonaga at \$8.38 per hour; Aftercare Counselor – Juan Reyes at \$8.38 per hour.
 2. **Swim Pool Employees:** Francesa Farrell and Robert Farrell as Substitute Lifeguards at \$9.00 per hour.
- **All appointments are subject to the completion of all requirements set forth by the Borough.**
3. Matthew Golabek as a probationary member of the Maywood Fire Department assigned to Protection Hook and Ladder Company No. 1 effective June 14, 2016.
 4. Anthony DeFina as a Junior Firefighter of the Maywood Fire Department effective June 14, 2016.

Council member Lindenau moved the appointments, seconded by Council member Messar; and so carried by unanimous roll call vote.

Mayor Febre congratulated Matthew Golabek and Anthony DeFina; adding I strongly urge anyone who is interested, to please get involved in one of our volunteer organizations.

COUNCIL APPROVAL OF THE FOLLOWING

1. Removal of Yash Patel from the Maywood Fire Department as a Junior Firefighter effective June 14, 2016.
2. Request for approval of Tournament application for the Bergen Express Baseball Firecracker Tournament on June 17, 18 and 19 and June 24, 25 and 26, 2016.
3. From Oak Ale House – request for an outdoor dining permit.
4. From Oak Ale House – request to make application to the NJ State ABC for Extended Premises Permit at 24-26 West Pleasant Avenue to include the parking lot on July 4th, 2016 for the purpose of a Fourth of July party from 11:00 am to 10:00 pm with a rain date of July 9, 2016.
5. From Angie's Place – request for an outdoor dining permit.

Council member Morrone moved for the approvals, seconded by Council member Gervino; and so carried by unanimous roll call vote.

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION # 103-16

RESOLUTION ENDORSING AND ENCOURAGING LOCAL BUSINESSES TO JOIN THE HACKENSACK REGIONAL CHAMBER OF COMMERCE

WHEREAS, the Borough of Maywood is interested on expanding their Chamber of Commerce to assist and promote business in the Borough; and

WHEREAS, the Hackensack Regional Chamber of Commerce provides an organization that is ready to assist the businesses in the Borough of Maywood; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, County of Bergen, State of New Jersey that the Mayor and Council hereby endorses the Hackensack Regional Chamber of Commerce and encourages the local businesses to join said Chamber.

RESOLUTION # 104-16
RESOLUTION CONFIRMING APPOINTMENTS
TO COMMUNITY DEVELOPMENT

WHEREAS, the Mayor of the Borough of Maywood, Adrian J. Febre, has appointed **Borough Administrator Roberta Stern** as the Mayoral Community Development Representative and the Governing Body confirms the appointment of **Mayor Adrian J. Febre** as the Community Development Representative for the Borough of Maywood; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, as follows:

1. The Mayoral and Governing Body appointments for Community Development Representative are as set forth above are hereby confirmed.
2. The aforesaid appointments shall be effective from July 1, 2016 through July 1, 2017.

RESOLUTION # 105-16
RENEWAL OF 2016/2017 LIQUOR LICENSES

WHEREAS, the Licenses as noted below have filed application for renewal of their liquor licenses at premises as noted; and

WHEREAS, all applications are in proper order, the license fee has been paid and a Clearance Certificate has been issued by the State of New Jersey, Division of Taxation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, County of Bergen, New Jersey that the Borough Clerk is hereby authorized to issue renewal licenses as follows effective July 1, 2016:

PLENARY RETAIL DISTRIBUTION

0234-44-003-006	Maywood's Marketplace, LLC	78 West Pleasant Avenue
0234-44-006 -005	P & P Spirits, Inc. t/a Maywood Wine & Liquor	117 East Passaic Street
0234-44-001-003	Maywood Liquors & Deli t/a Hollywood Liquor	40 West Pleasant Avenue
0234-44-008-006	Krishi, LLC t/a Coronet Variety Store	138 West Pleasant Avenue

PLENARY RETAIL CONSUMPTION

0234-33-007-002	Maywood Inn Corp.	122-124 West Pleasant Avenue
0234-33-005-006	John J. Brunetti	1655 U.S. Highway 9 Old Bridge, NJ 08857
0234-33-004-006	UE Maywood License, LLC.	12:39 Ruling – INACTIVE 210 Route 4 East Paramus, NJ 07652

PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE PRIVILEGE

0234-32-002-005 Great Liquor Group 24-30 West Pleasant Avenue

CLUB LICENSE

0234-31-009-001 Maywood American Legion Post #142 135 East Passaic Street
0234-31-010-001 Maywood Columbian Club 105 Grove Avenue

RESOLUTION #106-16
RESOLUTION AUTHORIZING 2016/2018 MUNICIPAL
SNOW PLOWING AGREEMENT WITH THE COUNTY OF BERGEN

WHEREAS, the Borough of Maywood has heretofore authorized by ordinance the entering into Inter-Local Services Agreement between the Borough of Maywood and the County of Bergen for snow plowing pursuant to Section 40-5 of Chapter 40 of the Code of the Borough of Maywood; and

WHEREAS, the County of Bergen has proposed for the 2016/2018 snow plowing season, a municipal snow plow agreement pursuant to which the Borough of Maywood agrees to plow the county roads within the Borough and the County agrees to pay the Borough for performing this service; and

WHEREAS, the Mayor and Council find that such agreement would be in the best interests of the citizens of the Borough of Maywood;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, County of Bergen, New Jersey that the Mayor be and he is hereby authorized and directed to execute, and the Borough Clerk to attest, an agreement between the County of Bergen and the Borough of Maywood providing for the plowing of county roads within the Borough, and payment therefor, in accordance with the terms of an agreement on file in the Office of the Borough Clerk and made available for public inspection, at the rate of \$90.00 per hour per plow.

RESOLUTION # 107-16
RESOLUTION AUTHORIZING THE BOROUGH OF MAYWOOD
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN
ACCORDANCE WITH P.L. 1994 C.72

WHEREAS, the Bergen County Board of Taxation is unable to certify Maywood's tax rate as of the current date and the Borough of Maywood Tax Collector will be unable to mail the Borough's 2016 tax bills by June 14, 2016; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Maywood, in the County of Bergen, State of New Jersey on this the 14th day of June 2016 as follows:

1. The Maywood Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Maywood for the Third Installment of 2016 taxes pursuant to P.L. 1994, c72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy based on 2015 @ 103% for 2016 is hereby set at \$ 33,756,581.68.
3. In accordance with the law the Third Installment of 2016 taxes shall not be subject to interest until August 10th, 2016.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to furnish copies of this Resolution to the Chief Financial Officer and the Tax Collector.

RESOLUTION # 108 -16
RESOLUTION AUTHORIZING A PUBLIC SALE AT AUCTION THROUGH
MUNICIPAL.COM OF VEHICLES AND VARIOUS RADIOS AND EQUIPMENT

WHEREAS, N.J.S.A. 40A:11-36 of the “Local Public Contracts Law” authorizes the public sale at auction of surplus municipal personal property no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the Division of Local Government Services (“Division”) to waive various provisions of the Local Public Contract Law to assist local units in selling surplus personal property no longer needed for public use through online auctions; and

WHEREAS, pursuant to Local Finance Notice 2008-9, the Division has granted approval for local units to hold online auctions through certain approved Internet-based vendors, including Municibid.com, without the necessity of first seeking bids or requests for proposals from these vendors to use their services, in accordance with the provisions of said Notice; and

WHEREAS, the Borough of Maywood has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, Bergen County, New Jersey, is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled www.municibid.com; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to cause a notice to be published once in the Our Town setting forth, in addition to the foregoing terms and conditions, the following:

1. A public sale by auction will be conducted online commencing on at a time and date and ending at a time and date to be set forth in said notice.
2. The online public sale at auction shall be conducted through www.municibid.com.
3. The property to be sold by public sale is as listed on Schedule A of this authorizing resolution.

BE IT FURTHER RESOLVED that, pursuant to N.J.S.A. 40A:11-36, the sale shall be commenced not less than 7 days nor more than 14 days after the latest publication of the advertisement.

SCHEDULE A

<u>Year</u>	<u>Make/Model</u>	<u>VIN #</u>	<u>Mileage</u>	<u>Minimum Bid</u>
1976	GMC Van	JS1GN7DAX62116163	38,392	\$ 500.00
1989	Ford Tractor with hitch	UP26446		\$1,500.00
1994	GMC dump truck with plow	1GDP7H1J2RJ504701	41,889	\$2,500.00
2005	Chevrolet Impala	2G1WF52K559203931	56,525	\$2,000.00
2008	Ford Crown Victoria	2FAFP71V78X104433	95,000	\$1,000.00
2010	Ford Crown Victoria	2FABP7BV5AX134405	62,000	\$ 100.00
<u>Miscellaneous Equipment</u>				
	COATS Tire and Balance machine			\$ 500.00
	GUM WIZARD gum removal machine			\$ 200.00
	1992 POT paint machine			\$ 150.00
	ROSCO asphalt roller			\$ 200.00
	72” Land Pride lawn mower-3point hitch bush hog			\$ 500.00
	MX700 Light Bars			\$ 100.00
	Misc. radios and parts			\$ 50.00
	Hose Dryer Rack			\$ 300.00

RESOLUTION # 109-16
A RESOLUTION RATIFYING AND CONFIRMING THE MANAGED SERVICES OF THE
POLICE DEPARTMENT RADIO DISPATCH DESK FOR THE MAYWOOD POLICE
DEPARTMENT WITH FUNDS FROM THE D.E.A. ACCOUNT

WHEREAS, a need exists within the Borough to supply, install, annual support and updates to the radio and dispatch desk for the Maywood Police Department; and

WHEREAS, the Police Chief has indicated the purchase will be made fully with funds from the D.E.A. account; and

WHEREAS, pursuant to Resolution # 29-16, purchases in excess of \$1,000 require Mayor and Council approval;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, that the Borough Administrator is hereby authorized to sign and issue a purchase order for the Police Chief for the installment payment to supply, installation, annual support and updates to the radio and dispatch desk, State Contract # 83892, for use of the Maywood Police Department in the sum of \$16,735.74, payable to Goosetown Communications 58 North Harrison Avenue, Congers, NY 10920, pursuant to the price quotations received from Goosetown Communications whose response was most advantageous to the Borough, price and other factors considered.

RESOLUTION # 110-16
RESOLUTION AUTHORIZING THE FEE AMENDMENT FOR THE SPECIAL
IMPROVEMENT DISTRICT

WHEREAS, the Mayor and Council of the Borough of Maywood wish to amend the fees paid by those businesses within the Special Improvement District; and

WHEREAS, such fees shall now be associated with the square footage of businesses in the following manner:

1. A fee of \$200.00 for those businesses with an aggregate square footage exceeding 3000 feet.
2. A fee of \$150.00 for those businesses with an aggregate square footage of 1500 to 2999 square feet.
3. A fee of \$100 for those businesses with an aggregate square footage of less than 1499 square feet.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Maywood, in the County of Bergen, State of New Jersey that the above fees shall be applicable effective immediately.

RESOLUTION # 111-16
AUTHORIZE PARTICIPATION INTO THE MASTER INTERGOVERNMENTAL
COOPERATIVE PURCHASING AGREEMENT (NCPA)

WHEREAS, the Borough of Maywood desires to enter into an agreement with the National Cooperative Purchasing Alliance/Master Intergovernmental Cooperative Purchasing; and

WHEREAS, the State of New Jersey Division of Local Government permits the entering into national cooperative contracts; and

WHEREAS, the authorization to enter into the agreement is subject to the Borough Attorney's approval and meeting all of the requirements of Local Finance Notice 2012-10.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, County of Bergen, New Jersey that the Mayor and Borough Clerk are hereby authorized to register the Borough to participate in the National Cooperative Purchasing Alliance.

BE IT FURTHER RESOLVED, that a copy of the within resolution be on file in the Office of the Borough Clerk and be available for public inspection during regular business hours.

Council member Morrone moved for the adoptions, seconded by Council member DeHeer; and so carried by unanimous roll call vote.

INTRODUCTION OF ORDINANCES

ORDINANCE # 14-16

AN ORDINANCE TO AMEND CHAPTER 25 SUBCHAPTER 43 GOVERNING THE MEMBERSHIP WITHIN THE MAYWOOD FIRE POLICE OF THE BOROUGH OF MAYWOOD CODE IN THE BOROUGH OF MAYWOOD, STATE OF NEW JERSEY

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, Borough of Maywood Code Chapter 25 Subsection 43 provides rules for membership in the Maywood Fire Police; and

WHEREAS, the Mayor and Council of the Borough of Maywood are desirous to revise and update said ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, as follows:

Section 1. Chapter 25 Subsection 43 is amended by adding subsection C which shall read as:

Chapter 25, Subchapter 43, subsection C

C. A person may qualify as a nonresident member if he or she resides within a contiguous municipality that does not have its own volunteer Fire Police Organization and who maintains his or her primary residence within one driving mile of the border of the Borough of Maywood

Section 2. This ordinance shall take effect upon passage and publication according to law.

ORDINANCE # 15-16

AN ORDINANCE TO AMEND CHAPTER 52 ENTITLED "PERSONNEL POLICIES" OF THE BOROUGH OF MAYWOOD CODE IN THE BOROUGH OF MAYWOOD, STATE OF NEW JERSEY

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, Borough of Maywood Code Chapter 52 entitled "Personnel Policies" provides for personnel policies of all employees of the Borough of Maywood; and

WHEREAS, from time to time the Mayor and Council of the Borough of Maywood revise and update these policies based upon the recommendations of the Municipal Excess Liability Joint Insurance Fund;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, as follows:

Section 1. Chapter 52 subchapter 79 is amended with the addition of §52.79.6 which shall be added to address the employee dating policy and shall read as:

§52.79.6 Employee Dating Policy.

The Borough recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Borough has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to

A) their immediate supervisor or B) human resources.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title [or civil-service classification], makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the municipality.

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them.

In Addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations.

Nothing in this policy alters an employee's at will status.

Section 2. Chapter 52 subchapter 79 is amended by revising section 79.4 (J) which shall now read as:

J. Social media and its uses in government and daily life are expanding each year however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media.

Only those Employees directly authorized by the Borough Administrator may engage in social media activity during work time through the use of the Borough's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Section 3. Chapter 52 subchapter 79 is amended by revising section 79.4 (L) which shall now read as:

L. No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Borough Administrator. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator. Except in "emergency situations," employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough.

For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

Section 4. Chapter 52 subchapter 79 is amended by revising section 79.4 (M) which shall now read as:

M. No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Borough Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough. Such unauthorized communications may result in disciplinary action.

Section 5. Chapter 52 subchapter 79 is amended by revising section 79.4 (O) which shall now read as:

O. All users are personally accountable for messages that they originate or forward using the Borough's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) without a legitimate authorized purpose and authorized by the Borough Administrator is prohibited.

Section 6. Severability.

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

ORDINANCE #16-16

"AN ORDINANCE AMENDING CHAPTER §333-5 OF THE BOROUGH CODE GOVERNING PET SHOPS AND THE SALE OF ANIMALS"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Borough of Maywood recognizes that a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills," respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, according to the New Jersey Department of Health 2014 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New

Jersey animal shelters annually, including nearly 1,500 in the County of Camden. Restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Borough Council believes it is in the best interests of this Municipality to adopt reasonable regulations to reduce costs to the Municipality and its residents, protect the citizens of the Municipality who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Municipality

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Maywood, County of Bergen, State of New Jersey, as follows:

Section 2. That Section §333-5 is amended in its entirety and shall have the new chapter title of "Pet Shops" and shall read in its entirety as:

§333-5 Pet Shops.

A. **Permit Required.** No establishment, shelter or business shall be maintained for the purpose of selling or raising for sale any animal as pets or for other uses in the borough unless a permit for that purpose has been obtained from the Board of Health, and all animals shall be kept in a suitable shelter, cages, coops or tanks. Such facilities must be kept thoroughly clean and open to inspection at all times by the Board or its agents.

B. **Restrictions on the Sale of Animals.**

1. A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
 - a. An animal care facility or animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations; or
 - b. An animal rescue organization or other type of not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.
2. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

Section 3. Severability.

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

Section 4. Effective Date.

This Ordinance shall take effect upon passage and publication according to law.

Council member DeHeer moved for the introductions, seconded by Council member Gervino; and so carried by unanimous roll call vote.

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinances #14-16, #15-16 and #16-16 pass on first reading and that said Ordinances will be further considered for final passage at a meeting of the Mayor and Council to be held on July 12, 2016 at 7:30 pm at the Borough Hall, 15 Park Avenue, Maywood, New Jersey at which time and place all persons interested therein will be given an opportunity to be heard concerning the same, and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

NEW BUSINESS

Council member DeHeer discussed the letter sent to the Mayor and Council by Michael Kauker, the Borough Planner regarding a proposal to update the Master Plan.

OLD BUSINESS

MISCELLANEOUS BUSINESS

CLOSED SESSION – IF APPLICABLE

NONE

ADJOURNMENT

Council member Morrone moved the meeting be adjourned; seconded by Council member Messar and so carried at 8:10 p.m.

Borough Clerk