

“On January 3, 2017, and as revised on June 27, 2017, 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 2017, 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.

SALUTE TO THE FLAG

ROLL CALL

Members of the Governing Body present: Mayor Febre, Council members Padovano, Gervino, DeHeer, Lindenau, and Messar. Also present were Borough Attorney Ronald A. Dario, Borough Administrator Roberta Stern, and Borough Clerk Jean M. Pelligra.

ABSENT: Council member Morrone

Greg 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).

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.

On May 30, 2017, Neglia Engineering Associates received a bid approval letter from the NJDEP. Thereafter on June 09, 2017, we issued a bid recommendation package to the Borough for review by the Borough and its Attorney. The project was awarded by the Governing Body on June 27, 2017.

Status: The pre-construction meeting for the project was held on July 25, 2017. The contractor proceeded with construction activities on September 11, 2017. At this time, all structures and piping have been installed. The outstanding items include the Parshall flume with meter. Once installed, the pump station would be taken off line. Sanitary flow would be directed to the new gravity sewer system. The Parshall flume system is a specialized item and is on order. It is anticipated to be installed during early Winter 2017.

2. 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.

On May 25, 2017, our office issued an NJDOT construction completion letter for final inspection. Our office received the construction completion letter with no remedial action required during late August 2017. The Borough closed the project out in September 2017.

Status: At this time, our office is preparing the NJDOT closeout package which would permit the Borough to receive the remainder of its grant reimbursement. We anticipate submitting the completed package by October 13, 2017.

3. WEST MAGNOLIA AVENUE / MAGNOLIA LANE – BERGEN COUNTY BRIDGE INSPECTION

Bergen County with the State created an inspection program to inspect small culverts and bridges throughout all municipalities. Bergen County and the State hired Pickering, Corts & Summerson of Newtown, Pennsylvania to perform inspections which included the Magnolia Lane / West Magnolia Avenue Bridge / Culvert over the Westerly Branch of the Saddle River. This bridge serves as access to

two residences located at the terminus of the said roadway. On November 11, 2016, Neglia Engineering Associates and the Borough of Maywood received a report from the County's engineering consultant concerning this structure.

Status: The pre-construction meeting occurred September 08, 2017. The construction timeframe is forty-nine calendar days pending weather conditions. We anticipate the project construction to be substantially completed during mid-November 2017.

4. OAK AVENUE ROADWAY IMPROVEMENTS (WEST PLEASANT AVENUE TO PARKWAY)

The Borough will construct roadway improvements on Oak Avenue from its intersection with West Pleasant Avenue to its intersection with Parkway. The document availability was May 03, 2017. The bid opening occurred on Thursday, June 01, 2015. The lowest bid submitted of the six submitted was from Marini Brothers Construction, Co., Inc., 9 Lafayette Street, Hackensack, New Jersey 07601 in the amount of One Hundred Nineteen Thousand Two Hundred Fifty-Five Dollars and Zero Cents (\$119,255.50) for the Base Bid.

Status: A pre-construction meeting occurred on June 29, 2017 at Borough Hall. As of September 05, 2017, the contractor has completed concrete improvements, milling, and paving on Oak Avenue. All open punchlist items will be addressed once the William Street, Fairway, and Duvier Place project has been completed.

Mr. Polyniak stated a change order is on tonight's agenda for consideration by the Mayor and Council for the additional paving of Golf Avenue from East Central Avenue to East Magnolia Avenue.

5. PSE&G IMPROVEMENTS (69kV IMPROVEMENT PROJECT)

On January 06, 2017, a project meeting was held at Borough Hall with PSE&G, the Borough, and Neglia Engineering Associates present.

Status: A meeting was held on September 06, 2017 with Verizon and Borough officials at Borough Hall. Verizon has stated that they are proceeding with pole removal and anticipate completing the removal by the end of Year 2017.

6. WILLIAM STREET, FAIRWAY, AND DUVIER PLACE (ROADWAY IMPROVEMENTS)

Neglia Engineering Associates understands that the Borough will construct roadway improvements at the following locations:

1. William Street from West Passaic Street to West Pleasant Avenue
2. Duvier Place from Lenox Avenue to its terminus (including drainage improvements)
3. Fairway from Passaic Street to the school entrance

As requested at the July 2017 Mayor and Council meeting, our office directed the contractor to proceed with Fairway prior to the William Street, Duvier Place, and Oak Avenue as Fairway is a main entrance to the Maywood Avenue School. At this time, the contractor has completed the following construction improvements:

1. William Street – concrete improvements have been completed
2. Duvier Place – drainage improvements have been completed
3. Fairway – concrete improvements, milling, and paving completed prior to Labor Day weekend

Status: Concrete improvements on Duvier Place and for the various additional sidewalk improvements are underway and are anticipated to be completed by October 13, 2017. Thereafter, milling and paving of William Street, Duvier Place, and Golf Avenue from Central Avenue to East Magnolia Avenue will occur.

7. MAYWOOD AVENUE STREETScape – PHASE II (NJDOT MUNICIPAL AID GRANT)

Neglia Engineering Associates understands that per the Year 2017 NJDOT Municipal Aid Grant awarded grant project list that the Borough has received a grant in the amount of \$165,627.00 for the Maywood Avenue Streetscape – Phase II. We understand that the NJDOT will forward a grant agreement package to the Borough for review and signature. The required project completion schedule would be listed within the grant agreement package.

Status: At this time, we understand that the Borough is reviewing the overall project scope. This includes contacting the adjoining business to review the project scope. Once we are informed of the selected amenities and project limits, we would proceed with the design. We anticipate this project to be constructed during Summer 2018.

8. YEAR 2018 NJDOT MUNICIPAL AID GRANT – CALL FOR PROJECTS

The NJDOT has informed municipalities of a call for Year 2018 Municipal Aid Grant projects. The grant submission packages are due on Friday, October 06, 2017. Per the Borough's request, Neglia Engineering Associates submitted an NJDOT grant application package for Palmer Avenue on September 27, 2017.

Council member DeHeer asked if both change order resolutions on tonight's agenda are tied to the same project.

Mr. Polyniak responded yes, they both relate to the additional work on Golf Avenue as the price was favorable.

PROCLAMATIONS, PRESENTATIONS, ETC.

Mayor Febre read a Proclamation proclaiming October 10, 2017 "*Put the Brakes on Fatalities*" Day.

October 10, 2017 has been declared *Put the Brakes on Fatalities Day* by the Mayor and Council of the Borough of Maywood;

WHEREAS, Across the nation, traffic crashes caused nearly 35,092 fatalities in 2015, and are the leading cause of death for young people ages 15 to 34; and,

WHEREAS, In New Jersey, 603 individuals lost their lives in traffic crashes in 2016; and,

WHEREAS, Pedestrian-related crashes accounted for 27.5 percent of the State's traffic fatalities, while 19 percent of all fatal crashes involved a distracted driver; and

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and,

WHEREAS, 66 motorcyclists, 18 bicyclists and 166 pedestrians were killed in New Jersey in traffic-related crashes in 2016; and

WHEREAS, Safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving while impaired; wearing proper safety gear when riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths.

NOW, THEREFORE, I, Adrian J. Febre, Mayor of the Borough of Maywood, County of Bergen, State of New Jersey do hereby proclaim October 10, 2017, Put The Brakes on Fatalities Day, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

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.

Phil Pisano – owner of Hair Construction – understands they are doing the Streetscapes project; however, he asked if it were possible to have the garbage receptacle put back by his store.

Mayor Febre responded it will be taken care of.

Hildegard Ampssler – 65 Edgewood Place – questioned the proclamations and what action is really being taken; adding she would like to see access to greater safety by reducing speed limits and the distance between crosswalks on county roads.

Mayor Febre asked Ms. Ampssler to bring her concerns to the attention of the County Freeholders.

Ms. Ampssler asked the Mayor and Council to reach out to the County regarding her concerns.

Matt Garofalow – 636 Oak Avenue – spoke regarding the following three points.

- Bicycle and Pedestrian Survey – to date nothing has been implemented.
- Sears Site Plans – pathways for safe pedestrian and bicycle travel should be considered.
- Maywood Library – the front door is locked which is not pedestrian friendly.

Mayor Febre responded when students are crossing from the school to the library after school, it is safer for them to enter through the rear entrance; adding the front entrance is only closed for a short period of time.

Council member DeHeer made some clarifications regarding the Sears property and invited Mr. Garofalow to attend the Planning Board meetings.

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

PUBLIC HEARING ON PENDING ORDINANCES – ADOPTION OF ORDINANCES

NONE

APPROVAL OF MINUTES

Council member Gervino moved for approval of the September 26, 2017 Council Meeting and Closed Session minutes; seconded by Council member Messar; and so carried with the exception of Council member Lindenau abstaining.

CORRESPONDENCE AND REPORT OF BOROUGH CLERK

Borough Clerk Pelligra reported on the following:

1. She reminded everyone Tuesday, October 17, 2017, is the deadline to register to vote prior to the General Election on November 7, 2017; adding the Clerk's office will be open from 8:30 am to 9:00 pm.
2. She reminded Administrator Stern to discuss the cancellation of the November 14, 2017 Work Session due to the NJ League of Municipalities Conference – the Mayor and Council were in agreement to cancel the meeting.

REPORT OF ADMINISTRATOR

Administrator Stern reported on the following:

1. She stated this year's Fall Festival was the best ever; we had a beautiful day and a great turnout. She thanked the DPW and all of our commercial neighbors for their support and sponsorship of the attractions.

Administrator Stern spoke regarding a three year bicycle path study done by the County. Mayor Febre added the Borough did a study as well about nine years ago; however, it died on the vine with former Mayor and Councils.

REPORT OF ATTORNEY

Attorney Dario stated he has no report this evening.

COMMITTEE REPORTS

Council member Padovano reported on the following:

1. She reminded everyone the Annual Flu Clinic is scheduled for Wednesday, October 25, 2017 from 3:00 pm to 4:45 pm at the Senior Recreation Center; adding please bring your insurance card.

2. She read an observation report from the Joint Insurance Fund Senior Loss Control Consultant, Ken Schultz, regarding the performance of our crossing guards; adding our crossing guards received accolades for following proper procedures.

Council member Gervino reported on the following:

1. He reported Lisa Schieli will be taking a Technical Assistant course to understand how to properly complete the forms to ensure we receive maximum reimbursement from the Municipal Alliance.
2. He stated on Monday, October 16, 2017, the movie “Kicking and Screaming” will be shown at the library at 4:00 pm; adding please RSVP to Lisa Schieli.
3. He encouraged residents to visit the Maywood Public Library website to see the additional afterschool programs available for students.

Council member DeHeer reported on the following:

1. He reported the building department collected \$4,582.00 in permit fees from September 26, 2017 through today.
2. He reported from Fire Board the required drill dates were submitted for the third quarter safety report.
3. He reported from the Planning Board the borough has received a statement from the court we are in compliance with Affordable Housing.
4. He spoke regarding Vets Without Voices and stated over 100 volunteers have signed up to go to George Washington Memorial Park Cemetery in Paramus on Saturday, October 14, 2017 to clean veteran’s headstones.

Mayor Febre asked if the Council was in agreement to allow the use of the borough shuttle bus to transport the volunteers to and from George Washington Memorial Park Cemetery – All in Favor.

Council member Lindenau reported on the following:

1. He reported the following from The Green Team:
 - A clean-up day was held this past Saturday, October 7, 2017 at the Community Garden; adding the DPW left a small dumpster at the site which helped with the clean-up.
 - Members were very happy with the sprinkler system this year.
 - We need to promote more strongly the public cannot help themselves to the garden beds.
2. He reported the following from the DPW:
 - They continue to trim trees throughout town.
 - The fall decorations have been put up on Pleasant Avenue and repairs have been made to the cobblestone curbs.
 - He reminded residents to bag their leaves.
 - The snow removal equipment is ready to go for the winter season; adding we also have a new, improved calcium chloride system.
3. He stated the DPW crew did a great job keeping everything clean at the Fall Festival.
4. He stated Mayor Febre and he ran in the Maywood Hawks 5K; adding Mayor Febre had a time of 25.24 and Stephanie Lindenau placed third in her age group. He thanked Jean Carlos Mercedes for a job well done and stated the proceeds go to benefit the Maywood school system.

Mayor Febre stated in the spring we should look into installing split rail gates to complete the fence surrounding the Community Garden, adding this may help people understand it is not open to the public.

Mayor Febre thanked Assemblyman Eustace for pushing him towards a great finish time in the 5K race.

Council President Messar reported on the following:

1. He stated we had great weather for the 5K and Fall Festival and thanked all the volunteers and sponsors; adding these are events that make it so nice to live in Maywood.
2. He spoke regarding tonight’s proclamation and public comments that were made; adding traffic and pedestrian safety is taken very seriously by this council.

3. He gave a shout out to friends Mike and Laura who contacted police when they saw an erratic driver in Maywood on Saturday night.

REPORT OF MAYOR

Mayor Febre reported on the following:

1. He stated for the first time we have a new Borough of Maywood flag flying on the front of 15 Park Avenue; adding we also replaced the New Jersey flag.
2. He stated Betty Fetzer has been in contact with a former Maywood resident who is one of the last living people who saw the Hindenburg fly over Maywood.
3. He thanked Borough Clerk Pelligra, Lisa Schieli, Tara Grunstra, Dina Lynch, Gerry Gallitano and Administrator Stern for all their efforts on the fall festival.
4. He thanked Lisa Schieli and his son, Jon, for making it possible for Ryu Lim, the History Channel's Forged in Fire Champion, to attend this year's Fall Festival.
5. He congratulated John Gargagliano for winning the first annual Chili Cook-off at the Fall Festival; adding congratulations to all of the contestants.

ACTION LIST ITEMS

NONE

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

1. Agatha Piechaczek as a part-time Police Telecommunicator effective October 10, 2017.

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

APPOINTMENTS – APPROVAL OF THE FOLLOWING

1. Eileen Engle as a member of the Maywood Library Board of Trustees filling an unexpired term expiring 12/31/2018.

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

COUNCIL APPROVAL OF THE FOLLOWING

1. From the Rosary Society of Our Lady Queen of Peace Church – request to hold On-Premise 50/50 Raffles on November 17 and 18, 2017 at Our Lady Queen of Peace Church, 400 Maywood Avenue, Maywood, NJ 07607.
2. From Corpus Christi Church – request to hold an On-Premise 50/50 Raffle on December 8, 2017 at 24 West Pleasant Avenue, Maywood, NJ 07607.
3. From Maywood American Legion Post #142 – Permission to sell Instant Raffle Games effective November 28, 2017 to November 27, 2018.
4. Request from Maywood Fire Police to use the Fairmount Avenue Parking lot Saturday, October 28, 2017 from 8:00 am to 6:30 pm for trip participant parking.

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

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION # 131-17

RESOLUTION AUTHORIZING CANCELLATION OF TAX LIABILITY DUE TO TOTAL AND PERMENANT VETERAN EXEMPTION

WHEREAS, Mr. Joseph B. DiDino, who resides at 21 Thoma Avenue, Block 103, Lot 12, and;

WHEREAS, Mr. Joseph B. DiDino was granted a permanent disability resulting from service connected injuries as declared by the United States Veteran’s Administration pursuant to N.J.S.A. 54:04-03.30, which grants total exemption from local property taxes and;

WHEREAS, the Governing Body of the Borough of Maywood hereby authorize the Tax Collector, Ashley A. Morrone, by this resolution authorizing the Tax Collector to cancel the pro-rated balance of \$2969.85 from the 2017 Property Tax Liability and all future tax bills to be cancelled as approved through this resolution.

RESOLUTION # 132-17
RESOLUTION AUTHORIZING CHANGE ORDER # 1 FOR THE 2017 ROADWAY IMPROVEMENT PROJECT

Be it resolved by the Mayor and Council of the Borough of Maywood of Bergen County, New Jersey upon the recommendation of the Borough Engineer that the 2017 Roadway Improvement Project which includes William Street, Duvier Place and Fairway Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB: William Street, Duvier Place and Fairway Roadway Improvements

CONTRACTOR: Marini Bros Construction, 9 Lafayette Street, Hackensack, NJ 07601

NJDOT CHANGE ORDER NO: 1

AMOUNT OF CHANGE THIS RESOLUTION: \$39,281.50 (+ 15.49% Increase)

AMOUNT OF CHANGE TO DATE: \$39,281.50 (+ 15.49% Increase)

NEA FILE: MAYWMUN17.014 Borough Bond Ordinance #6-17

This Resolution to take effect upon certification by the CFO that sufficient funds are available.

RESOLUTION # 133-17
RESOLUTION AUTHORIZING CHANGE ORDER # 1 FOR THE OAK AVENUE ROADWAY IMPROVEMENTS

Be it resolved by the Mayor and Council of the Borough of Maywood of Bergen County, New Jersey upon the recommendation of the Borough Engineer that the Oak Avenue Roadway Improvements Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB: Oak Avenue Roadway Improvements

CONTRACTOR: Marini Bros Construction, 9 Lafayette Street, Hackensack, NJ 07601

NJDOT CHANGE ORDER NO: 1

AMOUNT OF CHANGE THIS RESOLUTION: \$15,024.00 (+ 12.60% Increase)

AMOUNT OF CHANGE TO DATE: \$15,024.00 (+12.60% Increase)

NEA FILE: MAYWMUN17.013 Borough Bond Ordinance # 22-16

This Resolution to take effect upon certification by the CFO that sufficient funds are available.

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

INTRODUCTION OF ORDINANCES

ORDINANCE # 11-17

AN ORDINANCE AMENDING CHAPTER 284 TO MAKE SAME APPLICABLE TO ALL CONSTRUCTION WITHIN THE BOROUGH OF MAYWOOD

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

WHEREAS, the Mayor and Council of the Borough of Maywood wishes to amend Chapter 284 so that all building projects within the Borough are required to comply with the Borough's storm water control;

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

Section 1: Chapter 284-1 (B) shall be amended and shall read as follows:

§284-1 (B) Purpose. It is the purpose of this chapter to establish minimum storm water management requirements and controls for all building projects within the Borough which include building projects of single family homes, multi-family homes, small commercial developments and "major developments," as defined in § 284-2.

Section 2: Chapter 284-1 (C) shall be amended to add subchapters 3 and 4 which and shall read as follows:

3. Storm water improvements are required on all building projects unless:

- a) There is no substantial change to grading within building setbacks or impervious area
- b) All runoff is directed to the interior of the site or storm water tank of proper capacity
- c) The improvement or addition pursuant to this section is 500 square feet or less.

4. If storm water improvements are required, the applicant shall:

- a) Construct an on-site storm water management system pursuant to this section which shall at a minimum accommodate two inches of runoff for the area of the proposed improvements.
- b) Ensure that no increase in runoff occurs on any adjoining property.
- c) Storm water tanks must be engineer approved.

Section 3: All ordinances of the Borough of Maywood which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 5: This ordinance shall take effect upon passage and publication according to law.

ORDINANCE # 12-17

AN ORDINANCE CREATING CHAPTER 175 OF THE BOROUGH OF MAYWOOD CODE GOVERNING FILMING WITHIN THE BOROUGH OF MAYWOOD, STATE OF NEW JERSEY

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

WHEREAS, the Mayor and Council of the Borough of Maywood wishes to add Chapter 175 to the Borough of Maywood Code so as to govern and regulate any filming that shall commence in the Borough of Maywood in order to protect the public health, safety and welfare.

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

Section 1: That Chapter 175 governing filming within the Borough is added to the Borough of Maywood Code and shall read as:

Chapter Title: 175. FILMING

§ 175-1. Title and purpose.

This chapter shall be known as the "Maywood Filming Ordinance." This chapter is adopted to regulate any filming to commence in the Borough of Maywood, in order to protect the public health, safety and welfare.

§ 175-2. Definitions.

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

FILMING - The taking of still or motion pictures either on film or videotape or similar recording devices, for commercial purposes intended for viewing in theaters, on television or for institutional uses. The provisions of this chapter shall not be deemed to include the filming of news reports, educational student projects or filming of a political purpose within the Borough of Maywood.

PUBLIC LANDS

Any and every public street, sidewalk, highway, public park or any other public place within the Borough which is within the jurisdiction and control of the Borough of Maywood.

§ 175-3. Permit required.

- A. No individual or organization other than bonafide political organizations or educational student projects, shall film on public property within the Borough of Maywood without first having a permit from the office of the Borough Clerk. Such permit shall appoint the approved location of specified filming and the approved duration of such filming by specific reference to the dates, not to exceed three in duration, except in the special case of a major motion picture. Permit must be available for inspection by Borough officials at all times at the location of the filming.
- B. All permits shall be applied for and granted by the office of the Borough Clerk during business hours. Applications for such permits shall be in a form approved by the Borough Clerk and be accompanied by a permit fee in the amount specified by this chapter in § 175-5.
- C. A permit shall be adequate to authorize indoor or outdoor filming for a period not to exceed three days, except in the case of a major motion picture, provided that the maximum number of days of filming authorized in any calendar year for premises located in a residential zone where waiver(s) are granted hereunder shall not exceed 10 days.
- D. If a permit is issued and, due to inclement weather or other good cause, filming does not commence on the dates specified, the Borough Clerk may, at the request of the applicant, issue a new permit for filming subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

§ 175-4. Deadline for permit application.

No permits will be issued by the Borough, unless applied for prior to three days before the requested filming date.

§ 175-5. Proof of insurance, indemnification, bond and police protection required.

No permit shall be issued for filming upon public lands unless the applicant shall provide the Borough with satisfactory proof of the following:

- A. Insurance coverage as prescribed by the Borough.
- B. Certificate of insurance as prescribed by the Borough.
- C. An agreement, in writing, whereby the applicant agrees to indemnify and hold harmless the Borough of Maywood from any and all liability, expense, claim or damages resulting from the use of public lands.
- D. The posting of a cash bond of \$500 to the Borough and protecting and insuring that the location will be left after filming in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, laws and regulations will be followed. Within 10 days of the completion of the filming, the Borough will return the bond if there has been no damage to public property or public expense caused by the filming.
- E. The hiring of an off-duty Maywood police officer if required by the Chief of Police for traffic control or other reasons of public safety. Hours that the police officer must be present on the filming site must be indicated on the permit.

§ 175-6. Interference with traffic and pedestrians to be minimized.

The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Maywood Police Department. Should traffic be affected, the applicant shall submit a traffic plan to the Chief of Police that shall abide by all recommendations made by either the Chief of Police or the Borough administration, to added traffic.

§ 175-7. Notice to adjoining property owners.

The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three days prior to the requested shooting date and be informed that objections may be filed with the Borough Clerk, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Borough Clerk within two days of the requested shooting date.

§ 175-8. Permitted hours for filming.

Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m., provided that all requests for night scenes shall be approved in the permit or by a waiver to be granted in accordance with § 175-11 hereof.

§ 175-9. Reasons for refusal of permit.

The Borough Administrator may refuse to issue a permit whenever he/she determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other Borough agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and employment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare. Further, the Borough reserves the right to require one or more on-site patrol officers in situations where the proposed production may impede the proper flow of traffic, the cost of said patrol officers to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

§ 175-10. Appeals.

Any individual aggrieved by a decision of the Borough Administrator denying or revoking a permit or a person requesting relief pursuant to § 175-11 may appeal to the Mayor and Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Administrator. An appeal from the decision of the Administrator shall be filed within seven days of the Administrator's decision. The Mayor and Council shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. The decision of the Mayor and Council shall be in the form of a resolution supporting the decision of the Council at the first regularly scheduled public meeting of the Mayor and Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Administrator shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief pursuant to § 175-11 shall be deemed denied.

§ 175-11. Waivers.

The Borough Administrator may authorize a waiver of any of the requirements or limitations of this chapter, and may authorize filming other than during the hours herein described or may permit filming at a particular location in a residential zone for more than three days, to a maximum of 10 days at any one location other than in connection with major motion pictures, or may waive any other limitation or requirement of this chapter whenever it determines that such a permit may be issued without endangering the public health, safety and welfare. In determining whether to issue a waiver under this section, the Administrator shall consider the following factors:

- A. Traffic congestion at the location caused by vehicles to be parked on the public street;
- B. Applicant's ability to remove film-related vehicles off the public streets;
- C. When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;
- D. Nature of the film shoot itself, e.g., indoors or outdoors; day or night;
- E. Prior experience of the film company/applicant with the Borough, if any.

§ 175-12. Involvement of other agencies.

Copies of the approved permit will be sent to the Police and Fire Department before filming takes place, and to the New Jersey Film Commission. The applicant shall permit the Fire Prevention Bureau or other Borough inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other Borough inspectors.

§ 175-13. Reimbursement of Borough for lost revenue.

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Borough was prevented from earning because of filming.

§ 175-14. Special regulations for major motion pictures

- A. When filming is requested with respect to a major motion picture, the approved location of such filming and approved duration of such filming by specific reference to day or dates shall not exceed seven days in duration.
- B. Any days necessary to be used for setup and preparation for a major motion picture filming may, in the discretion of the Borough Administrator, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in § 175-11 hereof.

§ 175-15. Fees.

The schedule of fees for the issuance of permits authorized by this chapter are as follows:

- A. Basic filming permit: \$100. Where an applicant requests a waiver of the provision of § 175-4 requiring expedited processing of the permit application, the basic filming permit fee shall be \$175.
- B. Daily filming fee payable in addition to the basic filming permit: \$200 per day.

§ 175-16. Violations and penalties.

Any individual violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a \$1000.00 fine. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 2: All ordinances of the Borough of Maywood which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 4: This ordinance shall take effect upon passage and publication according to law.

ORDINANCE # 13-17
“AN ORDINANCE AMENDING CHAPTER 287 ARTICLE II (§287-7 ET SEQ.) TO
PROVIDE FOR EXCAVATIONS IN THE STREETS OF
THE BOROUGH OF MAYWOOD”

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

WHEREAS, the Mayor and Council of the Borough of Maywood wishes to amend Chapter 287 Article II to provide for the rules governing excavations in the roadway of any street or public place of the Borough of Maywood.

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

Section 1: Chapter §287-7 shall be renumbered so as to add the following subchapters and shall read as follows:

§ 287-7 Permit required.

- A. No person, corporation, or utility shall make any excavation in or tear up or disturb the surface of the roadway of any street or public place without first applying for and receiving a written permit in conformance with this code. Prior to such commencement the application for a permit shall have been filed with the Borough Clerk, together with an estimate of the requisite fees, deposit and of the performance guaranty.
- B. A tunnel or excavation may be commenced without a permit when an emergency has arisen which makes it necessary to commence work immediately; however, the filing of such application and estimates/fees/deposits/bonds shall only be deferred until the next business day following the commencement of work when the emergency arises after closing of the office of the Borough Clerk. The permit, when issued, shall be retroactive to the date on which the work commenced.
- C. Such permit shall remain in effect for 30 days, provided that such time may be extended, upon application made to the Borough Clerk within said thirty-day period, for an additional 30 days upon good cause being demonstrated to the appropriate Borough official for the non-completion of the work within the initial period.
- D. An application for a permit shall contain an acknowledgement that the applicant agrees to replace, at his own cost and expense, the street, curb, gutter, bike path, sidewalk, catch basins, manholes and all other disturbed areas, so as to restore said area to such state and condition as complies with Borough standards, within 90 days of the street opening; provided, however, that within 24 hours of such opening the area shall be temporarily restored by the placement of a stabilized base course, maintained as determined in the reasonable judgment of the appropriate Borough official until the final surface has been

- laid. The final surface shall not be installed between November 15 and April 15 unless otherwise permitted by written authorization of the Mayor and Council
- E. Application for permit hereunder shall be filed not less than five (5) days in advance of any excavation, except that in case of an emergency.
 - F. Transferability. Every permit shall apply only to the person to whom it is issued and shall not be transferable.
 - G. Possession of permit. A copy of the permit, together with a copy of the plan endorsed with the approval of the Superintendent of Public Works, shall be kept in possession of the person actually performing the work and shall be exhibited on demand to any municipal official, employee of the Superintendent of Public Works or any police officer of the municipality.
 - H. Revocation of permit. The Superintendent of Public Works may revoke a permit for any of the following reasons:
 - i. Violation of any provision of this chapter or any other applicable law or ordinance.
 - ii. Violation of any condition of the permit issued.
 - iii. Carrying on work under the permit in such a manner which endangers life or property or which creates any condition which is unhealthy, unsanitary or declared by any law, ordinance or regulation to constitute a nuisance.

Section 2: Chapter §287-8 shall be changed in title to include insurance coverage requirements and renumbered so as to add the following subchapters and shall read as follows:

§ 287-8 Deposit, Insurance and Performance Bond required.

A. Deposit

- i. No permit for the excavation, tearing up or disturbing of the surface of the roadway of any street shall be granted unless the sums of money set forth in Chapter 169, Fees, shall be paid to the Borough Clerk for the repair and use of the Borough property, which sums shall be in lieu of the permit fee required in other cases. Such payment shall be at the stated rates for every eight square yards or fraction thereof excavated, torn up or disturbed. Said deposits shall have deducted therefrom the cost of any engineering review or inspection fees incurred in connection therewith as set forth in Chapter 169, Fees.
- ii. Each applicant shall deposit in trust with the Borough Clerk an amount as determined by the appropriate Borough official which is an estimate of all anticipated inspection and engineering costs and fees. In the event that such actual costs and fees are less than the amount deposited in trust, then the Borough shall refund the difference between the amount deposited in trust and the actual costs and fees charged to the applicant. In the event that such actual costs and fees exceed the amount deposited in trust, then the difference between the actual costs and fees and the amount deposited in trust shall be payable by the applicant.
- iii. No deposit shall be released unless the surface and foundations of the road or street shall have been satisfactorily restored in accordance with the provisions of this chapter. Any determination as to whether or not such road or street shall have been so restored shall be made solely by the Borough Council after receiving the advice and recommendation of appropriate Borough officials, and the determination of the Borough Council shall be final and conclusive.
- iv. The deposit shall also secure the Borough against damage to, removal of or interference with Borough property. Upon written notification to the applicant by the appropriate Borough official that Borough property has been damaged, removed or interfered with, the applicant shall correct such condition within a reasonable time thereafter as determined by the appropriate Borough official or the cost of such correction shall be payable from such deposit or if repairs exceed same, corrections shall be the cost and responsibly of the applicant.
- v. The deposit shall also secure the Borough for the costs of engineering and inspection fees, as specified in this chapter.

B. Insurance

- i. Each applicant shall furnish proof at the time of application that it maintains sufficient public liability insurance with an insurance company licensed to transact business in the State of New Jersey, in an amount of not less than \$1,000,000/\$3,000,000. Said policy of insurance shall specifically designate the Borough, its engineer and their employees and agents as named insured and shall require 10 days' written notice to the Borough prior to termination thereof. Policies shall also provide motor vehicle liability coverage in identical amounts and shall have X, C and U exclusions deleted.

C. Performance Bond

- i. On projects where excavations total and/or exceed 60 square feet in area over a 6 month time period within a continuous, 400 linear foot roadway section, a permit shall not be granted by the Mayor and Council until the applicant furnishes a performance bond with sufficient surety, conditioned upon the completion of such improvement or improvements to the satisfaction of, and within the time designated by the Mayor and Council, and further conditioned upon the furnishing of a maintenance bond with sufficient surety in an amount of one-fourth (1/4) of the sum of the performance bond, to maintain such improvement or improvements against defective workmanship and material and inherent defects due to faulty workmanship or material for a period of eighteen (18) months from the date of completion and acceptance of such improvement or improvements. The performance bond shall be in such amount as estimated by the Borough Engineer to cover the costs of the improvement or improvements, and all expenses incidental thereto, plus twenty-five (25%) percent over and above the amount. In lieu of bonds, the applicant may deposit cash in sums equal to the amounts, which would otherwise be secured by the bonds aforesaid; and upon failure of the applicant to complete or maintain such improvement or improvements to the satisfaction of the Borough, the Borough may complete or maintain said work, using the money so deposited or so much thereof as is necessary for such purpose, returning the balance of the deposit, if any, to the applicant.

Section 3: Chapter §287-9 shall be renumbered so as to add the following subchapters and shall read as follows:

§287-9 Restoration of Surface

- A. Restoration of road surfaces shall apply to any and all individuals, contractors or utilities excavating within the Borough.
- B. In lieu of the deposit amounts set forth above, the person or firm applying for a permit to excavate, tear up or disturb the surface of the roadway of any street may pay a permit fee as set forth in Chapter 169, Fees, and thereafter file with the Borough Clerk a bond running to the Mayor and Council of the Borough of Maywood, New Jersey, in the sum of the deposit amount which would apply pursuant to § 287-8 above, conditioned on the making of all excavations in accordance with the provisions of this article and further conditioned that the applicant will restore the pavement of any roadway excavated, torn up or disturbed by the applicant or under his authority to the satisfaction of the Superintendent of Public Works within 10 days after the Superintendent of Public Work's approval of the backfilling of the roadway in accordance with § 287-16 of this article hereof. In case of the applicant's failure to so restore the roadway, he will, upon demand, pay to the Mayor and Council the cost of restoring such roadway. Such bond shall be kept current and enforceable throughout the term of the project encompassed in the permit application. All such restoration shall be subject to the supervision, inspection and final approval of the Superintendent of Public Works.
- C. No excavation or backfilling shall be undertaken from November 15 through March 31, and no restoration or pavement construction shall be undertaken prior to April 15 except upon special written approval signed by the Mayor, upon written advice of the appropriate Borough official. Such special approval may be granted if weather conditions permit and suitable materials are available; provided, however, that no such special approval will be granted if ambient temperatures below 40° F are anticipated during the course of the work or where frozen sub-grade exists. No such special approval shall relieve the applicant from compliance with all other provisions of this chapter.

- D. The person or entity conducting this work shall remain responsible for the repair of the resurfaced repair work for a period of eighteen (18) months and shall repair same, if required by the Superintendent of Public Works or his/her designee as provided herein.
- E. Any restoration of macadam which is not milled and paved shall be completed using infrared paving to ensure a smooth transition from the adjoining surface.

F. **Specifications and procedures for pavement.** The following specifications and procedures shall be applicable to all pavement of roads and streets:

- i. For openings of less than 100 square feet in surface area, the upper 7 1/2 inches of trench shall be filled by the applicant with graded one-and-one-half-inch stone equal to Division 3, Section 2, of State Specification, with dust, compacted by a five-ton roller. After 24 hours of traffic, or other period as stipulated by the appropriate Borough official, the edges of the trench shall be saw cut parallel to the street center line and six inches outside the widest trench limits, after which the upper 3 1/2 inches of stone shall be removed and final pavement shall be constructed. After 30 days, and after six months, the applicant shall place fine aggregate bituminous concrete in depressed areas to form a smooth, even street surface.
- ii. For openings of greater than 100 square feet in surface area, the upper 7 1/2 inches of trench shall be filled by the applicant with five inches of graded one-and-one-half-inch stone equal to Division 3, Section 20, of State Specifications, with dust, and 1 1/2 inches of stabilized base material equal to Division 3, Section 2A, of State Specification, compacted by a ten-ton roller. The surface shall be maintained by the applicant for not less than 30 days and, at the discretion of the appropriate Borough official, to a maximum of 90 days, such that maximum surface depression is one inch. Thereafter, the edges of the trench shall be saw cut parallel to the street center line and six inches outside the widest trench limits, after which the upper 3 1/2 inches of material shall be removed, and final pavement shall be constructed. After six months, the applicant shall place fine aggregate bituminous concrete in depressed areas to form a smooth, even, street surface.
- iii. For emergency openings from November 15 through March 31, the procedure shall be as for openings greater than 100 square feet, except that temporary paving material may be approved cold patching compound, if hot material is not available.
- iv. Final pavement, in all cases, shall be four inches of graded one-and-one-half-inch stone, equal to Division 3, Section 20, of State Specification, with dust, two inches of stabilized base material equal to Division 3, Section 2A, of State Specification, 1 1/2 inches of fine aggregate bituminous concrete equal to Division 3, Section 12, Type SM-1 of State Specification, feathered over a twelve-inch width of tack coat, to meet adjacent surfaces. All thickness shall be as measured after compaction by a ten-ton roller.
- v. Where a trench exceeds 100 feet in length, a one-and-one-half-inch surface course shall be placed from curb to street center line on dead-end streets and from curb to curb on through streets. Where a trench exceeds six feet in width, is skewed to street center line or is connected to spur trenches, a one-and-one-half-inch surface course shall be placed from curb to curb. In all cases surface shall be cleaned end tack coat placed before application of surface course, which shall be feathered toward each curb.
- vi. Upon prior approval of the appropriate Borough official, sub-grade stone may be replaced with an equivalent thickness of stabilized base material.
- vii. **New Streets and Roads.** Pavement of new streets or roads shall be in accordance with specifications and procedures specified in subsection iv of this section.
- viii. The permittee shall not negatively impact the roadway drainage and stormwater overland flow patterns. The permittee will be required to re-establish the same drainage conditions that existed prior to the roadway disturbance.

G. **Specifications and procedures for Curbs and Sidewalks** shall be pursuant to §287-17 of this chapter.

Section 4: Chapter § 287-11 shall be amended and shall read as follows:

§ 287-11 Work by public utilities.

- A. Except as otherwise provided by law, any public utility having the lawful right to install or maintain pipes, conduits, tracks or other like apparatus in any public street or place shall make application for permit deposit with the Borough of Maywood an escrow in the sum as set forth in Chapter 169, Fees, conditioned for the making of all excavations in accordance with the provisions of this article and further conditioned that it will restore the pavement of any roadway excavated, torn up or disturbed by it or under its authority, in compliance with this ordinance and in satisfaction of the Borough Engineer.
- B. In case of the utilities' failure so to restore or otherwise make repairs in compliance with this ordinance, the Borough of Maywood may utilize all or a portion of such escrow to effectuate such repairs or restoration. The public utility will, upon demand, deposit with the Borough of Maywood such additional sums as to restore said escrow to the sum as set forth in Chapter 169, Fees, within 30 days following such demand.
- C. The public utility, upon depositing such escrow, shall be required to obtain a street opening permit, however, that in the case of emergencies, the public utility may proceed with the required repairs prior to obtaining the permit, provided that prior notification thereof is furnished to the Borough's Police Department and that such permit is applied for and deposits made the next business day or within 48 hours of the commencement of work, whichever is least. All work, whether emergency or otherwise, shall comply with all other terms and conditions contained within this ordinance respecting such work. In addition, the public utilities shall be responsible to pay the Borough's engineering inspection fees as set forth in Chapter 169, Fees, within 30 days following receipt of a statement therefore. Any engineering inspection fees not paid within 30 days following billing therefore may be charged against said escrow.

D. Poles.

- i. Before a public utility makes any excavation within a public right-of-way within the Borough of Maywood for the purpose of placing, replacing or removing a pole or an underground facility located in a single municipality, which pole or underground facility is used for the supplying and distribution of electricity for light, heat or power or for the furnishing of water service or telephone or other telecommunications service on or below a public right-of-way in the Borough, the public utility shall, in addition to any other requirements of law, notify the Borough Engineer of the Borough of Maywood at least 24 hours before undertaking any construction or excavation related to the placement, replacement or removal of such pole or underground facility. For the purposes of this section, "underground facility" means one or more underground pipes, cables, wires, lines or other structures used for the supplying and distribution of electricity for light, heat or power, or for the providing of water service, or for the furnishing of telephone or other telecommunications service.
- ii. After completing the placement, replacement or removal of a pole or an underground facility pursuant to this section, the public utility shall remove from such right of way any pole or underground facility no longer in use, as well as any other debris created from such placement, replacement or removal and restore the property, including, but not limited to, the installation of a hot patch as needed to restore the property within the right-of-way to its previous condition as much as possible. As used in this section, "hot patch" means the installation of a mixture of asphalt to restore property within the right-of-way to its previous condition subsequent to the construction or excavation of any site required for the placement, replacement or removal of a pole or an underground facility pursuant to this section.
- iii. For the purposes of this section, "pole" means, in addition to its commonly accepted meaning, any wires or cable connected thereto, and any replacements therefor which are similar in construction and use.

- E. In the event a public utility does not meet the requirements of this section concerning the removal of debris and the restoring of property in compliance with this ordinance the Borough shall be authorized to impose a fine up to an amount not to exceed \$1000 each day until the requirements of this section are met, except that if the public utility is unable to complete the installation of a hot patch due to the unavailability of asphalt material during the period of time from November

through April, the public utility shall not be required to complete the hot patch installation until 60 days immediately following the end of the period of November through April. At least five business days prior to the end of the ninety-day period established by this subsection, the Borough shall notify the public utility that the penalties authorized by this section shall begin to be assessed against the utility after the end of the ninety-day period unless the utility complies with the requirements of this section. Any penalty imposed shall be collected or enforced in a summary manner, without a jury, in any court of competent jurisdiction according to the procedure provided by the Penalty Enforcement Law of 1999, P.L.1999, c. 274 (N.J.S.A. 2A:58-10 et seq.). The Superior Court and municipal court shall have jurisdiction to enforce the provisions of this section. In the case of removal or replacement of a pole or an underground facility utilized by two or more public utilities, the public utility last removing its pipes, cables, wires, lines or other structures shall be liable for the removal and restoration required under this section, unless a written agreement between the public utilities provides otherwise.

Section 5: The title of chapter § 287-14 shall be amended and renumbered so as to add the following subchapters and shall read as follows”

§ 287-14 Limitations.

- A. No street or road which has been paved with macadam or bituminous concrete surface shall be excavated or otherwise opened for a period of three years from the date of completion thereof except upon prior approval granted by the Mayor. If the Borough grants approval, roadway paving shall be curb to curb unless determined otherwise by the Borough.
- B. The permit for any such excavation as aforesaid shall state the maximum time allowed for the completion of the excavation and the backfilling thereof.
- C. No applicant shall enter upon or make use of any private property without the written permission of the owner thereof.
- D. Except in case of emergency, no work for which application is required pursuant to the provisions of this chapter shall be performed or undertaken on Saturdays and Sundays and/or legal holidays or between the hours of 8:00 p.m. and 8:00 a.m.
- E. Notice of commencement of work for which application is required pursuant to the provisions of this chapter shall be given to the appropriate Borough official not less than two days in advance thereof and shall be completed within the time limits specified hereinafter. Thereafter, the Borough may cause such work to be completed, and the costs thereof shall be payable from the applicant's deposit and/or bond.

Section 6: The title of chapter § 287-16 shall be amended to limit the content to backfilling and shall now read as:

§ 287-16 Backfilling

Section 7: Chapter § 287-18 shall be added and shall read as:

§ 287-18 Noncompliance; right of Borough to remedy.

If the applicant does not satisfactorily comply with the provisions of any portion of Article II of Chapter 287 then the Borough may give notice to the applicant that the applicant must comply with the specified provisions within 48 hours, weather permitting. Satisfactory compliance is to be determined by the appropriate Borough official. If the applicant fails to satisfactorily comply within the forty-eight-hour period, then the Borough may remedy said noncompliance without further notice to the applicant at the sole cost of the applicant. Such cost shall be charged against the deposit and/or bond or if same does not cover the cost of the repair, charged against the applicant directly.

Section 8: Chapter § 287-19 shall be added and shall read as:

§ 287-19 Cleanup procedures.

The applicant shall, at all times, maintain the excavated street or road in a clean condition. All dirt, rubbish and excess materials shall be regularly removed by the applicant, and backfill shall be mounded within the limits of the excavation. All tools and temporary structures shall be removed by the applicant upon completion of work.

Section 9: Chapter § 287-20 shall be added and shall read as:

§ 287-20 Approvals and special procedures.

All materials and subcontractors shall be subject to the approval of appropriate Borough officials who shall be authorized to order such special maintenance, pavement procedures and safety requirements as circumstances may require.

Section 10: Chapter § 287-21 shall be added and shall read as:

§ 287-21 Special conditions.

- A. The Borough Council may impose such conditions in any case it deems necessary and appropriate.
- B. Under extraordinary conditions not covered by this chapter, the Borough Engineer shall receive a copy of the plan of the permittee and, after an evaluation, set a fee commensurate with the circumstances in the exercise of his reasonable judgment.

Section 11: Chapter § 287-22 shall be added and shall read as:

§ 287-22 Rules and regulations.

The Borough Engineer may make any reasonable rules and regulations which he considers necessary for the administration and enforcement of this chapter, but no regulation shall be inconsistent with, alter or amend any provision of this chapter or impose any requirement which is in addition to those expressly or by implication imposed by this chapter. No regulation shall be effective unless it shall have been approved by resolution of the Borough Council. Copies of all current rules and regulations shall be furnished to each permittee at the time of the issuance of the permit.

Section 12: Chapter § 287-23 shall be added and shall read as:

§ 287-23 Waiver or provisions.

In the event of an emergency as hereinabove defined, application for waiver of specific provisions of this chapter may be made to the Mayor or to the appropriate Borough official who is authorized in such cases to permit waiver of requirements and impose additional conditions as required to protect the public interest and Borough property.

Section 13: Chapter § 287-24 shall be added and shall read as:

§ 287-24 Violations and Penalties.

- A. Any person, firm or corporation violating any of the provisions of this section, or neglecting or refusing to comply with any of the terms of conditions hereof, shall, upon conviction, be liable as follows:
 - i. Any person, firm or corporation violating any of the provisions of this section shall, upon conviction, be liable to the penalty stated in N.J.S.A. 40:49-5 including a fine not exceeding \$2,000.00 for each violation.
 - ii. Any person, firm or corporation failing to make the required deposit shall be subject to: The amount set forth in for the deposit plus \$1000.00. Failing to make the required deposit shall be a separate offence from any other violation of this section.
 - iii. Any person, firm or corporation failing to make the required bond shall be subject to: The amount set forth in for the bond plus \$1000.00. Failing to make the required bond shall be a separate offence from any other violation of this section.
 - iv. Opening a roadway without a permit and/or failing to comply with the provisions for filing an application for emergency work within 24 hours of conducting the work or the first business day thereafter: The amount set forth for the required deposit plus \$1000.00. Failing to file a permit shall be a separate offence from any other violation of this section.

- v. Failure to restore any roadway as required shall be a \$1000.00 fine. Failing to restore a road way shall be a separate offence from any other violation of this section.
- B. Each and every nonconformance of this section, or each day that any provision of this section shall have been violated, shall be construed as a separate and distinct violation thereof.

Section 14: All ordinances of the Borough of Maywood which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 15: If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 16: This ordinance shall take effect upon passage and publication according to law.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinances #11-17, #12-17, and #13-17 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 October 24, 2017 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

OLD BUSINESS

MISCELLANEOUS BUSINESS

CLOSED SESSION – IF APPLICABLE

Council member Lindenau made a motion to go into closed session; seconded by Council member Messar - All in Favor.

BOROUGH OF MAYWOOD
Closed Session Resolution # 134-17

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, pursuant to the provisions of the Open Public Meetings Act, that the Mayor and Council meet in closed session to discuss the following subject matter(s):

Contract Negotiations

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated subsection(s) of Section 7 of the Open Public Meetings Act:

- () Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- () Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds
- () Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved
- () Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof

() Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest

() Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law

(X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege

() Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof

() Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Maywood

() Will return to open session after this meeting.

(X) Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 10/10/2017 Time: 8:43 pm

ADJOURNMENT

Council member DeHeer moved the meeting be adjourned; seconded by Council member Messar and so carried at 9:15 p.m.

Borough Clerk