



**BOROUGH OF WOODCLIFF LAKE  
MAYOR AND COUNCIL AGENDA  
DECEMBER 4, 2018  
6:30 PM**

**CALL TO ORDER**

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted and two newspapers, The Record and The Ridgewood News, have been notified.

**ROLL CALL**

Mayor Carlos Rendo  
Council President Corrado Belgiovine  
Councilwoman Jacqueline Gadaleta  
Councilwoman Nancy Gross  
Councilwoman Angela Hayes  
Councilwoman Kristy Herrington  
Councilman Brian Singleton

**PLEDGE OF ALLEGIANCE**

**CLOSED SESSION**

Resolution No. 18-245                      Resolution Authorizing the Holding of Closed Session

**APPROVAL OF MINUTES**

November 20, 2018 (Open)  
November 20, 2018 (Closed)

**MAYOR'S REPORT**

**ADMINISTRATOR'S REPORT**

**COUNCIL MEMBERS' REPORTS/COMMENTS**

**ORDINANCE**

Public Hearing                      Ordinance 18-14  
An Ordinance to Amend Chapter 255 Entitled "Peddling and Soliciting" of the  
Borough Code of the Borough of Woodcliff Lake, State of New Jersey

Public Hearing

Ordinance 18-15

An Ordinance to Add Chapter 43 Entitled "Open Space Trust Fund" to the Borough Code of the Borough of Woodcliff Lake, State of New Jersey

**NEW BUSINESS**

**PUBLIC COMMENT**

(limited to 5 minutes per speaker)

**NON-CONSENT AGENDA**

**CONSENT AGENDA**

Resolution No. 18-246

Resolution Authorizing Payroll and Payment of Claims

Resolution No. 18-247

Resolution Authorizing the Borough of Woodcliff Lake to Enter into a Contract for the Bergen County Trust Fund Project

Resolution No. 18-248

Resolution Approving COBRA Payment to Diane Samimi

Resolution No. 18-249

Resolution Appointing Margaret Smith as Planning/Zoning Board Administrator and Confidential Aide with the Borough of Woodcliff Lake

Resolution No. 18-250

Resolution Authorizing the Donation of One (1) Family Pool Pass to the Woodcliff Lake Education Foundation

Resolution No. 18-251

Budget Transfer for December 4, 2018

**ADJOURNMENT**

**\*\*\*\*Disclaimer\*\*\*\***

**Subject to Additions and/or Deletions**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

**RESOLUTION AUTHORIZING HOLDING OF CLOSED SESSION**

**RESOLUTION NO. 18-245**

**DECEMBER 4, 2018**

**WHEREAS**, the Mayor and Council of the Borough of Woodcliff Lake, pursuant to the provisions of N.J.S.A. 10:4-12(b), may meet in closed session; and

**WHEREAS**, the following are the subject matters to be discussed in closed session:

1. Litigation Update
2. Contract Negotiation

**WHEREAS**, these Minutes will be kept and once the matter involving the confidentiality of the aforementioned no longer requires that confidentiality, then the minutes can be made public.

**NOW THEREFORE BE IT FURTHER RESOLVED** that formal action may be taken at the Meeting.

**CERTIFICATION**

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 4, 2018.

\_\_\_\_\_  
**DEBORAH DAKIN, RMC, CMR**  
**BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

**RESOLUTION AUTHORIZING PAYMENT OF PAYROLL & PAYMENT OF CLAIMS**

**RESOLUTION NO. 18-246  
DECEMBER 4, 2018**

**BE IT RESOLVED**, that the following Payroll Disbursements made by the Treasurer since the last meeting are proper and hereby ratified and approved:

Payroll Released 11/30/2018                      \$231,521.55

**BE IT FURTHER RESOLVED** that the following current claims against the Borough for materials and services have been considered and are proper and hereby are approved for payment:

Current Fund:	\$1,443,878.75
Capital:	\$ 47,462.20
Other/Trust:	\$ 48.99
Police/Private Duty:	\$ 529.97
Affordable Housing:	\$ 176,895.00
Public Assistance:	\$ 22.84

**CERTIFICATION OF FUNDS**

I, Harold Laufeld, Chief Financial Officer of the Borough of Woodcliff Lake, hereby duly certify that fund(s) are available for Payroll Disbursements and Payment of Claims.

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Harold Laufeld  
Chief Financial Officer

**CERTIFICATION**

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 4, 2018.

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**DEBORAH DAKIN, RMC, CMR  
BOROUGH CLERK**

ATTACHMENT C

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Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

**RESOLUTION AUTHORIZING THE BOROUGH OF WOODCLIFF LAKE TO ENTER INTO A  
CONTRACT FOR THE BERGEN COUNTY TRUST FUND PROJECT**

**RESOLUTION NO. 18-247  
DECEMBER 4, 2018**

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Woodcliff Lake wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$19,100.00 matching grant award from the 2017 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal historic preservation project entitled, Westervelt-Lydecker House Restoration located in the Borough of Woodcliff Lake on the tax maps of the Werimus and Old Mill Roads (Block 140, Lot 2); and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby authorize Tomas Padilla to be a signatory to the aforesaid Contract; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about August 1, 2021; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements.

#### **CERTIFICATION**

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 4, 2018.

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**DEBORAH DAKIN, RMC, CMR**  
**BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

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**RESOLUTION APPROVING OF COBRA PAYMENT FOR DIANE SAMIMI**

**RESOLUTION NO. 18-248  
DECEMBER 4, 2018**

**WHEREAS**, Diane Samimi was briefly employed with the Borough of Woodcliff Lake; and

**WHEREAS**, as a condition of offer of employment, the Borough of Woodcliff Lake agreed to reimburse Ms. Samimi 75% of her COBRA payment until her Borough benefits effectuated, same not to exceed sixty (60) days.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Woodcliff Lake shall honor their employment offer and to reimburse Ms. Samimi the amount equal to 75% of her COBRA payment upon submission adequate proofs. Same not to exceed sixty (60) days.

**CERTIFICATION**

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 4, 2018.

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**DEBORAH DAKIN, RMC, CMR  
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

**RESOLUTION APPOINTING MARGARET SMITH AS PLANNING/ZONING BOARD ADMINISTRATOR AND CONFIDENTIAL AIDE WITH THE BOROUGH OF WOODCLIFF LAKE**

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**RESOLUTION NO. 18-249  
DECEMBER 4, 2018**

**WHEREAS**, The Borough of Woodcliff Lake has recognized the need to hire a Planning/Zoning Board Administrator/Secretary and Confidential Aide; and

**WHEREAS**, the Borough of Woodcliff Lake has determined that Margaret Smith possesses the necessary skills and experience to hold the position; and

**WHEREAS**, such hiring is made pursuant to the terms of the employment laws and policies of the Borough of Woodcliff Lake and the State of Jew Jersey; and

**WHEREAS**, the annual salary for such position shall be \$48,000, with a \$5,000 stipend to act as the Secretary to the Planning and Zoning Boards. Such stipend shall cover up to 20 meetings of these Boards per year and Ms. Smith shall receive \$225 per meeting for every meeting exceeding the 20 enumerated herein. Upon successful completion of three (3) months employment with the Borough, Ms. Smith’s salary shall increase to \$50,000 on April 1, 2019.

**NOW THEREFORE, BE IT RESOLVED**, that Margaret Smith is appointed as Planning/Zoning Board Administrator/Secretary and Confidential Aide with the Borough of Woodcliff Lake in accordance with the policies of the Borough of Woodcliff Lake and the laws of the State of New Jersey.

**CERTIFICATION**

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 4, 2018.

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**DEBORAH DAKIN, RMC, CMR  
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

**RESOLUTION AUTHORIZING THE DONATION OF ONE (1) FAMILY POOL PASS TO THE  
WOODCLIFF LAKE EDUCATIONAL FOUNDATION**

**RESOLUTION NO. 18-250  
DECEMBER 4, 2018**

**WHEREAS**, the Borough of Woodcliff Lake wishes to donate one (1) family pool pass for the 2019 pool season to the Woodcliff Lake Educational Foundation for use as a prize in their fundraising endeavors.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Borough Council of the Borough of Woodcliff Lake authorizes the donation for one (1) family pool pass for the 2019 pool season to the Woodcliff Lake Educational Foundation for use as a prize in their fundraising endeavors and the Mayor, Borough Administrator and/or Parks/Recreation Director shall execute and the Borough Clerk shall attest to any documentation necessary to facilitate same.

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be forwarded to the Woodcliff Lake Educational Foundation.

**CERTIFICATION**

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 4, 2018.

**DEBORAH DAKIN, RMC, CMR  
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

**2018 Budget Transfers**

**RESOLUTION NO. 18-251  
DECEMBER 4, 2018**

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>FROM</u>	<u>TO</u>
Administration – Other Expenses	8-01-20-100-020	5,000.00	
Audit Services – Other Expenses	8-01-20-135-020		5,000.00
DPW – Other Expenses	8-01-26-290-020	3,000.00	
Board of Health – Other Expenses	8-01-27-330-020		3,000.00
Police – Salaries and Wages	8-01-25-240-010	10,000.00	
Social Security	8-01-36-472-000		10,000.00
<b>TOTAL</b>		<b>18,000.00</b>	<b>18,000.00</b>

**CERTIFICATION**

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 4, 2018.

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**DEBORAH DAKIN, RMC, CMR  
BOROUGH CLERK**

**BOROUGH OF WOODCLIFF LAKE  
Bergen County, New Jersey**

**ORDINANCE NO. 18-15**

**AN ORDINANCE TO ADD CHAPTER 43 ENTITLED "OPEN SPACE TRUST FUND" TO THE  
BOROUGH CODE OF THE BOROUGH OF WOODCLIFF LAKE, STATE OF NEW JERSEY**

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

**WHEREAS**, by way of referendum and in accordance with the public's sentiment, the Borough of Woodcliff Lake established the "Open Space Trust Fund" to authorize the acquisition of real property for open space purposes or for the use for other purposes ancillary to same.

**WHEREAS**, that Mayor and Council wish to add chapter 43 to the Borough Code to codify pertinent definitions so as to guide the use of said funds.

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

**Section 1.** That Chapter 43 entitled "OPEN SPACE TRUST FUND" shall be added to the Borough of Woodcliff Lake Code and shall be read and numbered as follows:

**CHAPTER 43 – OPEN SPACE TRUST FUND**

**§ 43-1. Preamble.**

The Borough of Woodcliff Lake recognizes its desire to foster a community that incorporates an appreciation of and engaging with the environment. To that end, the Borough of Woodcliff has adopted by referendum The Open Space Trust Fund which is funded through the collection of local property taxes. This Chapter of the Borough Code is adopted to provide guidance for the use of these funds.

**§ 43-2. Use of Fund**

The monies contained in the fund shall be utilized in the manner prescribed in the most recent version of the referendum, this Chapter of the Borough Code and the laws of the State of New Jersey.

**§ 43-3. Passive Recreation**

A. This definition of "passive recreation" is adopted so as to clarify the Borough's interpretation of the concept and to guide the Borough in the use of the Open Space Trust fund for such purposes.

- B. Passive recreation shall mean those pursuits that offer constructive, restorative, and pleasurable human benefits that foster the appreciation and understanding of an open space and its purpose

Examples of open space utilized for passive reaction are, but not limited to: community gardens, great lawns, courtyards, memorial spaces, places for quiet reflection, water features, formal flower/landscape gardens, walking paths, nature preserves, flower/tree beds for the growing of stock for use in the community.

- C. Open space used for passive reaction should be free as possible from permanent building structures. However, ancillary building structures are permitted so long as their design and scale do not limit or diminish the use of the open space. Such structures shall include but not be limited to: restrooms, drinking fountains, waste receptacles, sitting benches, pavilions that compliment the passive use, small scale sheds necessary for utility mechanisms or storage of equipment for use in community gardens/flower-tree beds, complementary parking areas

#### **§ 43-4. Active Recreation**

- A. This definition of “active recreation” is adopted so as to clarify the Borough’s interpretation of the concept and to guide the Borough in the use of its Open Space Trust fund for such purposes.
- B. Active recreation shall mean those pursuits engaged in for the purpose of relaxation, health and wellbeing or enjoyment with the primary activity requiring physical exertion, and the primary focus on human activity.
- C. Examples of open space utilized for active reaction are, but not limited to: sports fields, golf courses, swim pools, playgrounds
- D. Open space used for active reaction is permitted to contain permanent building structures necessary for their dedicated use. Such structures shall include but not be limited to: restrooms, locker rooms, snack bars, viewing stands, storage areas needed for equipment, field equipment, permanent field surfacing, necessary fencing, drinking fountains, waste receptacles, utility sheds, complementary parking areas

**Section 2.** All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

**Section 3.** This ordinance shall be construed consistent with the purpose stated in section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Woodcliff Lake Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Woodcliff Lake Code.

**Section 4.** This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

**BOROUGH OF WOODCLIFF LAKE**  
**Bergen County, New Jersey**

**ORDINANCE NO. 18-14**

**AN ORDINANCE TO AMEND CHAPTER 255 ENTITLED "PEDDLING AND SOLICITING" OF THE  
BOROUGH CODE OF THE BOROUGH OF WOODCLIFF LAKE, STATE OF NEW JERSEY**

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

**WHEREAS**, there is a need to amend Chapter 255 of the Borough of Woodcliff Lake Code entitled " Peddling and Soliciting" to make same consistent and compliant with current State and Federal law.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, that Chapter 255 of the Borough of Woodcliff Lake Code entitled " Peddling and Soliciting shall be amended and shall be read and numbered as follows:

**Section 1:** That the definition of **NON-PROFIT ORGANIZATION** contained in §255-2 is stricken in its entirety.

**Section 2:** That the definition of **CHARITABLE ORGANIZATIONS** shall be added to §255-2 and shall read as:

**CHARITABLE ORGANIZATIONS**

Any person which is or holds itself out to be organized or operated for any charitable purpose.

**Section 3:** That the definition of **PEDDLER** contained in §255-2 is stricken in its entirety and replaced with the following language and shall now read as:

**PEDDLER**

Any person traveling from house to house or from street to street carrying, conveying or transporting goods, wares and merchandise, offering and exposing the same for sale or making sales of food by traveling from house to house or who shall sell or offer the same for sale from a wagon, automotive vehicle, motor truck, railroad car or other vehicle or conveyance, and further provided that one who solicits orders and, as a separate transaction, makes deliveries to purchasers a part of his/her scheme or design to evade the provisions of this chapter shall be deemed a "peddler," subject to the provisions of this chapter. The word "peddler" shall often include the words "hawker" and "huckster."

**Section 4:** That the definition of **PERSON** shall be added to §255-2 is stricken in its entirety and shall read as:

**PERSON**

Any individual, organization, trust, foundation, association, partnership, corporation, society or other group or combination acting as a unit.

**Section 5:** That the definition of **SOLICITOR** contained in §255-2 is stricken in its entirety and replaced with the following language and shall now read as:

**SOLICIT and SOLICITATION**

The request, directly or indirectly, for the donation of money, property, anything of value or financial assistance of any kind, and shall include the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including but not limited to goods, books, tags, service emblems, tickets, publications or subscriptions to publications or brochures, and conducted from house to house or on the public streets. A "solicitation" is complete when the solicitation is communicated to any individual then located within the corporate limits of the Borough of Woodcliff Lake.

**Section 6:** That §255-3 is stricken in its entirety and replaced with the following language and shall now read as:

**§255-3 UNLAWFUL SOLICITATION.**

It shall be unlawful for any person, directly or through an agent or employee, or for a peddler, solicitor or canvasser to ply or conduct his/her trade or solicitation within the Borough of Woodcliff Lake without having first obtained a Certificate of Registration from the Borough Clerk, as hereinafter provided.

- A. It shall be unlawful for any person, individually or as the agent or employee of a person, or for any peddler, solicitor or canvasser to ply or conduct his/her trade or solicitation within the Borough unless his/her principal or employer has received a certificate of registration, as hereinafter provided.
- B. It shall be unlawful for any person or for any peddler, solicitor or canvasser to ply or conduct his/her trade or solicitation within the Borough without visibly displaying an identification card issued to that person by the Borough Clerk, as hereinafter provided.
- C. It shall be unlawful for any peddler, solicitor or canvasser to ply or conduct his/her trade or to solicit between the hours of 30 minutes after sunset and 9:00 a.m. on any day.
- D. It shall be unlawful for any person, directly or through an agent or employee, or for any peddler, solicitor or canvasser to ply or conduct his/her trade or to solicit within the Borough of Woodcliff Lake after expiration of any certificate of registration.
- E. It shall be unlawful for any person engaged in solicitation or for any peddler, solicitor or canvasser to knock at the door or ring the doorbell of any home, apartment or any other dwelling unit in the Borough upon which is clearly displayed at the entrance, a notice which reads "No Solicitors" or which

otherwise clearly purports to prohibit solicitation on the premises, unless such person is or has been invited upon the premises by the occupant thereof.

**Section 7:** That section §255-5 is stricken in its entirety and replaced with the following language and shall now read as:

**§255-5 REGISTRATION REQUIRED**

All persons, except as otherwise provided in this chapter or by law, desiring to solicit for charitable or other purposes or to peddle, solicit or canvas within the Borough shall file with the Police Department prior to any such solicitation, a solicitation application on forms provided by the Police Department containing the following information:

- A. The name of the person registering and desiring to solicit or to peddle, solicit or otherwise canvass.
- B. Whether the person registering is a natural person, partnership, or corporation and:
  - i. If a natural person, the business and residence address and telephone number must be given.
  - ii. If a partnership, the names of all partners and the principal business address and telephone number of each partner must be given.
  - iii. If a corporation, the person registering must state whether it is organized under the laws of New Jersey or is a foreign corporation and must state the mailing address, the business location, the telephone number, the name of the individual in charge of the local office of such corporation.
- C. The name, address, date of birth, social security number, personal photograph(s) and complete driver's license information of the person or persons who shall be conducting the solicitation or otherwise peddling, soliciting or canvassing.
- D. A brief description of the nature of the business and the goods to be sold or services to be performed for which funds are to be solicited and an explanation of the intended use of the funds toward that purpose.
- E. The time-period within which the solicitation or the peddling, soliciting or canvassing is to be conducted, giving the date of the commencement and termination of the effort.
- F. If a vehicle or vehicles are to be used in the solicitation, a description of the same, including year, make and model, together with a Certificate of Registration plate number, registration certificate information and liability insurance information or other satisfactory means of identification.
- G. The names of any other municipalities in which the person registering has solicited or otherwise peddled, solicited or canvassed within the previous 12 months.

**Section 8:** That section §255-6 is stricken in its entirety and replaced with the following language and shall now read as:

**§255-6 PROCEDURE UPON FILING SOLICITATION APPLICATION.**

The Department of Police shall review the registration statement to determine its compliance with the terms of this chapter within 48 hours after receipt of the same.

Thereafter, upon payment of the prescribed fee or in the event of an applicant who is not required to pay a fee, the Borough Clerk shall either issue a certificate of registration within 48 hours or notify the person registering that the registration statement does not comply with the requirements of this chapter and to specifically point out the information that has not been furnished and that is required before a Certificate of Registration can be issued.

**Section 9:** That §255-7 is stricken in its entirety and replaced with the following language and shall now read as:

**§255-7 DENIAL OF CERTIFICATE OF REGISTRATION**

The Chief of Police may, upon review of the application, refuse to issue a Certificate of Registration to the applicant for any of the following reasons:

- A. The location and time of the activities described in the application would endanger the safety and welfare of the applicant or its customers;
- B. An investigation reveals that the applicant falsified information on the application;
- C. The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property; or
- D. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application.

The Chief of Police's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his/her application is disapproved and that no Certificate of Registration will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

**Section 9:** That §255-8 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-8 CONTENTS OF CERTIFICATE OF REGISTRATION**

Certificate of Registration shall contain the following information:

- A. The name and address of the applicant.
- B. The number of the Certificate of Registration and the nature of their activity.
- C. The address at which the activity is conducted, if the activity is carried on in a fixed location.
- D. If the activity is conducted from a vehicle, the make, model and Certificate of Registration number of the vehicle.
- E. The expiration date of the Certificate of Registration.

**Section 10:** That §255-9 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-9 RECORD OF CERTIFICATE OF REGISTRATION.**

The Borough Clerk shall keep a record of all Certificate of Registrations issued under this chapter. The record shall contain the same information as is required by § 255-8 to be contained in the Certificate of Registration. It shall also indicate the amount of the fee paid for the Certificate of Registration, the date upon which payment was received, the date of the issuance of the Certificate of Registration, whether the Certificate of Registration is a new Certificate of Registration or a renewal.

**Section 11:** That §255-10 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-10 DISPLAY OF CERTIFICATE OF REGISTRATION.**

When the Certificate of Registration activity is conducted at a fixed location or from a vehicle, a Certificate of Registration shall be prominently displayed at the location or in the vehicle. In all other cases, the Certificate holder shall have the Certificate of Registration in his/her possession at all times and shall display it upon the request of any police officer or any person with whom he is doing business.

**Section 12:** That §255-11 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-11 TRANSFERABILITY OF CERTIFICATE OF REGISTRATION.**

Every Certificate of Registration shall apply only to the person, location (where the activity is to be conducted at a fixed location) and vehicle (where the activity is to be conducted from a vehicle) to whom or to which it was issued and shall not be transferable.

**Section 13:** That §255-12 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-12 EXPIRATION OF CERTIFICATE OF REGISTRATION; RENEWAL.**

All Certificates of Registration shall expire on December 31 of the year of issue at 12:00 midnight local time. Applications for the renewal of Certificate of Registrations shall be made no later than December 1 of the year of issue.

**Section 14:** That §255-13 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-13 FEES**

The fee for a Certificate of Registration required by this chapter shall be established by Chapter 163, Fees.

**Section 15:** That §255-14 is stricken in its entirety, this chapter subsection is reserved for future use.

**Section 16:** That §255-15 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-15 SALE OF FOOD AND PRODUCE.**

- A. All Certificate of Registration holders selling, delivering or displaying for sale food and produce from vehicles which are wholly or partly open on any side shall, at all times, keep the food and produce completely screened or covered with satisfactory materials in order to prevent flies or other insects from alighting around or upon any merchandise.
- B. All Certificate of Registration holders selling, delivering or displaying for sale seafood, meats, poultry or dairy products shall transport them only in refrigerated vehicles. The products shall remain in the refrigerated portion of the vehicle until the time of sale or delivery. The refrigerated portion of the vehicle, while in use, shall be maintained at a temperature low enough to completely safeguard all of the products from a health and sanitary standpoint.
- C. No Certificate of Registration holders shall, at any time, permit any waste products, materials or parts of produce or other merchandise to remain in or upon any street, roadway, curb or walk, but shall remove any debris that may have fallen from his/her vehicle and place it immediately in a leak proof metal container provided with a tight-fitting cover.
- D. All food or produce sold by any Certificate of Registration holders shall, at the time of delivery, be placed in bags or other suitable containers when it is handed to the customer.

**Section 17:** That §255-16 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-16 CONDUCT OF CERTIFICATE OF REGISTRATION HOLDERS.**

All Certificate of Registrant holders under this chapter shall conduct himself/herself according to the following rules and regulations:

- A. He shall not enter or attempt to enter the house of any resident of the Borough of Woodcliff Lake without an express invitation from the occupant of the house.
- B. He shall not conduct himself/herself in a manner that is objectionable or annoying to the occupant of any house.
- C. No Certificate of Registration holder or any person acting on his/her behalf shall shout, blow a horn, ring a bell or use any other sound-making or sound-amplifying device on any street, park or other public place or on any private premises so that sounds are produced which can be plainly heard on streets, avenues, parks or other public places for the purpose of attracting attention to the Certificate of Registration holder or to the activities carried on by him/her.
- D. All Certificate of Registration holders and any vehicles used by them in the course of the Certificate of Registration activity shall fully comply with all of the provisions of this chapter or other applicable municipal ordinances and all applicable State laws or regulations, particularly those which deal with the protection of the public health, safety and welfare.

**Section 18:** That §255-17 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-17 USE OF VEHICLES.**

- A. No Certificate of Registration holder shall permit any debris, waste material, rotting produce or similar matter to remain in or upon his/her vehicle unless it is contained in a leak proof metal container provided with a tight-fitting metal cover.
- B. No Certificate of Registration holder shall transact business from his/her vehicle unless it is properly parked immediately adjacent to the curb of a public street in a permitted locality. No Certificate of Registration holder shall, at any time, double-park his/her vehicle while transacting business nor transact business other than on the curb side of his/her vehicle.
- C. With the exception of registered food trucks as provided in the Code of the Borough of Woodcliff Lake, Certificate of Registration holders selling food and produce shall prohibit, to the extent reasonably possible, the eating of any merchandise directly from their vehicles.
- D. Before a Certificate of Registration holder selling food and produce uses any vehicle in connection with his/her business, the vehicle shall be submitted to the Borough of Woodcliff Lake Board of Health for inspection and approval relative to compliance with this chapter. Whenever requested during the term of the Certificate of Registration, the Certificate of Registration holder shall submit his/her vehicle for reasonable re-inspection. No vehicle shall be used by the Certificate of Registration holder unless it has been approved for use by the Board of Health. A certificate of written approval shall remain in the vehicle at all times and shall be shown by the operator to any member of the Borough of Woodcliff Lake Police Department or any other official of the Borough who may request to see it.
- E. Any vehicle used in connection with any active Certificate of Registration by this chapter shall have a copy of the Certificate of Registration visibly placed in the front windshield.

**Section 19:** That §255-18 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-18 LOCATION RESTRICTIONS.**

No Certificate of Registration holder shall have an exclusive right to any location in the public streets, nor shall he/she be permitted a stationary location on the streets.

**Section 20:** That §255-20 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-20 REVOCATION OF CERTIFICATE OF REGISTRATION.**

Any Certificate of Registration issued under the provisions of this chapter may be revoked by the Mayor and Council after notice and a hearing for any of the following causes:

- A. Fraud or misrepresentation in any application for a Certificate of Registration.

- B. Fraud, misrepresentation or other dishonesty in the conduct of the Certificate of Registration activity.
- C. A violation of any provision of this chapter or any other provision of this Code or other ordinance of the Borough of Woodcliff Lake applicable to the Certificate of Registration activity.
- D. Conviction of the Certificate of Registration holder for any felony or high misdemeanor or a misdemeanor or disorderly person's offense involving moral turpitude.
- E. Conduct of the Certificate of Registration activity, whether by the Certificate of Registration holder himself/herself or his/her agents or employees, in an unlawful manner or in a manner that constitutes a breach of the peace or a menace to the public health, safety or welfare.

**Section 21:** That §255-21 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-21 NOTICE OF HEARING.**

Notice of a hearing for the revocation of a Certificate of Registration shall be given, in writing, by the Borough Clerk. The notice shall specifically set forth the grounds upon which the proposed revocation is based and the time and place of the hearing. It shall be served by mailing a copy to the Certificate of Registration holder at his/her last known address by certified mail, return receipt requested, at least five days prior to the date set for the hearing.

**Section 22:** That §255-22 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-22 HEARING; DETERMINATION.**

At the hearing, the Certificate of Registration holder shall have the right to appear and be heard, to be represented by an attorney, to present witnesses in his/her own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his/her own expense. If such a record is made, two copies shall be furnished to the Borough without charge. The Mayor and Council shall revoke or suspend the Certificate of Registration if they are satisfied by a preponderance of the evidence that the Certificate of Registration holder is guilty of the acts charged.

**Section 23:** That §255-23 is stricken in its entirety and replaced with the following language and shall now read as:

**§ 255-23 REINSTATEMENT OF REVOKED CERTIFICATE OF REGISTRATION.**

The Mayor and Council may issue another Certificate of Registration to a person whose Certificate of Registration has been revoked or denied as provided in this chapter if, after a hearing, they are satisfied by clear and convincing evidence that the acts which led to the revocation or denial will not occur again; otherwise, no person whose Certificate of Registration has been revoked or denied nor any person acting for

him/her, directly or indirectly, shall be issued another Certificate of Registration to carry on the same activity.

**Section 24.** All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

**Section 25.** This ordinance shall be construed consistent with the purpose stated in section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Woodcliff Lake Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Woodcliff Lake Code.

**Section 26.** This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.