

**MAYOR AND COUNCIL  
WORK SESSION/REGULAR MEETING  
BOROUGH HALL ANNEX  
March 5, 2012  
7:30PM**

1. **FLAG SALUTE**
2. **ROLL CALL** Mayor DeSimone( ), Councilpersons, Knott ( ), Choi ( ), Hawkins ( ), Pak,( ) Salmon ( ), Whitter ( ), Borough Attorney Giblin ( )Borough Administrator Terhune ( ), Borough Clerk Fran Lehmann ( ), Deputy Borough Clerk Lynn Hemmer
3. **OPEN MEETING STATEMENT**  
  
Conditions of the Open Meeting Act have been met by notice placed on the bulletin board at Borough Hall and notice sent to the official newspaper.
4. **PRESENTATIONS**
5. **APPOINTMENTS**
6. **COMMENTS FROM THE PUBLIC**  
  
Limited to two (2) minutes per speaker (20 – minute duration)
7. **APPROVAL OF MINUTES**  
  
Special Minutes            February 17, 2012  
Council Meeting            February 22, 2012  
Closed Session             February 22, 2012
8. **RESOLUTIONS**  
**12-108**    Authorizing Cost of Living Increase for LOSAP  
**12-109**    Amending Resolution 12-01 Rules of Order  
**12-110**    Appointing Leah Roland to fill a Vacancy on the Board of Adjustment  
**12-111**    Appointing Leah Roland to the Economic Development Committee  
**12-112**    Awarding the Contract for HVAC and Gas Furnace Repairs  
**12-113**    Awarding the Contract for Maintenance, Inspection Repairs and Monitoring of Fire and Burglar Alarm Systems

- 12-114 Awarding the Contract for Service of Fire Extinguishers and Kitchen Suppression Systems
- 12-115 Authorizing the Release of Surety Bond for Let It Grow, Inc.
- 12-116 Resolution Authorizing a Bond Anticipation Note in the Amount of \$1,979,812 and \$38,920 Special Emergency Note
- 12-117 Authorizing Temporary Budget Number 2
- 12-118 Authorizing Temporary Budget for Swim Pool
- 12-119 Introducing the 2012 Municipal Budget
- 12-120 Setting Civil Rights Policy for the Borough
- 12-121 Appointing Barbara Marchant to the Environmental Commission
- 12-122 Accepting the Contract Between the Borough and the PBA
- 12-123 Authorizing the 2012 Memorial Day Parade

A motion was made by Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_ to approve the resolutions.

**ROLL CALL** Councilpersons, Knott, Choi, Hawkins, Pak, Salmon, Whitter

9. **INTRODUCTION OF ORDINANCES**

Introduction of Ordinance 05-12 entitled:

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)**

A motion was made by Councilperson \_\_\_ Seconded by Councilperson \_\_\_\_\_ to approve on first reading Ordinance 03-12

**ROLL CALL** Councilperson, Knott, Choi, Hawkins, Pak, Salmon, Whitter

Introduction of Ordinance 06-12 entitled:

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 46 OF THE CODE OF THE BOROUGH OF LEONIA, ENTITLED "PERSONNEL POLICIES"**

A motion was made by Councilperson \_\_\_ Seconded by Councilperson \_\_\_\_\_ to approve on first reading Ordinance 06-12

**ROLL CALL** Councilperson, Knott, Choi, Hawkins, Pak, Salmon, Whitter

Introduction of Ordinance 07-12 entitled:

**AN ORDINANCE TO CREATE A NEW CHAPTER 64 OF THE CODE OF THE BOROUGH OF LEONIA TITLED "VOLUNTEER COACHES."**

A motion was made by Councilperson \_\_\_ Seconded by Councilperson \_\_\_\_\_ to approve on first reading Ordinance 07-12

**ROLL CALL** Councilperson, Knott, Choi, Hawkins, Pak, Salmon, Whitter

10. **ADOPTION OF ORDINANCES**  
**Adoption of Ordinance 04-12- entitled:**  
**AN ORDINANCE AMENDING ORDINANCE NO. 02-12, SALARIES,  
WAGES AND/OR COMPENSATION AND TO ESTABLISH SALARY  
& WAGE RANGES OF CERTAIN OFFICERS, EMPLOYEES AND  
PUBLIC SERVANTS OF THE BOROUGH OF LEONIA, IN THE  
COUNTY OF BERGEN AND STATE OF NEW JERSEY FOR THE  
YEAR BEGINNING JANUARY 1, 2012**

**Public Hearing**

A motion was made by Councilperson \_\_\_ Seconded by  
Councilperson \_\_\_\_\_ to approve on final reading Ordinance 04-12

**ROLL CALL** Councilperson, Knott, Choi, Hawkins, Pak, Salmon, Whitter

11. **UNFINISHED BUSINESS**
12. **NEW BUSINESS**
13. **CORRESPONDENCE**
14. **COMMENTS FROM THE PUBLIC**

Limited to five (5) minutes per speaker at the discretion of the chair  
(duration of thirty (30) minutes)

15. **CLOSED SESSION**
16. **ADJOURNMENT** (10 P.M. unless motion to extend)  
Leonia v Fort Lee (Brian Giblin)

***FORMAL ACTION ON ANY BOROUGH BUSINESS MAY BE TAKEN***

# BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Knott						
Choi						
Hawkins						
Pak						
Salmon						
Whitter						
DeSimone						

# 12-108

DATE: March 5, 2012

Carried [ ]

Defeated [ ]

Tabled [ ]

Approved on Consent Agenda [ ]

**Whereas**, the Mayor and Council of the Borough of Leonia approve a Length of Service Award Program (LOSAP) which authorized the Borough of Leonia to make contributions for all volunteers who qualified; and

**Whereas**, pursuant to N.J.S.A. 40A:14-185, the Borough may increase the contributions from time to time provided that the increase does not exceed a certain amount; and

**Whereas**, the State of New Jersey has determined that the increase for the year 2011 shall be three (3%) percent as set forth in the Local Finance Notice 2012-1; and

**Whereas**, making this adjustment would net a \$34.30 increase for each qualifying member; the Leonia Fire Department currently has 28 members who have qualified for 2011 which with the increase would bring it to a total of \$32,976.72. This amount falls under the total budgeted amount for 2011, and also represents a decrease from the 2010 LOSAP program; and

**Whereas**, the Mayor and Council desire to raise the contribution to the Length of Service Award Program (LOASP) as permitted by statute; and

**Whereas**, the CFO has certified that the funds are available; and

**Now, Therefore Be It Resolved**, that the Mayor and Council of the Borough of Leonia approve the three (3%) percent increase to the contribution to the Length of Service Award Program (LOSAP) for 2011 totaling \$32976.72.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON March 5, 2012**

..... **BOROUGH CLERK**

## BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Salmon						
Whitter						
De Simone						

#12 -109
DATE 03/05/2012
Carried
Defeated
Tabled
Approved

**WHEREAS**, the Mayor and Council at their Annual Reorganization Meeting held on January 4, 2012 approve Resolution 12-01 Rules of Order for the year 2012; and

**WHEREAS**, the Rules of Order were sent to the Laws and Ordinances Committee for review and amending; and

**WHEREAS**, the Laws and Ordinances Committee hereby submits and recommends the Governing Adopt the Rules of Order as amended.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Leonia hereby adopts the Rules of Order as amended and annexed hereto for the calendar year 2012

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_**

\_\_\_\_\_  
**BOROUGH CLERK**

Borough of Leonia  
Amended Rules of Order  
(Originally Adopted: 1947)

1. There shall be two meetings of the Mayor and Council per month. The meetings shall be the first and third Mondays of the month at 7:30 p.m. Both meetings shall be a work session/regular-meeting. Special meetings shall be called by the Mayor or at the request of four (4) Councilpersons. Notice shall be given for all special, work session, regular or rescheduled meetings pursuant to law. All notices shall comply with the "Open Public Meetings Act". The Clerk shall notify the Mayor and all Councilpersons of every meeting. All meetings of the Mayor and Council shall be adjourned by not later than 10:00 p.m., unless extended by majority vote of the Council members present. Holidays and religious observances shall be taken into consideration in the scheduling of meetings if a holiday falls on Monday the meeting will be scheduled for Wednesday.
2. At the hour appointed for the meeting, the members present shall be called to order by the Mayor or the President of the Council, or in their absence, by the Borough Clerk, who shall immediately proceed to call the roll, note the absentees and announce publicly and have entered in the minutes a statement that proper notice of the meeting was provided and the time, place and manner in which the notice was provided.
3. The Mayor or the President of the Council shall preside at all meetings or, in their absence; the Senior Councilperson present shall preside. Seniority shall be determined by length of service on the Council. If two or more members have equal seniority, the determination shall be alphabetical.
4. The order of business for the first meeting of the month shall be as follows
  - a) Flag Salute
  - b) Roll call
  - c) Statement concerning notice of meeting
  - d) Presentations
  - e) Appointments
  - f) Comments from the public - Agenda items only
  - g) Approval of minutes
  - h) Resolution
  - i) Introduction of ordinances
  - j) Adoption of ordinances
  - k) Unfinished business
  - l) New business
  - m) Comments from the public - Agenda and non-agenda items
  - n) Correspondence

- o) Closed session
- p) Adjournment

The order of business for the second meeting of the month shall be as follows:

- a) Flag Salute
- b) Roll call
- c) Statement concerning notice of meeting
- d) Presentations
- e) Appointments
- f) Comments from the public - Agenda items only
- g) Approval of minutes
- h) Resolution
- i) Reports of Standing Committees
- j) Introduction of ordinances
- k) Adoption of ordinances
- l) Unfinished business
- m) New business
- n) Comments from the public - Agenda and non-agenda items
- o) Correspondence
- p) Closed session
- q) Adjournment

5. The Mayor, or in his/her absence, the presiding officer, shall preserve order and decorum and shall decide all questions of order, subject to appeal to the Council, which shall be aided by the Borough Attorney who shall act as Parliamentarian. The Mayor shall give his opinion after other members of the Council have done so and shall regulate the form of procedure.
6. Every member, while speaking, must address the Chair.
7. Each Council member shall be recognized by the Chair before speaking. When two or more members shall address the Chair at the same time the Mayor, or in his/her absence, the presiding officer, shall name the member who is to speak first, recognizing them in order of their request to speak.
8. No member shall retire from the Council Chamber while the Council is in session, without permission of the Mayor or presiding officer.
9. A member called to order shall cease speaking immediately unless permitted to explain. He/she may, if he/she wishes, appeal to the Council for permission to continue his/her remarks. If there is no appeal, the decision of the Chair shall stand and be final.
10. A motion to lay on the table shall be decided without amendment or debate; and such motion, until it is decided, shall preclude all amendments or debate of the

main question.

11. A motion to adjourn shall be decided without debate and shall always be in order, except when the Council is voting or when a member is addressing the Council, or immediately after the question of adjournment has been decided in the negative.
12. Any member who has voted with the majority on any question may move for reconsideration thereof at the same or the next meeting; but the consent of the majority of the Council must be obtained before the same question can be reconsidered.
13. Every member who shall be present when a question is put shall vote for or against it unless he/she shall abstain for a stated reason.
14. The yeas and nays may be called for by any member, in which case the names of the members voting shall be recorded on the minutes, and also the name of the Council member calling for yeas and nays.
15. Section 1. Upon the passage of an ordinance, it shall be properly numbered and recorded in its entirety by the Borough Clerk in the Ordinance Book. The Clerk shall enter in said book, at the end of each ordinance, the following: Passed on the day of     , 20     , Minute Book No.     , Page     .

The ordinance so recorded shall then be compared with the original as passed at a regular meeting of the Council, whereupon the Mayor shall subscribe, and the Clerk shall attest and affix the corporate seal to the following certificate at the end thereof: The foregoing Ordinance No.     has been compared with the original as passed and found correct this     Day of     , 20     .

Section 2. The original ordinance shall be filed and preserved by the Clerk.

Section 3. The titles or ordinances and references to amendments and parts amended only shall be entered into the minutes.

Section 4. An original ordinance shall be entitled as follows: An ordinance to supplement (or amend) an Ordinance (then add the title of the original to which it is a supplement or amendment)

Section 5. The enacting clause of every ordinance shall be as follows: "Be It Ordained by the Mayor and Council of the Borough of Leonia."

16. Every petition, remonstrance or other written application intended to be presented to the Council shall be in the hands of the Borough Clerk no later than 9:00 a.m. the Wednesday preceding the next meeting. Any member of the Council may place on the agenda any matter for discussion provided that the same is submitted



to the Borough Clerk no later than 4 p.m. on the Wednesday preceding the next scheduled meeting of the Mayor and Council. The agenda and supporting documentation shall be available and sent to every member of the governing body before the close of business on the Thursday preceding the meeting. No matter or item shall be placed on the agenda except in accordance with the above procedure. Once a matter has been submitted to the Clerk to be placed on the agenda in accordance with this paragraph, it shall appear on the agenda and shall not be removed except with the consent of the person who originally submitted it. Notwithstanding, any member of the Council may identify a matter during New Business for placement on the agenda at any meeting of the Mayor and Council, and any matter may be discussed, and action taken, if in the reasonable judgment of the Mayor (or in the Mayor's absence, the presiding officer), a majority of the governing body and/or Borough Administrator, the circumstances are such that it is in the best interest of the Borough to consider the matter without further delay. The Work Session agenda shall be prepared by the Borough Clerk. The Borough Clerk shall place items on the agenda by the age of the item using the categories Old and New Business. Changes in the order of business may occur per item No. 18.

17. The Mayor and Council shall decide if a proposed ordinance shall be sent to the Laws and Ordinances Committee before being placed on the agenda; every ordinance and resolution before it is presented to the Mayor, shall be certified by the Borough Clerk.
18. No departure from the regular order of business or suspension of any rules shall be allowed except by vote of two-thirds of the members present. Any amendments to the Rules of Order must be discussed at a prior meeting prior to the implementation of same.
19. The Mayor shall nominate and, with the advice and consent of Council, appoint all subordinate officers of the Borough, unless the specific terms of the general law clearly require a different appointment procedure. He/she shall make his nomination to any such office within thirty days of that office becoming vacant. NJSA Title 40A: 60-5(g).

The Council, whenever it fails to confirm the nomination by the Mayor of any official to a subordinate office of the Borough within thirty days of being presented such nomination, shall make the appointment to that office, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie. NJSA Title 40A: 60-6 (d).

No appointment shall be made except by the vote of a majority of the members of the Council present at such meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in case of a tie.

The tenure of such committee member shall be for a term ending on December 31st of the calendar year in which appointment was made or until a successor is appointed.

20. The standing committees shall consist of three members each and shall be as follows:
  - Finance, Administration and Personnel
  - Laws and Ordinances
  - Real Estate & Insurance
  - Police
  - Public Works
  - Fire
  - Ambulance

21. Notwithstanding any committee assignments or liaisons, the Borough Council as a whole and together with the Mayor operates as a collective entity.

Giving specific direction or the specific tasking of any employee or paid professional is the prerogative of the Governing Body as a whole.

It is also recognized that the notion of a chain of command is important for the effective and harmonious undertaking of all operations and activity. The Mayor and Council shall therefore convey direction or specific tasks that are to be undertaken by a Department or a single employee, through the Borough Administrator, or in his absence, through those duly selected by the Mayor and Council at the annual Reorganization meeting to act in such capacity on such occasion except as otherwise provided by State Statute or Municipal Ordinance. .

22. As an extension of Paragraph 21, the same premise of collective authority applies to the conveyance of direction or assigning specific tasks to the Borough Administrator.

23. In recognizing the importance of principles such as chain of command and collective authority as described in Paragraphs 21 and 22, it is also hereby noted that reason, individual or collective, must apply in various circumstances. Requests by members of the Governing Body for common information such as those that would be available to the average citizen, are reasonable and not intended to be discouraged, nor should such simple requests have to be funneled through the Borough Administrator if he/she is not the primary respondent. The same spirit of reason should prevail conversely, however, if the number of the requests, or the frequency thereof become burdensome and intrusive upon the employee's specific and properly delegated duties, or if such requests result in a direct cost to the Borough as the result of time spent by a paid professional.

In some instances, especially those involving an emergent matter, a council person may either personally, or through the Administrator, conduct an informal

vote with regard to assigning tasks to one or a group of employees, or of making inquiry(ies) of a substantive nature on the emergent issue without the necessity of waiting for the regular or special meeting. In such event, the action taken shall be ratified and confirmed at the next regular or special meeting.

24. Except as otherwise provided in these rules, Roberts Rules of Order shall govern the deliberation of the Council.

# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Pak						
Salmon						
Whitter						
De Simone						

#12 -110
DATE
Carried
Defeated
Tabled
Approved

**WHEREAS**, a vacancy has occurred on the Zoning Board of Adjustment with the resignation of John Fromholtz whose term is expiring at the end of 2012; and

**WHEREAS**, Leah Roland is an Alternate I is hereby appointed to fill the unexpired term of Mr. Fromholtz until December 31, 2012

**NOW, THEREFORE, BE IT RESOLVED**, that Leah Roland is hereby appointed to fill the vacancy on the Zoning Board of Adjustment until December 31, 2012

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_**

\_\_\_\_\_  
**BOROUGH CLERK**

# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Pak						
Salmon						
Whitter						
De Simone						

#12 -111
DATE
Carried
Defeated
Tabled
Approved

WHEREAS, Mayor De Simone hereby appoints Leah Roland to the Economic Development Committee for a term expiring 12/31/2012

NOW, THEREFORE, BE IT RESOLVED, that Mayor De Simone hereby appoints Leah Roland to Economic Development Committee.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_**

\_\_\_\_\_  
**BOROUGH CLERK**

# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Pak						
Salmon						
Whitter						
De Simone						

#12 -112
DATE
Carried
Defeated
Tabled
Approved

WHEREAS, RFP's were advertised for and opened on Monday, February 27, 2012 for Repair and Maintenance of the HVAC's and Gas Furnaces; and

WHEREAS, four bids were opened and reviewed; and

WHEREAS, E N Paul Inc. is the lowest bidder in the amount of \$3,430.00; and

WHEREAS, the CFO has certified that the funds are available

NOW, THEREFORE, BE IT RESOLVED, the bid is hereby awarded to E N Paul, Inc. in the amount of \$3,430.00 and the Mayor is hereby authorized and the Clerk to attest the contract between the Borough and E N Paul.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_**

\_\_\_\_\_  
**BOROUGH CLERK**

# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Pak						
Salmon						
Whitter						
De Simone						

#12 -113
DATE
Carried
Defeated
Tabled
Approved

**WHEREAS**, RFP's were advertised for and opened on February 27<sup>th</sup> for the Maintenance, Inspection Repairs and Monitoring of Fire and Burglar Alarm Systems in the Borough of Leonia; and

**WHEREAS**, four proposals were received and opened and reviewed and Triad Security Systems of Union, NJ was the lowest bidder in the amount of \$5,400 for a year and each 2 consecutive years and 105 per hour per technician a year and each consecutive 2 years; and

**WHEREAS**, the CFO has certified that funds are available

**NOW, THEREFORE BE IT RESOLVED**, that the bid for Maintenance, Inspection Repairs and Monitoring of Fire and Burglar Alarm Systems in the Borough of Leonia; is hereby awarded to Triad Security Systems; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized and the Clerk to attest to the agreement between Triad and the Borough of Leonia.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_**

\_\_\_\_\_  
**BOROUGH CLERK**

# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Pak						
Salmon						
Whitter						
De Simone						

#12 -114
DATE
Carried
Defeated
Tabled
Approved

**WHEREAS**, RFP's were advertised for and opened on February 27<sup>th</sup> for the Service of Fire Extinguishers and Kitchen Suppression Systems; and

**WHEREAS**, two (2) bids were received and reviewed; and

**WHEREAS**, Campbell Fire Protection Inc. from Suffern, NY is the lowest bidder; and

**WHEREAS**, the CFO has certified that funds are available

**NOW, THEREFORE, BE IT RESOLVED**, that the contract for Service of Fire Extinguishers and Kitchen Suppression Systems is hereby awarded to Campbell Fire Protection, Inc. and the Mayor is hereby authorized to sign and the Clerk to attest the agreement between the Borough and Campbell Fire Protection, Inc.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_**

\_\_\_\_\_  
**BOROUGH CLERK**



# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Pak						
Salmon						
Whitter						
De Simone						

#12 -115
DATE
Carried
Defeated
Tabled
Approved

WHEREAS, Let It Grow, Inc. has completed all the work in Wood Park ;and

WHEREAS, Surety Bond No. SUR0001341 maybe returned to the bond company

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Surety Bond for Let It Grow, Inc. is hereby released and returned to the Bond Company.

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_

\_\_\_\_\_  
BOROUGH CLERK

*Resolution # 12-116*  
\* \* \* \* \*

Member \_\_\_\_\_ introduced and moved the adoption of the following resolution and Member \_\_\_\_\_ seconded the motion:

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF LEONIA, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF LEONIA AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$1,979,812 BOND ANTICIPATION NOTE AND A \$38,920 SPECIAL EMERGENCY NOTE, BOTH ISSUES DATED FEBRUARY 24, 2012 AND PAYABLE FEBRUARY 22, 2013, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b) (3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

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WHEREAS, the Borough of Leonia, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations the interest on which is excluded from gross income for Federal income tax purposes and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations,

including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough desires to designate a \$1,979,812 Bond Anticipation Note and a \$38,920 Special Emergency Note, both issues dated February 24, 2012 and payable February 22, 2013 (collectively, the "Notes"), as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Leonia, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Notes be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The above-referenced Notes of the Borough are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2012.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2012.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough be and they hereby are authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2012 dated as of the date of delivery of the Notes.

SECTION 8. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the following roll call vote:

Ayes:

Nays:

[SEAL]

ATTEST: \_\_\_\_\_  
Borough Clerk

# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Salmon						
Whitter						
Pak						
De Simone						

#12 - 117
DATE 3/5/2012
Carried
Defeated
Tabled
Approved

That the following Temporary Appropriations for the year 2012 pending adoption of the 2012 Budget in accordance with N.J.S.A. 40A:4-20 of the Local Budget Act., be and they are hereby approved.

### GENERAL GOVERNMENT

#### OFFICE OF ADMINISTRATOR

Salaries & Wages	40,750.00
Other Expenses	3,000.00

#### ADMINISTRATIVE AND EXECUTIVE

Salaries & Wages	15,000.00
Other Expenses	15,700.00

#### CODIFICATION OF ORDINANCES

Other Expenses

#### POSTAGE

Other Expenses	3,000.00
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#### COPIER OPERATIONS

Other Expenses	(500.00)
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#### BOROUGH CLERK-ELECTIONS

Salaries & Wages	
Other Expenses	8,000.00

#### FINANCIAL ADMINISTRATION

Other Expenses

#### COMPUTER DATA PROCESSING

Other Expenses

#### FINANCE/TAX COLLECTION

Salaries & Wages	46,000.00
Other Expenses	

#### ASSESSMENT OF TAXES

Salaries & Wages	4,000.00
Other Expenses	

<b>Subtotal</b>	<b>134,950.00</b>
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<b>Subtotal Carried Forward</b>	<b>134,950.00</b>
<u>LEGAL SERVICES</u>	Resolution Continued
Salaries & Wages	13,000.00
Other Expenses	20,600.00
<u>ENGINEERING SERVICES</u>	
Other Expenses	30,000.00
<u>HISTORICAL COMMISSION</u>	
Other Expenses	300.00
<u>LAND USE ADMINISTRATION</u>	
<u>PLANNING BOARD</u>	
Salaries & Wages	1,400.00
Other Expenses	4,000.00
<u>BOARD OF ADJUSTMENT</u>	
Salaries & Wages	11,300.00
Other Expenses	3,990.00
<u>PUBLIC SAFETY</u>	
<u>POLICE DEPARTMENT</u>	
Salaries & Wages	700,000.00
Other Expenses	100,000.00
<u>POLICE VEHICLE LEASE/ PURCHASE</u>	
Other Expenses	11,700.00
<u>EMERGENCY MANAGEMENT</u>	
Salary & Wages	2,000.00
Other Expenses	2,000.00
<u>FIRST AID ORGANIZATION</u>	
Other Expenses	2,000.00
<u>DAYTIME AMBULANCE COVERAGE</u>	
Salaries & Wages	
<u>FIRE DEPARTMENT</u>	
Other Expenses	25,500.00
<u>LOSAP</u>	
Other Expenses	
<u>FIRE MARSHAL</u>	
Salaries & Wages	3,900.00
Other Expenses	1,500.00
<u>UNIFORM FIRE SAFETY ACT</u>	
Salaries & Wages	
<u>MUNICIPAL PROSECUTOR</u>	
Salaries & Wages	3,500.00
<u>PUBLIC WORKS FUNCTIONS</u>	
<u>DEPARTMENT OF PUBLIC WORKS</u>	
Salaries & Wages	325,000.00
Other Expenses	65,000.00
<u>ROAD REPAIRS</u>	
Other Expenses	
<u>SHADE TREE FUNCTIONS</u>	
Other Expenses	1,500.00
<u>INSURANCE PREMIUMS</u>	
Other Expenses	500,000.00
<u>MAINTENANCE OF RADIOS</u>	
Other Expenses	2,000.00
<b>Subtotal</b>	<b>1,965,140.00</b>

<b>Subtotal Carried Forward</b>		<b>1,965,140.00</b>
<u>GARBAGE &amp; TRASH REMOVAL</u>		
Tipping Fees-BCUA	Resolution Continued	203,000.00
<u>RECYCLING</u>		
Salaries & Wages		25,000.00
Other Expenses		5,100.00
<u>PUBLIC BUILDINGS &amp; GROUNDS</u>		
Salaries & Wages		
Other Expenses		44,700.00
<b>HEALTH AND WELFARE</b>		
<u>BOARD OF HEALTH</u>		
Salaries & Wages		13,000.00
Other Expenses		32,675.00
<u>PUBLIC ASSISTANCE</u>		
Salaries & Wages		
Other Expenses		
<u>HUMAN RELATIONS</u>		
Other Expenses		
<b>PARKS &amp; RECREATION</b>		
<u>BRD OF RECREATION COMMISSIONERS</u>		
Salaries & Wages		34,000.00
Other Expenses		10,000.00
<u>SENIOR CITIZENS ACTIVITIES</u>		
Salaries & Wages		9,000.00
Other Expenses		1,500.00
<u>SENIOR BUS</u>		
Salaries & Wages		6,000.00
Other Expenses		1,910.00
<b>CODE ENFORCEMENT &amp; ADMIN.</b>		
<u>UNIFORM CONSTRUCTION CODE</u>		
Salaries & Wages		22,000.00
Other Expenses		1,600.00
<u>FIRE SUB-CODE OFFICIAL</u>		
Salaries & Wages		3,000.00
Other Expenses		
<u>ELECTRICAL SUB-CODE OFFICIAL</u>		
Salaries & Wages		2,500.00
Other Expenses		
<u>RENT LEVELING</u>		
Other Expenses		
<b>UNCLASSIFIED</b>		
<u>UNCLASSIFIED SALARIES</u>		
Salaries & Wages		
<u>GRANTS CONSULTANT</u>		
Salaries & Wages		
Other Expenses		
<u>ELECTRICITY &amp; GAS</u>		
Other Expenses		135,000.00
<u>STREET LIGHTING</u>		
Other Expenses		88,200.00
<u>FIRE HYDRANT SERVICES</u>		
Other Expenses		81,500.00
<b>Subtotal</b>		<b>2,684,825.00</b>



<b>Subtotal Carried Forward</b>	<b>2,684,825.00</b>
TELEPHONE/CELLULAR SERVICES	
Other Expenses	47,500.00
<u>WATER</u>	<u>Resolution Continued</u>
Other Expenses	4,000.00
<u>DIESEL FUEL</u>	
Other Expenses	50,500.00
<u>GASOLINE</u>	
Other Expenses	47,500.00
<b><u>STATUTORY EXPENDITURES INSIDE CAP</u></b>	
<u>POLICE/FIRE RETIREMENT SYSTEM</u>	
Other Expenses	505,017.00
<u>PUBLIC EMPLOYEE RETIREMENT SYS.</u>	
Other Expenses	334,267.00
<u>SOCIAL SECURITY SYSTEM</u>	
Other Expenses	115,000.00
<u>MUNICIPAL COURT</u>	
Salaries & Wages	28,000.00
Other Expenses	
<u>PUBLIC DEFENDER</u>	
Salaries & Wages	2,000.00
Other Expenses	
<b><u>OPERATIONS EXCLUDED FROM CAP</u></b>	
<u>FREE PUBLIC LIBRARY</u>	
Salaries & Wages	115,000.00
Other Expenses	160,000.00
<u>BCUA SHARE OF COSTS</u>	
Other Expenses	182,000.00
<u>RIGHT TO KNOW-PEOSHA (CH 516.P.L.1983)</u>	
Other Expenses	
<u>HEPATITIS B VACCINE &amp; TRAINING</u>	
Other Expenses	
<u>CRL CONTRACT</u>	
Other Expenses	
<u>BOARD OF EDUCATION-INTERLOCAL AGREEMENT-DIESEL/GAS</u>	
Other Expenses	
<b><u>STATUTORY EXPENDITURES EXCLUDED FROM CAP</u></b>	
<u>POLICE/FIREMENS' RETIREMENT SYSTEM</u>	
Other Expenses	
<u>PUBLIC EMPLOYEES' RETIREMENT SYSTEM</u>	
Other Expenses	
<u>PUBLIC EMPLOYEES' RETIREMENT-ADJUSTMENT</u>	
Other Expenses	
<b><u>PUBLIC/PRIVATE PROGRAMS OFFSET BY REVENUES</u></b>	
<u>MUNICIPAL ALLIANCE ON ALCOHOLISM AND DRUG ABUSE</u>	
State Share	
Local Share	
<u>OVER THE LIMIT-UNDER ARREST GRANT</u>	
Salaries & Wages	
<u>BUSINESS STIMULUS-SHADE TREE GRANT</u>	
Salaries & Wages	
<b>Subtotal</b>	<b>4,275,609.00</b>

Resolution Continued

<b>Subtotal Carried Forward</b>	<b>4,275,609.00</b>
<u>DRUNK DRIVING ENFORCEMENT FUND</u>	
Salaries & Wages	
Other Expenses	
<u>CLEAN COMMUNITIES PROGRAM</u>	
Salaries & Wages	
Other Expenses	
<u>PEDESTRIAN SAFETY GRANT</u>	
Salaries & Wages	
Other Expenses	
<u>DOWNPAYMENT ON IMPROVEMENTS</u>	
<u>CAPITAL IMPROVEMENT FUND</u>	
<u>MUNICIPAL DEBT SERVICE</u>	
Payment of Bond Principal	
Paydown of BAN Principal	(18,737.00)
Interest on Bonds	
Interest on Notes	(300.00)
Tax Anticipation Notes-Interest	
<u>NJEIT LOAN-SPRING STREET SEWER</u>	
Principal	
Interest	
<u>NJEIT LOAN-SALT DOME CONSTRUCTION</u>	
Principal	
Interest	
<u>DEFERRED CHARGES EXCLUDED FROM "CAPS"</u>	
Emergency Authorization	
Special Emergency Authorizations-5 Years	
Special Emergency Authorizations-3 Years	
Deferred Charges to Future Taxation	
Judgements	
Prior Years Bills	
<b>Subtotal All Appropriations</b>	<b>4,256,572.00</b>
Less PERS Adjustment	
Less Capital Improvement Fund	
Less Municipal Debt service	(19,037.00)
Less Deferred Charges	-
	(19,037.00)
<b>Total 2012 Temporary Budget</b>	<b>4,275,609.00</b>
#2	

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_

\_\_\_\_\_  
BOROUGH CLERK

# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Salmon						
Whitter						
Pak						
De Simone						

#12 - 118
DATE
Carried
Defeated
Tabled
Approved

**RESOLVED:**

That the following Temporary Appropriation for the year 2012 pending adoption of the 2012 Budget in accordance with Section 40A:4-20 of the Local Budget Act, be and they are hereby approved:

**TEMPORARY BUDGET**  
**SWIM POOL OPERATING BUDGET**

Salaries & Wages	95,000
Other Expenses	50,215
Debt Service	250
Public Employee's Retirement System	0
Social security System (O.A.S.I.)	10,000
Capital Outlay	16,765
Capital Improvement Fund	0
<b>Total</b>	<b>172,230</b>

SP TEMP BUDGET #2

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_**

\_\_\_\_\_  
**BOROUGH CLERK**

MUNICIPAL BUDGET NOTICE  
*Resolution 12-119*

Section 1.

Municipal Budget of the \_\_\_\_\_ Borough \_\_\_\_\_ of \_\_\_\_\_ Leonia \_\_\_\_\_, County of \_\_\_\_\_ Bergen \_\_\_\_\_ for the Fiscal Year 2012

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2012;

Be it Further Resolved, that said Budget be published in the \_\_\_\_\_ The Record \_\_\_\_\_

in the issue of \_\_\_\_\_ March 10 \_\_\_\_\_ 2012

The Governing Body of the \_\_\_\_\_ Borough \_\_\_\_\_ of \_\_\_\_\_ Leonia \_\_\_\_\_ does hereby approve the following as the Budget for the year 2012.

**RECORDED VOTE**  
(Insert Last Name)

Ayes	Nays	Abstained
Knott Choi Hawkins Whitter Salmon Pak		Absent

Notice is hereby given that the Budget and the Tax Resolution was approved by the \_\_\_\_\_ Governing Body \_\_\_\_\_ of the \_\_\_\_\_ Borough \_\_\_\_\_

of \_\_\_\_\_ Leonia \_\_\_\_\_, County of \_\_\_\_\_ Bergen \_\_\_\_\_, on \_\_\_\_\_ March 5 \_\_\_\_\_, 2012

A Hearing on the Budget and Tax Resolution will be held at \_\_\_\_\_ Borough Hall Annex \_\_\_\_\_, on \_\_\_\_\_ April 2 \_\_\_\_\_, 2012 at

\_\_\_\_\_ 7:30 \_\_\_\_\_ o'clock  
(P.M.)  
 (Cross out one)

at which time and place objections to said Budget and Tax Resolution for the year 2012, may be presented by taxpayers or other interested persons.

# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Knott						
Choi						
Hawkins						
Pak						
Salmon						
Whitter						
DeSimone						

#12-120
DATE
Carried
Defeated
Tabled
Approved

**A RESOLUTION TO AFFIRM THE BOROUGH OF LEONIA'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of the Borough of Leonia to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to, the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

**WHEREAS**, the Mayor and Council of the Borough of Leonia has determined that certain procedures need to be established in order to accomplish this policy.

**NOW, THEREFORE, BE IT ADOPTED**, by the Mayor and Council of the Borough of Leonia as follows:

Section 1. No official, employee, appointee or volunteer of the Borough of Leonia by whatever title known, or any entity that is in any way a part of the Borough of Leonia shall engage, either directly or indirectly, in any act, including the failure to act, that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee, volunteer or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2. The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to, any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3. Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4. The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5. No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6. The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7. The Borough Administrator shall establish a system to monitor compliance and shall report the results of the monitoring at least annually to the Mayor and Council.

Section 8. At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the Mayor and Council expressing the unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Leonias' web site.

Section 9. This resolution shall take effect immediately.

Section 10. A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

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**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_**

\_\_\_\_\_  
**FRAN LEHMANN, BOROUGH CLERK**

# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Pak						
Salmon						
Whitter						
De Simone						

#12 -121
DATE
Carried
Defeated
Tabled
Approved

**WHEREAS;** Mayor John DeSimone is authorized by The Borough Code to appoint members to serve on the Environmental Commission with the advice and consent of the Council and;

**WHEREAS;** a vacancy presently exists on the Leonia Environmental Commission;

**NOW, THEREFORE BE IT RESOLVED,** that Barbara Marchant is hereby appointed to the Environmental Commission for an unexpired term of one (1) year which will expire on December 31, 2012.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_**

\_\_\_\_\_  
**BOROUGH CLERK**

# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Pak						
Salmon						
Whitter						
De Simone						

#12 -122
DATE
Carried
Defeated
Tabled
Approved

WHEREAS; the Leonia PBA Police Department PBA Local #381's contract with Borough of Leonia expired December 31, 2011; and

WHEREAS, the Borough and PBA have reached an agreement on a contract effective January 1, 2012 through December 31, 2015;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council hereby accept and approve said contract and hereby authorize the Mayor to sign and the Borough Clerk to attest the agreement between the Borough and PBA Local #381.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_**

\_\_\_\_\_  
**BOROUGH CLERK**



# BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Knott						
Pak						
Salmon						
Whitter						
De Simone						

#12 -123
DATE
Carried
Defeated
Tabled
Approved

WHEREAS, the American Legion Post #1 has requested to hold their annual Memorial Day Parade; and

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council hereby approves their request to hold the Memorial Day Parade on Monday, May 28, 2012

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED  
BY THE MAYOR AND COUNCIL ON \_\_\_\_\_

\_\_\_\_\_  
BOROUGH CLERK

**BOROUGH OF LEONIA  
ORDINANCE NO. 04-12**

**AN ORDINANCE AMENDING ORDINANCE NO. 02-12, SALARIES,  
WAGES AND/OR COMPENSATION AND TO ESTABLISH SALARY & WAGE  
RANGES OF CERTAIN OFFICERS, EMPLOYEES AND PUBLIC SERVANTS  
OF THE BOROUGH OF LEONIA, IN THE COUNTY OF BERGEN AND STATE  
OF NEW JERSEY FOR THE YEAR BEGINNING JANUARY 1, 2012**

**SECTION 1. BOROUGH HALL** **SALARY RANGE**

A. <u>Non-Union Personnel</u>	<u>Minimum</u>	<u>Maximum</u>
Zoning Officer (pt)	\$5,000	\$14,370

**Explanatory Statement:**

The figures above for salaries and wages for non-union personnel represent ranges, but do not stipulate that employees are making these salaries.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2012

BY: \_\_\_\_\_  
*John DeSimone, Mayor*

*ATTEST:*

\_\_\_\_\_  
Fran Lehmann, Borough Clerk

**BOROUGH OF LEONIA  
ORDINANCE 05-12**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40a:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.40A:4-45.1 et. seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Mayor and Council of the Borough of Leonia in the County of Bergen finds it advisable and necessary o increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$98,823.46 in excess of the increase in the final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Governing Body herby determines that any amount authorized herein that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Leonia, in the County of Bergen, a majority of the full authorized membership of this governing Body affirmatively concurring, that , in the CY 2012 budget year, the final appropriations of the Borough of Leonia shall, in accordance with this ordinance and N.J.S.A 40A:4-45.14, be increased by 3.5% amounting to \$345,882.11, and that the CY2012 municipal budget for the Borough of Leonia be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days of such adoption.

ATTEST:

\_\_\_\_\_  
Fran Lehmann, Borough Clerk

\_\_\_\_\_  
Mayor, John DeSimone

Introduced: March 5, 2012

Adopted

**BOROUGH OF LEONIA  
ORDINANCE NO. 06-12**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 46 OF  
THE CODE OF THE BOROUGH OF LEONIA, ENTITLED "PERSONNEL  
POLICIES"**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Leonia,  
County of Bergen, State of New Jersey as Follows:

**46-6 Compliance with Americans with Disabilities Act**

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination, the Borough of Leonia does not discriminate based on disability. The Borough of Leonia will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendment Act.

It is the Policy of the Borough of Leonia to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Borough of Leonia.

The Borough Administrator shall engage in an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Borough Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough of Leonia to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting the Borough of Leonia facilities. Any questions concerning proper assistance should be directed to the Borough Administrator.

46-16 **Personnel files**

*Personnel Files shall be maintained in the office of the Borough Administrator with the exception of Police and Library employees, whose files shall be maintained by the Police Chief and Library Director respectively.*

The Borough Administrator in the capacity as the Borough's personnel officer is the custodian of all personnel records and by definition shall be allowed access to all personnel files, including Police and Library. Files shall contain written records of forms, orientation and intake forms, personnel evaluations, separation records, pay and attendance records and records of disciplinary actions that result in loss of pay.

Upon request, employees may inspect their own personnel files at a mutually agreeable time on the Borough of Leonia premises in the presence of the Borough Administrator or a designated supervisor. The employee will be entitled to see any records used to determine his or her qualifications for employment, promotion or wage increases and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

Personnel files do not contain confidential employee medical information. Any such information that the Borough of Leonia may obtain will be maintained in separate files and treated at all times as confidential information. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements.

The Borough of Leonia endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Borough of Leonia will release information contained in personnel or medical records to persons outside the Borough of Leonia. These circumstances include:

- In response to a valid subpoena, court order or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Borough of Leonia compliance with applicable law;
- To the Borough of Leonia agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Borough of Leonia are parties;
- In a workers' compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider;

- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting a verification of your employment as described in the following section titled, "Requests for Employment Verification and Reference Procedure."

It is the responsibility of each employee to notify the Borough Administrator promptly, in writing, of any changes of vital information including the following items:

Name  
 Address  
 Telephone number  
 Marital status  
 Dependent children  
 Change in status for health care programs  
 Change in status for dental coverage  
 Change of beneficiary on pension or life insurance policies  
 Change in tax status for tax withholding purposes

46-40 **E-Mail, Voice Mail, Computer and Internet Usage Policy**

The Borough of Leonia respects the individual privacy of its employees. However, e-mails, voicemail, Internet, Borough issued cellular devices and computer network are for official business, and use for non-business purposes is prohibited. All e-mail, voicemail and Internet messages are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act.

a. Management's Right to Access Information

E-mail, voicemail and computer network systems have been installed by the Borough of Leonia to facilitate business communications. The contents of the systems are accessible at all times by the Borough of Leonia. These systems should be treated like other shared filing systems.

E-mail and voicemail messages, to the extent these systems are utilized, are the Borough of Leonia records. The Borough of Leonia reserves the right to monitor, obtain, review and disclose all e-mail messages, computer files, voicemail and internet messages on the computer and communications systems of the Borough of Leonia deemed necessary and appropriate and without prior notice. By using the Borough of Leonia e-mail, computer systems, voicemail and the internet, each user agrees that the Borough of Leonia has unrestricted access and the right to disclose all information communicated or stored on the e-mail computer systems, voicemail and internet.

b. Care In Use of E-Mail, Voicemail, Internet and Computer Network Systems

Employees must exercise a greater degree of caution in transmitting the Borough of Leonia's confidential information on the e-mail, voicemail, Internet and computer network systems than they take with other means of communicating information, because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Please make sure that all addresses are appropriate recipients of the information to be distributed, via e-mail, voicemail, Internet, text message or other electronic forms of communication, especially when distributing information to a list of recipients.

Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies in off scenarios regarding any law enforcement related activities. Any photographs, images or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guideline or directive concerning storage release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisors as soon as practical. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scene, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with a personal or agency analog or digital device, camera, or cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the borough Administrator.

c. Personal Use of E-mail, Voicemail, Internet and Computer Network Systems

Because the Borough of Leonia provides e-mail, voicemail, internet, cell phones, and computer network systems to assist employees in performing their jobs, employees should use them for official business. The Borough of Leonia reserves the right to access and disclose as necessary all messages sent over its systems, without regard to content.

Since the contents of e-mail and voicemail may be accessed by the Borough of Leonia without prior notice to employees, and since the Borough of Leonia can monitor employees' use of its computer network systems, employees should not use any of the systems to transmit any messages they would not want to disclose to a third party. Employees that maintain personal web pages and web sites, including but not limited to Facebook, YouTube, Myspace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of the Borough of Leonia if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site be grounds for the imposition of disciplinary action against the employee of



the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of the Borough of Leonia. Moreover, employees should not use these systems for soliciting or proselytizing others for commercial ventures, religious or personal causes, outside organizations or other similar, non-job-related solicitations.

d. Forbidden Content of E-Mail, Voicemail, Internet and Computer Network Systems Communications

Employees may not use the e-mail, voicemail, internet computer network systems, or Borough Issued Cell Phone or any other Borough issued electronic device in any way that may be seen as insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons or as harmful to morale. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to other based on thin actual or perceived sex, sexual orientation, gender identity, transgender, race color, national origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by Federal, State, or local law, ordinance or regulation.

Violations of the Borough of Leonia's policy of the use of e-mail, voicemail, internet, complete network systems and Borough issued phone or any other Borough issued electronic device will subject the employee to discipline, up to and including immediate termination.

e. Unauthorized Access

Employees are prohibited from the unauthorized use of the password(s) of other employees to gain access to another employee's messages in the e-mail, voicemail, internet or computer network systems including but not limited to all secured access software that employees may have access to.

This ordinance shall become effective upon adoption according to law.

ATTEST:

\_\_\_\_\_  
Frances Lehmann, Borough Clerk

\_\_\_\_\_  
Mayor John DeSimone

Introduced: \_\_\_\_\_ Adopted: \_\_\_\_\_

**BOROUGH OF LEONIA  
ORDINANCE 07-02**

**AN ORDINANCE TO CREATE** a new Chapter 64 of the Code of the Borough of Leonia titled "Volunteer Coaches."

**BE IT ORDAINED** by the Mayor and Council of the Borough of Leonia as follows:

Section 1. A new chapter 64 of the Code of the Borough of Leonia titled "Volunteer Coaches" is hereby created to read as follows:

**Chapter 64 - Volunteer Coaches**

**Leonia Recreation Background Screening Policy**

**I. Purpose**

It is the intent of this policy to establish certain guidelines wherein the Leonia Recreation Department (hereinafter referred to as "the Department") can seek to protect the children of the Borough of Leonia by investigating the background of coaches/volunteers/employees who will be coaching/working/volunteering in sanctioned athletic, recreation, Borough programs.

**II. General Guidelines**

1. All recreation sports shall ensure that all participants 18 years of age or younger shall have at least one (1) approved coach or assistant coach (hereinafter collectively referred to as "Coach") present at each athletic activity, including practices, games and meetings.

2. Any person who has been convicted of or has a pending charges pertaining to any of the disqualifying offenses listed in this policy will be immediately disqualified from coaching/working/volunteering (either head or assistant) in any sanctioned program approved by the department. A coach/employee/volunteer who willfully fails to comply with this background screening shall be automatically disqualified.

3. All sports will have one head coach and up to three assistant coaches processed for approval. Each coach/employee/volunteer will have his or her background checked every 12 months for as long as he or she continues coaching/working.

**III. Screening Process**

The Department's Staff will establish deadlines by which the Volunteer in Youth Sports Consent/Release Forms are due back to

the Department. These deadlines will be at least two weeks prior to the start of practices for each sport or beginning program. This will give the Department time to compile and process the forms, and to conduct the background checks. After the background check, the results of the background check will be forwarded to the Superintendent of Recreation and/or Borough Administrator. The Superintendent will then advise the Department of any coaches/employees/volunteers who are disqualified. All information pertaining to the background check will remain with the Superintendent of Recreation and/or Borough Administrator, subject to the applicable laws requiring disclosure. The Recreation Department will not be informed of the results of any background check; rather, the Recreation Department will only be told that a coach/volunteer/employee is disqualified.

If any of the disqualifying entries are reported in the criminal background check, the Department shall notify by certified mail the coach/employee/volunteer that he or she is disqualified. If a coach/volunteer/employee requests the results of their background check, the Superintendent shall send a copy of the background check to the individual. The Recreation Department will send an acknowledgement for that the Coach must sign and return to the Department.

#### **IV. Confidentiality**

To help ensure confidentiality, league other recreation personnel and the Department shall not be notified of an individual's criminal history. The criminal background reports shall be kept in secure location for a period as required by applicable law or, the person is no longer a volunteer/coach/employee, whichever is later.

#### **V. Appeals Process**

If an individual's background check includes a conviction of a charge that is set forth on the list of disqualifiers below, the Department shall immediately disqualify a person from volunteering as a coach/volunteer. There shall be no appeal of a decision to disqualify a coach/volunteer if the person's relevant criminal history is accurate.

If an individual wishes to dispute the content of the profile report, the person shall contact the third party responsible for conducting the background check by calling the telephone number listed on the report. The person is responsible for providing any or all documentation to support his or her claim. If the circumstances change regarding the disqualified coach/volunteer/employee, they must request in writing for a new criminal history back search.

**VI. Disqualifying Offenses.**

Any person will be disqualified from coaching or assistant coaching with any athletic team in any athletic program approved by the Parks, Recreation, and Tourism Department if the coach has been (1) found guilty or entered a guilty plea regardless of the adjudication for any of the disqualifying offense (2) has a charge pending against him or her in which it is alleged that he or she has committed any of the following crimes or (3) has a record of a conviction of an equivalent offense in another state.

a. A person shall be disqualified from serving as an employee or volunteer of a nonprofit youth serving organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

1. In New Jersey, any crime or disorderly persons offense:

(a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq., or N.J.S.A. 2C:15-1 et seq.;

(b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:1.4-1 et seq.;

(c) Involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes;

(d) Involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (A) of subsection a. of N.J.S.A. 2C:35-10.

2. In any other state of jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph a.1 of this subsection.

**VII. Process Summary.**

1. The Department provides Background Screening Policy and Volunteer Consent/Release forms for all coaches/volunteers/employees to fill out.

2. Individuals retain policy for his or her records, complete form, and returns to Recreation Department by email, fax, or mail one week prior to practice.

3. The Department sends forms to third party contractor to perform background checks.

4. Third party contractor sends results of background checks to Superintendent of Recreation and/or Borough Administrator/

5. Superintendent of Recreation will notify the Department of any disqualified individuals.

6. The Department notifies coach/volunteer/employee of their disqualification.

**Section 2.** If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**Section 3.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect upon final passage and publication according to law.

Attest:

Approved:

\_\_\_\_\_  
Fran Lehmann,  
Borough Clerk

\_\_\_\_\_  
John DeSimone,  
Mayor

Introduced: , 2012  
Adopted: , 2012

BOROUGH OF LEONIA  
ORDINANCE 08-12

AN ORDINANCE AMENDING Chapter 123 of the Code of the Borough of Leonia titled "Fees."

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

**Section 1.** The Code of the Borough of Leonia is hereby amended by amending Ordinance 123-23.1 titled "Swimming pools" to read as follows:

**§123-23.1 - Swimming pools.**

A. Pool membership fees.

(1) Pool membership fees are as follows:

Category	Discount Fee Period March 1 to April 30	Regular Session Fee After Fee April 30	Sponsored Nonresident (100 ) (maximum)
Senior individual	\$160	\$230	Not available
Senior couple	\$285	\$355	Not available
Individual	\$180	\$230	\$350
Two persons	\$305	\$355	\$475
Three persons	\$410	\$460	\$575
Four persons	\$490	\$540	\$650
Five or more persons	\$525	\$575	\$675
Caregiver's pass	\$90	\$170	\$200

NO REFUNDS WILL BE GIVEN AFTER MAY 26, 2012, Opening Day

(2) All those showing documentation as a member of the Leonia Emergency Personnel will receive a discount of 25% on the above categories.

(3) Edgewater residents with children enrolled at the Edgewater Elementary School, EVG, for the 2011-2012 school year shall be eligible to join the Leonia Swim Club at the resident rates listed above.

**Section 2.** If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**BOROUGH OF LEONIA  
ORDINANCE09-12**

**AN ORDINANCE AMENDING** Chapter 123 of the Code of the Borough of Leonia titled "Fees."

**BE IT ORDAINED** by the Mayor and Council of the Borough of Leonia as follows:

**Section 1.** The Code of the Borough of Leonia is hereby amended by the creation of Ordinance 123-24 titled "Recreation Camps" to read as follows:

**§123-24 - Recreation Camps.**

(1)	<b>Discount Fee Period March 1st through March 31st</b>	<b>Regular Fee Period April 1st through April 30th</b>	<b>Non-Resident Fee</b>
<b>WITH TRIP REGISTRATION</b>	\$450	\$500	\$600
<b>NO TRIP REGISTRATION</b>	\$350	\$400	\$500

(2) Edgewater residents with children enrolled at the Edgewater Elementary School, EVG, for the 2011-2012 school year shall be eligible to register their children for the Leonia Summer Camp at the Leonia resident rates listed above.

**Section 2.** If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**Section 3.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect upon final passage and publication according to law.

Attest:

Approved:

\_\_\_\_\_  
Fran Lehmann,  
Borough Clerk

\_\_\_\_\_  
John DeSimone,  
Mayor

Introduced:

, 2012

Adopted:

, 2012