

***MAYOR AND COUNCIL
SPECIAL CLOSED SESSION
BOROUGH HALL ANNEX
March 19, 2012
7:00pm***

1. **FLAG SALUTE**

2. **ROLL CALL** Mayor De Simone, Councilpersons, Knott, Choi, Hawkins, Pak, Salmon, Whitter, Brian Giblin, Borough Attorney, Jack Terhune, Borough Administrator, Fran Lehmann, Borough Clerk, Lynn Hemmer, Deputy Borough Clerk

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. **SPECIAL CLOSED SESSION**
Zeigler v M. Heveran et al

5. **ADJOURN**

**MAYOR AND COUNCIL
WORK SESSION/REGULAR MEETING
BOROUGH HALL ANNEX
March 19, 2012
7:30pm**

1. **FLAG SALUTE**

2. **ROLL CALL** Mayor De Simone, Councilpersons, Knott, Choi, Hawkins, Pak, Salmon, Whitter, Brian Giblin, Borough Attorney, Jack Terhune, Borough Administrator, Fran Lehmann, Borough Clerk, Lynn Hemmer, Deputy Borough Clerk

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. **PRESENTATION**

5. **APPOINTMENTS**

6. **COMMENTS FROM THE PUBLIC (Agenda items only)**

7. **APPROVAL OF MINUTES**

Council Meeting	March 5, 2012
Closed Session	March 5, 2012

8. **RESOLUTIONS**

12-124 Authorizing Self-Examination of the 2012 Municipal Budget

12-125 Appointing Mayors' Youth Advisory Committee

12-126 Authorizing Raffle License 03-2012 for St. John's Home and School for an Off-Premise Draw Raffle

12-127 Authorizing Tax Appeal Settlement

12-128- Authorizing the Treasurer to Pay Claims against the 2011 Budget Reserves and the 2012 Temporary Municipal Budget

12-129 Awarding the Bid for Pest Control in Borough Buildings

12-130 Awarding Bid for Elevator Maintenance

12-131 Awarding the Bid for Janitorial Services

A motion was made by Councilperson _____ seconded by Councilperson _____ to approve Resolutions

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

9. **REPORTS**

Standing Committees

Finance Administration & Personnel
Laws & Ordinances
Police
Fire
Ambulance
Public Works
Borough Administrator
Mayor
Special Bodies

10- **INTRODUCTION OF ORDINANCE**

11 **ADOPTION OF ORDINANCE**

Adoption 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)**

**Borough Clerk Read by Title
Public Hearing**

A motion was made by Councilperson ___ Seconded by
Councilperson _____ to approve on final reading Ordinance 05-12

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

Adoption of Ordinance 06-12 entitled:

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

**Borough Clerk Read by Title
Public Hearing**

A motion was made by Councilperson ___ Seconded by
Councilperson _____ to approve on final reading Ordinance 06-12

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

Adoption of Ordinance 07-12 entitled:

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

Borough Clerk Read by Title

Public Hearing

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

**Adoption of Ordinance 08-12 entitled:
AN ORDINANCE AMENDING CHAPTER 123 OF THE CODE OF
THE BOROUGH OF LEONIA TITLED "FEES."**

**Borough Clerk Read by Title
Public Hearing**

A motion was made by Councilperson ___ Seconded by
Councilperson _____ to approve on final reading Ordinance 08-12

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

**Introduction of Ordinance 09-12 entitled:
AN ORDINANCE AMENDING CHAPTER 123 OF THE CODE OF
THE BOROUGH OF LEONIA TITLED "FEES."**

**Borough Clerk Read by Title
Public Hearing**

A motion was made by Councilperson ___ Seconded by
Councilperson _____ to approve on final reading Ordinance 0912

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

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a) County Fair in October (Council President Knott)

14. COMMENTS FROM THE PUBLIC (Agenda and Non-Agenda items)

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

15. CORRESPONDENCE

16. CLOSED SESSION (E)

16. ADJOURNMENT (10:00pm unless motion to extend)

FORMAL ACTION ON ANY BOROUGH BUSINESS MAY BE TAKEN

BOROUGH OF LEONIA RESOLUTION

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

#12 -124
DATE
Carried
Defeated
Tabled
Approved

SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7.2 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5 the Borough of Leonia has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Services has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Leonia that in accordance with N.J.A.C. 5:30-7.6a&7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget meets the following requirements:

1. That the reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of the preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserved and non-disbursement items
 - f. Any inclusion of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A4-52 and appropriations for exceptions to limits on appropriations found at N.J.S.A.

40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

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

12-125

DATE: _____, 2012

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

WHEREAS; Mayor John DeSimone is authorized to create Advisory Committees as necessary and;

WHEREAS; Mayor John DeSimone wishes to appoint members to serve on the Mayor's Youth Advisory Council and;

NOW, THEREFORE BE IT RESOLVED, that the following persons are hereby appointed to the Mayor's Youth Advisory Council for a term of one (1) year which will expire on December 31, 2012.

Rupert Aranda	Ryan Farfan
Monica Gonzalez-Curci	Dylan Gonzalez
Danilo Lavia	Emily McCartney-Leap
Shane Riordan	Lindsay Russell
Emily Sullivan	

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

..... BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

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

#12 -126
DATE
Carried
Defeated
Tabled
Approved

NOW, THEREFORE BE IT RESOLVED, the Off-Premise Draw Raffle, license #03-2012 for St. Johns' Home and School Association is hereby approved.

**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 -127
DATE
Carried
Defeated
Tabled
Approved

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Leonia that the collector shall be and is hereby authorized to issue a check in the amount of \$51,884.88 payable to "Leonias Associates, LLC" as a result of a Tax Court Judgment for the years 2009, 2010, and 2011, dated January 31, 2012 on property known as Block 305, Lot 2, 2 Christie Heights Street.

**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 - 128
DATE
Carried
Defeated
Tabled
Approved

RESOLVED: that the Mayor and Council hereby authorize the Treasurer to pay the following claims and charge the 2012 Temporary and/or Reserve Budget

Current Fund	1-01	555.09
Current Fund	2-01	2,199,817.41
Swim Pool Fund	2-05	20,249.18
Capital Fund	C-04	1,988,562.00
Grant Fund	G-01	6,187.76
Developers Escrow Trust	T-13	250.00
Recreation Activities Trust	T-20	19,404.79
Animal Trust	T-25	328.20
	Total	\$ 4,235,354.43

Claims Resolution 3/19/12

**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 -129
DATE
Carried
Defeated
Tabled
Approved

WHEREAS, the Borough of Leonia advertised for and received proposals for Pest Control for Borough Facilities; and

WHEREAS, proposals were received and opened and Tri-County Termite and Pest Control, 189 Delaware Avenue, Carneys Point, NJ 08069 was the lowest bidder; and

WHEREAS, the Borough hereby awards a one year contract to Tri-County Termite and Pest Control with an option to renew the agreement in the amount of \$2,895.00; and

WHEREAS, the CFO has certified that funds are available in the 2012 Municipal Budget;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council that the agreement for pest control be and is hereby awarded to Tri-County Termite and Pest Control for one year with an option to renew in the amount of \$2,895.00 and the Mayor is hereby authorized to sign and the Borough Clerk to attest to the agreement.

**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 -130
DATE
Carried
Defeated
Tabled
Approved

WHEREAS, the Borough advertised and received proposals for Elevator Service and Maintenance; and

WHEREAS, proposals were received and opened and Statewide Elevator LLC, 1 Ridge Road, Succasunna, NJ 07876, was the lowest bidder; and

WHEREAS, the Borough hereby awards a one year contract to Statewide Elevator, LLC, in the amount of \$1,380.00 with an option to renew the agreement; and

WHEREAS, the CFO has certified that the funds are available in the 2012 Municipal; Budget;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the agreement for maintenance and service be and is hereby awarded to Statewide Elevator, LLC for a one year contract in the amount of \$1,380.00 with an option to renew the contract and the Mayor is hereby authorized to sign and the Borough Clerk to attest to the agreement

**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 - 131
DATE
Carried
Defeated
Tabled
Approved

This resolution will be brought to the Meeting
on Monday, March 19, 2012

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

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 devise, 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 polices 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 pr 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:14-1 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.

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 09-12

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)	Discount Regular Fee Period	Non-Resident Fee Period	March 31st	Through April 30th
WITH TRIP REGISTRATION	\$450	\$500	\$600	
NO TRIP REGISTRATION	\$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