

**MAYOR AND COUNCIL
WORK SESSION/REGULAR MEETING
BOROUGH HALL ANNEX
April 16, 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 April 2, 2012

8. **RESOLUTIONS**

- 12-146** Authorizing the Treasurer to Pay Claims against the 2011 Budget Reserves and the 2012 Municipal Budget
12- 147 Authorizing Escrow Fund Balance Refund Block 8-3, Lot 8
12-148 Authorizing Escrow Fund Balance Refund Block 1216, Lot 8
12-149 Accepting the Proposal from Birdsall Services and Authorizing the Engineer to advertise and prepare the Specifications for the Improvements to Oakdene Avenue.

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

Introduction of Ordinance 11-12 entitled:

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT IN, BY AND FOR THE BOROUGH OF LEONIA, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$618,550 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

A motion was made by Councilperson _____ seconded by Councilperson _____ to approve on first Reading Ordinance 11-12

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

11 ADOPTION OF ORDINANCE

Adoption of Ordinance 10-12 entitled:

**AN ORDINANCE AMENDING CHAPTER 49 OF THE CODE OF THE BOROUGH OF LEONIA, COUNTY OF BERGEN, ENTITLED "POLICE"
Public Hearing**

A motion was made by Councilperson _____ seconded by Councilperson _____ to approve on final Reading Ordinance 10-12

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

12. UNFINISHED BUSINESS

13 NEW BUSINESS

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)

17. 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						

#12-146
DATE 4-16-2012
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	110,167.46
Current Fund	2-01	2,865,536.16
Swim Pool Fund	2-05	7,559.87
Capital Fund	C-04	76,166.97
Grant Fund	G-01	550.00
Dedicated Trust	T-03	100.00
Developers Escrow Trust	T-13	5,292.50
Unemployment Trust	T16	33.91
Recreation Activities Trust	T-20	31,355.68
Municipal Drug Alliance Trust	T-23	200.00
Recycling Trust	T-24	1,113.99
Animal Trust	T-25	113.40
	Total	\$ 3,098,189.94

Claims Resolution 4/16/12

**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						
Salmon						
Whitter						
Pak						
De Simone						

#12-147
DATE
Carried
Defeated
Tabled
Approved

WHEREAS, Mark D. Spiegel did supply on October 7, 2010 funds for a developer escrow deposit in the amount of \$1,300.00 in connection construction at 122 Wood Terrace, Blk 803, Lot 8, and

WHEREAS, Mr. Spiegel has completed his business with the Borough and has requested that the balance in his escrow account be refunded to him, and

WHERE AS, all professionals have been contacted to verify that there will be no further billing for this property.

NOW, THEREFORE, BE IT RESOLVED, that Mr. Spiegel's escrow account balance of \$1,050.00 may be refunded.

**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 - <i>LCR</i>
DATE
Carried
Defeated
Tabled
Approved

WHEREAS, William J. Higgins did supply on April 8, 2008 funds for a developer escrow deposit in the amount of \$1,300.00 in connection to construction at 140 Christie Street, Block 1216, Lot 8, and

WHEREAS, Mr. Higgins has completed his business with the Borough and has requested that the balance in his escrow account be refunded to him, and

WHERE AS, all professionals have been contacted to verify that there will be no further billing for this property.

NOW, THEREFORE, BE IT RESOLVED, that Mr. Higgins's escrow account balance of \$1,000 may be refunded.

**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
Knott						
Choi						
Hawkins						
Pak						
Salmon						
Whitter						
De Simone						

#12 - 149
DATE
Carried
Defeated
Tabled
Approved

WHEREAS, the Borough of Leonia was awarded a 2012 NJDOT Grant for Oakdene Avenue Repairs; and

WHEREAS, Birdsall Services Group has submitted a proposal (attached) for the Engineering Services to be performed according to the Proposal; and

WHEREAS, the Mayor and Council of the Borough of Leonia hereby accepts the proposal from Birdsall Services Group and authorizes the Borough Engineer to prepare and advertise bids; 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 of the Borough of Leonia that the proposal for said improvements to Oakdene Avenue is hereby accepted and the Borough Engineer is hereby authorized to prepare and advertise for bids for the Repairs to Oakdene Avenue.

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

BOROUGH CLERK

**Ordinance # 10-12
BOROUGH OF LEONIA
COUNTY OF BERGEN**

**AN ORDINANCE AMENDING CHAPTER 49 OF THE CODE OF THE BOROUGH OF
LEONIA, COUNTY OF BERGEN, ENTITLED "POLICE"**

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

Section 1. Chapter 49 of the Code of the Borough of Leonia entitled "Police" be and the same is hereby amended;

49. 11-A EMPLOYMENT OF POLICE OFFICERS FOR "EXTRA-DUTY"

- A.** WHEREAS, it shall be understood that all applicants requesting employment of Police Offers for "extra-duty" shall be responsible for the costs of a Police Officer's employment at the established hourly rate of seventy-five (\$75.00) plus twenty-five dollars (\$25.00) as an administrative surcharge, (to cover the costs, including but not limited to, medical insurance, workmen's compensation, disability insurance, vehicle depreciation, etc.). The total cost per hour to the requesting applicant/contractor shall be one-hundred dollars (\$100.00) per hour. The minimum employment time for each Officer shall total a minimum of four (4) hours, consistent with contractual terms and agreements. A cancellation of any assignment by said applicant within a twenty-four (24) - hour period shall result in payment costs representing four (4) hours pay at the rate established herein. If any assignment is cancelled after an Officer(s) arrives at the location of the assignment, that Officer(s) is entitled to four (4) hours' pay at the hourly rate. This cancellation policy shall include the administrative surcharge and the amount owed the Borough shall be one-hundred dollars (\$100.00) per hour.

Section 2. INCONSISTENCIES AND CONFLICT

All Ordinances and parts of Ordinances, and Resolutions insofar as they are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

Section 3. UNCONSTITUTIONAL AND INVALID

If any section or clause, or phase, of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining provisions of the Ordinance. The Governing Body of the Borough of Leonia declares that it would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. EFFECTIVE DATE

4/12/2012

This Ordinance shall take effect on the earliest date allowed by law following first passage, adoption and publication.

ATTEST:

Adopted ____ day of ____ 2012

Fran Lehmann, Borough Clerk

John DeSimone, Mayor

4/12/2012

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BOROUGH OF LEONIA
ORDINANCE 11-12

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT IN, BY AND FOR THE BOROUGH OF LEONIA, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$618,550 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of Leonia, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Leonia, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery and new communication and signal systems equipment in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefore.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the various grants and the down payment appropriated, by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the various grants hereinafter appropriated, and (3) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (4) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Reconstruction of Oakdene Avenue (from Grand Avenue to Broad Avenue), including sewer improvements. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, additional roads may be improved. It is hereby determined and stated that said road to be improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$293,000
State Grant Appropriated	\$146,500
Down Payment Appropriated	\$ 7,000
Bonds and Notes Authorized	\$139,500
Period of Usefulness	10 years

B. Undertaking of improvements to various Borough buildings. It is hereby determined and stated that the public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$130,000
Down Payment Appropriated	\$ 6,200
Bonds and Notes Authorized	\$123,800
Period of Usefulness	15 years

C. Acquisition of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of the Fire Department consisting of (i) turnout gear, (ii) bail-out systems and harnesses, (iii) pagers and (iv) mobile radios.

Appropriation and Estimated Cost	\$ 27,700
Down Payment Appropriated	\$ 1,330
Bonds and Notes Authorized	\$ 26,370
Period of Usefulness	5 years

D. Undertaking the following recreation improvement: installation of playground safety surfacing at Wood Park.

Appropriation and Estimated Cost	\$151,500
County Grant Appropriated	\$ 58,250
Down Payment Appropriated	\$ 4,445
Bonds and Notes Authorized	\$ 88,805
Period of Usefulness	15 years

E. Undertaking Borough-wide shade tree addition or replacement.

Appropriation and Estimated Cost	\$ 10,000
Down Payment Appropriated	\$ 500
Bonds and Notes Authorized	\$ 9,500
Period of Usefulness	15 years

F. Undertaking of the following improvements to the Public Library: (i) replacement of the tile flooring in the Meeting Room; and (ii) improvement to the building access ramp.

Appropriation and Estimated Cost	\$ 6,350
Down Payment Appropriated	\$ 400
Bonds and Notes Authorized	\$ 5,950
Period of Usefulness	10 years
Aggregate Appropriation and Estimated Cost	\$618,550
Aggregate Grants Appropriated	\$204,750
Aggregate Down Payment Appropriated	\$ 19,875
Aggregate Amount of Bonds and Notes Authorized	\$393,925

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$133,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. The sum of \$146,500 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of the improvement of Oakdene Avenue authorized in Section 4.A hereof.

Section 7. The sum of \$58,250 received or to be received as a grant from the County of Bergen Open Space, Recreation, Farmland and Historic Preservation Trust Fund is hereby appropriated to the payment of the cost of the improvement of Wood Park authorized in Section 4.D hereof.

Section 8. It is hereby determined and stated that moneys exceeding \$19,875, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$19,875 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 9. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$393,925 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as

may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 10. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$393,925 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 11. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 12. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 12.48 years computed from the date of said bonds.

Section 13. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$393,925 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 14. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the various grants hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment

of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 15. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 16. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 17. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 18. This ordinance shall take effect twenty days after the first publication thereof after final passage.

ATTEST:

Fran Lehmann, Borough Clerk

John De Simone, Mayor