

**MAYOR AND COUNCIL
WORK SESSION/REGULAR MEETING
BOROUGH HALL ANNEX
MARCH 15, 2010 7:30PM**

1. **FLAG SALUTE**

2. **ROLL CALL** Mayor Heveran (), Councilpersons, Norgaard (), Brennan (), Choi (), Hawkins (), Knott (), Raucci (), Borough Attorney Giblin (), Borough Administrator Terhune (), Deputy 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. **COMMENTS FROM THE PUBLIC**

Limited to two (2) minutes per speaker (20 – minute duration)

5. **APPOINTMENTS**

6. **PRESENTATIONS**

Jitney Buses – Police Chief Ziegler

7. **APPROVAL OF MINUTES**

None

8. **INTRODUCTION OF ORDINANCES**

02-10 - Municipal Budget COLA increase Ordinance to Establish a CAP Bank

03-10 - An Ordinance to Amend Ordinance Number 11-06 and to establish the position of Traffic Enforcement Officer and to set the salary range thereof

9. **RESOLUTIONS**

- 10-123 Authorizing the Treasurer to pay claims against the 2010 Temporary Budget and/or the 2009 Appropriation Reserves
- 10-124 Authorizing of the Ratifying Resolution to pay claims against the 2010 Temporary Budget and/or 2009 Appropriation Reserves
- 10-125 Authorizing an Escrow Agreement between the Council on Affordable Housing and The Provident Bank for the COAH Housing Trust Fund
- 10-126 Authorizing the submission of the Recycling Tonnage Grant application by Recycling Coordinator Al Martone
- 10-127 Authorizing a recycling tax per ton on all solid waste accepted for disposal or transfer at the solid waste facility
- 10-128 Authorizing the refund of a Developer Escrow Deposit
- 10-129 Authorizing a Leave of Absence
- 10-130 Authorizing a refund of a Tax Court Judgment
- 10-131 Authorizing 2010 Budget Self Examination
- 10-132 2010 Municipal Budget Introduction
- 10-133 Authorizing the advertisement for fire truck bids

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

ROLL CALL Councilpersons Norgaard (), Brennan (), Choi (), Hawkins (), Knott (), Raucci ()

10. **REPORTS**

Standing Committee

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

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

Review of Stand-By Duty (Councilman Raucci)

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**

Yamoto (Borough Attorney Brian Giblin)

ADJOURNMENT (10 P.M. unless motion to extend)

FORMAL ACTION ON ANY BOROUGH BUSINESS MAY BE TAKEN

2010 BUDGET CAP COST OF LIVING ADJUSTMENT ORDINANCE

ORDINANCE# 02-10

DATE: 03-15-2010

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 2.5% 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 to increase its CY 2010 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 \$328,872.83 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determine 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.

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 2010 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 \$ 328,872.83, and that the CY 2010 municipal budget for the Borough of Leonia be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any 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 after such adoption.

BOROUGH OF LEONIA

ORDINANCE 03-10

AN ORDINANCE TO AMEND ORDINANCE NUMBER 11-06 AND TO ESTABLISH THE POSITION OF TRAFFIC ENFORCEMENT OFFICER AND TO SET THE SALARY RANGE THEREOF.

Be it ordained by the Mayor and Council of the Borough of Leonia as follows:

Section 1. – Ordinance #11-06 is hereby amended by the addition of the following position under Section 3, paragraph (A) – Police Department - Non-Union Personnel:

TRAFFIC ENFORCEMENT OFFICER – Salary Range from \$15.00 per hour to \$20.00 per hour and not to exceed (20) hours in any given work week. The Job Description for this position is as described in the attachment or as may be amended from time to time by the Chief of Police.

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 thereof inconsistent with this Ordinance as 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

Mary Heveran
Mayor

Introduced: ,2010

Adopted: ,2010

BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Brennan						
Choi						
Hawkins						
Knott						
Norgaard						
Raucci						
Heveran						

10 - 123

DATE: March 15, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

RESOLVED: that the Mayor and Council hereby authorize the Treasurer to pay the following claims against the 2010 temporary Budget and/or the 2009 Appropriations Reserves.

		<u>2010</u>
Current 2010	0-01	65,545.25
Current 2009	9-01	16,560.78
Swim Pool 2010	0-05	1,540.95
Swim Pool 2009	9-05	133.92
Capital	C-04	-
Grant Fund Appropriated	G-01	-
Trust Dedicated	T-03	-
Developers Escrow	T-13	-
Unemployment Compensation	T-16	-
Recreation Activities	T-20	6,371.89
Municipal Drug Alliance	T-23	-
Recycling Trust	T-24	-
Animal Control	T-25	1.20
	Total	<u>\$ 90,153.99</u>

Claims Resolution 03/15/10

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2010

..... BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Brennan						
Choi						
Hawkins						
Knott						
Norgaard						
Raucci						
Heveran						

10-124

DATE: March 15, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

RESOLVED, that the Mayor and Council hereby ratify the authorization of the Treasurer to pay the following claims and charge the 2010 Temporary Budget and/or Reserve Budget.

Borough of Leonia	Current Fund Payroll (03/12/2010)	215,278.08
Borough of Leonia	Current Fund Social Security (03/12/2010)	11,831.86
Borough of Leonia Swim Pool	Swim Pool Payroll (03/12/2010)	2,679.17
Borough of Leonia Swim Pool	Swim Pool Social Security (03/12/2010)	204.96
Recreation Activities Trust	Rec Trust Payroll (03/12/2010)	4,318.89
Recycling Trust	Recycling Trust Payroll (03/12/2010)	2,270.70
Leonia Board of Education	Current Fund-February	419,711.40
Orcard Holdings, LLC	Current Fund-March	1,931.94
Woodforest National Bank	Recreation Trust-C.C. Fees	164.91
Woodforest National Bank	Swim Pool Utility-C.C. Fees	29.85
TOTAL		658,421.76

March 15, 2010 Council Meeting

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON March 15, 2010**

BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Norgaard						
Puzzo						
Raspa-Gore						
Raucci						
Heveran						

10 - 125

DATE: March 15, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

NOTE: *In order for COAH to execute a three-party escrow agreement, the municipality must submit three copies of the agreement, all with original signatures from the municipal representative and the bank representative.*

This Escrow Agreement made this ____ day of March, 2010, by and between the Council on Affordable Housing (COAH) and Borough of Leonia and The Provident Bank (the Bank).

WHEREAS, a municipality may impose, collect and spend development fees and establish an affordable housing trust fund that includes, development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Leonia's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

WHEREAS, on May 30, 2002 COAH approved the Borough of Leonia Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and P.L.2008, c.46 (C. 52:27D-329.1 et al) and requiring that funds shall only be applied directly toward implementation of the Borough of Leonia's COAH-certified Fair Share Plan or Court Judgment of Compliance; and

WHEREAS, on May 30, 2002 the governing body of the Borough of Leonia adopted Ordinance No. *06-02*, the Development Fee Ordinance of the Borough of Leonia, amending the Municipal Code; and

WHEREAS, on July 9, 2002 COAH approved the Borough of Leonia Spending Plan establishing standards for the expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with The Borough of Leonia's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Leonia's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:97-8.7-8.9; and

WHEREAS, COAH's approval of the Development Fee Ordinance further requires the Borough of Leonia, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:97-8.2(a) to enable COAH to monitor disbursement of collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Leonia's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and to direct the forfeiture of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:97-8.13(a), the spending plan approved by COAH, and P.L.2008, c.46 (C. 52:27D-329.1 et al); and

WHEREAS, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance, approved spending plan, and P.L.2008, c.46 (C. 52:27D-329.1 et al), COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval and direct the transfer of funds including future collection of non-residential development fees to the New Jersey Affordable Housing Trust Fund.

NOW THEREFORE, COAH, the Borough of Leonia and the Bank agree as follows:

1. **Designation of Escrow Agent**
COAH and the Borough of Leonia hereby designate The Provident Bank (the Bank) as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Leonia's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. collected by the Borough of Leonia, (b) holding such sums in the escrow account hereinafter described, and (c) disbursing the monies upon the direction of the CFO of the Borough of Leonia consistent with the spending plan approved by COAH.
2. **Escrow Account**
The Borough of Leonia shall deposit all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Leonia's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as the COAH Development Trust (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Leonia's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. received from the Borough of Leonia. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by the Borough of Leonia or any other party, (b) any other obligation owed to the escrow agent by the Borough of Leonia or any other party, or (c) any claim which the escrow agent may have against the Borough of Leonia or any other party.
3. **Application of Amounts on Deposit**
The funds in the Account shall only be used for eligible affordable housing activities of the Borough of Leonia as set forth in a spending plan approved by COAH. The Bank shall

disburse funds in the Account upon the direction of the CFO of the Borough of Leonia, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Forfeiture of Funds to the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320)
COAH shall have the authority to halt disbursements by the Borough of Leonia from the Account upon written notice to the Bank and to direct all remaining funds to the New Jersey Affordable Housing Trust Fund. COAH shall have such authority if it determines, after notice to the Borough of Leonia, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:97-8.13(a), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by the Borough of Leonia until further written notice from COAH. The Bank shall allow the transfer of funds by COAH to the New Jersey Affordable Housing Trust Fund on behalf of the Borough of Leonia. COAH shall provide the Borough of Leonia municipal clerk and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:97-8.13(a) occur, COAH shall be authorized on behalf of the Borough of Leonia and consistent with its rules and P.L.2008, c.46 (C. 52:27D-329.1 et al), to transfer all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Leonia's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq., to the New Jersey Affordable Housing Trust Fund :

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
- b. Failure to address COAH's conditions for approval of a plan to spend development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Leonia's affordable housing program within the deadlines imposed by COAH;
- c. Failure to address COAH's conditions for substantive certification within deadlines imposed by COAH;
- d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:97-8.12(a) within the time limits imposed by COAH;
- e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan, including the requirement to spend the remaining trust

fund balance pursuant to N.J.A.C. 5:97-8.10(a)8 and collected fees pursuant to P.L.2008, c.46 (C.52:27D-329.2(8.d) & C.52:27D-329.3(9.b)) within four years;

- f. Expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Leonia's affordable housing program on activities not permitted by COAH;
- g. Revocation of certification; or
- h. Other good cause demonstrating that the revenues are not being used for the approved purpose.

5. Standard of Care; Indemnification

The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. The Borough of Leonia shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.

6. Records and Accounts

The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and the Borough of Leonia, or their respective designees, at any reasonable time. The Borough of Leonia shall provide COAH with reports on a quarterly basis, which set forth the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.

7. Notices

All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

- a. If to COAH: New Jersey Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813
- b. If to Municipality: Municipal Clerk and Chief Financial Officer
312 Broad Ave
Leonia, NJ 07605

- c. If to Bank: The Provident Bank
320 - 322 Broad Avenue
Leonia, NJ 07605

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act, P.L.2008, c.46 (C. 52:27D-329.1 et al) and the rules of COAH set forth at N.J.A.C. 5:97-8.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date set forth above.

Date

Myrna Becker, on behalf of the Borough of Leonia

Date

on behalf of the New Jersey Council
on Affordable Housing (COAH)

Date

Nora Petrucci, on behalf of The Provident Bank

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2010**

..... **BOROUGH CLERK**

BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
Brennan						
Choi						
Hawkins						
Knott						
Norgaard						
Raucci						
Heveran						

10 - 126

DATE: March 15, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. c. 102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent of and the spirit of mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to supplement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations imposed on municipalities certain requirements as a condition of applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of material collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the Borough of Leonia to apply for such tonnage grants for the calendar year 2009 will memorialize the commitment of the Borough of Leonia to recycling and to indicate the assent of the Mayor and Council to the efforts to be undertaken by the Borough of Leonia and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Leonia that Leonia hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Al Martone, Recycling Coordinator to ensure that the application is properly filed.

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund be solely used for the purpose of recycling.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2010**

..... **BOROUGH CLERK**

BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Brennan						
Choi						
Hawkins						
Knott						
Norgaard						
Raucci						
Heveran						

10 - 127

DATE: March 15, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

WHEREAS; the Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS; there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS; whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of tax paid by the municipality except that all grant monies received shall only be expended for the recycling program.

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of Leonia hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2009 in the amount \$11,659.77. Documentation supporting this submission is available the Borough of Leonia and shall be maintained for no less than five years from this date.

Tax Reimbursement certified by:

Name of Borough official: Myna Becker

Title of Official: CFO

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2010**

..... **BOROUGH CLERK**

BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Brennan						
Choi						
Hawkins						
Knott						
Norgaard						
Raucci						
Heveran						

10 - 128

DATE: March 15, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

WHEREAS, Arnold Trachtenberg of 140 Lakeview Avenue, Block 205, Lot 11, did deposit \$1,300 into an interest-bearing developer account in 2007, and

WHEREAS, business with the Borough has been completed; and a balance of \$1,050.00 still remains in this account, and

WHEREAS, all professionals have indicated that there will be no further billing for these accounts, and

NOW, THEREFORE, BE IT RESOLVED, that the balance in this developer escrow account shall be refunded to Mr. Arnold Trachtenberg as follows;

Mr. Arnold Trachtenberg
140 Lakeview Avenue
Leonia, NJ 07605

\$1,050.00

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2010**

..... **BOROUGH CLERK**

BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Brennan						
Choi						
Hawkins						
Knott						
Norgaard						
Rauci						
Heveran						

10 - 129

DATE: March 15, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

Whereas; DPW Employee Robert McGee has requested a Special Leave of Absence pursuant to Section 14 of the Collective Bargaining Agreement and Section 46-19(I) of the Borough Personnel Policies, and

Whereas; Borough Administrator Jack Terhune and DPW Superintendent Anthony Saitta have reviewed and support the request, and

Whereas; the said Leave of Absence is without pay and the employee is responsible for his pension deductions during the said leave of absence,

Now, therefore, the Governing Body hereby supports this request and Robert McGee is hereby granted a thirty-day Special Leave of Absence effective March 11, 2010.

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2010

..... BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Brennan						
Choi						
Hawkins						
Knott						
Norgaard						
Raucci						
Heveran						

10 - 130

DATE: March 15, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

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 \$8,399.99 payable to "Roland Realty Co.", as a result of a Tax Court Judgment for 2008, dated January 15, 2010 on property know as Block 1217, Lot 11, 222 Christie Street.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to furnish copies of the resolution to the following:

1. Chief Financial Officer
2. Collector

Approved:

Attest:

Mary Heveran, Mayor

Fran Lehmann, Borough Clerk

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2010

..... BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	<i>Motion</i>	<i>Second</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
Brennan						
Choi						
Hawkins						
Knott						
Norgaard						
Raucci						
Heveran						

10 - 131

DATE: March 15, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

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 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 Officer has determined that the local government meets the necessary conditions to participate in the program for the 2010 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 has met the following requirements:

1. That with references 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 preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 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 applicable 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

Approved as follows:

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2010

..... BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Brennan						
Choi						
Hawkins						
Knott						
Norgaard						
Raucci						
Heveran						

10 - 132

DATE: March 15, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

WHEREAS; The Finance and Personnel Committee has met with the CFO and Borough Administrator to review the 2010 Current Year Budget; and

WHEREAS, the CFO has found the 2010 Current Year Budget is in compliance with applicable State Rules, Regulations and Statutes; and

NOW THEREFORE, BE IT RESOLVED, that the Governing Body hereby authorizes the Introduction of the 2010 Current Year Budget.

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2010

..... BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Brennan						
Choi						
Hawkins						
Knott						
Norgaard						
Raucci						
Heveran						

10 - 133

DATE: March 15, 2010

Carried []

Defeated []

Tabled []

Approved on Consent Agenda []

WHEREAS; The Leonia Volunteer Fire Department has designated a Truck Committee to review the need for a new fire engine; and

WHEREAS, the said Truck Committee has so established the need for such a piece of fire apparatus; and

WHEREAS, the Governing Body previously appropriated \$450,000.00 through the adoption of Ordinance # 01-10 on February 1, 2010 towards the purchase of the said equipment; and

WHEREAS, CFO Myrna Becker has certified that the funds are available; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby authorizes the Borough Clerk to advertise for bids for the purchase of the said fire apparatus consistent with the Public Bidding Laws of the State of New Jersey.

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2010

..... BOROUGH CLERK