

**MAYOR AND COUNCIL
WORK SESSION/REGULAR MEETING
BOROUGH HALL ANNEX
November 2, 2009
7:30pm**

1. **FLAG SALUTE**

2. **ROLL CALL** Mayor Heveran (), Councilpersons, Choi (), Hawkins (), Norgaard (), Puzzo (), Raspa-Gore, () Raucci (), Borough Attorney Brian Giblin (), Jack Terhune, Borough Administrator (), Borough Clerk, Fran Lehmann

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. **PRESENTATION**

7. **APPROVAL OF MINUTES**

Minutes	October 19, 2009
Closed Session Minutes	October 19, 2009

8. **RESOLUTIONS**

09-205 Authorizing Ratifying Resolution to Pay 2008 Claims against Appropriation Reserves and 2009 Budget

09-206 Authorizing the Treasurer to Pay Claims against the 2009 Municipal Budget

09-207 Authorizing a Chapter 159 Resolution for Clean Communities

09-208 Authorizing Budget Transfer

09-209 Authorizing the Green Acres Grant Agreement for Wood Park and Authorizing the Borough Administrator to sign said Grant

09-210 Authorizing the Advertisement and Auction of Surplus Borough Vehicles

09-211 Authorizing Cancellation of General Capital Grants Receivable

09-212 Authorizing the Removal of the Underground Storage Tank by CUTE, Inc.

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

ROLL CALL Councilperson, Hawkins (), Choi () Norgaard (),
Puzzo (), Raspa-Gore () Raucci ()

9. **INTRODUCTION OF ORDINANCE**

10. **ADOPTION OF ORDINANCE**

11. **UNFINISHED BUSINESS**

a)

12. **NEW BUSINESS**

a) Holiday Decorating Contest (Mayor Heveran)

b) New Swim Club Fees for 2010 (Borough Administrator)

13. **CORRESPONDENCE**

14. **COMMENTS FROM THE PUBLIC**

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

15. **CLOSED SESSION (K)**

Litigation – Yamato/Texaco (Councilman Raucci)

ADJOURNMENT (10:00pm unless motion to extend)

FORMAL ACTION ON ANY BOROUGH BUSINESS MAY BE TAKEN

BOROUGH OF LEONIA

RESOLUTION

09-205

Date: November 2, 2009

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

RESOLVED: that the Mayor and Council hereby authorize the Treasurer to pay the following claims and charge the 2009 Budget and/or Reserve Budget

Borough of Leonia	Current Payroll (10/09/09)	246,515.66
Borough of Leonia	Current Social Security (10/9/09)	12,545.28
Borough of Leonia	Current Payroll (10/23/09)	222,965.41
Borough of Leonia	Current Social Security (10/23/09)	11,317.16
Borough of Leonia	Swim Pool Payroll (10/09/09)	2,797.62
Borough of Leonia	Swim Pool Social Security (10/09/09)	214.02
Borough of Leonia	Swim Pool Payroll (10/23/09)	2,801.06
Borough of Leonia	Swim Pool Social Security (10/23/09)	214.28
Borough of Leonia	Recreation Activities Payroll (10/09/09)	991.50
Borough of Leonia	Recreation Activities Payroll (10/23/09)	1,108.00
Woodforest National Bank	Credit Cards – September Swim Pool	6.95
Woodforest National Bank	Credit Cards – September Recreation Trust	137.47
Woodforest National Bank	Credit Cards – September Municipal Court	148.93
TD Equipment Finance	Current Fund – November – Police	791.98
Ford Motor Credit	Current Fund – November – Police	658.02
Ford Motor Credit	Current Fund – November – Police	1014.44
CIT Technologies	Current Fund – November – Police	201.34
Canon Financial Services	Current Fund – November – Copier	287.89
Leonia Board of Education	Current Fund – November – School Taxes	1,319,711.40
Bergen County Utilities Authority	Current Fund – 4 th Quarter Sewer Charges	170,842.00
County of Bergen – Taxation	Current Fund – November 15	804,490.00
County of Bergen – Open Space	Current Fund – November 15	42,750.00
NJSHBP – Active Employees	Current Fund – November	66,158.20
NJSHBP – Retired Employees	Current Fund – November	26,123.94
AJM Contractors, Inc.	General Capital	118,381.34
UNUM Insurance – Long Term	Current Fund – November	539.83

UNUM Insurance – Short Term
Delta Dental Insurance
VFIS Benefits Division
Total

Current Fund – November
Current Fund – November
Current Fund – November

201.74
7,248.30
1,202.58
\$3,062,366.34

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2009

..... BOROUGH CLERK

BOROUGH OF LEONIA
RESOLUTION

09-206
Date: November 2, 2009

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<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
<u>Choi</u>						
Hawkins						
Norgaard						
Puzzo						
Raspa-Gore						
Raucci						
Heveran						

RESOLVED: that the Mayor and Council hereby authorize the Treasurer to pay the following claims and charge the 2009 Budget and/or Reserve Budget

Current 2008	8-01	300.00
Current 2009	9-01	114,661.33
Swim Pool 2009	9-05	746.23
Capital	C-04	7,691.35
Grant Fund Appropriated	G-01	5,548.91
Trust Dedicated	T-03	2,143.98
Developers Escrow Trust	T-13	7,615.00
Public Assistance Trust Fund I	T-15	259.00
Recreation Activities Trust	T-20	13,857.66
Drug Alliance	T-23	767.85
Recycling Trust	T-24	350.00

Total **\$ 153,941.31**

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2009

..... BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

09-207
Date: November 2, 2009

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Norgaard						
Puzzo						
Raspa-Gore						
Rauci						
Heveran						

, **WHEREAS**, N.J.S.A.40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special Item of Revenue in the budget of any county of municipality when such item shall have been made by law and the amount thereof was not determined at the time of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount, and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Leonia hereby requests the Director of the Division of Local Government Services to approve the insertion of an additional item of revenue in the budget of the year 2008 in the sum of \$12,141.90, which is now available as revenue from the Department of Community Affairs in the amount of \$12,141.90.

BE IT FURTHER RESOLVED, that a like sum of \$12,141.90 is hereby appropriated under the caption of;
CLEAN COMMUNITIES PROGRAM
and

BE IT FURTHER RESOLVED, that the above is the result of funds from the Department of Community Affairs in the amount of \$12,141.90

I, Frances Lehmann 11/03/2009, Municipal Clerk of the Borough of Leonia in the County of Bergen in the State of New Jersey, do hereby certify that the forgoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Borough of Leonia in the County of Bergen in the State of New Jersey.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2009**

..... **BOROUGH CLERK**

**BOROUGH OF LEONIA
RESOLUTION**

09-208
Date: November 2, 2009

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent

Choi						
Raspa-Gore						
Hawkins						
Norgaard						
Puzzo						
Raucci						
Heveran						

WHEREAS, N.J.S.A.40A:4-58 allows for the transfer of any appropriation made in the calendar year, where there is an excess to an appropriation that is insufficient to pay claims authorized or incurred during the Current year, and

WHEREAS, there exists in the 2009 budget, appropriations that should be transferred in order to pay authorized claims or expenses incurred in 2009.

NOW, THEREFORE, BE IT RESOLVED, that the following transfers be made in accordance with N.J.S.A.40A:4-58.

<u>FROM</u>		<u>TO</u>	
Finance-Tax Collection-S&W	3,000	Administration-OE	3,000
Tipping Fees-OE	3,000	Administration-OE	3,000
Administration-S&W	<u>3,000</u>	Administration-OE	<u>3,000</u>
	9,000		9,000
Ambulance Corps-OE	5,000	Fire Hydrants-OE	5,000
Telephone-OE	<u>5,500</u>	Fire Hydrants-OE	<u>5,500</u>
	10,500		10,500
Diesel Fuel-OE	6,000	Social Security-OE	6,000
Telephone-OE	3,000	Admin-Executive-OE	3,000
Gasoline- OE	<u>4,000</u>	Admin-Executive-OE	<u>4,000</u>
	7,000		7,000
DPW-S&W	14,000	DPW-OE	14,000
Tipping Fees-OE	<u>8,000</u>	DPW-OE	<u>8,000</u>
	22,000		22,000
Tipping-OE	1,000	Fire Marshal-S&W	1,000
Municipal Court-S&W	<u>2,000</u>	Radio Maintenance-OE	<u>2,000</u>
	3,000		3,000
TOTAL	57,000	TOTAL	57,000

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2009

..... BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

09-209
Date: November 2, 2009

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Choi						

Hawkins						
Norgaard						

Puzzo						
Raspa-Gore						
Rauci						
Heveran						

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres program provides loans and grants to Municipal and County Governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Leonia desires to further the public interest by obtaining a loan of \$ 555,000.00 and a Grant of \$195,000.00 from the State to fund the Wood Park Rehabilitation; and

NOW, THEREFORE, the governing body resolves that Jack Terhune, Borough Administrator, or the successor to the position of Borough Administrator is hereby authorized to provide additional application information and furnish such documents as may be required, and to act as the authorized correspondent of the above-named applicant, and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent if the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project; and

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the that the Borough Administrator of the Borough of Leonia is hereby authorized to execute an agreement and any amendment thereto with the State known as Wood Park Rehabilitation; and

That the Borough of Leonia has the matching share of the project, if a match is required, in the amount of \$195,000; and

That in the event the State’s funds are less than the total project cost specified, above, the applicant has the balance of funding necessary to complete the project; and

That this Resolution shall take effect immediately.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2009**

..... **BOROUGH CLERK**

**BOROUGH OF LEONIA
RESOLUTION**

09-210
Date: November 2, 2009

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Norgaard						
Puzzo						

Raspa-Gore					
Rauci					
Heveran					

WHEREAS, the Borough of Leonia has in its possession two (2) surplus Police vehicles and a sign trailer that were not bid on at the auction held on October 28, 2009; and

WHEREAS, the Borough wishes to auction this surplus property on November 17, 2009 at 10:00am; and

WHEREAS, the Borough Clerk is hereby authorized and directed to advertise a public sale of surplus Borough owned property at an auction to be held on November 17, 2009 at 10:00AM prevailing time at Borough Hall, 312 Broad Avenue, 2nd Floor Conference Room, Leonia, NJ 07605; and

WHEREAS, the Borough reserves the right to reject any all bids if it determines such rejection to be in the best interest of the public; and

WHEREAS, the Borough Vehicles may be viewed at the Leonia Police Department during the hours of 9:00am and 5:00pm; and

WHEREAS, said sale shall be in the manner of a public auction in accordance with procedures announced and upon close bidding, the highest bidder as designated by the auctioneer, shall submit a ten (10%) percent deposit with the remaining balance due in cash within two (2) business days.

NOW, THEREFORE, BE IT RESOLVED, the Governing body of the Borough of Leonia hereby authorizes the Borough Clerk to advertise the auction of surplus police vehicles.

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2009

..... BOROUGH CLERK

**BOROUGH OF LEONIA
RESOLUTION**

09-211
Date: November 2, 2009

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Norgaard						
Puzzo						
Raspa-Gore						
Raucci						

Heveran					
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WHEREAS, a grant receivable balance in the General Capital Fund remains on the books for some grants, and
 WHEREAS, it is necessary to formally cancel the grant receivable balance form the balance sheet, and
 NOW, THEREFORE, BE IT RESOLVED, that the following grant receivables be canceled:

Grant Title	Source	Ordinance Number	Amount Canceled
Downtown Improvement Phase I	NJDOT Discretionary	23-01	\$15,960.86
Downtown Improvement Phase II	TEA21	03-07	\$72,501.25
Broad Ave Improvement Phase V	NJDOT	03-07	\$15,760.80
Tennis Court Renovation	Cty of Bergen – Open Space	03-07	\$ 2,637.50
Pedestrian Safety-School Crossing	NJDOT	12-07	<u>\$15,417.40</u>
			\$122,277.81

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
 BY THE MAYOR AND COUNCIL ON _____, 2009

..... BOROUGH CLERK

**BOROUGH OF LEONIA
 RESOLUTION**

09-212
 Date: November 2, 2009

<i>Council</i>	Motion	Second	Yes	No	Abstain	Absent
Choi						
Hawkins						
Norgaard						
Puzzo						
Raspa-Gore						
Raucci						

Heveran					
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WHEREAS, on March 24, 2009 the main sanitary sewer line for the Leonia Recreation Building at 370 Broad Avenue failed and it was necessary to excavate the sidewalk and street to make the necessary repairs; and

WHEREAS; in the course of performing the said repairs the contractor, J. Fletcher Creamer, Inc. encountered an abandoned oil storage tank that apparently at one time provided storage for heating oil for the Recreation Building, and

WHEREAS, the Borough Engineer, Birdsall Engineering, and the engineer for the Joint Insurance Fund, PMK Group, Inc. both responded to the site and evaluated the abandoned oil storage tank, and thereafter notified the NJ State Department of Environmental Protection, and

WHEREAS, it is necessary to excavate and remove the said oil tank, Birdsall Engineering solicited proposals from three vendors as evidenced by the attached May 14, 2009 correspondence attached, and

WHEREAS; the Lew Corporation of Mountainside, N.J. was the low respondent to the RFP. Pursuant to Resolution 09-124, Lew Corporation was authorized to perform the said work. The said Lew Corporation started the project and once they uncovered the UST, they claim there was potential soil contamination and requested additional funding to continue work beyond the original contract, and

WHEREAS; upon consultation with the Borough Attorney, the Borough Administrator requested an invoice from Lew Corporation for work performed to date and none was ever received, and

WHEREAS; other firms were solicited and CUTE Inc. of Midland Park, N.J. submitted a proposal in the amount of \$9,450 and is able to perform the work the week of November 2, 2009;

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

NOW THEREFORE BE IT RESOLVED, that the Borough Administrator is authorized to execute a contract, in a form approved by the Borough Attorney in an amount not to exceed \$10,000.00.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____, 2009**

..... **BOROUGH CLERK**