

**WEST PATERSON MUNICIPAL COUNCIL
AGENDA FOR REGULAR MEETING OF
JUNE 20, 2007**

- 1. In accordance with the Open Public Meeting Law, P.L.1975 notice requirements for this meeting have been set forth in the resolution adopted by the Municipal Council at its Reorganization Meeting of January 3, 2007 detailing the time and place, with notice given to the public by posting a copy on the bulletin board in the Municipal Building transmitting copies to the Herald News and The Record of West Paterson.**
- 2. Flag salute and Prayer**
- 3. Roll Call**
- 4. Presentation of Awards:**
- 5. Public Hearing:**
- 6. Approval of minutes from the Regular Meeting of June 6, 2007**
Approval of Executive Meeting Minutes of June 6, 2007
- 7. Committee Reports:**
 - A. Administration & Finance – Councilwoman Pascrell
 - B. Buildings & Grounds/Public Works – Councilwoman Gatti
 - C. Public Safety – Councilwoman Patterson
 - D. Health & Senior Services – Councilman Spinelli
 - E. Recreation & Community Relations – Council President Kazmark
 - F. Laws & Ordinances – Councilman DiDomenico
- 8. Mayor’s Report**
- 9. Municipal Engineer’s Report**
- 10. Municipal Attorney’s Report**
- 11. Administrator’s Report**

12. Consent Agenda:

All matters listed under the Consent Agenda are considered to be routine by the Council and will be enacted by one resolution. The items listed herein will be acted upon after having been read. Any item may be removed from the Consent Agenda by the request of any member of this Governing Body, and if so removed, will be acted upon as a separate matter.

- a. RESOLUTION R7-107 - A resolution approving the liquor licensing renewals for Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the 2007-2008 licensing year.**

RESOLUTION R7-107

WHEREAS, all renewals for Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses with membership lists for the Borough of West Paterson for the 2007-2008 licensing season have been filed; and

WHEREAS, all requirements applicable thereto have been properly made and are in order ; and

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of West Paterson that all Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses set forth as follows be hereby renewed for the 2007-2008 licensing season effective July 1, 2007:

1616-33-001-003	Benkar Corporation
1616-33-006-004	Great Notch Inn, Inc.
1616-33-007-012	279 Browertown, Inc.
1616-33-008-003	Brinker, N.J., Inc. T/A On The Border Mexican Cafe
1616-44-009-003	The Great Atlantic & Pacific Tea Co. Inc.
1616-33-010-002	Mountainview Caterers, Inc.
1616-33-011-004	Gencarelli, Inc. t/a Francesco's Restaurant
1616-33-012-007	Mina's on the Mountain, Inc.
1616-44-013-005	Wides Beverages, Inc.
1616-33-014-006	Melina Enterprises, LLC
1616-33-015-002	Lorenzo's Pizzeria & Ristorante, Inc.
1616-44-016-004	West Paterson Liquor, LLC
1616-33-017-005	SS Bask, Inc. t/a Bask Bar & Grill
1616-33-018-009	Urmijaysony, Inc. t/a McBride Bar & Liquors
1616-33-019-002	821 Mc Bride Avenue, Inc. t/a Ragtime
1616-31-020-001	West Paterson Memorial Post#238 of the American Legion

NOW THEREFORE BE IT RESOLVED, that the Municipal Clerk be and is hereby

authorized to issue the appropriate license certificates to the respective licensees as approved by this resolution.

- b. RESOLUTION R7-127 - A resolution appointing the firm of ETM Associates LLC, 1202 Raritan Avenue, Highland Park, NJ, 08904-3643, to provide professional planning services to the Borough on the redevelopment of Zaccaria Park in strict compliance with the “Scope of Services” as defined in the Borough’s Request For Proposal, and the “Professional Services” as offered in the vendor’s proposal, in an amount not to exceed \$30,000.00 for the period June 20, 2007 through June 19, 2008.**

**RESOLUTION R07-127
ZACCARIA PARK PLANNER**

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey recognize the need to appoint a professional planner for the redevelopment of Zaccaria Park; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:45A-20.5 et. seq., referred to as the New Jersey Pay to Play Law, the Mayor and Council solicited proposals on May 17, 2007 for this service; and

WHEREAS, the Borough of West Paterson did receive two (2) proposals in response to that request; and

WHEREAS, the proposals were opened on May 31, 2007 and evaluated by the Mayor to determine if the responses met the needs of the Borough;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of West Paterson, in the County of Passaic, State of New Jersey, based upon the recommendation of Mayor Pat Lepore, do hereby secure the services of ETM Associates LLC, 1202 Raritan Avenue, Highland Park, NJ, 08904-3643, to provide professional planning services to the Borough on the redevelopment of Zaccaria Park in strict compliance with the “Scope of Services” as defined in the Borough’s Request For Proposal and the “Professional Services” as offered in the vendor’s proposal in an amount not to exceed \$30,000.00 for the period June 20, 2007 through June 19, 2008.

- c. RESOLUTION R07-128 , Liquor License Transfer Urmijaysony, Inc. to Shree Jai Ambe, LLC t/a McBride Bar & Liquors.**

WHEREAS, application has been filed with the Municipal Council of the Borough of West Paterson for the Person to Person Transfer of Plenary Retail Consumption License #1616-33-018-009 issued to Urmijaysony, Inc, t/a McBride Bar and Liquors, 1019 McBride Ave., West Paterson, NJ; and

WHEREAS, all requirements applicable thereto have been properly made and are in order; and

NOW, THEREFORE, BE IT RESOLVED, that the said transfer application be and is hereby granted to, Shree Jai Ambe, LLC for premises at 1019 McBride Ave, West Paterson, NJ under Plenary Retail Consumption License #1616-33-018-010.

BE IT FURTHER RESOLVED, that the Municipal Clerk be and is hereby authorized

to execute the requisite endorsement of the aforesaid transfer upon the presentation of the license certificate as aforesaid.

- d. **RESOLUTION R07-129, a resolution affirming an emergency contract awarded to Servpro of Fair Lawn, 6-05 Saddle River Road, Fair Lawn, New Jersey to perform repairs at the Boys and Girls Club, which damage was caused by flooding on or about April 17, 2007 in an amount not to exceed \$35,000.00.**

**RESOLUTION R07-129
EMERGENCY CONTRACT**

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey have determined that an emergency condition existed at the West Paterson Boys and Girls Club due to interior damage of the walls, floors, doors and other materials due to flooding which occurred on or about April 17, 2007; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:11-6 Emergency Contracts, the Mayor and Council need to affirm a contract awarded by the Borough's Purchasing Agent, which was awarded to Servpro of Saddle River for the necessary repairs to the Boys and Girls Club;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of West Paterson, in the County of Passaic, State of New Jersey, based upon the recommendation of Borough's Administrator, do hereby affirm a contract to Servpro of Saddle River, 6-05 Saddle River Road, Fair Lawn, New Jersey to perform all of the repairs described and documented in Servpro's proposal dated June 7, 2007 in an amount not to exceed \$35,000.00.

- e. **RESOLUTION R07-130, a resolution appointing the firm of Remington & Vernick Engineers, 15-33 Halsted Street, East Orange, New Jersey, as the Municipal Planner, to provide planning services requested by the Mayor and Council and to perform such duties as are prescribed by general law and ordinance, in an amount not to exceed of \$20,000.00 for the period January 1, 2007 through December 31, 2007, and creating a pool of additional qualified Municipal Planners whose services will be utilized on an as needed basis, for the time period June 20, 2007 through December 31, 2007.**

**RESOLUTION R07-130
APPOINTMENT OF MUNICIPAL PLANNER/PLANNERS**

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey recognize the need to appoint a professional Municipal Planner to provide planning services to the Borough, and to appoint additional professional planners whose services will be used on an as needed basis; and

WHEREAS, such services shall include:

1. Provide planning services as requested by the Mayor and Council as required under the Municipal Land Use Law and the Ordinances of the Borough of West Paterson;
2. Perform such duties as are prescribed by general law and ordinance; and
3. Individual/firm's representation at meetings requested by the Borough of West Paterson; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:45A-20.5 et. seq., referred to as the New Jersey

Pay to Play Law, the Mayor and Council solicited proposals on December 13, 2006 for this position; and

WHEREAS, the Borough of West Paterson did receive proposals in response to that request; and

WHEREAS, these proposals were opened on December 27, 2006 and evaluated by the Mayor to determine which firms met the required qualifications to perform these services;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of West Paterson, in the County of Passaic, State of New Jersey, based upon the recommendation of Mayor Pat Lepore, do hereby create a pool of qualified Municipal Planners, for the time period June 20, 2007 through December 31, 2007, who will be called upon to provide such services as the need should arise as follows:

1. Kauker, Gregory & Kauker, 356 Franklin Avenue, Wyckoff, New Jersey
2. Remington & Vernick Engineers, 15-33 Halsted Street, East Orange, New Jersey
3. Schoor DePalma, 200 State Highway Nine, Manalapan, New Jersey

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of West Paterson, in the County of Passaic, State of New Jersey, based upon the recommendation of Mayor Pat Lepore, do hereby appoint the firm of Remington & Vernick Engineers, 15-33 Halsted Street, East Orange, New Jersey, as the Municipal Planner, to provide planning services requested by the Mayor and Council and to perform such duties as are prescribed by general law and ordinance, in an amount not to exceed of \$20,000.00 for the period June 20, 2007 through December 31, 2007.

f. RESOLUTION R07-132, 2007 West Paterson Summer Camp Salaries

WHEREAS, the Mayor and Council of the Borough of West Paterson desire to establish the salaries and salary range for the employees to be hired to facilitate the 2007 West Paterson Summer Camp Program, which will be conducted for a seven (7) week period starting July 2nd and concluding August 17th ; and

WHEREAS, the individual salaries paid to the employees are based on education, experience, and previous service in the West Paterson Camp Program; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of West Paterson hereby establishes the following salaries and salary range by title to be paid to the employees hired to facilitate the 2007 West Paterson Summer Youth Program:

<u>TITLE</u>	<u>SALARY/SALARY RANGE</u>
Directors	\$4,200.00 each
Group Heads	\$9.00/hour - \$9.50/hour
Counselors	\$7.15/hour - \$8.00/hour

- g. RESOLUTION R07-133, a resolution approving an Interlocal Services Agreement between the Borough and the Board of Education for the use of the Board's gymnasiums for the time period October 20, 2007 through April 30, 2008 at a cost of one dollar.**

**RESOLUTION R07-133
INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF WEST PATERSON
AND THE WEST PATERSON BOARD OF EDUCATION**

WHEREAS, on this date of June 20, 2007, the Borough of West Paterson and the West Paterson Board of Education hereby agree to enter into and Interlocal Services Agreement for the use of the Board's gymnasiums; and

WHEREAS, the said Agreement is to promote social service and youth programs in the Borough of West Paterson, and

WHEREAS, the Mayor and Council of the Borough of West Paterson do hereby approve the Interlocal Services Agreement that has been developed in furtherance of youth and social services programs;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of West Paterson, that they hereby endorse the Interlocal Services Agreement for the use of the Board of Education's gymnasiums, between the Borough of West Paterson and the West Paterson Board of Education, for the time period October 20, 2007 through April 30, 2008, for a cost of one dollar (\$1.00).

- h. RESOLUTION R07-134, a resolution amending Resolutions R07-121 and R07-123 and appointing Mr. Frederick J. Tomkins as the Borough's part time Chief Financial Officer and Treasurer, at an annual salary of \$1.00 per year; and appointing Mr. J. John McCluskey as the Borough's part time Tax Collector and Collector of Water Consumer Accounts, at an annual salary of \$14,000.00.**

**RESOLUTION R07-134
AMEND RESOLUTIONS R07-121 AND R07-123
EMPLOYMENT
CHIEF FINANCIAL OFFICER/TREASURER/TAX COLLECTOR/AND COLLECTOR OF
WATER CONSUMER ACCOUNTS**

WHEREAS, on June 6, 2007 (Resolution R07-121), the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey, employed the services of Mr. Frederick J. Tomkins, CPA, RMA, as the Borough's Chief Financial Officer, at an annual salary of \$1.00 per year; and

WHEREAS, on June 6, 2007 (Resolution R07-123), the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey, employed the services of Mr. J. John McCluskey, as the Borough's Treasurer, Tax Collector, and Collector of Water Consumer Accounts at an annual salary of \$14,000.00; and

WHEREAS, it has come to the attention of the Mayor and Council that the titles of Chief Financial Officer and Treasurer should be held by the same individual;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of West Paterson, in the County of Passaic, State of New Jersey, do hereby employ Mr. Tompkins as the Chief Financial Officer and Treasurer for the Borough of West Paterson, at an annual salary of \$1.00 per year effective June 7, 2007; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of West Paterson, in the County of Passaic, State of New Jersey, do hereby employ Mr. J. John McCluskey as the Tax Collector and Collector of Water Consumer Accounts, at an annual salary of \$14,000.00 per year effective June 7, 2007.

- i. RESOLUTION # R07-136 -VALLEY DRIVE FAMILY BLOCK PARTY on Saturday, July 7, 2007**

WHEREAS; the residents of Valley Drive, between Highview Dr. and Grandview Dr. West Paterson, New Jersey, have requested the Mayor and Council approval for the closure of said street to hold a family "Block Party"; and

WHEREAS; the residents of Valley Drive, between Highview Dr. and Grandview Dr. West Paterson, New Jersey have set the time and date of this gathering to be Saturday, July 7, 2007 between the hours of 12 noon until 10PM of said day; and

WHEREAS; the residents of Valley Drive, between Highview Dr. and Grandview Dr. West Paterson, New Jersey accept the conditions under Ordinance 99-16, Section 6-2 Noise and will abide by the NO public use of alcoholic beverages provision; and

WHEREAS; the West Paterson Borough Department of Public Works shall affix “Emergency No Parking” signs on Valley Drive, between Highview Dr. and Grandview Dr. ;and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of West Paterson, in the County of Passaic, State of New Jersey, having approved the family “Block Party” located on Valley Drive, between Highview Dr. and Grandview Dr. as set forth in this resolution.

j. RESOLUTION R07-137, PASSAIC AVENUE FAMILY BLOCK PARTY on Saturday, July 28, 2007 with a “rain date” of Sunday July 29, 2007.

WHEREAS; the residents of Passaic Avenue, located between 65-66 through 101-102 West Paterson, New Jersey have requested the Mayor and Council approval for the closure of said street to hold their fourth (4th) annual Passaic Avenue family “Block Party”; and

WHEREAS; the residents of Passaic Avenue, located between 65-66 through 101-102 West Paterson, New Jersey have set the time and date of this gathering to be Saturday, July 28, 2007 with a “rain date” of Sunday July 29, 2007 between the hours of 12 noon until 10PM of said days, and

WHEREAS; the residents of Passaic Avenue, located between 65-66 through 101-102 West Paterson, New Jersey accept the conditions under Ordinance 99-16, Section 6-2 Noise and will abide by the NO public use of alcoholic beverages provision; and

WHEREAS; the West Paterson Borough Department of Public Works shall affix “Emergency No Parking” signs on Passaic Avenue between Rockaway Ave. and Bergen Boulevard. Also, movable barricades will be placed at the intersection of Passaic Ave. and Rockaway Ave, Passaic Ave. and Bergen Boulevard. These barricades shall be positioned for ease of access and/or removal for emergency vehicles under the direction of Chief Robert Reda, West Paterson Police Department, and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of West Paterson, in the County of Passaic, State of New Jersey, having approved the family “Block Party” located between 65-66 through 101-102 as set forth in this resolution.

k. RESOLUTION R07-138, RAFFLE APPLICATION FROM DYSTONIA MEDICAL RESEARCH FOUNDATION OF NEW JERSEY to be held on October 18, 2007.

WHEREAS; Dystonia Medical Research Foundation of New Jersey, 9 Evergreen Rd., West Caldwell, New Jersey, is seeking approval to conduct an on-premise 50/50 raffle; an off-premise Super 50/50 raffle and a tricky tray raffle to be held on October 18, 2007 at the Westmount Country Club, West Paterson, New Jersey; and

WHEREAS; the applicant has filed application with Legalized Games of Chance under the state of New Jersey; Regulations (N.J.A.C.13:47-6.4) as well as the Municipal Clerk’s office of the Borough of West Paterson; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey does hereby give their authorization and approval to Dystonia Medical Research Foundation of New Jersey to conduct an on-premise 50/50 raffle; an off-premise Super 50/50 raffle and a tricky tray raffle.

**Resolution R07-52, a resolution approving the consent agenda items a. through k .
for June 20, 2007**

**RESOLUTION R07-52
APPROVAL OF CONSENT AGENDA**

BE IT RESOLVED, by the Mayor and Council of the Borough of West Paterson that the actions noted in the Consent Agenda, items **a.** through **k.** be and are hereby approved and the proper officers are directed to take necessary action on same.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Kazmark					Pascrell				
DiDomenico					Spinelli				
Gatti					Mayor Lepore				
Patterson									

This resolution was approved by the Mayor and Council of the Borough of West Paterson at its Reorganization Meeting, held on the 20th day, of June 2007. Signed and sealed before me.

Kevin Galland, Acting Municipal Clerk

13. Departmental Reports:

a. CFO Frederick J. Tomkins recommends authorization for payment:

1. Authorize payment of the 07/15/07 and 07/30/07 regular and miscellaneous payrolls estimated at \$190,000.00 each.
2. Payment of bills from voucher list of 6/20/07 totaling \$

b. Monthly reports submitted by the following departments:

1. Senior Bus usage Report for May 2007
2. Overtime Reports for April & May 2007
3. Planning Board Minutes for Special Meeting of May 7, 2007
4. Police Reports for the month of May 2007
5. Library Board Minutes for April and May 2007
6. Board of Adjustment Minutes for April 23, 2007
7. Board of Adjustment Resolution Docket #07-06
8. First Aid Squad Report for May, 2007
9. Fire Department Activity Report for April 2007
10. Board of Health Reorganization Minutes for January 8, 2007

14. Old Business:

a. RESOLUTION R07-117 , ADOPTION OF BOROUGH ORDINANCE NO. 07-09

**BOROUGH OF WEST PATERSON
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R07-117**

ADOPTION OF BOROUGH ORDINANCE NO. 07-09

**AN ORDINANCE WHICH SUPERSEDES ORDINANCE NO. 07-02
AND LISTED IN ITS ENTIRETY FIXING THE ANNUAL SALARIES
OF CERTAIN OFFICIALS AND EMPLOYEES FOR THE BOROUGH
OF WEST PATERSON, PASSAIC COUNTY, NEW JERSEY FOR THE
YEAR 2007**

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey, desire to adopt an ordinance entitled, "AN ORDINANCE WHICH SUPERSEDES ORDINANCE NO. 07-02 AND LISTED IN ITS ENTIRETY FIXING THE ANNUAL SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES FOR THE BOROUGH OF WEST PATERSON, PASSAIC COUNTY, NEW JERSEY FOR THE YEAR 2007"; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated June 11, 2007, setting the date of June 20, 2007 for the public hearing and consideration for final passage; and

WHEREAS, copies of the ordinance were posted on the Borough's official bulletin board and copies made available to all those desiring same; and

WHEREAS, in compliance with State Statute, a public hearing on the above referenced ordinance was conducted on June 20, 2007 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled "AN ORDINANCE WHICH SUPERSEDES ORDINANCE NO. 07-02 AND LISTED IN ITS ENTIRETY FIXING THE ANNUAL SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES FOR THE BOROUGH OF WEST PATERSON, PASSAIC COUNTY, NEW JERSEY FOR THE YEAR 2007" is hereby adopted upon having been approved on second and final reading, and the Acting Municipal Clerk be and he is hereby authorized and directed to publish said Ordinances according to law.

b. RESOLUTION R07-131, ADOPTION OF BOROUGH ORDINANCE NO. 07-10

ORDINANCE NO. 07-10

**AN ORDINANCE IN CONNECTION WITH A DEVELOPMENT
APPLICATION APPROVED BY THE BOROUGH OF WEST
PATERSON PLANNING BOARD ON AUGUST 8, 2005 FOR A FOUR
LOT MAJOR SUBDIVISION, TO ACCEPT THE DEDICATION OF
ROB'S WAY AS SHOWN ON A MAP TO BE RECORDED WITH THE
PASSAIC COUNTY CLERK ENTITLED "MAJOR SUBDIVISION OF
LOTS 7.02 & 8 IN BLOCK 111, BOROUGH OF WEST PATERSON,**

**PASSAIC COUNTY, NEW JERSEY,” AS WELL AS THE GRANTING
OF AN ACCESS AND MAINTENANCE EASEMENT FOR THE
SANITARY SEWER SYSTEM AND FOR THE UNDERGROUND
STORMWATER DETENTION SYSTEM ON LOT KNOWN AND
DESIGNATED AS BLOCK 111, LOT 8.01 ON THE TAX
ASSESSMENT MAP OF THE BOROUGH OF WEST PATERSON**

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey, desire to adopt an ordinance entitled, “**ORDINANCE NO. 07-10 AN ORDINANCE IN CONNECTION WITH A DEVELOPMENT APPLICATION APPROVED BY THE BOROUGH OF WEST PATERSON PLANNING BOARD ON AUGUST 8, 2005 FOR A FOUR LOT MAJOR SUBDIVISION, TO ACCEPT THE DEDICATION OF ROB’S WAY AS SHOWN ON A MAP TO BE RECORDED WITH THE PASSAIC COUNTY CLERK ENTITLED “MAJOR SUBDIVISION OF LOTS 7.02 & 8 IN BLOCK 111, BOROUGH OF WEST PATERSON, PASSAIC COUNTY, NEW JERSEY,” AS WELL AS THE GRANTING OF AN ACCESS AND MAINTENANCE EASEMENT FOR THE SANITARY SEWER SYSTEM AND FOR THE UNDERGROUND STORMWATER DETENTION SYSTEM ON LOT KNOWN AND DESIGNATED AS BLOCK 111, LOT 8.01 ON THE TAX ASSESSMENT MAP OF THE BOROUGH OF WEST PATERSON**”; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated June 11, 2007, setting the date of June 20, 2007 for the public hearing and consideration for final passage; and

WHEREAS, copies of the ordinance were posted on the Borough’s official bulletin board and copies made available to all those desiring same; and

WHEREAS, in compliance with State Statute, a public hearing on the above referenced ordinance was conducted on June 20, 2007 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled “**ORDINANCE NO. 07-10 AN ORDINANCE IN CONNECTION WITH A DEVELOPMENT APPLICATION APPROVED BY THE BOROUGH OF WEST PATERSON PLANNING BOARD ON AUGUST 8, 2005 FOR A FOUR LOT MAJOR SUBDIVISION, TO ACCEPT THE DEDICATION OF ROB’S WAY AS SHOWN ON A MAP TO BE RECORDED WITH THE PASSAIC COUNTY CLERK ENTITLED “MAJOR SUBDIVISION OF LOTS 7.02 & 8 IN BLOCK 111, BOROUGH OF WEST PATERSON, PASSAIC COUNTY, NEW JERSEY,” AS WELL AS THE GRANTING OF AN ACCESS AND MAINTENANCE EASEMENT FOR THE SANITARY SEWER SYSTEM AND FOR THE UNDERGROUND STORMWATER DETENTION SYSTEM ON LOT KNOWN AND DESIGNATED AS BLOCK 111, LOT 8.01 ON THE TAX ASSESSMENT MAP OF THE BOROUGH OF WEST PATERSON**” is hereby adopted upon having been approved on second and final reading, and the Acting Municipal Clerk be and he is hereby authorized and directed to publish said Ordinances according to law.

15. New Business:

**RESOLUTION R07-135
INTRODUCTION OF BOROUGH BOND ORDINANCE 07-11**

BE IT RESOLVED; that the ordinance entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, AND NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF WEST PATERSON, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,505,500 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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."heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 18th day of July, 2007, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Municipal Council and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

BOND ORDINANCE 07-11

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, AND NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF WEST PATERSON, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,505,500 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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 Municipal Council of the Borough of West Paterson, in the County of Passaic, State of New Jersey, as follows:

Section 1. The Borough of West Paterson, in the County of Passaic, State of New Jersey (the "Borough"), is hereby authorized to make various public improvements and to acquire new automotive vehicles, including original apparatus and equipment, and new additional or replacement equipment and machinery in, by and for the Borough, all as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

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 down payment and State grant 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 benefitted.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of the 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 that is to be provided by the State grant hereinafter appropriated, and (3) the amount of each sum that is to be provided by the down payment hereinafter appropriated to finance each such purpose, 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. Acquisition of new automotive vehicles, including original apparatus and equipment, for the use of the following Borough departments, including, but not limited to:

Department of Public Works ("DPW")

mason dump truck with plow
two pickup trucks with plows
rack body truck

Department of Code Enforcement

four-wheel drive vehicle

Appropriation and Estimated Cost	\$177,000
Down Payment Appropriated	\$ 8,500
Bonds and Notes Authorized	\$168,500
Period of Usefulness	5 years

B. Undertaking of various improvements to the McBride Avenue Sanitary Sewer Pump Station.

Appropriation and Estimated Cost	\$205,000
Down Payment Appropriated	\$ 9,8000
Bonds and Notes Authorized	\$195,200
Period of Usefulness	40 years

C. Construction of a new salt storage shed at the Recycling Yard.

Appropriation and Estimated Cost	\$250,000
Down Payment Appropriated	\$ 12,000
Bonds and Notes Authorized	\$238,000
Period of Usefulness	20 years

D. Acquisition of new additional or replacement equipment and machinery for the use of the DPW including, but not limited to (i) a motor vehicle lift and a tire changer (including installation at the

DPW Garage) and (ii) a lawn mower, a fuel dispensing system, a calcium chloride dispensing system, a field maintenance machine and an asphalt roller.

Appropriation and Estimated Cost	\$113,500
Down Payment Appropriated	\$ 5,500
Bonds and Notes Authorized	\$108,000
Period of Usefulness	15 years

E. Undertaking the following road improvements: (i) resurfacing of Hillcrest Avenue, including sidewalk and drainage improvements, where necessary; (ii) construction of speed tables on Memorial Drive and other locations and (iii) resurfacing of the following Borough streets and municipal property as the 2007 Road Resurfacing Program, including drainage improvements where necessary:

- Haverhill Avenue
- Arcadia Avenue
- Bell Avenue
- Eben Avenue
- Brophy Lane
- Municipal Parking Lot

Depending upon the contract price and other exigent circumstances, and upon approval by the Municipal Council, there may be additions to or deletions from the list set forth in clause (iii) of the preceding sentence. It is hereby determined and stated that said streets or parking lot being resurfaced are 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, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$760,000
State DOT Grant Appropriated	\$200,000
Down Payment Appropriated	\$ 26,700
Bonds and Notes Authorized	\$533,300
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$1,505,500
State Grant Appropriated	\$ 200,000
Aggregate Down Payment Appropriated	\$ 62,500
Aggregate Amount of Bonds and Notes Authorized	\$1,243,000

Section 5. The cost of said purposes, as hereinbefore stated, includes the aggregate amount of \$250,000, which is estimated to be necessary to finance the cost of said 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 \$200,000 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 Hillcrest Avenue set forth in Section 4.E above.

Section 7. It is hereby determined and stated that moneys exceeding \$62,500, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the

Borough, are now available to finance said purposes. The sum of \$62,500 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 8. To finance said purposes, bonds of the Borough of an aggregate principal amount not exceeding \$1,243,000 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 9. To finance said purposes, bond anticipation notes of the Borough of an aggregate principal amount not exceeding \$1,243,000 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 10. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, 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 the Borough and attested by the Municipal Clerk or Deputy Municipal 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 11. 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 16.38 years computed from the date of said bonds.

Section 12. 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 Municipal Clerk of the Borough, and that such statement so filed shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,243,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 13. Any funds received from private parties, the County of Passaic, 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 said purposes (other than the State grant hereinbefore appropriated, which shall be applied to the cost of said 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 said purposes or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purposes shall be reduced accordingly.

Section 14. 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 Municipal Clerk and is available for public inspection.

Section 15. The Borough intends to issue bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this ordinance. If the Borough incurs such costs prior to the issuance of such 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 ordinance.

Section 16. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and 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. This ordinance shall take effect twenty days after the first publication thereof after final passage.

16. Executive Session:

17. Adjournment

Kevin V. Galland
Acting Municipal Clerk
Administrator