

**WEST PATERSON MUNICIPAL COUNCIL
AGENDA FOR REGULAR MEETING OF
MAY 16, 2007**

- 1. In accordance with the Open Public Meeting Law, P.L.1975, Chapter 231 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 Meetings of: April 4, 2007; April 18, 2007; and May 2, 2007.
Approval of minutes from the Special Meetings of April 2, 2007 and April 4, 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 R07-98, a resolution authorizing the sale of surplus equipment three (3) motorcycles to Jersey One Auto, 7 County Road, Jersey City, NJ, for the \$7,211.00 in compliance with N.J.S.A. 40A:11-5 (3).

RESOLUTION R07-98
Motorcycle Sale

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey has determined that the Borough is in possession of surplus equipment (three (3) Honda Motorcycles)

1993 Honda Goldwing, Vin # 1HFSC2278PA500083, 10,903 miles
1993 Honda Goldwing, Vin# 1HFSC2279PA500142, 12,682 miles
1994 Honda Goldwing, Vin # 1HFSC2276RA600041, mileage unavailable

that is no longer usable or needed by the Borough; and

WHEREAS, such surplus equipment was offered to the highest bidder on two (2) occasions (Bid # 06-02 (August 13, 2006) and Bid #06-02-1 (October 27, 2006)); and

WHEREAS, no bids were received on the first occasion, and on the second occasion, the sole bid was less than the minimum bid amount stated in the bid specifications and thus was rejected; and

WHEREAS, having rejected the no bid on the first occasion and the sole bid, which was less than the minimum bid, on the second occasion, in compliance with N.J.S.A. 40A:11-5 (3), the Borough further advertised the sale of these motorcycles in the Star Ledger on April 11th and 15th, 2007, with the following result; and

BIDDER	Vin Number 1HFSC2278PA500083	Vin Number 1HFSC2279PA500142	Vin Number 1HFSC2276RA600041
John M. Josso 104 Forest Street Kearny, NJ 07032	\$1,500.00	\$1,500.00	\$1,500.00
Robert S. Oxley 28 Pompton Ave West Paterson, NJ 07424	\$1,005.00		
Julio Rivera 8 Walden Place West Caldwell, NJ	\$1,000.00		\$800.00
Jersey One Auto 7 County Road Jersey City, NJ	\$2,228.00	\$2,303.00	\$2,680.00

WHEREAS, the highest bid for all three (3) motorcycles was submitted by Jersey One Auto, 7 County Road, Jersey City, NJ, in the amount of \$7,211.00;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of West Paterson, County of Passaic, that in compliance with N.J.S.A. 40A:11-5 (3) the Borough has negotiated the best price that it can secure for this surplus equipment; and

BE IT FURTHER RESOLVED, that the Mayor and Council direct the Borough Administrator to receive the bid amount of \$7,211.00; have said amount deposited in the appropriate Borough depository; and transfer title to these vehicles to Jersey One Auto, 7 County Road, Jersey City, NJ.; and

BE IT FURTHER RESOLVED, that in compliance with N.J.S.A. 40A:11-5 (3) this resolution must be adopted by a two thirds affirmative vote of the authorized membership of the governing body authorizing such contract.

b. Resolution R07-100, a resolution approving the Passaic Valley High School General Fund Tax Levy for the 2007-2008 School Year at \$18,265,821.00, which reflects a reduction of \$115,000.00 in the General Fund Budget and a restoration of \$40,000.00 in the Second Proposal.

RESOLUTION R 07-100
Passaic Valley High School General Tax Levy 2007-2008

WHEREAS, on April 17, 2007, the 2007-2008 Budget of the Passaic Valley Regional High School District #1 was defeated in the school election; as well as the Second Proposal; and

WHEREAS, the Administration and representatives of the Board and representatives of the three governing bodies consisting of the Borough of West Paterson, Borough of Totowa and the Township of Little Falls met to resolve the amount of the 2007-2008 Budget reduction;

THEREFORE BE IT RESOLVED AND AGREED that the General Fund Tax Levy should be set for the 2007-2008 School Year at \$18,265,821.00 which reflects a reduction of \$115,000. in the General Fund Budget and a restoration of \$40,000. in the Second Proposal.

(\$60,000)	Teacher's Salaries
(\$15,000)	Health Benefits
\$20,000	Computer Equipment Grades 9-12
\$20,000	General Teaching Supplies
(\$40,000)	Central Services Equipment

c. Resolution R07-102, a resolution approving the appointment of Councilman Dominick DiDomenico to the Cedar Grove – Little Falls – West Paterson Passaic Valley Flood Control Board for a three year term commencing July 1, 2007 and expiring on June 30, 2010.

RESOLUTION R7-102
Flood Control Board

WHEREAS, the Mayor and Council of the Borough of West Paterson approved Ordinance 05-10 on December 21, 2005, AN ORDINANCE FORMING AND ESTABLISHING THE CEDAR GROVE – LITTLE FALLS – WEST PATERSON PASSAIC VALLEY FLOOD CONTROL BOARD AND FACILITY, and

WHEREAS, the Mayor and Council approved this ordinance concluding that the public health, safety and welfare can best be assured by the establishment of the Board, and its review of the potential acquisition, construction, financing, improvement, maintenance and operation of flood control facilities in cooperation with other local units, as set forth in N.J.S.A. 40A:27-4, and

WHEREAS, Ordinance 05-10 provides that the Cedar Grove – Little Falls – West Paterson Passaic Valley Regional Flood Control Board shall consist of three (3) members from each of the three government units, and that each of the members shall be appointed by their respective governing body for a three (3) year term, except that upon the creation of the Board, the first, second, and third appointed member of each of the local member units will be appointed for three (3), two (2) and one (1) year terms, respectively, to effectuate a system of staggered terms,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of West Paterson appoint Councilman Dominick DiDomenico to the Cedar Grove – Little Falls – West Paterson Passaic Valley Regional Flood Control Board for a three year term commencing July 1, 2007 and expiring June 30, 2010, and be it

FURTHER RESOLVED, that the Mayor and Council of the Borough of West Paterson wish to express their gratitude to the citizens who have volunteered their time and expertise to serve on this Board, which will assure that the public health, safety and welfare of our community shall be maintained.

d. **Resolution R07-103**, a resolution approving the purchase of a new International Dump Truck for the Department of Public Works for an amount not to exceed \$162,970.00.

**RESOLUTION R07-103
PURCHASE OF A NEW INTERNATIONAL DUMP
TRUCK FOR THE DEPARTEMENT OF PUBLIC WORKS**

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey, have identified the need to purchase a new dump truck for the Borough's Department of Public Works; and

WHEREAS, John McCluskey, West Paterson's Chief Finance Officer has certified that funds are available for the purchase of this commodity; and

WHEREAS, a bid document (Bid #07-01) was prepared by the Borough to solicit bids for the purchase of this commodity; and

WHEREAS, this bid was advertised on April 4, 2007 in the Herald News in compliance with the New Jersey State Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and

WHEREAS, the bid package was mailed to, or picked up by, eight (8) truck dealers; and

WHEREAS, on April 27, 2007, at 11AM, a sole response to the bid solicitation was received and opened;

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, hereby award a contract to Deluxe International Trucks, Inc., 600 South River Street, Hackensack, NJ 07601, the sole responsive/responsible bidder, to provide one (1) new Hi-Way (Model PS350 Stainless Steel Dump), International (Model 7400 SFA 4X4) Truck, to be build in compliance with all of the specifications contained in the bid (Bid #07-01) document, including delivery within 150 to 180 days from adoption of this resolution , for a cost not to exceed \$162,970.00.

e. **Resolution R07-28**, a resolution approving the creation of a pool of Special Projects engineers to be used on an as needed basis for the period May 16, 2007 through December 31, 2007.

**RESOLUTION R07-28
APPOINTMENT OF SPECIAL PROJECTS ENGINEERS**

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey recognize the need to appoint Special Projects Engineers to, on an as needed basis:

- A. Provide engineering services as requested by the Mayor and Council;
- B. Perform such duties as are prescribed by general law and ordinance;
- C. Prepare, or cause to be prepared, plans, designs, and specifications for public works projects and other improvements undertaken by the Borough of West Paterson;
- D. Provide and maintain surveys, maps, plans, specifications and control records with respect to public works and facilities owned or operated by the Borough;
- E. Prepare reports and provide advice to the Mayor and Council regarding issues that arise that include but are not limited to: regulations, legislation and ordinances;
- F. Provide technical and engineering advice and assistance to other Borough departments as needed;
- G. When requested by the Mayor and Council, reply to inquires from residents and/or commercial enterprises;
- H. Attend regular, special, and Executive Session meetings as requested by the Mayor and Council; 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 Special Projects Engineering Firms, for the time period May 16, 2007 through December 31, 2007, who will be called upon to provide such services as the need should arise as follows:

1. T&M Associates, 11 Tindall Road, Middletown, New Jersey.
2. Remington & Vernick Engineers, 15-33 Halsted Street, East Orange, New Jersey
3. Boswell Engineering, 330 Phillips Avenue, South Hackensack, New Jersey
4. Schoor DePalma, 20 Waterview Blvd., Parsippany, New Jersey.

f. Resolution R07-106, a resolution approving an Emergency Temporary Budget Appropriation, whereby the total emergency temporary appropriation resolutions adopted in the year 2007 pursuant to the provisions of Chapter 96, P.L 1951 (N.J.S.A 40A:4-20) including this resolution total \$56,045.00

RESOLUTION R07- 106
TEMPORARY EMERGENCY RESOLUTION FOR THE POLICE DEPARTMENT

WHEREAS, an emergent condition has arisen in that the Borough is expected to enter in contracts, commitments or payments prior to the 2007 budget and no adequate provision has been made in the 2007 temporary budget for the aforesaid purpose; and

WHEREAS, N.J.S.40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2007 pursuant to the provisions of Chapter 96, P.L 1951 (N.J.S.A 40A:4-20) including this resolution total \$56,045.00;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of West Paterson, in the County of Passaic, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$ 5,000.00 as follows:

<u>POLICE</u>	
Other Expenses	\$5,000.00

2. Said emergency temporary appropriations will be provided for in the 2007 Budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

g. Resolution R07-XX, a resolution authorizing an increase of _____ in the contract awarded to _____ for the reconstruction of the West Paterson Flap Valve Project.

- h. **Resolution R07-104**, LEASE AGREEMENT BETWEEN THE BOROUGH OF WEST PATERSON AND WEST PATERSON BOARD OF EDUCATION

**RESOLUTION R07-104
LEASE AGREEMENT BETWEEN THE
BOROUGH OF WEST PATERSON AND
WEST PATERSON BOARD OF EDUCATION**

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey and the West Paterson Board of Education desire to enter into a Lease Agreement regarding Memorial School Fields and School # 1 Field; and

WHEREAS, the Board does hereby lease to the Borough the following premises: Memorial Fields and School #1 Field located within the vicinity of Memorial Drive and McBride Avenue and the playground at Beatrice Gilmore School and School #1 for an agreed amount of \$1.00; and

WHEREAS, the term for the lease will commence on May 16, 2007 and ending on May 14, 2008; and

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 authorize to enter into a Lease Agreement with the West Paterson Board of Education regarding Memorial School Fields and School # 1 Field.

Resolution R07-105, a resolution approving the consent agenda of May 16, 2007.

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, item A through H 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 Regular Meeting, held on the 16th day, of May 2007. Signed and sealed before me.

13. Departmental Reports:

- a. CFO J. John McCluskey recommends authorization for payment:

1. Authorize payments of the 6/15/07 and 6/30/07 regular and miscellaneous payrolls, estimated at \$190,000.00 each.
2. Payment of bills from voucher list of 5/16/07 totaling \$ **2,122,178.34**

b. Monthly reports submitted by the following departments:

1. Police reports for the month of April 2007
2. Senior Bus usage report for April 2007
3. Library Annual Report for 2006
4. Overtime reports for **(TO FOLLOW)**
5. Planning Board minutes for April 9, 2007, Resolution 07-01 & 07-05
6. Bd. of Adjustment minutes for March 26, 2007, Resolution, Docket #07-03
7. First Aid Squad Statistics Activity Report April 2007 and the Annual Statistics for 2007

14. Old Business:

Public Hearing on Ordinance 07-08

Resolution R07-101: a Resolution approving the Adoption of Ordinance 07-08.

RESOLUTION R07-101

WHEREAS, the Borough of West Paterson, County of Passaic, State of New Jersey, desires to Amend AN ORDINANCE TO SUPERSEDE IN ITS ENTIRETY CHAPTER VIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WEST PATERSON, ADOPTED DECEMBER 29, 1972, WHICH IS KNOWN AS “ALCOHOLIC BEVERAGE CONTROL”; ORDINANCE NUMBER 82-7 AN ORDINANCE AMENDING CHAPTER VIII OF THE REVISED GENERAL ORDINANCES; AND ORDINANCE NUMBER 80-01 KNOW AS “AN ORDINANCE RELATING TO THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF ADOPTED ON JANUARY 23, 1980; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated May 7, 2007 setting the date of May 16th, 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 May 16th, 2007 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled **BOROUGH ORDINANCE NO. 07-08 AN ORDINANCE TO SUPERSEDE IN ITS ENTIRETY CHAPTER VIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WEST PATERSON, ADOPTED DECEMBER 29, 1972, WHICH IS KNOWN AS “ALCOHOLIC BEVERAGE CONTROL”; ORDINANCE NUMBER 82-7 AN ORDINANCE AMENDING CHAPTER VIII OF THE REVISED GENERAL ORDINANCES; AND ORDINANCE NUMBER 80-01 KNOW AS “AN ORDINANCE RELATING TO THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF ADOPTED ON JANUARY 23, 1980.**: be and is hereby adopted as

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:

16. Executive Session:

**RESOLUTION AUTHORIZING EXECUTIVE SESSION
PURSUANT TO N.J.S.A. 10:4-12**

BE IT RESOLVED, by the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey, that pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., it is necessary to convene an executive session to discuss items authorized by N.J.S.A. 10:4-12 (b), specifically:

- Matters relating to Employment Relationship.

BE IT FURTHER RESOLVED, that it is anticipated that the deliberation conducted in closed session may be disclosed to the public upon the determination by the Mayor and Council that the public interest will no longer be served by such confidentially and if not then legally privileged.

17. Adjournment

Kevin V. Galland
Acting Municipal Clerk/Administrator