

**WEST PATERSON MUNICIPAL COUNCIL
AGENDA FOR REGULAR MEETING OF
JUNE 18, 2008**

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 2, 2008 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. **New Business:**
 - A. **Resolution R08-136, a resolution authorizing the Borough Tax Collector to prepare and mail estimated tax bills in accordance with P.L. 1994, C.72**

WHEREAS, the Borough of West Paterson has adopted the 2008 Budget, but the County of Passaic has not adopted their budget, thus, the Passaic County Board of Taxation has not certified the tax rate at this time; and

WHEREAS, the Borough Tax Collector in consultation with the Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Mayor and Council of the Borough of West Paterson request the Director of the Division of Local Government Services approve the estimated tax levy exceeding the 105% listed below, which approval will enable the Borough of West Paterson to meet its financial obligations, maintain the collection rate and save the unnecessary cost of interest on borrowing;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of West Paterson, that:

1. The Borough Tax Collector is hereby authorized and directed to issue estimated tax bills for the Third Quarter of 2008 taxes. The Tax Collector shall proceed, upon approval from the Director, to take such actions as are permitted and required by P.L. 1994, C.72;
2. The entire estimated tax levy for 2008 is hereby set at \$35,195,037.00.
3. In accordance with the law, the Third Quarter installment of 2007 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

B. Resolution R08-128, a resolution authorizing the Borough Administrator to submit an application to the Passaic County Open Space and Farmland Preservation Trust Fund for a rehabilitation grant for Zaccaria Park in the amount of \$1,000,000.00 and to act as the authorized correspondent in all matters related to this grant application.

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey, recognize the need to rehabilitate and restore Zaccaria Park; and

WHEREAS, the Mayor and Council further recognize that funds are available from the Passaic County Open Space and Farmland Preservation Trust Fund for such work effort; and

WHEREAS, the Mayor and Council desire to apply for a rehabilitation grant from the Passaic County Open Space and Farmland Preservation Trust Fund, which would fund the rehabilitation and restoration work effort required in this park; and

WHEREAS, in compliance with the Trust Fund requirements, notification of this public hearing appeared in The Herald on June 6, 2008 and all property owners within a 200 foot radius of the property have also been notified of this hearing via certified mail;

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, does hereby authorize submission of an application to the Passaic County Open Space and Farmland Preservation Trust Fund for a rehabilitation grant for Zaccaria Park in the amount of \$1,000,000.00; and

BE IT FURTHER RESOLVED, that the Mayor and Council authorizes Kevin Galland, the Borough's Administrator, to act as the authorized correspondent in all matters related to this grant application specifically granting him signature authority on the application forms for this grant.

C. Resolution R08-129, a resolution authorizing the Borough Administrator to submit an application to the Passaic County Open Space and Farmland Preservation Trust Fund for a acquisition grant for property known as Block 124, Lot 1, 310-338 Lackawanna Avenue in the amount of \$150,000.00 and to act as the authorized correspondent in all matters related to this grant application.

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey, recognize the need to maintain open space within the Borough of West Paterson; and

WHEREAS, the Mayor and Council further recognize that funds are available from the Passaic County Open Space and Farmland Preservation Trust Fund for the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Mayor and Council desire to apply for an acquisition grant from the Passaic County Open Space and Farmland Preservation Trust Fund, which would fund the acquisition of

a parcel of land known as Block 124, Lot 1, 310-338 Lackawana Avenue within the Borough of West Paterson; and

WHEREAS, in compliance with the Trust Fund requirements, notification of this public hearing appeared in The Herald on June 6, 2008 and all property owners within a 200 foot radius of the property have also been notified of this hearing via certified mail;

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, does hereby authorize submission of an application to the Passaic County Open Space and Farmland Preservation Trust Fund for an acquisition grant for the property known as Block 124, Lot 1, 310-338 Lackawana Avenue within the Borough of West Paterson in the amount of \$150,000.00; and

BE IT FURTHER RESOLVED, that the Mayor and Council authorizes Kevin Galland, the Borough's Administrator, to act as the authorized correspondent in all matters related to this grant application specifically granting him signature authority on the application forms for this grant.

D. Resolution R08-143, introduction of Ordinance 08-09 an ordinance to address the issue of children and pets left in unattended vehicles within the Borough of West Paterson.

BE IT RESOLVED that the Ordinance entitled:

AN ORDINANCE TO ADDRESS THE ISSUE OF CHILDREN AND PETS LEFT IN UNATTENDED VEHICLES WITHIN THE BOROUGH OF WEST PATERSON

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 16th day of July, 2008, 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.

5. Public Hearing:

6. Approval of minutes from the Regular Meeting of June 4, 2008

7. Committee Reports:

- A. Administration & Finance – Council President Pascrell
- B. Buildings & Grounds/Public Works – Councilwoman Gatti
- C. Public Safety – Councilwoman Patterson
- D. Health & Senior Services – Councilman Spinelli

E. Recreation & Community Relations – Councilman Kazmark

F. Laws & Ordinances – Councilman DiDomenico

8. Mayor’s Report:

9. Municipal Attorney’s Report:

10. 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 08-131, a resolution to endorse the Shared Services Agreement in regard to assigning a resource police officer to the West Paterson Board of Education from July 1, 2008 through June 30, 2009 from 7:45 a.m. to 3:45 p.m. at the cost of \$72,900 to be paid by the Borough of West Paterson and reimbursed by the West Paterson Board of Education.**
- B. **Resolution 08-132, a resolution authorizing the Tax Collector of the Borough of West Paterson to refund the total amount of \$6,130.00 for the overpayment of taxes to 2 Andrews Drive, LLC, 271 Route 46 West, Fairfield, New Jersey.**
- C. **Resolution 08-133, a resolution authorizing the Tax Collector of the Borough of West Paterson to refund the total amount of \$3,418.60 for the overpayment of taxes to 228 Lackawanna Avenue, LLC, 271 Route 46 West, Fairfield, New Jersey.**
- D. **Resolution 08-134, a resolution authorizing the Tax Collector of the Borough of West Paterson to adjust the Borough’s Tax Books and Records to reflect an overpayment of taxes made by Andrews Drive LLC Block and Lots 122 1.F1 and 122 1.F2 in the amount of \$11,034.00, and apply such credits to taxes owed by Andrews Drive, Inc. on Block 122, Lot 1.04.**
- E. **Resolution 08-135, a resolution authorizing the Municipal Clerk of the Borough of West Paterson, County of Passaic, State of New Jersey to issue the appropriate liquor license certificate to Brinker New Jersey, Inc., (On The Border) as approved by this resolution.**
- F. **Resolution 08-138, a resolution approving the application of Brian E. Mistrette, 182 Main Street, Little Falls, New Jersey to become a West Paterson Volunteer Firefighter.**
- G. **Resolution 08-139, a resolution authorizing the release of a Performance Bond in the amount of \$900,000.00 from Berkley College relative to the**

construction of the College's parking lot, subject to the applicant providing a Maintenance Bond in the amount of 15% (\$135,000.00) of the Performance Bond for a period of two (2) years from the date the Performance Bond is released, based on the recommendation of the Project Manager from T&M Associates. Said Maintenance Bond has been received by the Borough Administrator.

- H. Resolution 08-140, a resolution authorizing an amendment to the contract with Marvec Construction of Verona, NJ for the refurbishment of the Forced Main Sewer Discharge Chamber, authorizing an increase in the contract in the amount of \$25,000.00 to cover the cost of Police Protection at the construction site, increasing the total amount of the contract to an amount not to exceed of \$336,972.88.
- I. Resolution 08-141, a resolution approving an increase to the 2008 Temporary Budget in the amount of \$1,549,079.25.
- J. Resolution 08-142, a resolution authorizing the Municipal Clerk of the Borough of West Paterson, County of Passaic, State of New Jersey to issue the appropriate liquor license certificate to Shree Jai Ambe, LLC (McBride Bar & Liquor) as approved by this resolution.
- K. Resolution 08-144, a resolution authorizing the Mayor and Borough Clerk to submit an electronic grant application to the New Jersey Department of Transportation and to sign a Grant Agreement on behalf of the Borough of West Paterson for the repaving of Newby Street.
- L. Resolution R08-145, a resolution to approve 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.

11. Collector/Treasurer Report:

CFO, Frederick J. Tomkins recommends authorization for payment:

- 1. Authorize payment of the 7/15/08 and 7/30/08 regular and miscellaneous payrolls estimated at \$190,000.00 each.
- 2. Payment of bills from voucher list of 06/13/08 totaling \$202,673.23.

14. Department Reports:

- 1. Police Department Yearly Chart - 2008
- 2. Senior Bus usage report for May, 2008.
- 3. Library Board minutes for May 19, 2008.
- 4. Planning Board minutes for May 12, 2008.

12. Old Business:

A. Public Hearing on Ordinance No. 08-08.

B. Resolution R08-137 Adoption of Ordinance 08-08 by the Mayor and Council.

WHEREAS, the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey desires to adopt an ordinance to authorize the making of various public improvements and the acquisition of new additional or replacement equipment and machinery, new communication and signal systems equipment, new information technology equipment and partial funding for a new fire engine, including original apparatus and equipment, in, by and for the Borough of West Paterson; and

WHEREAS, the Mayor and Council of the Borough of West Paterson desires to adopt said ordinance to appropriate the sum of \$2,196,435 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; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated June 9, 2008, setting the date of June 18, 2008 for the public hearing and consideration for final passage; and

WHEREAS, a copy of the ordinance was posted on the Borough's official bulletin board and copies were 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 18, 2008 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled Ordinance 08-08 an ordinance to authorize the making of various public improvements and the acquisition of new additional or replacement equipment and machinery, new communication and signal systems equipment, new information technology equipment and partial funding for a new fire engine, including original apparatus and equipment, in, by and for the Borough of West Paterson to appropriate the sum of \$2,196,435 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 in the Borough of West Paterson be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk be and he is herby authorized and directed to publish said Ordinances according to law.

13. Work Meeting: Millenium Strategies with Ed Farmer re: Leasing of Borough Property

14. Adjournment

**Kevin V. Galland
Municipal Clerk**