

REVISED

WEST PATERSON MUNICIPAL COUNCIL AGENDA FOR REGULAR MEETING OF November 26, 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. **Presentation of Awards: Annual Payment to the West Paterson First Aid Squad**
5. **Public Hearing:**
6. **Approval of minutes from the Regular Meeting of November 5, 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 R08-243 a resolution authorizing the New Jersey State Exempt Firemen's Association, 16 Rosewood Court, Sewell, New Jersey to conduct an off premise raffle on July 18, 2009 at 4:00 p.m. at 3 and 5 Garrett Mountain Plaza, West Paterson, New Jersey.**
- B. **Resolution R08-244, a resolution authorizing the award of a contract under bid #07-08-01 (second year option) to Camp Auto & Truck Parts, Inc., 9 Whitmore Avenue, Wayne, NJ to provide mechanical, wrecking, recovery, road, and towing services on behalf of the Borough of West Paterson for the time period February 1, 2009 through January 31, 2010 for a payment to the Borough in the amount of \$19,050.56 and further reserves the right to award or not to award a contract for the third twelve month period at a future date under this bid.**
- C. **Resolution R08-245, a resolution authorizing the West Paterson Tax Collector to refund the total of \$1,812.24 for the overpayment of taxes, to Robert Rothman, Esq.**
- D. **Resolution R08-249, a resolution authorizing the Tax Collector of the Borough of West Paterson to refund an overpayment of taxes in the amount of \$9,585.78 to Wells Fargo Home Mortgage and to adjust the books of the Tax Collector accordingly.**
- E. **Resolution R08-250, a resolution authorizing the Tax Collector of the Borough of West Paterson to refund an overpayment of taxes in the amount of \$9,585.78 to Howard Hirsch and to adjust the books of the Tax Collector accordingly.**
- F. **Resolution R08-251, a resolution to approve the actions noted in the Consent Agenda, items A. through E., 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 12/15/08 and 12/30/08 regular and miscellaneous payrolls estimated at \$190,000.00 each.
- 2. Payment of bills from voucher list of 11/21/08 totaling \$1,898,309.78.

12. Department Reports:

- 1. Police time off report for 2008
- 2. Fire Prevention report for September & October, 2008
- 3. Library Board minutes for October 20, 2008
- 4. Planning Board minutes for September 8, 2008
- 5. Animal Control Report for October, 2008
- 6. Budget Status Report for November 21, 2008

13. Old Business:

- a. Public Hearing** on Ordinance No. 08-15 an ordinance to amend Chapter IX of the Ordinances of the Borough of West Paterson which is known as “Licensing of Dogs” ordinance adopted December 29, 1972 as amended.
- b. Resolution R08-246** Adoption of Ordinance 08-15 by the Mayor and Council.

WHEREAS, the Borough of West Paterson, County of Passaic, State of New Jersey desires to adopt an ordinance to amend Chapter IX of the Ordinances of the Borough of West Paterson which is known as “Licensing of Dogs” Ordinance adopted December 29, 1972; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated November 9, 2008, setting the date of November 26, 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 November 26, 2008 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled Ordinance 08-15 an ordinance to amend Chapter IX of the Ordinances of the Borough of West Paterson which is known as “Licensing of Dogs” Ordinance adopted December 29, 1972 be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk be and is hereby authorized and directed to publish said Ordinance according to law.

- c. Public Hearing** on Ordinance No. 08-16 an ordinance for the declaration of a special emergency appropriation of funds.
- d. Resolution R08-247** Adoption of Ordinance 08-16 by the Mayor and Council.

WHEREAS, the Borough of West Paterson, County of Passaic, State of New Jersey desires to adopt an ordinance for the declaration of a special emergency appropriation of funds; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated November 9, 2008, setting the date of November 26, 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 November 26, 2008 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled Ordinance 08-16 an ordinance for the declaration of a special emergency appropriation of funds be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk be and is hereby authorized and directed to publish said Ordinance according to law.

e. Public Hearing on Ordinance No. 08-17 to establish development fees under COAH's regulations.

f. Resolution R08-248 Adoption of Ordinance 08-17 by the Mayor and Council.

WHEREAS, the Borough of West Paterson, County of Passaic, State of New Jersey desires to adopt an ordinance to establish development fees under COAH's regulations; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated November 9, 2008, setting the date of November 26, 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 November 26, 2008 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled Ordinance 08-17 an ordinance to establish development fees under COAH's regulation be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk be and is hereby authorized and directed to publish said Ordinances according to law.

14. New Business:

Resolution 08-234, a resolution for an emergency appropriation in the amount of \$100,000.00 to update the Borough's Tax Maps, to engage special consultants for the preparation of an update to the Borough's Master Plan and to update the Borough's sanitary and storm system maps.

WHEREAS, an ordinance has been adopted creating a special emergency appropriation of \$100,000.00 for the Revision of Master Plan and no adequate provision was made in the 2008 budget for the aforesaid purpose and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of Emergency Appropriations created including the appropriation to be created by this resolution is \$100,000.00.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 and 40A:4-53:

1. A special emergency appropriation be and the same is hereby made for revision of the Master Plan in the amount of \$100,000.00.
2. Total amount per ordinance is for \$100,000.00 and the Mayor and Council hereby requests that an exclusion from the 5% “Cap” be granted by the Director of the Division of Local Government Services in accordance with P.L. 1981 Chapter 56 in the amount of \$20,000.00 per year in the budgets of the next five succeeding years commencing with the budget of 2009 in accordance with 40 A:4-55(C).
3. That a special emergency note or notes be authorized not in excess of \$100,000.00, the amount appropriated by ordinance as stated above.
4. Such notes are hereby authorized to be issued pursuant to the ordinance and this resolution and shall be negotiable notes payable to bearer, and shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and such interest shall be payable at the maturity of such notes. The notes shall be dated on or about the date of their issuance and may be renewed from time to time, but at least 1/5 of the total amount of notes hereby authorized, and the renewals thereof, shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution. The issuing officers are authorized to provide that the notes may be redeemable at the option of the Borough.
5. The Mayor and the Chief Financial Officer are hereby authorized to execute said notes and the Borough Clerk is hereby authorized to affix the seal of the Borough to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.
6. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefore.
7. The Borough Council hereby designates the Special Emergency Notes as “qualified tax-exempt obligations” for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”). It is hereby determined and stated that the Special Emergency Notes (1) are not “private activity bonds” as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of the tax-exempt obligations (other than private activity bonds) during the calendar year 2008. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and expressly states that a covenant is not made hereby.

8. That three certified copies of this resolution be filed with the Director of the Division of Local Government Services.
9. This resolution shall take effect immediately upon its adoption.

Resolution R08-242 introduction of Ordinance 08-18 an Ordinance amending, in its entirety, Ordinance 06-14 entitled West Paterson Storm Water Control Ordinance, to include the New Jersey Department of Environmental Protection as a reviewing agency along with the Borough of West Paterson and Passaic County which are already listed in the Ordinance (Section 8.C.1: Variance or Exemption From Safety Standards)

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE AMENDING, IN ITS ENTIRETY, ORDINANCE 06-14 ENTITLED WEST PATERSON STORM WATER CONTROL ORDINANCE, TO INCLUDE THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AS A REVIEWING AGENCY ALONG WITH THE BOROUGH OF WEST PATERSON AND PASSAIC COUNTY WHICH ARE ALREADY LISTED IN THE ORDINANCE (SECTION 8.C.1: VARIANCE OR EXEMPTION FROM SAFETY STANDARDS) 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 17th day of December, 2008, at 6:00 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.

15. Executive Session:

16. Adjournment

**Kevin V. Galland
Municipal Clerk**