Town of West New York Commission Meeting Regular Meeting

Wednesday, September 15, 2010 at 7:00 PM (6:00 PM Work Session)

Agenda

Pledge of Allegiance Open Public Meetings Act Announcement Roll Call

1. Approval of Minutes Regular Meeting: 8/18/10

(Regular Session)

2. Payment of Claims Dated: 9/15/10

3. Receipt of Financial Report For the month of August 2010

4. Communications

4A. Bid Results recd. 9/10/10 Re: Supplementary Plumbing Services & Repair Contract (2nd Occasion)

5. Proclamations

5A. Re: Honoring Memorial High School Class of 1960

5B. Re: National Breast Cancer Awareness 2010

- 6. Adoption of Consent Agenda
- 7. Resolutions (see attached itemized sheet)
- 8. Introduction/Hearings & Final Adoption of Ordinances (see attached itemized sheet)
- 9. Privilege of the Floor (An opportunity to citizens to address the Board, each person limited in his question of address to 5 minutes, and no person shall be permitted to speak more than one regular turn.)
- 10. Adjournment

TAKE NOTICE THAT ACTION MAY BE TAKEN ON THE MATTERS LISTED ON THIS AGENDA OR SUCH OTHER MATTERS AS MAY PROPERLY COME BEFORE THE GOVERNING BODY OF THE TOWN OF WEST NEW YORK

BUDGET RESOLUTIONS

- 1. HEARING Re: SFY 2010 Transition Budget
- 2. Resolution Re: Amendments to SFY 2010 Transition Budget
- 3. Resolution Re: Adoption of SFY 2010 Transition Budget including all amendments

Resolutions

- R-1 RESOLUTION Re: Establishing restricted parking in front of one (1) residence for use by handicapped resident as follows: 410 66th Street (Mario Olivares)
- R-2 RESOLUTION Re: Establishing restricted parking in front of one (1) residence for use by handicapped resident as follows: 107 66th Street (Biagio Cannata)
- R-3 RESOLUTION Re: Confirming Sale of Abandoned Vehicles held on Sept. 8, 2010
- R-4 RESOLUTION Re: Budget Transfers FY 2010
- R-5 RESOLUTION Re: Authorizing the Town Clerk to re-advertise to receive bids for "Supplementary Plumbing Services (3rd Occasion)" on 10/14/10 at 10:00 a.m. in Town Clerk's Office
- R-6 RESOLUTION Re: Approval of Event/Parade Permit for "2010 Latin GRAMMY® Street Parties in the Town of West New York Event" by EVENTUS
- R-7 RESOLUTION Re: Authorization of Maser Consulting, PA to provide Engineering Services for Veterans Park Design and Bidding (\$145,000)
- R-8 RESOLUTION Re: Award of Web Design Consultant Services to: Alpha Dog Solutions
- R-9 RESOLUTION Re: Refunds of Tax Lien Redemptions (\$207,065.95)
- R-10 RESOLUTION Re: Refunds of Tax Lien Premiums (\$65,700.00)
- R-11 RESOLUTION Re: Hudson County Board of Taxation Tax Appeals (\$1,488.62)
- R-12 RESOLUTION Re: Refunds of Overpayment of Taxes (\$1,869.15)
- R-13 RESOLUTION Re: State Tax Appeals (\$4,159.90)
- R-14 RESOLUTION Re: Re-appointment of Maria Alvarez as Registrar of the Town of West New York (Term: March 1, 2010 February 28, 2013)

Ordinances

- O-1 Final Adoption of Ordinance #17/10 An Ordinance providing for various Capital Improvements for the Town of West New York and appropriating \$2,350,000, therefore, and providing for the issuance of \$1,900,000 in General Improvement Bonds or Notes of the Town of West New York to finance the same
- **O-2 Introduction of Ordinance #20/10** An Ordinance amending Chapter 80 of the Code of the Town of West New York (Police Department)
- **O-3 Introduction of Ordinance** #21/10 An Ordinance amending Ordinance #8/10 and #19/10 entitled: "An Ordinance entitled 2010/2012 Salary Ordinance"
- **O-4 Introduction of Ordinance** #22/10 An Ordinance establishing fees for the performance of Marriage and Civil Union Ceremonies
- **O-5 Introduction of Ordinance #23/10** An Ordinance amending Chapter 312 of the Code of the Town of West New York (Rent Control)
- **O-6 Introduction of Ordinance** #24/10 An Ordinance adopting a Mandatory Attendance Policy for all Boards, Agencies, Authorities and Commissions of the Town of West New York Pursuant to N.J.S.A. 40A:9-12.
- **O-7 Introduction of Ordinance #25/10** An Ordinance concerning the use of Town Automobiles
- O-8 Introduction of Ordinance #26/10 An Ordinance concerning compliance with Standards for Ethical conduct by all Employees of the Town of West New York

ORDINANCE #20/10

AN ORDINANCE AMENDING CHAPTER 80 OF THE CODE OF THE TOWN OF WEST NEW YORK (POLICE DEPARTMENT)

WHEREAS, the Town of West New York has established a Police Department; and

WHEREAS, the Board of Commissioners desires to establish therein the positions of Class II Special Law Enforcement Officers pursuant to the Special Law Enforcement Officers' Act N.J.S.A. 40A:14-146.8 et seq. ("the Act");

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of West New York, County of Hudson, as follows:

Section 1:

In addition to any positions that may exist in the Police Department there shall also exist therein the position of no more than six (6) Class II Special Law Enforcement Officers, as defined in the Act, as deemed necessary and proper by the Director of Public Safety.

Section 2:

Eligibility: Only persons eligible to serve as Class II Special Law Enforcement Officers pursuant to law shall be appointed as such.

Section 3:

Terms: Class II Special Law Enforcement Officer shall serve terms as provided for in the Act, during periods of good behavior, of up to one-year in length. A Class II Special Law Enforcement Officer may be reappointed at the expiration of a term, as deemed necessary and proper.

Section 4:

Duties: A Class II Special Law Enforcement Officer shall have those duties as provided for under the laws of the State of New Jersey, including the Act, applicable regulations, and the Ordinances of the Town of West New York, as may be applicable, and those duties assigned through the appropriate chain of command, including but not limited to exercise the same powers and authority as permanent, regularly appointed police officers of the Town, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations, not inconsistent with the certification requirements of the Act, or any other statute, law, or regulation.

Section 5.

Remuneration: A Class II Special Law Enforcement Officer shall be remunerated as set forth in the Town's Salary Ordinance.

Section 6.

A Class II Special Law Enforcement Officer shall be subject to the Town's residency requirements for employment.

Section 7:

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 8:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 9.

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: 9/15/10

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 15, 2010** and ordered published, and will be further considered before final passage at a public hearing on **October 20, 2010** at **7:00 P.M.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

TOWN OF WEST NEW YORK

County of Hudson

Ordinance #21/10

An Ordinance amending Ordinances #8/10 and #19/10 entitled: "An Ordinance entitled 2010/2012 Salary Ordinance"

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK, COUNTY OF HUDSON, STATE OF NEW JERSEY, THAT ORDINANCES #8/10 BE AMENDED AS FOLLOWS:

Section 1. The Salary range for Sergeants in the Police Department shall be:

\$73,332 - \$89, 629.00

Section 2. The Salary range for Lieutenants in the Police Department shall be:

\$85,801 - \$104,868

<u>Section 3</u>. The Salary range for Captains in the Police Department shall be:

\$100,389 - \$122,698.

Section 4. The Salary range for Police Officers shall be:

\$30,264 - \$72,957.50

Section 5. The Salary range for Class II Special Law Enforcement Officer shall be:

\$15 - \$20/hr

Section 6. Repealer

All ordinances inconsistent herewith are repealed to the extent of such inconsistency only.

Section 7. Effect of Partial Invalidity

If any provisions of this Ordinance are found to be invalid, for any reason, by the final judgment of a Court of competent jurisdiction, the validity of such portions shall not affect the validity of the remaining provisions of this Ordinance, which shall be severable therefrom.

Section 8. Effective Date

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: 9/15/10

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Ordinance #22/10

An Ordinance Establishing Fees for the Performance of Marriage and Civil Union Ceremonies

Whereas, Pursuant to N.J.S.A. 37:1-13, "any Mayor [is]... authorized to solemnize marriage or civil union between such persons as may lawfully enter into the matrimonial relation or civil union" and

Whereas, the performance of such ceremonies does provide an important civic function;

Whereas, it is recognized that a Mayor may be legitimately compensated for the performance of such ceremonies, as may be established by ordinance;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of West New York, County of Hudson as follows:

Section 1: The Mayor may collect fees for performing marriage and civil union ceremonies in the amount of \$50.00 per ceremony.

Section 2: The Mayor shall not be reimbursed for any out-of-pocket fees.

Section 3: Any fees collected for any ceremony must be deposited into the current fund, and be by check or money-order payable to the Town of West New York.

Section 4: Such fees shall then be disbursed to the Mayor as additional salary subject to any applicable tax withholding requirements.

Section 5: Nothing in this Ordinance shall be construed as mandating that the Mayor perform any such ceremony.

Section 6. All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 8. This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: 9/15/10

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Ordinance # 23/10

AN ORDINANCE AMENDING CHAPTER 312 OF THE CODE OF THE TOWN OF WEST NEW YORK

(RENT CONTROL)

WHEREAS, the Town of West New York for many years has exercised its police power in the regulation of the residential rental units in response to a critical shortage of rental housing opportunities for its residents, and has amended its regulations from time to time in response to conditions that affected the availability of safe and habitable housing while maintaining a supply of affordable housing for its residents; and

WHEREAS, under such regulations affordable, safe and habitable housing has been provided for its residents, and landlords have invested in the construction and rehabilitation of additional housing; and

WHEREAS, despite the success of those efforts, a critical shortage of such housing continues, and present economic conditions in the local, regional and national housing markets are making the construction of new and substantial rehabilitation of existing structures for housing purposes unusually difficult; and

WHEREAS, the formulation of long range plans for housing in West New York, based upon careful study and including the preparation of a Housing Element of a new Master Plan, are necessary to more fully identify and implement comprehensive housing strategies to meet the present crisis in safe, habitable and affordable housing; and

WHEREAS, the Board of Commissioners has determined it necessary and appropriate to take immediate, interim steps to address present conditions, as aforesaid;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of West New York, County of Hudson, as follows:

Section 1.

The following amendments to the existing Rent Control code and ordinances are hereby enacted:

(a) All references herein are to the existing Rent Control provisions, codified as Section 312 of the Code of the Town of West New York, and any ordinance or other provision of the

- Code is hereby repealed to the extent required to make such ordinance or provision consistent with this Ordinance.
- (b) Section 312-1 is amended to add the following definition of "substantially rehabilitated" which had been repealed in 1984:
 - I. SUBSTANTIALLY REHABILITATED --- any building or structure, which is entirely vacant as of September 1, 2010 and thereafter renovated for residential use and occupancy by reconstruction or rehabilitation of residential units by the replacement of a combination of plumbing and electrical systems, interior walls, ceilings and interior finishes where the actual costs of such work (including reasonable soft costs) exceeds the equalized value of the structure and its land as of October 1, 2009.
- (c) Section 312-3B(3) is amended to read in its entirety as follows to ensure that commercial buildings are exempted only where the person who is the business owner resides in a residential unit on the premises:
 - I. Commercial buildings containing not more than three residential units in addition to a single commercial use where the individual who owns, rents or leases the commercial use also resides in one of the three residential units, and provided that the owner for purposes of this exemption is a natural person whose individual interest in the premises constitutes one hundred percent of the legal ownership of the property, or is an owner of such one hundred percent interest jointly with their spouse.
- (d) Section 312-3B(7) is added to provide as follows:
 - I. All residential units that have been Substantially Rehabilitated as such term is defined herein.
- (e) All references in the existing provisions of the Code to "Rent Leveling Board" shall be construed to refer to the present Rent Control Board.
- (f) Notwithstanding any provision in any prior Ordinance or the Town Code, appeals from determinations of the Rent Control Board shall be to the Superior Court exclusively.
- (g) Section 312-14 is amended so that its final sentence shall read as follows:
 - I. [last sentence] Each member is to serve without compensation for their services.
- (h) Section 312-15 is amended to add a final sub-section which shall read as follows:

- I. Secretary of Rent Control Board. The Secretary to the Rent Control Board shall be appointed by the Commissioner of the Department in which the Rent Control Board is assigned. The Secretary shall perform all of the administrative functions required for the implementation of the Rent Control provisions of the Town Code, and the Secretary's duties shall include attendance at all meetings of the Rent Control Board and at such other proceedings as may be required. The administrative supervision of the person designated as Secretary shall be vested in the Commissioner heading the Department of the Town in which the Rent Control Board is assigned, or such subordinate as that Commissioner shall direct in order to ensure the day to day compliance with the requirements of the Rent Control provisions and the personnel requirements of the Town.
- (i) Section 312-24(B) is amended to add the follow sentence at the end of the present paragraph:
 - I. Notwithstanding the foregoing provisions, or any provision of the ordinances of the Town of West New York governing rent control, or any interpretation or construction thereof, the costs of fuel and taxes borne by a landlord may be considered by the Rent Control Board in its determination of a hardship application hereunder.

Section 2.

Notwithstanding the provisions of any prior Ordinance of the Town of West New York for the codification of ordinances:

- (a) The Town Attorney is hereby directed to review the present codification of Chapter 312 of the Town Code entitled "Rent Control" and the provisions of all prior ordinances pertaining to Rent Control, and to prepare such revised codification thereof as may be warranted to properly present the provisions for Rent Control as they have been heretofore enacted and subsequently amended from time to time.
- (b) Upon such revised codification by the Town Attorney he shall certify it to the Town Clerk who shall post it upon the Town's web site, provide certified copies to the Town's code service, its Rent Control Board, and any other person or official requesting same, and said copy of the codified Rent Control Chapter 312 shall constitute the official codification of the Town's Rent Control ordinances.

Section 3. Repealer

All ordinances inconsistent herewith are repealed to the extent of such inconsistency only.

Section 4. Effect of Partial Invalidity

If any provisions of this Ordinance are found to be invalid, for any reason, by the final judgment of a Court of competent jurisdiction, the validity of such portions shall not affect the validity of the remaining provisions of this Ordinance, which shall be severable therefrom.

Section 5. Effective Date

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: 9/15/10

Notice

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Ordinance #24/10

AN ORDINANCE ADOPTING A MANDATORY ATTENDANCE POLICY FOR ALL BOARDS, AGENCIES, AUTHORITIES AND COMMISSIONS OF THE TOWN OF WEST NEW YORK PURSUANT TO N.J.S.A. 40A:9-12.

WHEREAS, it is incumbent that the Public receive adequate services from the various Town boards, committees, commissions, authorities and other agencies; and

WHEREAS, the Board of Commissioners is of the opinion that such members should be encouraged to take their service seriously by actively participating in the discharge of their functions; and

WHEREAS, the establishment of a mandatory attendance policy is in furtherance of this goal and in keeping with the public good;

NOW THEREFORE be it ordained by the Board of Commissioners of the Town of West New York, County of Hudson, as follows:

Section 1:

Any member of any Town board, committee, commission, authority or other agency whose members are appointed by the Board of Commissioners, Mayor, or any Commissioner as the head of any Town department who is absent from four (4) consecutive regular meetings or shall have failed to attend and participate at any meetings of the body for a period of eight (8) consecutive weeks, whichever shall be of longer duration, and who is not absent by reason of legitimate illness or excused for other reasons by a majority of the other members of such body, shall be considered as having been removed from their position upon notification by resolution of such board or body directed to the Board of Commissioners, Mayor or other Commissioner with the power of appointment over such member. Such removal shall be effective upon the receipt of such resolution by the respective Board or Commissioner.

Section 2:

If the appointed member who fails to attend such meetings as provided for in Section 1 is also a member of the Board of Commissioners of the Town, that member shall be subject to removal in the same manner as any other member, subject only to any statutory provision requiring that particular individual's membership on such body by virtue of his office.

Section 3:

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 5:

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

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ORDINANCE #25/10

AN ORDINANCE CONCERNING THE USE OF TOWN AUTOMOBILES

WHEREAS, in order to ensure the efficient operation of the Town and to facilitate the performance of their duties by various Town Officials it is desirable to establish general standards and regulations for the use of municipally owned vehicles; and

WHEREAS, it is the intention of the Town to limit the use of its vehicles and the attendant expense in a reasonable manner;

NOW THEREFORE, be it ordained as follows:

- 1. Town vehicles shall be used only by properly licensed employees designated to use and operate the vehicle in the course of their normal employment duties by their authorized supervisor or Department head.
- 2. Town vehicles and equipment shall not be used for private purposes except as specifically permitted herein and no authority shall be granted for such use by any Town Official or employee as a general exception to this rule.
- 3. Any Town employee utilizing a Town vehicle shall do so in a lawful manner and shall comply with all laws pertaining to motor vehicle operation, including parking. The employee assigned to the use of any vehicle, and jointly with any other employee operating such vehicle, shall be financially responsible for all fines, penalties and similar charges associated with the use of that vehicle.
- 4. Town employees operating Town vehicles shall promptly report every accident, collision or other similar mis-hap resulting in personal injury (or the potential for such injury through contact with pedestrians or other vehicles) and any property damage regardless of the amount of such damage.
- 5. Town employees operating or responsible for Town vehicles shall cause them to be kept safe and secure and shall return them during periods when the employee is not using them for municipal business (except parking during short periods of breaks, and the performance of other work related tasks) to Town property or other areas designated for the parking of such vehicles. Town vehicles shall not be parked on streets overnight or when otherwise not in use.
- 6. No Town employee shall incur additional charges for vehicle care, fueling or servicing except as may be provided for by the Town in the normal course of the operation of such vehicle.

- 7. Vehicles as used in this Ordinance shall include not only licensed and registered motor vehicles such as cars, trucks and buses, but shall also include all manner of motorized equipment, trailers and special purpose vehicles or equipment of any kind owned or operated by the Town.
- 8. Notwithstanding any provision of the foregoing, the Police Director may permit specific exceptions to the foregoing when required by the operational needs of the Police Department, but no vehicle may be regularly assigned for purposes of commuting to and from work or other personal use not directly related to police business.
- 9. Further notwithstanding the foregoing provisions concerning personal use, each Town Commissioner, the Director of the Police Department, the Health Officer, the superintendent in the Department of Parks and Public Property and the superintendent of Public Works may be assigned the use of Town vehicles to be used in their discretion. Such use shall be subject to the provisions of the U.S. Internal Revenue Code for the allocation of personal use of employer vehicles.

Introduced: 9/15/10

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ORDINANCE #26/10

AN ORDINANCE CONCERNING COMPLIANCE WITH STANDARDS FOR ETHICAL CONDUCT BY ALL EMPLOYEES OF THE TOWN OF WEST NEW YORK

WHEREAS, all employees of the Town of West New York are subject to the provisions and requirements of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et.seq.; and

WHEREAS, provisions of other laws and regulations require awareness and compliance in the performance by municipal officials of various duties, including limitations imposed through "Pay-to-Play" laws upon purchasing, contract and finance functions; and

WHEREAS, the proper enforcement of local ordinances as well as state laws and regulations concerning the public health, safety and welfare require strict, fair and impartial discharge of the duties of various municipal officials; and

WHEREAS, the creation of an environment and culture of compliance with ordinances, laws and regulations, and the avoidance of improprieties and the appearance of improprieties will best serve the public interests of the Town and its citizens;

NOW THEREFORE, be it enacted by the Board of Commissioners of the Town of West New York as follows:

- 1. Each employee of the Town of West New York shall be provided with a copy of the Local Government Ethics Law and a copy of this ordinance, and reminded that compliance with its provisions is mandatory, not optional. This shall be accomplished by the payroll department which shall send a copy by mail upon the enactment of this ordinance and thereafter the beginning of each calendar year to each employee on the Town's payroll.
- 2. Each non-employee Official serving the Town and each member of every Town Board or Commission shall be provided with a copy of the Local Government Ethics Law and a copy of this ordinance, and reminded that compliance with its provisions is mandatory, not optional. This shall be accomplished by the Town Clerk at the beginning of each calendar year by mailing a copy to each such person at their mailing address.
- 3. Each Commissioner of the Town, regardless of their years of public service, shall attend educational and refresher courses on their various responsibilities and obligations in Local Government in the areas of Budgeting, Policy Setting, Local Government Contracting, Risk Management and the requirements of the Open Public Records Act. Courses offered on a statewide basis by Rutgers University and established organizations of government officials, such as the New Jersey League of Municipalities, shall satisfy this requirement. Each official should attend two courses on an annual basis. The Town shall reimburse the Commissioner for out of pocket costs of attendance and tuition.
- 4. Each "local government officer" excepting elected officials, as that term is defined in the Local Government Ethics Law, N.J.S.A. 40A:9-22.3 shall initially and within one year of appointment, and annually thereafter, attend at least one course in the area of their official duties for the Town. Courses offered on a statewide basis by Rutgers University and established organizations of government officials, such as the New Jersey League of Municipalities, shall satisfy this requirement.

Notwithstanding the foregoing, compliance with the professional licensing requirements of the State of New Jersey for the field in which the local government officer serves the Town shall satisfy this requirement.

- 5. Beginning with calendar year 2011, and annually thereafter, upon the filing of the Annual Financial Disclosure Statement as required by N.J.S.A. 40A:9-22.6, each person required to make such filing shall also file with the Town Clerk a writing setting for the courses taken during the preceding twelve months by name, subject, location, course provider and date which shall be kept on file with the financial disclosure statement as a public record.
- 6. Ethics training shall be mandatory for all elected officials, local government officers and employees and shall include the provisions of the Local Government Ethics Law, and such other laws, civil and criminal, rules, regulations and ethical obligations as may be appropriate to the activities of the participants. The courses may be completed by elected officials through participation in courses given on a statewide basis by Rutgers University and established organizations of government officials, such as the New Jersey League of Municipalities, or by attendance at ethics courses given to other Town officials and employees. Such courses shall be conducted by outside providers qualified to do so, or conducted internally upon a format approved by the Administrator and Town Attorney, giving due consideration to the differing levels of training appropriate to different levels of officials and employees. Such training shall be conducted and attended on an annual basis and shall be in addition to any other training required by this Ordinance.

Introduced: 9/15/10

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