

# Town of West New York Commission Meeting *Regular Meeting*

*Wednesday, October 20, 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: 9/15/10  
(Regular Session)  
Special Meeting: 10/06/10  
(Regular Session)**
2. **Payment of Claims**                      **Dated: 10/20/10**
3. **Receipt of Financial Report**    **For the month of September 2010**
4. **Communications:**
  - 4A. **Bid Results recd. 10/5/10 Re: GO-4 Interceptor Police Vehicle or Equal**
  - 4B. **Correspondence from CFO Frederick J. Tomkins Re: “Local Government Best Practices” checklist**
  - 4C. **RFP Results recd. 10/13/10 Re: Environmental Engineering/LSRP Services**
  - 4D. **Bid Results recd. 10/14/10 Re: Supplementary Plumbing Services & Repair Contract (3<sup>rd</sup> Occasion)**
  - 4E. **Letter from Town Administrator Joseph McConnell Re: Hudson Hall Fire Detection and Suppression Remediation**
5. **Proclamations:**                      **None**
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**

## Resolutions

- R-1 RESOLUTION – Re: Authorizing the Town Clerk to advertise to receive bids for “One (1) Brand New Type III Ambulance/Medix Specialty Vehicle or Equal Brand” on 11/16/10 at 10:00 a.m. in Town Clerk’s Office
- R-2 RESOLUTION – Re: Raffle Licenses (St. Joseph’s of the Palisades Church – Tricky Tray Raffle/On Premise and Laymen and Laywomen’s Action Club – Off Premise Raffle and Holy Redeemer Parish 50/50 Off Premise Raffle)
- R-3 RESOLUTION – Re: Authorizing an Emergency Appropriation Pursuant to N.J.S.A. 40A:4-46 to Fund the Installation of an Electronic Smoke Detection System and Authorizing the Issuance of Emergency Notes Pursuant to N.J.S.A. 40A:4-51
- R-4 RESOLUTION – Re: Approval of Emergency Contract to Power Point Electric Company for Hudson Hall Fire Detection and Suppression Remediation
- R-5 RESOLUTION – Re: Approval of Emergency Contract to Hernandez Sewer Cleaning and Plumbing for Hudson Hall Fire Detection and Suppression Remediation
- R-6 RESOLUTION – Re: Approval of Emergency Contract to Cambridge Security Company for Hudson Hall Fire Detection and Suppression Remediation
- R-7 RESOLUTION - Re: Tax Sale Certificate Redemptions (\$15,113.09)
- R-8 RESOLUTION - Re: Refunds of Tax Lien Redemptions (\$197,560.95)
- R-9 RESOLUTION - Re: Refunds of Tax Lien Premiums (\$82,900.00)
- R-10 RESOLUTION - Re: Refunds of Overpayment of Taxes (\$24,091.94)
- R-11 RESOLUTION – Re: Award of Verrazano Dog Park Design and Grants/Construction Administration to Maser Consulting
- R-12 RESOLUTION – Re: Award of 66<sup>th</sup> Street Promenade Design and Grants/Construction Administration to Maser Consulting
- R-13 RESOLUTION – Re: Award of Contract to Remington & Verrick for LSRP Services in regards to Municipal Garage – Professional Environmental Engineering Services
- R-14 RESOLUTION – Re: Authorization to negotiate for Plumbing Contract
- R-15 RESOLUTION – Re: Establishing a restricted parking space in front of one (1) residence for use by handicapped resident as follows: 6023 Tyler Place (Elena Ayala on behalf of Stephanie Spinel, a minor)
- R-16 RESOLUTION – Re: Establishing a restricted parking space in front of one (1) residence for use by handicapped resident as follows: 5508 Madison Street (Kristelle Yopez)
- R-17 RESOLUTION – Re: Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:3-4
- R-18 RESOLUTION – Re: Amending Capital Budget

## Ordinances

- O-1 Hearing and Final Adoption of Ordinance #20/10** An Ordinance amending Chapter 80 of the Code of the Town of West New York (Police Department)
- O-2 Hearing and Final Adoption of Ordinance #21/10** An Ordinance amending Ordinance #8/10 and #19/10 entitled: “An Ordinance entitled 2010/2012 Salary Ordinance”
- O-3 Hearing and Final Adoption of Ordinance #22/10** An Ordinance establishing fees for the performance of Marriage and Civil Union Ceremonies
- O-4 Hearing and Final Adoption of Ordinance #23/10** An Ordinance amending Chapter 312 of the Code of the Town of West New York (Rent Control)
- O-5 Hearing and Final Adoption 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-6 Hearing and Final Adoption of Ordinance #25/10** An Ordinance concerning the use of Town Automobiles
- O-7 Hearing and Final Adoption of Ordinance #26/10** An Ordinance concerning compliance with Standards for Ethical conduct by all Employees of the Town of West New York
- O-8 Introduction of Bond Ordinance #27/10** Providing for the Financing of the Installation of an Electronic Smoke Detection System in the Town and Appropriating an Amount not Exceeding \$105,000 Therefor and Authorizing the Issuance of not to Exceed \$99,750 in Bonds or Notes of the Town of West New York

# TOWN OF WEST NEW YORK COUNTY OF HUDSON

## ORDINANCE #27/10

### **BOND ORDINANCE OF THE TOWN OF WEST NEW YORK, COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE FINANCING OF THE INSTALLATION OF AN ELECTRONIC SMOKE DETECTION SYSTEM IN THE TOWN AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$105,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$99,750 IN BONDS OR NOTES OF THE TOWN OF WEST NEW YORK**

WHEREAS, pursuant to the Local Budget Law, specifically N.J.S.A. 40A:4-46 and N.J.S.A. 40A:4-48, the Town of West New York, in the County of Hudson, New Jersey (the "Town"), has heretofore authorized, by resolution adopted by the Town's Board of Commissioners on October 20, 2010 emergency appropriation in the amount of \$100,000 to fund the installation of an electronic smoke detection system on property owned by the Town known as Hudson Hall, located at 6018-22 Hudson St., West New York, New Jersey (the "Smoke Detection System"); and

WHEREAS, the Town has determined that it is in the best interests of the Town to fund the costs of installing the Smoke Detection System through the authorization by the Town of bonds or notes in an aggregate principal amount of up to \$105,000, as provided in this bond ordinance.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), DO ORDAIN AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Town of West New York, in the County of Hudson, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$105,000 including

the sum of \$5,250 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$99,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is for the installation of an Electronic Smoke Detection System on property owned by the Town known as Hudson Hall, located at 6018-22 Hudson St., West New York, New Jersey, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of

payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the

bonds and notes provided in this bond ordinance by \$99,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$5,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The Town reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Town further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance.

Section 8. The full faith and credit of the Town is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Board of Commissioners of the Town hereby covenants on behalf of the Town to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**Introduced: 10/20/10**

### **Notice**

The foregoing Bond Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **October 20, 2010** and ordered published, and will be further considered before final passage at a public hearing on **December 15, 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.

Carmela Riccie, RMC  
Town Clerk