

AGENDA

REGULAR MEETING, THURSDAY, SEPTEMBER 22, 2011 AT 7:00 P.M. OR AS SOON THEREAFTER AT BOROUGH HALL

OPEN PUBLIC MEETINGS ACT.

BOROUGH CLERK: this meeting is being held in accordance with the rules and regulations of the Open Public Meetings Act of the State of New Jersey. Adequate notice of this meeting was provided by forwarding a Sunshine notice which included the time, date and location of this public meeting of the Mayor and Council.

ROLL CALL:

COUNCIL MEMBERS: Councilman Yampaglia, Councilman Bianchi, Councilman Hughes, Councilman Johnson, Councilman Tanelli and Councilman Kearney

ALSO PRESENT: Mayor Peter C. Massa, Borough Clerk, Terence M. Wall, Borough Attorney, Randy Pearce

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

MOTION TO CLOSE PUBLIC COMMENTS

INTRODUCED BY:

SECONDED BY:

ROLL CALL:

RESOLUTIONS ON CONSENT

R-219-11 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-220-11 RESO RE: APPROVAL OF PURCHASES OVER \$3,000.00

R-221-11 RESO RE: REFUND OF TAX MONEY – TOTALLY DISABLED VETERANS

R-222-11 RESO RE: REFUND OF MONIES DUE TO DUPLICATE PAYMENT

R-223-11 RESOLUTION AUTHORIZING THE RECEIPT OF PUBLIC BIDS FOR THE 2011 CDBG ROAD PROGRAM IN THE BOROUGH OF NORTH ARLINGTON

R-224 -11 RESO RE: EXPLANTORY LETTER TO BE INSERTED IN FINAL PROPERTY TAX BILLS

R-225-11 RESO RE: APPOINTMENT OF MATRON

R-226-11 RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS

R-227-11 RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS

R-228-11 RESO RE: APPOINTMENT OF PER DIEM EMT

R-230-11 RESO RE: APPOINTMENT OF PER DIEM COMMUNICATIONS OPERATOR

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

ORDINANCES

SECOND READING AND ADOPTION OF ORDINANCES

ORDINANCE NO. 2081

AN ORDINANCE TO AMEND ORDINANCES NO. 1465 AND NO. 1471 WITH REGARD TO THE CLOSING OF CERTAIN RETAIL ESTABLISHMENTS BETWEEN THE HOURS OF 12 MIDNIGHT AND 5 A.M.

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2081 TO THE PUBLIC

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

ORDINANCE NO. 2082

AN ORDINANCE TO AMEND CHAPTER 187 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "VEHICLES AND TRAFFIC" TO ESTABLISH A NEW SECTION KNOWN AS "ENGINE BRAKING"

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2082 TO THE PUBLIC

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY:
SECONDED BY:
ROLL CALL

ORDINANCE NO. 2083

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENT IN AND BY THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$332,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

MOTION TO OPEN PUBLIC HEARING ON ORDINANCE NO. 2083 TO THE PUBLIC

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

MOTION TO CLOSE HEARING AND ADOPT

INTRODUCED BY:
SECONDED BY:
ROLL CALL

ADMINISTRATORS REPORT

R-229 -11 RESO RE: EXECUTIVE SESSION

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

ADJOURNMENT:

MOTION TO ADJOURN

INTRODUCED BY:
SECONDED BY:
ROLL CALL:

(*AGENDA IS SUBJECT TO CHANGE AS A RESULT OF THE MATTERS NOT KNOWN
AT THE TIME OF PRINTING)

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						

R-219-11

RESO RE: AUTHORIZATION TO PAY CLAIMS

WHEREAS, There has been presented to the Mayor and Council Members of the Borough of North Arlington, the attached list of invoices requesting payment for the work, labor, services and materials to the Borough; and

WHEREAS, said attached list specify the exact line item in the budget or Ordinance to be charged therewith: \$ 2,431,667.62

WHEREAS, each of the purchases by said invoices have been duly authorized by the purchasing department, agent or office in respect to the goods and services received, as well as the Chief Financial Officer in regard to availability of funds;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington, that the CFO is hereby authorized to pay the claims.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC, QPA
Borough Clerk

DATED: September 22, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA X__ YES ____ NO						

R-220-11

RESO RE: APPROVAL OF PURCHASES OVER
\$3,000.00

WHEREAS, the departments listed have requested to purchase the enumerated items on the attached list; and

WHEREAS, prices for the requested purchases were either obtained through written quotes, county contracts or state contracts; and

WHEREAS, certifications of funds have been received for these expenditures from the Chief Financial Officer of the Borough of North Arlington;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington, Bergen County, New Jersey, that the attached list of purchase requests are hereby authorized.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC, QPA
Borough Clerk

DATED: September 22, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						

R-221-11

RESO RE: REFUND OF TAX MONEY –
TOTALLY DISABLED VETERANS

WHEREAS, the Tax Assessor has approved a refund to a veteran.

WHEREAS, a refund has been requested as follows:

B 131 L 013	Citi Mortgage, Inc. PO Box 23689 Rochester, NY 14692	\$1,866.95
B 131 L 013	City Mortgage, Inc. PO Box 23689 Rochester, NY 14692	\$3,916.00
B 136 L 047	Angel Otero 175 Rutherford Place North Arlington, NJ 07031	\$1,745.80

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough
of North Arlington that the Tax Collector issue the requested refund.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC, QPA
Borough Clerk

DATED: September 22, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA __X_ YES _____ NO						

R-222-11

RESO RE: REFUND OF MONIES DUE TO
DUPLICATE PAYMENT

WHEREAS, the following property had a duplicate payment; and

WHEREAS, a refund has been requested as follows:

B 106 L013 Stanford Properties, LLC \$2,240.22
344 Belleville Turnpike
North Arlington, NJ 07031

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington that the Tax Collector issue the requested refund.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC, QPA
Borough Clerk

DATED: September 22, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA X___ YES _____ NO						

R-223-11

**RESOLUTION AUTHORIZING THE RECEIPT OF
PUBLIC BIDS FOR THE 2011 CDBG ROAD
PROGRAM IN THE BOROUGH OF NORTH
ARLINGTON**

Whereas, the Borough of North Arlington has received funding from the Bergen County Community Development Block Grant, to finance the cost of resurfacing 5th Street (Wilson Place to Jauncey Avenue), Brandenburg Place (5th Street to 6th Street), Union Place (Belleville Turnpike to Dead End), Park Avenue (Rutherford Place to Chestnut Street) and Gold Street (Front Street to Albert Street) within the Borough of North Arlington; and

Whereas, the Mayor and Council has heretofore adopted an Ordinance appropriating the funds for said project; and

Whereas, the Mayor and Council has heretofore authorized the Borough Engineer, Neglia Engineering Associates, to perform all necessary professional engineering services for said project, including surveying, design, contract document preparation, field and office work, coordinate with municipal departments, perform final design and prepare final plans and specifications, prepare an estimate of construction costs and accept, review, tabulate and make recommendations with respect to the receipt of bids and the award of a contract; and

Whereas, subject to the receipt of specifications from the Borough Engineer for the 2011 CDBG Road Program, the Borough of North Arlington is ready to advertise for the receipt of sealed bids therefore;

NOW, THEREFORE MAY IT BE REOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY, that the Borough Clerk is herby authorized and directed to place an advertisement in the Record for the receipt of sealed bids for the 2011 CDBG Road Program within the Borough of North Arlington, in accordance with the specifications thereof, of a form approved by the Borough Attorney, in accordance with law.

Dated: 9/22/11

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC, QPA
Borough Clerk

CERTIFICATION

I, Terence Wall, Borough Clerk of the Borough of North Arlington, Bergen County, New Jersey do hereby certify that the foregoing Resolution was adopted by the Mayor and Council at a regular meeting held September 22, 2011.

Terence M. Wall, Clerk

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA				X		
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI					X	
KEARNEY		X	X			
MASSA						
TOTAL						
ON CONSENT AGENDA ___ YES ___X___ NO						

R- 224 -11

**RESO RE: EXPLANTORY LETTER TO BE
INSERTED IN FINAL PROPERTY TAX BILLS**

WHEREAS, the final 2011 property tax bills have been prepared and finalized and are scheduled to be distributed to Borough residents by the Office of the Tax Collector of the Borough of North Arlington in the immediate future; and

WHEREAS, the Mayor and Council of the Borough of North Arlington have determined that it is necessary to insert an explanatory letter in each property tax bill; and

WHEREAS, Council President, Richard Hughes, in his capacity as the Budget Committee Chairman, has drafted such an explanatory letter which is attached hereto and which sets forth the source and explanation for the final 2011 property tax bill; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington that the Office of the Tax Collector of the Borough of North Arlington is hereby directed and authorized to insert the attached explanatory letter into each and every final property tax bill for 2011 to be delivered to the residents of the Borough.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall
Borough Clerk

DATED: September 22, 2011

Dear Taxpayer:

Enclosed is your final tax bill for 2011.

As you know, this has been an especially challenging budgetary year for the Borough. The unwavering goal of the governing body was to formulate a budget that maintains a high level of municipal services for all residents with a minimal tax increase.

To accomplish this, the council amended the 2011 municipal budget at its August meeting, reducing a previously projected 11% tax increase to 1.97%. The reduction was achieved by examining the budget line-by-line with the Borough Administrator, CFO and Auditor to reduce expenditures and maximize revenue sources. Ultimately, a projected increase of \$1,008,880 in appropriations was slashed to \$31,975.

Despite the slight increase in the local rate, the borough's average assessed home will see a reduction of \$48.06 in **municipal** taxes for the year as a result of the 2010 property revaluation.

In addition to the above **municipal** portion, this tax bill reflects a voter approved 7.73% increase in the **school** portion and a 5.36% reduction in the **county** share. For the average assessed home, the result is a \$183.39 increase for **school** taxes and a \$66.21 reduction in **county** taxes. Combining the **school increase** with the **decreases in county and municipal** taxes results in a net tax increase of \$69.12 for the average assessed home.

The Borough has made and will continue to make every effort to stabilize property taxes, while providing quality municipal services, as we work to maintain North Arlington as an affordable and desirable community for all of our residents.

Sincerely,

Richard Hughes
Council President
Budget Committee Chairman

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA X__ YES ____ NO						

R-225-11

RESO RE: APPOINTMENT OF MATRON

BE IT RESOLVED by the Mayor and Council of the Borough of North Arlington hereby make the following Appointment of Matron to the North Arlington Police Department.

Patricia Eltringham
42 Union Place #3
North Arlington, NJ 07031

Compensation rate, \$150.00 per month when on call and \$15.00 per occurrence when not on call.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall
Borough Clerk

DATED: September 22, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA <u> X </u> YES <u> </u> NO						

R-226-11

RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, a Bergen County Community Development grant of

\$ 188,460.00 has been proposed by the Governing Body of the Borough of North Arlington for Gold Street Improvements, Phase II in the municipality

of the Borough of North Arlington, Bergen County, New

Jersey, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of The Borough of North Arlington, Bergen County, New Jersey, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of The Borough of North Arlington, Bergen County, New Jersey hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Approved: _____
Peter C. Massa, Mayor

Attest: _____
Terence M. Wall, RMC, QPA
Borough Clerk

Dated: September 22, 2011

R-227-11

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA X__ YES ____ NO						

RESOLUTION FOR MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, a Bergen County Community Development grant of

\$ 228,120.00 has been proposed by the Governing Body of the Borough of North Arlington for Stover Avenue Improvements, Phase II in the municipality

of the Borough of North Arlington, Bergen County, New Jersey, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of The Borough of North Arlington, Bergen County, New Jersey, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of The Borough of North Arlington, Bergen County, New Jersey hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Approved: _____
Peter C. Massa, Mayor

Attest; _____
Terence M. Wall, RMC, QPA
Borough Clerk

Dated::September, 22, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						

R-228--11

RESO RE: APPOINTMENT OF PER DIEM EMT

WHEREAS, there is a need for one (1) per diem EMT; and

WHEREAS, Trevor Hannon of 116 Boston Ave., North Arlington, NJ has been recommend by the Chief of Police

NOW THEREFORE BE IT RESOLVED that Trevor Hannon is hereby appointed per diem employees at the rate of \$17.00 per hour if and when employed.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC, QPA
Borough Clerk

DATED: September 22, 2011

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA			X			
BIANCHI			X			
HUGHES	X		X			
JOHNSON			X			
TANELLI		X	X			
KEARNEY			X			
MASSA						
TOTAL						
ON CONSENT AGENDA <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						

R-230-11

RESO RE:
APPOINTMENT OF PER DIEM
COMMUNICATIONS OPERATOR

BE IT RESOLVED at the request of the Police Chief Louis Ghione the following applicant is appointed to the position of Per Diem Communication Operator and is also approved by the Mayor and Council of the Borough of North Arlington. Rate of Compensation is \$13.40 per hour.

Anthony M. Rossmell
19 Seventh Street
North Arlington, NJ 07031

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC, QPA
Borough Clerk

DATED: September 22, 2011

First Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Bianchi				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPGALIA	X			
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
TANELLI	X			
KEARNEY	X			
MASSA				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Tanelli				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPAGLIA	X			
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
TANELLI	X			
KEARNEY	X			
MASSA				
TOTAL				

ORDINANCE NO. 2081
 BOROUGH OF NORTH ARLINGTON
 BERGEN COUNTY, NEW JERSEY

AN ORDINANCE TO AMEND ORDINANCES NO. 1465 AND NO. 1471 WITH REGARD TO THE CLOSING OF CERTAIN RETAIL ESTABLISHMENTS BETWEEN THE HOURS OF 12 MIDNIGHT AND 5 A.M.

WHEREAS, the Mayor and Council of the Borough of North Arlington have determined that, due to the increased number of retail establishments within the area along Ridge Road in the Borough of North Arlington, the increased patronage of such premises and the increased volume of vehicular traffic and noise related thereto, there has resulted a detriment to the public health, safety and welfare of the Borough and its inhabitants in the form of increased

traffic, fumes, noise, lights, debris and other hazards and annoyances inconsistent with the peace, tranquility and general health and welfare, and

WHEREAS, the Mayor and Council of the Borough of North Arlington have determined that a respite from the conduct of retail business operations during certain hours would serve to lessen the aforementioned detriment, and

WHEREAS, the Mayor and Council of the Borough of North Arlington have determined that the most reasonable and natural time for such a respite from the conduct of retail business is during the early morning hours, and

WHEREAS, on or about July 11, 1989 the Mayor and Council of the Borough of North Arlington enacted Ordinance #1465 prohibiting the operation of retail establishments located on Ridge Road between the hours of 12:00 midnight and 6:00 A.M.; and

WHEREAS, on or about September 26, 1989 the Mayor and Council of the Borough of North Arlington enacted Ordinance #1471 amending Ordinance #1465 to prohibit the operation of retail establishments located on Ridge Road between the hours of 12:00 midnight and 5:00 A.M.; and

WHEREAS, a Codification of the Ordinances of the Borough of North Arlington was completed in 2006 and adopted by the Mayor and Council of the Borough of North Arlington by way of Ordinance #1953 on February 9, 2006; and

WHEREAS, the terms of Ordinances #1465 and #1471 were inadvertently omitted from the Codification adopted by Ordinance #1953; and

WHEREAS, the Mayor and Council of the Borough of North Arlington and all relevant enforcement officers have continuously and without interruption operated in accordance with Ordinances #1465 and #1471 since their enactment; and

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of North Arlington, that Ordinances #1465 and #1471 remain in full force and effect and are hereby amended to read as follows:

SECTION 1. Required Closing Hours.

- A. Any retail establishment in the Borough of North Arlington which is located on property contiguous to or within 100 yards of Ridge Road and which is open to the public for retail business, shall be closed to the public between the hours of 12:00 midnight and 5:00 a.m., except:
 - (1) Establishments the hours of which are specifically regulated by the laws of the State of New Jersey and regulations promulgated or ordinances adopted thereunder, including, but not limited to,

that which concerns the sale and distribution of alcoholic beverages as codified in Chapter 83, Section 20 of the Code of the Borough of North Arlington.

- (2) Home Delivery of newspapers, magazines and periodicals.
- (3) Home milk delivery routes.
- (4) Motor vehicle transportation for hire.
- (5) Medical facilities.
- (6) Catering establishments hired for private parties not opened to the general public.

SECTION 2. Prohibited Acts.

- A. No person shall remain in the building and/or on the private property of a retail establishment affected by this chapter unless employed by said establishment.
- B. The owner, operator, agent and/or employees of said retail establishment shall not permit, suffer or allow any person to enter or remain on said described location between the hours of 12:00 midnight and 5:00 a.m. except in connection with such other businesses or enterprises which are permitted at said location by this chapter.

SECTION 3. Violations and Penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a term not to exceed thirty (30) days, or both, in the discretion of the court. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided for each separate offense.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC, QPA
Borough Clerk

DATED: September 22, 2011

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, September 8, 2011 THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON September 22, 2011 PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERKS OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Terence M. Wall
Borough Clerk

First Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Bianchi				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPGALIA	X			
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
TANELLI	X			
KEARNEY	X			
MASSA				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Tanelli				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPAGLIA	X			
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
TANELLI	X			
KEARNEY	X			
MASSA				
TOTAL				

ORDINANCE NO. 2082
 BOROUGH OF NORTH ARLINGTON
 BERGEN COUNTY, NEW JERSEY

**AN ORDINANCE TO AMEND CHAPTER 187 OF THE CODE OF THE
 BOROUGH OF NORTH ARLINGTON ENTITLED “VEHICLES AND TRAFFIC”
 TO ESTABLISH A NEW SECTION KNOWN AS “ENGINE BRAKING”**

WHEREAS, the Mayor and Council have determined that there is a need to amend Chapter 187 of the Code of the Borough of North Arlington; and

WHEREAS, the Mayor and Council have determined that there is a need to amend Chapter 187 of the Code of the Borough of North Arlington entitled “Vehicles and Traffic”

in order to establish new regulations with regard to the practice known as “engine braking”;
and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of North Arlington, County of Bergen, State of New Jersey, as follows:

Chapter 187 shall be amended to include the following within Part 2 which is entitled “Traffic Regulations”:

ARTICLE XV-ENGINE BRAKING

Section 187-54- Definition. Engine Braking shall mean the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in excessive, loud, unusual or explosive noise from such vehicle.

Section 187-55- Engine Braking Prohibited. It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time on Schuyler Avenue, Ridge Road and River Road in the Borough of North Arlington, any mechanical exhaust or decompression device which results in the practice known as “engine-braking”.

Section 187-56- Exceptions. The provisions of this section shall not apply to engine braking in emergency situations and where necessary for the protection of person and/or property which cannot be avoided by application of an alternative braking system. Noise caused by the application of engine compression brakes, otherwise known as engine braking, which is effectively muffled or if the application is necessary for the health, safety and welfare of the community is exempt from the provisions of this section. Sounds created by emergency apparatus including, but not limited to, fire engines and ambulances are also exempt.

Section 187-57- Posting of Signs. The Borough is hereby authorized to post signs at reasonable locations within the Borough indicating the prohibition of the practice of engine braking.

Section 187-58- Violations and Penalties. Unless another penalty is expressly provided by New Jersey Statute, any person convicted of a violation of this section shall be punished for a first conviction thereof by a fine of not more than one-hundred dollars (\$100.00) or by imprisonment for a period not to exceed ten (10) days, or by both such fine and imprisonment; for a second such conviction, such person shall be punished by a fine of not more than two-hundred dollars (\$200.00) or by imprisonment for a period not to exceed twenty (20) days, or by both such fine and imprisonment; and upon third or any subsequent conviction, such person shall be punished by a fine of not more than five-hundred dollars (\$500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment

IT IS FURTHER ORDAINED that the remainder of Chapter 187 of the Code of the Borough of North Arlington shall remain in full force and effect; and

IT IS FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent herewith are hereby repealed; and

IT IS FURTHER ORDAINED that if any part, sections, provisions, or the total of any of the above-mentioned publications are held to be invalid or unenforceable in any court, the findings or judgments of which court are applicable to the State of New Jersey, the

balance and remainder of such publications shall remain in full force and effect as an Ordinance of the Borough of North Arlington; and

IT IS FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days after the adoption and publication according to law.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC, QPA
Borough Clerk

DATED: September 22, 2011

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, September 8, 2011 THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON September 22, 2011 PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK'S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Terence M. Wall, RMC
Borough Clerk

First Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Kearney				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPGALIA	X			
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
TANELLI	X			
KEARNEY	X			
MASSA				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Yampaglia				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPAGLIA	X			
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
TANELLI	X			
KEARNEY	X			
MASSA				
TOTAL				

BOND ORDINANCE NO. 2083
 BOROUGH OF NORTH ARLINGTON
 BERGEN COUNTY, NEW JERSEY

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$332,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of North Arlington, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$350,000, including a Community Block Development Grant ("CBDG Grant") expected to be received in the amount of \$243,000 and including the sum of \$17,500 as the down payment 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 and in anticipation of the CBDG grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$332,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, 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 the financing of which the bonds are to be issued is various road improvements, including improvements to the entire length of Fifth Street, Brandenburg Place and Union Avenue and a portion of Park Avenue and Gold Street, including all work and materials necessary therefor and 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 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 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 Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted 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 ordinance, is 20 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 Borough as defined in the Local Bond Law is increased by the authorization of

the bonds and notes provided in this bond ordinance by \$332,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$50,000 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 purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose 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 ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are 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 Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

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.

APPROVED: _____
Peter C. Massa, Mayor

ATTEST: _____
Terence M. Wall, RMC, QPA
Borough Clerk

DATED: September 22, 2011

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough of North Arlington, in the County of Bergen, State of New Jersey on September 22, 2011 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF NORTH ARLINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$332,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose(s): Various road improvements, including improvements to the entire length of Fifth Street, Brandenburg Place and Union Avenue and a portion of Park Avenue and Gold Street, including all work and materials necessary therefor and incidental thereto.

Appropriation: \$350,000

Bonds/Notes Authorized: \$332,500

Grants Appropriated: \$243,000 Community Block Development Grant

Section 20 Costs: \$50,000

Useful Life: 20 years

Terence M. Wall, Clerk

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
YAMPAGLIA						
BIANCHI						
HUGHES						
JOHNSON						
TANELLI						
KEARNEY						
MASSA						
TOTAL						
ON CONSENT AGENDA ____ YES ____ NO						

R-229-11

RESO RE: EXECUTIVE SESSION

WHEREAS, the Open Public Meeting Act, Chapter 231 permits the exclusion of the public from a meeting in

certain circumstances, and

WHEREAS, the Mayor and Council is of the opinion that such circumstances presently exist; and

WHEREAS, the Mayor and Council wish to discuss:

Personnel
Collective Bargaining

“Public release of the discussion will only occur after counsel approval. Action may or may not occur after discussion”.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council are now in executive session.

APPROVED: _____

Peter C. Massa, Mayor

ATTEST: _____

Terence M. Wall, RMC, QPA
Borough Clerk

DATED: September 22, 2011